

Discussion Document

Licensed Building Practitioners Regime

Supervision, licence classes and minimum standards of
competence



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How to have your say

Submissions process

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the issues raised in this document by 5pm on Monday, 31 May 2021.

Your submission may respond to any or all of these issues. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples.

Please use the submission template provided at: <http://www.mbie.govt.nz/have-your-say/proposed-changes-to-the-lbp-scheme-2>. This will help us to collate submissions and ensure that your views are fully considered. Please also include your name and (if applicable) the name of your organisation in your submission.

Please include your contact details in the cover letter or e-mail accompanying your submission.

You can make your submission:

- By sending your submission as a Microsoft Word document to building@mbie.govt.nz.
- By mailing your submission to:

Building Policy
Building, Resources and Markets
Ministry of Business, Innovation & Employment
PO Box 1473

Wellington 6140
New Zealand

Please direct any questions that you have in relation to the submissions process to building@mbie.govt.nz.

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. 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.

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Contents

How to have your say	3
Submissions process	3
Use of information	3
Release of information.....	3
Glossary of Terms	6
Minister’s Foreword	7
Introduction	8
Background	10
The LBP scheme and why MBIE is reviewing it	10
How the LBP scheme licenses practitioners to work within their skills and expertise	11
Classes within the LBP scheme	14
How is the LBP scheme currently operating?	18
Licensed Building Practitioners	18
Minimum standards for entry and continued licensing	18
Complaints and discipline within the scheme	18
Issues faced by the LBP scheme.....	20
Supervision	21
The licensing classes	25
Minimum standards for entry and continued licensing	30
Opportunities to lift the minimum standards and strengthen how they are implemented	32
Next steps	36
Recap of questions	37

Glossary of Terms

the Building Act	<i>Building Act 2004</i>
the Board	Building Practitioners Board
BCA	Building Consent Authority
Definition Order	<i>Building (Definition of Restricted Building Work) Order 2011</i>
LBP	Licensed Building Practitioner
LBP Rules	<i>Licensed Building Practitioners Rules 2007</i>
MBIE	Ministry of Business, Innovation and Employment
NSW	New South Wales
PGD	Plumbers, Gasfitters and Drainlayers
the Reform Programme	Building Systems Legislative Reform Programme

Minister's Foreword



Minister for Building and Construction, Hon Poto Williams

The Licensed Building Practitioners (LBP) scheme makes an important contribution to safe and durable buildings. The scheme was introduced in 2007 to help address gaps in the performance-based regulatory system that were exposed during the leaky homes crisis.

The scheme ensures that building practitioners have the right skills, knowledge, experience and behaviours to carry out and supervise quality building work. This reduces health, safety and economic risks to homeowners from substandard building work.

The Government is committed to working with the sector to improve the occupational regulation of the various professions within the sector, as we continue to advance the biggest changes to the Building Act since its inception.

The sector is vital to New Zealand's recovery from the COVID-19 pandemic, and a strong and robust LBP scheme is needed to provide assurance in practitioners and their work as we continue to improve the nation's housing stock.

The scheme has not been reviewed as a whole since it was introduced, and has not kept up with all the changes in the building sector. The LBP workforce and the wider building system has continued to evolve and become more specialised, and demands on builders have increased.

I would therefore like to use this opportunity to test issues that have been brought up over the last 15 years with those who know the scheme best. These issues have been informed by those in the industry and building consent authorities through previous consultation, as well as those who manage the scheme itself.

This discussion document has been developed to gain feedback on which issues need further work and where reform is needed most, to help the LBP scheme, and the sector as a whole, achieve its potential.

The responsibility for an efficient LBP scheme does not solely rest with the Government. It is important that everyone in the sector works together to share their knowledge so that the LBP scheme continues to be relevant to the needs of the sector and consumers of Aotearoa. Please carefully consider the issues put forward in this document, and give us your feedback.

Introduction

1. The Ministry of Business, Innovation and Employment (MBIE) is reviewing the supervision, licensing classes and competency requirements of the Licensed Builder Practitioner (LBP) scheme to ensure that it is still fit for purpose and keeps up to date with changes facing the sector. The LBP scheme is established under Part 4 of the *Building Act 2004* (the Building Act).
2. Work to strengthen the LBP scheme is part of the second phase of the Building System Legislative Reform Programme (the Reform Programme). The Reform Programme is a series of legislative changes to the building system that will lift the efficiency and quality of building work, and provide fairer outcomes if things go wrong. These changes are being progressed in two phases:
 - **Phase One:** the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Bill. This bill is focused on improving the assurance system for building products, including CodeMark, and creating a voluntary certification scheme for modular component manufacturers (such as prefabrication and offsite manufacturing).
 - **Phase Two:** focuses on the professionals in the sector. It will progress reforms to occupational regulation of engineers and practitioners in the building and construction sector, so that people can have more confidence in these professions and their work.
3. Changes to the LBP scheme are being made as part of the second phase. The first set of changes includes introducing a code of ethics for LBPs, improving the efficiency of the licensing process, and the structure of the complaints and disciplinary model run by the Building Practitioners Board (the Board). The issues addressed in this document will lead to the second set of changes.
4. In September 2020, MBIE undertook targeted consultation on proposals to strengthen the LBP scheme, as part of the first set of changes. These proposals are intended to make the LBP scheme more efficient and improve its ability to respond to practitioners who carry out, or supervise, poor quality work.
5. This discussion document is seeking feedback on possible changes to supervision, licence classes, and competency requirements in response to issues identified by MBIE and raised by the sector.
6. A consultation on these issues within the LBP scheme was carried out in April 2019 as part of public consultation on matters being addressed in the Reform Programme. That consultation specifically covered introducing tiered licensing, simplifying the license class categories and raising the technical competence standards. It also asked questions about supervision and potential issues with the Site licence class.

7. The feedback MBIE received from the April 2019 consultation showed support for strengthening the LBP scheme, but MBIE needs more information to progress this work further. Relatively few submitters commented on proposals that would affect LBPs. **Table 1** below provides a high level overview of the submissions MBIE received.

