

# Consultation submission form

## Licensed Building Practitioners Regime

Supervision, licence classes and minimum  
standards of competence



## How to submit this form

### How to submit this form

This form is for feedback on proposals in the discussion document *Licensed Building Practitioners Regime – Supervision, licence classes and minimum standards of competence*.

When completing this submission form, please provide comments and reasons for your views. Your feedback provides valuable information to help the Ministry of Business, Innovation and Employment (MBIE) think about how to respond to the issues raised.

**You can submit this form by 5pm, 31 May 2021 by:**

- Email to: [building@mbie.govt.nz](mailto:building@mbie.govt.nz) with subject line 'LBP consultation 2021'

Or

- post to:  
Building Policy  
Building, Resources and Markets  
Ministry of Business, Innovation & Employment  
PO Box 1473

### Use of information

The information provided in submissions will be used to inform MBIE's policy development process, and will inform advice to Ministers on the Licensed Building Practitioner scheme. We may contact submitters directly if we require clarification of any matters in submissions.

### Release of information

MBIE intends to upload PDF copies of submissions received to MBIE's website at [www.building.govt.nz](http://www.building.govt.nz). MBIE will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission.

If your submission contains any information that is confidential or you otherwise wish us not to publish, please:

- indicate this on the front of the submission, with any confidential information clearly marked within the text
- provide a separate version excluding the relevant information for publication on our website.

Submissions remain subject to request under the Official Information Act 1982. Please set out clearly in the cover letter or e-mail accompanying your submission if you have any objection to the release of any information in the submission, and in particular, which parts you consider should be withheld, together with the reasons for withholding the information.

## How to submit this form

MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act 1982.

### **Private information**

The Privacy Act 2020 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review. Please clearly indicate in the cover letter or e-mail accompanying your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that MBIE may publish.

## Submitter information

### Submitter information

MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the “About you” section below it will be used to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

#### A. About you

Name:

Email address:

#### B. Are you happy for MBIE to contact you if we have questions about your submission?

Yes  No

#### C. Are you making this submission on behalf of a business or organisation??

Yes  No

If yes, please tell us the title of your company/organisation.

#### D. The best way to describe your role is (tick more than one if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Licensed building practitioner        | <input type="checkbox"/> Engineer (please specify below)         |
| <input type="checkbox"/> Non-LBP tradesperson (please specify) | <input type="checkbox"/> Residential building owner              |
| <input type="checkbox"/> BCA/Building consent officer          | <input type="checkbox"/> Commercial building owner               |
| <input type="checkbox"/> Education/training/skills             | <input checked="" type="checkbox"/> Other (please specify below) |
| <input type="checkbox"/> Designer (please specify below)       | <input type="checkbox"/> Prefer not to say                       |

Please specify here.

## Supervision

### Supervision

Pages 21 to 24 of the discussion document talk about potential issues with supervision of LBPs.

#### Questions for the consultation

1. Do you believe that supervision is currently working as it should be? Why/why not? If not, what do you think can be done to improve it?

The level of supervision required under the current scheme is subjective and lacks clear guidance on the level of supervision required at site/task level.

Placing the onus on the LBP to determine the level and mode of supervision may not be placing the risk where it can best be managed as the LBP may be an employee.

2. Do you believe that remote supervision is being carried out correctly? Are you aware of instances of it being abused? If so, what can be done to remove the risks that can occur when remote supervision is abused?

Anecdotally, we understand remote supervision is often not carried out to an appropriate standard, and there is inappropriate/unauthorised use of LBP licence numbers by other practitioners.

3. Do you believe that supervision of specialised non-LBPs is a problem within the sector? If so, what are the problems it causes?

Yes. Some specialised work is not covered by LBP licence and supervising LBPs are unlikely to have the specialised knowledge to manage the quality assurance of this work.

## Supervision

- 4. Do you believe that supervision should only be available to certain LBPs? If so, what criteria should be used to decide if an LBP can supervise restricted building work?**

As the entry level to become an LBP is low, a higher level of competence should be required for supervision.

As per our response in Q1, responsibility for supervision and therefore quality assurance should not fall on an LBP. This responsibility should fall on the business, and a licencing regime for businesses providing Restricted Building Work would be a practical method of implementing this.

- 5. Do you believe that the ability to supervise restricted building work needs to be addressed within the competencies?**

Yes, as per answer to Question 4.

## Licence classes

### Licence classes

Pages 25 to 29 of the discussion document talk about reviewing the licence classes for the LBP scheme.

#### Questions for the consultation: do the current classes accurately reflect what needs to be regulated in the building industry?

6. Do you believe that specialised professions where members are not LBPs are being adequately monitored and operating correctly under the current scheme?

No. Further requirements for supervision are required for any task that penetrates the external envelope, may affect structural integrity, or may affect fire resistance.