Table 1: Overview of responses received in submissions from Reform Programme consultation in 2019

Proposal consulted on	Summary of the submissions received
Lift competency in the LBP scheme	Majority support for raising the competencies needed to enter the scheme; it would improve the quality of design and construction, and would have knock on effects for other accreditation organisations within the industry (e.g. Master Builders), who would improve their accreditation requirements as a result. Approximately one quarter of overall respondents submitted on this particular issue.
Change the structure of the LBP scheme	Some support for changing the structure of the scheme, including ideas around strengthening the Site licence. Feedback generally revolved around increasing responsibility and making the licences more attractive, but also being careful not to disproportionately increase liability for those individual licence holders. Less than ten per cent of respondents responded to these questions.
Separate supervision / Introduce tiered licensing	Some support for separating supervision and introducing tiered licensing, with feedback focusing on providing a way for LBPs to be recognised for their experience, while also being careful not to over-complicate the scheme. Less than ten per cent of respondents submitted on these questions.

8. MBIE is now looking for detailed feedback from LBPs, and people who work with and rely on the LBP scheme, on opportunities to progress reforms to increase confidence in the LBP scheme. Many of the matters raised in this document have been informed by the submissions from those who did comment in detail on the LBP scheme in 2019.

Background

The LBP scheme and why MBIE is reviewing it

9. The overarching objectives of this review are to ensure that:
 - regulation under the LBP scheme is proportionate to the risks to public safety and wellbeing
 - practitioners provide services with reasonable care and skill
 - practitioners operate within their areas and levels of expertise
 - practitioners can be held to account for substandard work and poor behaviour.
10. The purpose of occupational regulation, including the LBP scheme, is to give people confidence in practitioners and their work. This includes managing risks to the health and safety of the public, and the financial risks to consumers, if work is done poorly.
11. The LBP scheme makes an important contribution to safe and durable residential buildings. It does not regulate the entire building profession, just licensed builders when they are carrying out or supervising restricted building work. This only affects residential construction, and rules out commercial construction, including most medium-to-large apartment buildings¹.
12. The LBP scheme is the main way of ensuring that someone undertaking residential building work is competent, skilled, and accountable. It was introduced in 2007 following an amendment to the Building Act, to help address gaps in the performance-based regulatory system that were exposed during the leaky homes crisis.
13. The LBP scheme has not been reviewed as a whole since it was introduced and may not have kept up with the changes in the building sector. The LBP workforce and wider building system has continued to evolve and become more specialised, and demands on builders have increased.
14. Stakeholders have also raised concerns that the scheme has low entry requirements. When MBIE consulted on strengthening the LBP scheme in 2019, building consent authorities (BCAs), industry groups and some builders told us they do not have confidence in the scheme because the required competencies to be licensed are too low.

¹ Apartment buildings with commercial spaces, such as a small shop, on the ground floor are classified as a commercial construction. For the definition of a small-to-medium apartment building as covered by the Building Act, refer to clause 3 of the *Building (Definition of Restricted Building Work) Order 2011*.

How the LBP scheme licenses practitioners to work within their skills and expertise

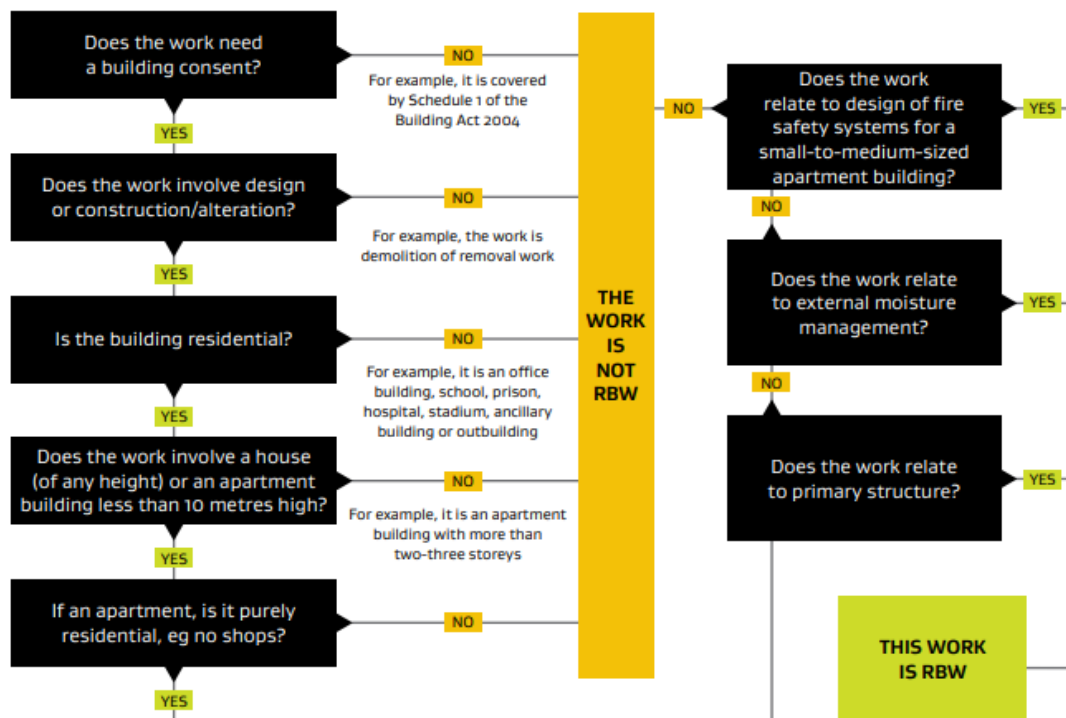
Restricted building work

15. The LBP scheme helps ensure that building work that can be critical to safety and wellbeing is only carried out by those who are competent.
16. Under the current *Building (Definition of Restricted Building Work) Order 2011* (Definition Order),² the building and design work declared as restricted building work is work that is critical to making a home structurally sound, fire safe, and weathertight.
17. The types of building and design work declared as restricted building work under the Definition Order include:
 - The primary structure (construction or alteration) – all the structural elements of the building that contribute to resisting vertical and horizontal loads.
 - External moisture management systems (construction or alteration) – the building elements and systems which prevent the ingress of external moisture and help control moisture within the building fabric.
 - Fire safety systems (design) – the building elements intended to protect people and property from fire.
18. A LBP is only required to be licensed under the LBP scheme if they are undertaking this work in a house or a small-to-medium apartment. A LBP does not have to be licensed if they are undertaking this work in a high-rise apartment, specialised accommodation or any commercial buildings. While the definition of restricted building work only refers to a house or a small-to-medium apartment building, this makes up a significant proportion of all building work annually³.
19. The scope of the LBP scheme is based on the definition of restricted building work. The Building Act requires all restricted building work be carried out or supervised by an LBP. Under section 85 of the Building Act, it is an offence for a person to:
 - carry out restricted building work unlicensed, unless they are supervised by an LBP; or
 - carry out restricted building work they are not licensed to do.

It is also an offence under section 314 of the Building Act for a person who is not licensed to hold themselves out as a LBP.

² <https://www.legislation.govt.nz/regulation/public/2011/0317/latest/DLM3985414.html>.

³ Statistics show that for the year ending September 2020, work in place for residential buildings totalled \$15.46bn, while for non-residential buildings it was \$8.544bn (<https://www.stats.govt.nz/information-releases/value-of-building-work-put-in-place-september-2020-quarter>).



Definition of restricted building work

20. The Governor-General has authority to define restricted building work, on the recommendation of the Minister for Building and Construction, as broadly or specifically as needed to achieve this objective.
21. Section 401B of the Building Act provides for restricted building work to be declared by Order in Council⁴. The order can apply to any kind of building work or design work generally, or apply to building work or design work in relation to particular types or categories of buildings or to particular parts of buildings.
22. There are certain criteria that work must meet to be considered restricted building work (for example, requiring a consent or being in a residential building). If the category of work is not covered under the current classes, it is not considered restricted building work.
23. The current scope of the Definition Order provides consumers with assurance that their homes are safe and structurally sound due to the regulation of LBPs. It allows homeowners the ability to legally complete most other types of work⁵ on their own homes, while also ensuring that tasks critical to the integrity of the house do not fall victim to New Zealand's sometimes-relaxed DIY culture.

⁴ Restricted building work is defined in section 7 of the Building Act.

⁵ Other occupational regulation regimes in the sector also allow for some, low-risk, work to be completed by a homeowner or otherwise non-licensed individual. For example, section 79 of the *Electricity Act 1992* allows a homeowner to complete certain domestic electrical work outlined in section 6A of the *Electricity (Safety) Regulations 2010*.

Jurisdictional comparison – licensing schemes

24. Licensing schemes in the industry vary across jurisdictions. Some require all practitioners that carry out building work to be licensed, including commercial builders and those working on specialised accommodation buildings. In these jurisdictions, a person must be licensed if they are undertaking any building work, as defined in their legislation, which is above a certain contract value.
25. In Victoria, any building work above \$10,000 requires a major domestic building contract. There is no restriction on who can do building work under this amount (i.e. any unregistered person can carry out this work). This is known as the 'handy person' exception. In Queensland, the threshold is \$3,300 or less and in New South Wales (NSW) it is \$5,000.
26. In contrast, New Zealand's licensing scheme relies on the definition of restricted building work as opposed to the definition of building work as defined in the Building Act. The current definition of building work in New Zealand is defined as any work involving construction, alteration, or demolition of a building, and includes both sitework and design work.
27. The approach to licensing is very similar across jurisdictions. Most jurisdictions divide the licensing regime by classes, with some jurisdictions having up to 30 classes of residential building work. Some jurisdictions have tiered licensing, including Victoria and Singapore, while some jurisdictions do not license trades at all.
28. There is variation in how accountability for the building work is regulated. In New Zealand, the building practitioner carrying out or supervising the building work is personally accountable for that specific piece of work.
29. Victoria currently operates a head contractor model and does not license trades carrying out building work. The head contractor is responsible for carrying out, or managing or arranging the carrying out of, all components of domestic building work subject to the building contract. The head contractor does not typically carry out the building work. This is generally done by tradespeople but the head contractor is accountable for that work.
30. NSW licenses builders and trades to carry out residential building work. A contractor licence is required to contract, subcontract and advertise to do residential building work. That licence can be endorsed (if the holder is appropriately qualified) to authorise supervision of work.
31. NSW licence holders are restricted to carry out work authorised by their licence classes. However, work may be carried out by unlicensed people if the work is being supervised by the holder of a supervisor licence.

Classes within the LBP scheme

32. Section 285 of the Building Act provides for licensing classes under the LBP scheme to be prescribed by Order in Council. The Order can prescribe a class or classes for carrying out or supervising any particular type of building work or building inspection work.
33. Clause 4 of the current *Building (Designation of Building Work Licensing Classes) Order 2010*⁶ specifies seven classes a person must be licensed in to carry out or supervise work of that type: two general licensing classes and five trade licensing classes. These classes are directly linked to the building work and design work declared as restricted building work under the Definition Order.
34. The classes were chosen when the LBP scheme was implemented in 2007. They were chosen because, taken together, they would cover building work and the design of building work critical to the integrity of buildings and the health and safety of users.
35. The classes are split into two categories, with the Design and Site licence classes separated into one category, and the trade classes (Bricklaying and Blocklaying, Carpentry, External Plastering, Foundations, and Roofing) separated into the other category.
36. Areas of practice were included in these classes (except Carpentry), as they gave LBPs an opportunity to not only show their specific area of expertise, but also to grow within their trade. The areas of practice for each licence class are outlined in **Table 2**:

Table 2: Areas of Practice for each Licence Class

Licence Class	Areas of Practice
Trade Licences	
Brick and Blocklaying	<ul style="list-style-type: none"> • Brick/Masonry veneer • Structural Masonry
External Plastering	<ul style="list-style-type: none"> • Solid Plastering • Proprietary Plastering Cladding Systems
Foundations	<ul style="list-style-type: none"> • Concrete foundation walls and concrete slab-on ground • Concrete or timber pile foundations
Roofing	<ul style="list-style-type: none"> • Concrete or clay tile roof • Profiled metal roof and wall cladding • Metal tile roof • Roof membrane • Torch on roof membrane • Liquid membrane roof • Shingle or slate roof

⁶ <https://www.legislation.govt.nz/regulation/public/2010/0043/7.0/DLM2764029.html>

Site and Design	
Design	<ul style="list-style-type: none"> • Design 1 (Single household dwellings with low- or medium-risk envelope design) • Design 2 (Single household dwellings with high-risk envelope design, or buildings with a building height less than 10m) • Design 3 (All buildings 10m or greater in building height, except single household dwellings)
Site	<ul style="list-style-type: none"> • Site 1 (Single household dwellings with low- or medium-risk envelope design) • Site 2 (Single household dwellings with high-risk envelope design, or buildings with a building height less than 10m) • Site 3 (All buildings 10m or greater in building height, except single household dwellings)

Design and Site licence classes

37. Consultation with the building industry before the scheme was introduced revealed a widespread view that:

- poor-quality design was a major contributor to building failure, and a performance-based building code required highly competent designers
- poor-quality site management was a major contributor to building failure and competent site management had become more important with the increasing fragmentation of trades.⁷

38. The Design and Site classes were separated into three areas of practice, based on building types, from the simplest house to the most complex multi-use buildings. The three licence levels were designed to reflect the complexity of the buildings, and match them with the skill levels of the LBPs working on them.