7. Do you believe any of the current classes no longer need to be covered by the LBP scheme? If so, why?

No.

8. Do you think the classes can be expanded to include specialised professions, without resorting to adding a class for every profession? If so, how?

We do not have a position on this. Expanding existing classes, for example including waterproofing/tanking into roofing, would require specific engagement with those affected industries.

## Licence classes

**9. What professions do you believe need to be covered by the LBP scheme that aren't already? Why?**

All trades whose work affects the weathertightness, structural integrity, fire performance or durability of the completed structure which falls within the category of Restricted Building Work should be covered by LBP or similar regime.

Further, businesses providing these services should be licenced with a requirement to provide appropriate quality assurance and warranties

## Licence classes

### Questions for the consultation: does the way areas of practice work result in substandard work?

- 10.** Are you aware of instances where LBPs are operating in areas of practice within their licence class but outside of their competence level?

Anecdotally, we are hearing of LBPs completing work they may not be sufficiently competent to undertake.

- 11.** Do you believe that the way areas of practice operate should be amended? If so, how? What impact do you think amending the Area of Practice structure may have?

The Areas of Practice need to be reviewed against current knowledge and checked against complaints received to ascertain where any gaps are.

- 12.** What is your opinion on the way Site and Design areas of practice are separated (i.e. by building complexity)? Do you think this needs to change?

No comment.

## Licence classes

### Questions for the consultation: how can the Site Licence be improved?

**13.** Do you believe the building sector in New Zealand still needs the Site licence class?

The Site Licence class is set at a higher level of competence than other classes and is therefore useful for supervision.

There is still the need for responsibility/risk to be held at a business level, requiring a licencing regime for businesses completing Restricted Building Work.

**14.** Can the Site licence be amended to make it more useful or make the purpose clearer? If so, how?

As per our answer to Question 13, a licence regime is required for businesses to place the risks where they are best managed.

**15.** Have you previously held a Site licence but chosen not to continue with it? If so, why?

NA

**16.** For current Site licence holders: How do you make your licence worthwhile? What methods do you use to promote it?

NA

## Licence classes

**17.** Are there ways that restricted building work and supervision can be added to the Site licence? If so, how?

Not sure.

**18.** In what ways can responsibility be added to the class without the level of risk to the holder becoming too high?

As per several previous answers, risk should be allocated to where it can be managed best, i.e., with the business.

## Licence classes

### Questions for consultation: Is the LBP scheme too flat and should it offer more for experienced LBPs?

**19.** Do you believe that the LBP scheme should recognise those who have more experience in the industry? If so, how?

We agree that licences could be issued at various levels of competence, e.g., a higher level required for supervision of others.

We do not agree with further “grandparenting” of practitioners who have experience but no qualifications.

**20.** Do you believe that the LBP scheme should offer a tiered system to separate inexperienced LBPs from those with more experience? If so, how should it be set up?

Agree only if higher levels of competence are introduced for specific licences, e.g., supervisors.

**21.** Do you believe that a tiered licence would solve any issues? If so, what issues could it solve, and how?

This might solve some issues such as the role of supervisory LBP, however the added complexity may create more problems than it solves.

Introduction of a licencing scheme for businesses would be far more effective and would place risk and responsibility where they belong, at a business level.

## Minimum standards for entry and continued licensing

### Minimum standards for entry and continued licensing

Pages 30 to 35 of the discussion document talk about minimum standards for entry and continued licensing.

#### Questions for the consultation

- 22.** How well do you think the LBP scheme currently ensures new applicants and existing LBPs are sufficiently competent?

Our understanding from industry practitioners is there is insufficient rigour in the approval and renewal of licences.

- 23.** What specific parts of the scheme do you think are driving low confidence?

As per our answer to Question 22

- 24.** Should we lift minimum standards of competence in the LBP Rules? What level should they be set at, are there particular gaps that need to be covered?

As per our answers to Questions 22 and 23

## Minimum standards for entry and continued licensing

**25. Should formal qualifications be required for anyone in the scheme? If they were required, are there any issues MBIE should take into account?**

We believe formal qualifications should be required for entry into the scheme. Those already in the scheme without formal qualifications should be required to prove knowledge and experience at least equivalent to the level of the qualification.

Qualifications on the NZ Qualifications framework should all have a process for recognition of current competence. Practitioners from other jurisdictions or who are very experienced but not credentialed, are able to gain the NZ qualification through a gap analysis of their experience/credentials vs the NZ qualification, and completing appropriate training and assessment to meet the full NZ qualification requirements.

**26. How can assessment and skills maintenance requirements support confidence that practitioners meet minimum standards, and are keeping their skills and knowledge up to date?**

Entry to a licence should require the appropriate qualification, as per our answer to Question 25. Renewal of licences should require evidence of recent practice and skills maintenance, appropriate to the licence class.

An online knowledge test might be an appropriate way to demonstrate current knowledge is up to date.