Trade licence classes

39. The Trade classes involve specialist skills that Site licence holders could not be expected to supervise in detail. They cover well-defined and widely understood occupations with established qualifications and training pathways. Trade classes apply across all building types but practitioners are expected to recognise the limits of their own competency.

⁷ Cabinet Paper CAB 100/2002/1 *Restricted Building Work and Licence Classes for Building Practitioners*, 3 April 2006

<p>Brick and Blocklaying</p> <ul style="list-style-type: none"> • Brick and blocklayers lay bricks and concrete blocks to construct or repair buildings, walls, arches, or chimneys. • There are two areas of practice: Veneer and Structural Masonry. The class affects both the structural integrity and the weathertightness of a building. • In 2020, there were 834 licences issued in this class. This has slowly declined, down from 947 in the year 2017/18. • Someone who is a registered plumber or gasfitter is treated as though they are licensed within this class. <p>BRICK & BLOCK LAYING</p>	<p>Carpentry</p> <ul style="list-style-type: none"> • Carpenters work across the building structure and cladding systems to construct, install, or repair foundations, walls, roofs, windows, and doors in buildings. Carpentry licences are important as they relate to weathertightness as well as structural integrity. • Carpentry is the biggest of the classes, with two-thirds of all licences issued. • Unlike the other LBP classes, Carpentry does not have areas of practice. This means that, to be licensed in this class, a builder cannot specialise in just one area of the trade like they can in the other classes. • Carpentry licence holders may construct foundations without a Foundations licence, and may install lightweight profiled metal roofing without a Roofing licence.
<p>Design</p> <ul style="list-style-type: none"> • Holders of the Design licence class prepare design documentation, including plans and specifications, for restricted building work. They are required to certify their design is compliant before submission to a BCA. • There are three different Design areas of practice, numbered 1 through 3. The different classes regulate the types of buildings that the holder may work on. • There are currently over 2,500 Design licence holders, making it the third largest class. • Someone who is either a Registered Architect or a Chartered Professional Engineer is already treated as if they have a Level 3 Design licence. <p>DESIGN</p>	<p>External Plastering</p> <ul style="list-style-type: none"> • Holders of the External Plastering licence class carry out external plastering work. External plastering is important to the integrity of a building due to both the implications on weathertightness and for fire safety. • The External Plastering class covers two areas of practice: Solid Plastering and Proprietary Plaster Cladding Systems (PPCS). • There are currently 460 licence holders in this class, this has dropped from 490 in the year 2016/17. • Someone who is a registered plumber or gasfitter is treated as though they are licensed within this class. <p>EXTERNAL PLASTERING</p>

Foundations

- The Foundations licence has two areas of practice: Concrete foundation walls and concrete slab-on-ground; and Concrete or timber pile foundations.
- There are currently 361 licence holders in this class. This number is slowly on the rise, up from 276 in 2014/15. Foundations are an important part of a building and relate directly to a building's structural integrity.
- Foundations licence holders are disciplined at a rate more than twice the overall average. Despite only making up 1.19% of licences in 2019/20, 4.23% of disciplinary action was taken against Foundations licence holders.

FOUNDATIONS

Roofing

- Holders of the roofing licence class install roofs, or roof materials for any category of building.
- There are currently 1,329 Roofing licence holders in New Zealand. This figure is up from 1,153 in 2014/15, and has increased by 70 in the last 12 months. This is the fourth largest class.
- There are seven areas of practice - Concrete roof tiles (R1); Metal roof and wall cladding (R2); Metal roof tiles (R3); Roof membrane (R4); Liquid roof membrane (R5); Torch on roof membrane (R6); and Roof shingles and slates (R7).
- Someone who is a registered plumber or gasfitter is treated as though they are licensed within this class.

ROOFING

Site

- Holders of the Site licence class coordinate or oversee the construction or alteration of buildings. Like the Design licence, there are three different areas of practice, each separated by the types of buildings the holder may work on.
- Site licence numbers have been steadily decreasing over the last few years. In 2019/20 there were 4,493 Site licences, down from 5,108 in 2014/15.
- When initially creating the scheme, this area was deemed to be a vital one that needed to be addressed, due to the high amount of faults caused at the junction of different systems, materials, and trades.
- Unlike the other licence classes, there is no restricted building work that can be undertaken or supervised by a Site licence holder.

How is the LBP scheme currently operating?

Licensed Building Practitioners

40. There are currently more than 30,000 LBP licences issued in New Zealand across all classes, and over 25,000 individual licence holders⁸. Only a small proportion of licences are declined each year, and overall around 90 per cent of licence applications are granted.
41. Of the over 25,000 individual licensees, over 17,000 of them hold active qualifications that are recognised by the LBP scheme: approximately 68 per cent of licence holders.
42. Overall licence numbers are increasing steadily but slowly, with over 1,200 more licences in 2020 than there were in 2015. Licence numbers decreased in the year 2018/19, however returned to high numbers in the following twelve months.

Minimum standards for entry and continued licensing

43. When the LBP scheme was established, minimum standards for entry and continued licensing were intended to create a more competent, educated, trained, and accountable workforce. This workforce was envisioned to be:⁹
 - better-placed to respond to future changes in materials, products, and consumer preferences; and reduce the risk of future costly building failures.
 - more productive due to better design, less re-work, more standardisation, and more common understanding of building processes and procedures.
44. Most practitioners who apply for a licence under the current minimum standards are determined to be sufficiently competent. Between January 2020 and January 2021 around 90 per cent of applicants were issued the licence they applied for or a licence at a higher level. Two per cent were issued a licence at a lower level (i.e. a lower category of Site or Design licence, or fewer areas of practice). Only around six per cent were declined a licence.

Complaints and discipline within the scheme

45. Any person may complain to the Board about the conduct of a LBP in accordance with the *Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008* and the Building Act.

⁸ Building Practitioners Board, *Annual Report 2020*, p11, figures correct as at 30 June 2020.

⁹ Cabinet Economic Development Committee, 3 April 2006 *Restricted Building Work and Licence Classes for Building Practitioners* EDC (06) 43.

46. The Board received 203 new complaints for the year ending 30 June 2020. They also initiated 34 inquiries of their own. These numbers are slightly lower than previous years, due in part to the COVID-19 pandemic.
47. 77 per cent of these complaints were upheld, which is up slightly on previous years. A total of 136 penalties were issued. The types of penalties included censure, fines ranging from \$500 to \$6,000, training orders and, in some cases, the suspension or cancellation of a licence for several years.
48. The primary reasons for complaints to the Board include:
- negligent or incompetent work
 - records of work not being provided in a timely manner
 - not building to the building consent
 - not making sure a consent, amendment, or minor variation was in place before beginning building work.
49. Failure to provide a record of work was the most frequently upheld complaint, with two thirds of those complaints upheld. Less than half of complaints alleging negligent or incompetent work were upheld.
50. When compared with the total number of licences held, the proportion of licence holders disciplined typically reflects that proportion in each licence class, with a few exceptions. Design licence holders are disciplined at a lower rate than average, whereas Foundations and Roofing licence classes are disciplined at a slightly higher rate. Regionally, approximately half of the complaints each year come from the Auckland region.

Issues faced by the LBP scheme

51. The following issues have been identified by MBIE as potential risks and opportunities to be addressed, to ensure people can be confident in the LBP scheme now and into the future. The areas discussed in this paper are:

Supervision
Are there issues with the way supervision of restricted building work is being carried out?
Has sector specialisation opened holes in the way supervision is conducted?
Do the current competencies adequately address the skills required to supervise restricted building work?
Licence classes
Do the current classes accurately reflect what needs to be regulated in the building industry?
Does the way areas of practice work result in substandard work?
How can the Site licence be improved?
Is the LBP scheme too flat, and should it offer more for experienced LBPs?
Minimum standards for entry and continued licensing
Should the technical competencies be lifted, and to what level?
Should the LBP scheme place more emphasis on formal education and training?
How well are the assessment process and skills maintenance requirements working to ensure LBPs are competent?

52. MBIE has become aware of these issues from a range of sources, including submissions from the April 2019 consultation and information provided by the Board and the LBP Registrar.

53. MBIE is interested to hear opinions from the industry, and from others such as local government and consumers, on each of the matters discussed. MBIE would particularly like to understand whether these issues are actually experienced, whether the LBP scheme is the correct place to address these issues, and what ideas could remedy the issues.

Supervision

Background

54. While, as a general rule, anyone may carry out or supervise building work, only a LBP may carry out or supervise *restricted* building work.
55. Supervise is defined in section 7 of the Building Act as providing control or direction and oversight of building work to ensure that it is performed competently, and complies with the building consent under which it is carried out (if applicable).
56. Put simply, if a builder is providing control, instruction, or direction to others who are carrying out building work (or those working in restricted areas), they are supervising. A supervisor is responsible for making sure that the work is done competently and correctly to the relevant building consent, or to the Building Code if no consent is required.
57. LBPs can only supervise restricted building work that they are licensed to carry out themselves. The work they can supervise depends on their licence type. For example, a LBP with a Carpentry licence can supervise non-LBPs doing Carpentry restricted building work, but cannot supervise non-LBPs doing Blocklaying restricted building work because it is a different class.
58. LBPs cannot supervise other LBPs undertaking work in the same licence class. LBPs are legally entitled to carry out restricted building work and are individually accountable for the work they themselves carry out.

Table 3: Work LBPs can supervise for each licence class

CLASS OR AREA OF PRACTICE	SCOPE OF SUPERVISION
Carpentry, Foundations, External Plastering, Bricklaying and Blocklaying, Roofing	These licence classes can supervise building work including restricted building work within their licence class and competence.
Design areas of practice 1-3	These licence classes can supervise all design work including restricted building work within their licence class and competence.
Site areas of practice 1-3	Building work which is not restricted building work. May carry out restricted building work like any non-licensed person as long as they are supervised by an LBP with the appropriate/relevant licence.
DEEMED LBPS¹⁰	
Chartered Professional Engineers	All design work, including all Design restricted building work.
Architects	All design work, including all Design restricted building work.
Plumbers, Gasfitters, and Drainlayers	These deemed LBPs can supervise External Plastering and Bricklaying and Blocklaying for the purposes of penetrating a building's external envelope when undertaking plumbing, gasfitting, and drainlaying work (e.g. installing a ventilating pipe). Roofing (unlimited, but practitioners have to work within their competency).

¹⁰ Note: the 'Deemed LBP' provisions are limited to practitioners who are registered, licensed, or otherwise recognised under another enactment. As a consequence, these individuals are answerable to the occupational licensing scheme they are licensed or registered under. Each scheme's regulations, guidelines and codes of ethics will outline specific requirements for providing adequate supervision. As a general rule, licensed or registered persons have to work within their defined area of competence. Engineers have additional requirements for construction monitoring and onsite observation of their design and any assumptions made.

What we know about supervision

59. The issue of supervision was initially raised in the April 2019 consultation, but only as a possibility of it being a part of a tiered licence system. Submitters were asked for feedback on separating supervision so only those with a higher-level licence as a part of a tiered structure could supervise restricted building work, and whether it was something they would pursue if introduced. While there was some promising feedback, the overall response rate was low compared to the total number of submitters who took part.
60. The feedback that was received showed some support for separating supervision and having it added into a higher licence class, but did express concerns that it may disproportionately increase personal liability placed on LBPs who choose to pursue it.

Are there issues with the way supervision of restricted building work is being carried out?

61. The LBP scheme requires supervision to be undertaken with the risks in mind. In some cases this can be done remotely. Anecdotally, it has been noted that sometimes supervision is claimed to have been undertaken by LBPs not even in the same city as the person they are supposed to be supervising. While there are processes in place to help ensure this is carried out appropriately and with risks managed, there are naturally concerns that restricted building work is not always being supervised correctly or competently.
62. Poor supervision can pose many risks to both the building and construction sector and the general public if carried out incorrectly. Poorly-executed supervision may present risks to the public safety and wellbeing, as well as contributing to substandard work.
63. Poor supervision work has been highlighted by the Board as one of the primary reasons for complaints¹¹. There have been instances of LBPs 'renting out' their supervision to unlicensed builders and signing off on their work without actually supervising as their licence requires them to do.
64. While the Board has been able to take disciplinary action against some LBPs for doing this, there may be instances within the industry that have not been brought to the Board's attention. The Board can investigate a limited amount of breaches that have not already been brought to their attention, there could be a lot more instances of supervision being abused by LBPs and non-LBPs alike. This naturally poses risks to the building sector, as LBPs may be signing off building work that is of substandard quality.

Has sector specialisation caused issues with the way supervision is conducted?

65. As the building sector evolves, some professionals are choosing to pursue and specialise in one aspect of a licence class, rather than training and practising in all of the areas required to become licensed in a class. One example of this is the installation of plasterboard, which is an area within the Carpentry licence class.

¹¹ Annual Report 2020, p23

66. The work that these professionals do is often restricted building work. As these people are not becoming fully licensed LBPs, they are not legally able to undertake the work without being supervised by an LBP licensed in that class of work.
67. As these practitioners become more skilled, and as the demand for new housing grows, these practitioners have become more common. This issue is prevalent particularly in Auckland, where the sector has grown to a point where these specialised professions are the norm.
68. This means that while the classes initially reflected the building and construction sector they may no longer represent the sector now that it has specialised. This leads to these unlicensed practitioners being supervised by licensed practitioners who may be less skilled in the area than the person completing the work.

Do the current competencies adequately address the skills required to supervise restricted building work?

69. Supervision is an important part of the LBP scheme, as it allows people not directly within the scheme to undertake restricted building work, provided that they have a licensed LBP supervising them. This avoids this work only being allowed to be completed by those within the scheme and no one else, while also ensuring that anyone who does do it does so correctly.
70. There is currently nothing within the competencies that addresses supervision of restricted building work. Therefore, when an LBP obtains their licence, they are able to supervise other non-licensed builders without having their ability to do so tested.
71. This issue was raised by some submitters in the April 2019 consultation, who highlighted the fact that after decades in the industry, they were afforded the same supervision rights as someone who had just obtained their licence. While this issue can be seen as one of recognising seniority, it can also be seen as one of risk.

Questions

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?
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?
3.	Do you believe that supervision of specialised non-LBPs is a problem within the sector? If so, what are the problems it causes?
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?
5.	Do you believe that the ability to supervise restricted building work needs to be addressed within the competencies?

The licensing classes

Background

72. When the LBP scheme was introduced in 2007, the classes reflected the needs of the sector and where it was determined the most prevalent issues were.
73. The licence classes chosen when the LBP scheme was introduced were selected to respond to issues in the sector at a time when it was still recovering from the leaky homes crisis.
74. While the classes covered the areas of concern at the time, they have not been reviewed since and it is possible that they are not effective for managing risks in today's building industry.

Do the current classes accurately reflect what needs to be regulated in the building industry?

75. MBIE has been approached by bodies representing various professions who are not currently represented by the scheme but who want to enter into it. This includes the New Zealand Stonemasonry Association, whose proposal to have Construction Stonemasonry join the scheme was consulted on publicly in October 2018.
76. As discussed in the previous section, MBIE is also aware of the growing specialisation in the building sector. This includes people focussing on niche areas within a broader class, and the industry evolving to address changes happening in the future, such as the development of ready-made houses and modular component manufacturing (i.e. prefabrication and offsite manufacturing).
77. It is important that the classes reflect the sector not only as it stands currently, but as it will appear in the future, to ensure that the areas critical to building integrity are adequately regulated.

Questions

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| 6. | Do you believe that specialised professions where members are not LBPs are being adequately monitored and operating correctly under the current scheme? |
| 7. | Do you believe any of the current classes no longer need to be covered by the LBP scheme? If so, why? |
| 8. | Do you think the classes can be expanded to include these specialised professions, without resorting to adding a class for every profession? If so, how? |
| 9. | What professions do you believe need to be covered by the LBP scheme that aren't already? Why? |

Does the way areas of practice work result in substandard work?

78. Currently, when a LBP becomes licensed in a class, they are required to demonstrate they are competent in one or more areas of practice¹² in that class. They are not required to be competent in all the areas of practice for a class, and are not limited to working within only the areas designated on their licence. A LBP may work in other areas within their licensed class, provided they do not work outside of their competency level.
79. Areas of practice allow building practitioners to demonstrate their competence in a specialist area as part of obtaining their LBP licence. The ability to work outside their area provides a LBP an opportunity to continue to advance their career in their chosen field(s) without having to apply for a new licence, or have the scope of the current licence changed.
80. This is same for the Site and Design areas of practice. Despite being split into three separate levels, a LBP may work outside of an area they are licensed in provided they deem themselves competent.
81. This opens the sector up to the potential for LBPs to work outside of their competence without being detected, because the area they are working on is within their licence class.
82. This indicates that the licensing classes could be too broad if LBPs can legally undertake work in areas far different to what they were assessed as competent within (being their area(s) of practice) and having only themselves as a barrier to doing so. This is potentially already a risk in the Roofing class, which has seven varied areas of practice. On the other hand, MBIE is aware that creating a new class for every area of a profession would make the scheme convoluted and over-complicated.

Questions

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| 10 | Are you aware of instances where LBPs are operating in areas of practice within their licence class but outside of their competence level? |
| 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? |
| 12 | What is your opinion on the way Site and Design areas of practice are separated (i.e. any building complexity)? Do you think this needs to change? |

¹² Refer to Table 3 to see current areas of practice for each licence class.

How can the Site Licence be improved?

83. When the scope of the LBP scheme was being developed, the overall supervision of a site was seen as a vital area of focus, due to many building failures in the leaky homes crisis arising from the points on a building where different trades met.
84. The Site licence was considered to be an important area when the scheme was first envisaged, as a way of overseeing a building site to ensure that this issue did not continue. The Site licence holder was seen as someone who would oversee the various practitioners involved in a project to ensure their individual work fitted together correctly and safely.
85. While initially perceived to be a valuable tool for builders, the April 2019 consultation revealed that the Site licence is now seen by many as having no use. A lot of this is driven by the fact that a Site licence holder cannot carry out or supervise restricted building work in that class. The Site licence was originally intended to certify buildings as compliant, however this did not occur, so the class is therefore not fulfilling its initially perceived potential.
86. Site licence numbers have decreased over the past few years, from 5,108 in 2014/15, to 4,493 in 2019/20.¹³ This may be due to the market responding to the lack of demand for them given their limited usefulness.
87. The issue was initially raised in the April 2019 consultation. Submitters were asked how a Site licence could better contribute to building work in New Zealand. Only a small proportion of responses were received, with most focusing on increasing responsibility without disproportionately increasing risk. Other submissions argued that on a residential building site this could be unnecessary and even complicate things, as opposed to on a commercial building site where it could be deemed more necessary.¹⁴

Questions

13	Do you believe the building sector in New Zealand still needs the Site licence class?
14	Can the Site licence be amended to make it more useful or make the purpose clearer? If so, how?
15	Have you previously held a Site licence but chosen not to continue with it? If so, why?
16	For current Site licence holders: How do you make your licence worthwhile? What methods do you use to promote it?

¹³ Site licence numbers for the year ending 2020 can be accessed in Annual Report 2020, p11 (<https://www.lbp.govt.nz/assets/lbp/documents/annual-reports/annual-report-2020-building-practitioners-board.pdf>), and the numbers for the year ending 2015 can be found in Annual Report 2015, p16 (<https://www.lbp.govt.nz/assets/lbp/documents/annual-reports/annual-report-2015.pdf>). All annual reports released by the Board can be accessed here: <https://www.lbp.govt.nz/about-us/our-board/annual-reports/>.

¹⁴ Commercial sites are not covered by the LBP scheme.

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

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

Is the LBP scheme too flat and should it offer more for experienced LBPs?

88. This issue was initially raised in the April 2019 consultation, when submitters were asked for their thoughts on the current scheme structure and whether tiered licensing could be introduced.
89. Feedback raised concerns that the LBP scheme only regulates those with the minimum skill level. It does not differentiate between more qualified LBPs and therefore offer no benefits to LBPs once they have gained more experience and increased their skills.
90. Some submitters backed the concept of a tiered licensing scheme, so that those who had just entered the scheme were not perceived to be on the same level as those who had been operating in it for years. A tiered scheme would allow those in the upper tier(s) to undertake certain work that those below them could not.
91. As occupational regulation is primarily designed to regulate the entry into a scheme, the LBP scheme may not necessarily be the most appropriate place to offer career progression. This is in contrast to the original objectives of the scheme when it was first introduced, which was to raise the baseline skill level of the sector.
92. There are other occupational regulation schemes that operate in a tiered licensing fashion. The Plumbers, Gasfitters, and Drainlayers (PGD) scheme offers a form of tiered licensing that includes a Tradesman and a Certifying class. The Tradesman class must be supervised by a Certifier. A Certifier, which is the most advanced licence on offer and is only given to those who have demonstrated advanced skills, may certify their own work, negating the need for supervision. This structure could potentially be mimicked within the LBP scheme.

Questions

19	Do you believe that the LBP scheme should recognise those who have more experience in the industry? If so, how?
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?
21	Do you believe that a tiered licence would solve any issues? If so, what issues could it solve, and how?

Minimum standards for entry and continued licensing

Background

93. Applicants must meet minimum standards for licensing to become an LBP, and existing LBPs must also meet minimum standards for continued licensing. The LBP Registrar assesses these applications to determine whether these standards have been met. Minimum standards are set in the *Licensed Building Practitioners Rules 2007* (LBP Rules). Section 353 of the Building Act requires there to always be rules for:
- minimum standards of competence that must be met for each licensing class;
 - minimum standards for continued licensing, and how often assessments of LBPs' current competence must be carried out; and
 - the information that an applicant or existing LBP must provide to demonstrate that they meet the standards, and the way their information will be assessed and their competence determined.
94. These standards set the bar for what a practitioner must do and how competent they must be to enter and remain in the scheme. **Table 4** summarises how these requirements are implemented by the scheme.

Table 4: Summary of minimum standards for licensing, assessment, and skills maintenance

Minimum standards of competence for each licence class

Schedule 1 to the LBP Rules sets out the competencies that make up the minimum standard for each licence class and the performance indicators that the Registrar will have regard to when determining whether a competency has been met.

Competencies correspond to each licence class and area of practice. They cover regulatory as well as technical skills and knowledge.

Assessment process for new applicants

The Registrar prescribes the assessment procedure and appoints LBP assessors to assess whether an applicant meets the minimum standards of competence for the licence class they are applying for. LBP assessors use consistent guidelines. The standard assessment currently involves:

- Evaluating the information provided by the applicant, including their work history;
- Interviewing the applicant and testing regulatory knowledge (based on the LBP Handbook); and
- Discussing the applicant's competence and work history with their two referees – referees must be able to discuss the applicant's work with technical credibility.

Where possible, Design applicants are assessed in their workplace. They must provide three referees: a client, a contractor and a consultant.

Role of formal qualifications

The LBP scheme recognises skills and knowledge gained solely through 'on-the-job' experience in building and construction, as well as through formal education and training (such as apprenticeships and NZQA qualifications). There are no mandatory qualifications to become an LBP. If an applicant (excluding a Design applicant) holds a relevant qualification recognised in the LBP Rules, they can access a more streamlined assessment process as their qualification contributes to demonstrating they meet the minimum competencies.

Minimum standards for continued licensing

For continued licensing, an LBP must demonstrate they still meet the minimum standard of competence. They must show they have continued to practice in an area relevant to their licence class and taken steps to keep their skills and knowledge current.

Assessments of current competence occur every two years. Section 292 of the Building Act also allows the Registrar to carry out an assessment of current competence at any time.

The Registrar sets the compulsory and elective activities LBPs must undertake to keep their skills and knowledge current. LBPs must complete at least twelve hours (more for certain licences) of activities, in the two-year period. For example, mandatory articles and quizzes, on-the-job learning, and attending elective conferences, seminars, and courses.

Proposed: Code of Ethics to set minimum standards of behaviour

In September 2020 MBIE consulted on introducing a code of ethics for LBPs. The code of ethics will ensure that LBPs meet minimum standards for behaviour, including: working safely, being aware of the law, taking responsibility and behaving professionally.

The roles of the Board and MBIE in setting minimum standards

95. MBIE prepares the LBP Rules according to the process set by sections 354 to 361 of the Building Act, and the proposed Rules are subject to consideration and approval by the Board. The Board then submits its proposed Rules to the Minister for Building and Construction for approval.
96. The Chief Executive of MBIE must ensure that any proposed Rules are consistent with the purposes of the Building Act, consulted with LBPs (or others affected), and take into account international best practice and New Zealand's international obligations.

Qualifications as a part of the LBP scheme

97. When conceived, it was intended that the LBP scheme would gradually raise the level of formal education and training required. However as of yet, a practitioner is not required to hold any form of formal qualification if they wish to enter the scheme.
98. Around two thirds of current LBPs hold a recognised qualification. For Carpentry, by far the largest licence class, more than 80 per cent of new LBPs are granted a licence through the qualification-based pathway each year. The rate of LBPs licensed through the qualification-based pathway is lower for the other classes. MBIE notes that for the Design class there are no recognised qualifications and therefore there is no qualifications-based pathway.

What we know about how the minimum standards are perceived

99. When MBIE consulted on strengthening the LBP scheme in 2019, BCAs, industry groups and some builders argued that the scheme does not give people confidence that LBPs are sufficiently competent. Some thought the minimum standards for competence were set too low, noting that entry requirements have not been raised since the scheme was introduced.

Opportunities to lift the minimum standards and strengthen how they are implemented

Should the technical competencies be lifted, and to what level?

100. The minimum competencies, and their associated performance indicators, are essential to all other elements of the scheme. They must be set at the right level to ensure LBPs carry out and supervise building work safely and properly. The technical competencies have not been reviewed systematically since the scheme was established.
101. In 2019, MBIE proposed to raise the level of the competencies in response to industry concerns that they are too low. While there was broad support from submitters to do so, there were few comments on what level they should be set at, or which parts are currently inadequate.
102. Any changes to the competencies will need to be approved by the Board, and would be consulted on with the sector. Any changes would also factor in time for formal

education and training to incorporate changes to the competencies, and for the sector to adapt to meeting them as the new minimum standard.

Should the LBP scheme place more emphasis on formal education and training?

103. Qualifications are a consistent, objective way of demonstrating that practitioners hold the skills and knowledge required to work properly and safely in the industry. In recent years, less complaints have been made about qualified LBPs compared to those without a qualification¹⁵. There is potential that lifting requirements for entry into the LBP scheme to require formal education and training might also lift confidence that it is operating as intended.
104. However, MBIE considers that the rates of incoming qualified LBPs are promising and show that qualifications are valued by many in the sector. This may suggest that the market is responding to the value that formal qualifications can bring, and that making them compulsory is not needed.
105. Furthermore, LBPs without qualifications are still demonstrating that they meet the competencies for their classes, based solely on informal training and work experience. The costs (in terms of time and fees) of formal training for those who would not otherwise want a qualification could deter competent applicants from getting licensed.

How well are the assessment process and skills maintenance requirements working to ensure LBPs are competent?

106. The LBP scheme needs to be capable of ensuring new applicants meet the minimum standards and that existing LBPs remain competent. Some submitters to MBIE's 2019 consultation stated that these elements of the scheme need to be stronger.
107. The scheme's overarching approach to initial assessment and confirming ongoing competence is set in the LBP Rules. The LBP Registrar sets the details, including the assessment methods and skills maintenance programme.
108. This approach means that, while there are consistent requirements across the whole scheme, the LBP Registrar can set processes that will work to enable competent practitioners to be licensed in a way that satisfies the Board and Registrar, and that is also workable for practitioners.
109. MBIE considers the current requirements across the LBP Rules and the LBP Registrar's operational practice are broadly similar to other occupational schemes, including those run by the Plumbers, Gasfitters, and Drainlayers Board and Electrical Workers Registration Board (see Table 5 below).

¹⁵ MBIE complaints data generally shows an even split between complaints against qualified LBPs versus those without a formal qualification. While the proportion of LBPs with a qualification has remained at nearly half of all complaints resolved in the four years to June 2018, those with a qualification decreased from 55% of complaint respondents in 2014/15 to 46% in 2017/18.

Table 5: How trade schemes assess minimum competence and require skills maintenance

	Licensed building practitioners	Plumbers, gasfitters, and drainlayers <i>(Tradesmen and Journeymen classes)</i>	Electrical workers
<i>How competence is assessed for new applicants</i>	<p>LBP assessors assess competence based on work experience (including referee statements), interview with applicant and test of regulatory knowledge.</p> <p>Qualifications are not required but can be used to demonstrate competence.</p> <p>Design applicants are observed in a workplace setting where possible.</p>	<p>To register as a Tradesman practitioner requires applicant to hold the appropriate level 4 Certificate and pass the relevant Plumbers, Gasfitters, and Drainlayers Board exam.</p> <p>The Journeyman class is available for qualified practitioners who have not passed the Board exam.</p>	<p>For the competence-based (qualified) training pathway, applicants need to train through an appropriate industry training organisation that has an agreement with the Electrical Workers Registration Board.</p> <p>For time-based (non-qualified) training, applicants need to pass a theory exam or exams, complete the appropriate practical assessment and demonstrate sufficient work experience for the registration class sought.</p>
<i>Maintaining competence and skills maintenance requirements</i>	<p>LBPs must demonstrate their current competence every two years.</p> <p>The Registrar’s programme of mandatory and elective activities requires mandatory articles and quizzes, recording on-the-job learning and at least 12 hours of elective activities.</p>	<p>Practitioners must complete the Board’s standard continuing professional development programme for the year to re-licence each year.</p>	<p>Registered electrical workers must renew their licence every two years. They must pass a Board approved competency training programme relevant to the class of registration they hold and run by a programme provider.</p>

Questions

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

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

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

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

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?

Next steps

Thank you for taking the time to put together your views on the issues MBIE is consulting on with the LBP scheme. After submissions close on Monday, 31 May 2021, MBIE will analyse the feedback we receive in submissions. The feedback will be used to report back to the Minister for Building and Construction, and prepare our advice to the Minister on options to improve the LBP scheme. These options may include recommending changes to the licence classes and structure, and/or changes to the minimum standards to enter the scheme and continue to be licensed.

MBIE has used this consultation to ask submitters about the general issues with the scheme, and we will need to do more work to develop detailed options for any changes. We will consult interested stakeholders again on these detailed options so that you can understand how the work is progressing and let us know your views on any proposed changes, and how these changes would impact you. If MBIE recommends changes to the licence class structure, we will prioritise this work first as the licence classes influence how the other parts of the scheme operate.

MBIE expects to provide an update on our website about the results of this consultation and intended next steps, in July 2021.

Recap of questions

Supervision

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?
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?
3. Do you believe that supervision of specialised non-LBPs is a problem within the sector? If so, what are the problems it causes?
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?
5. Do you believe that the ability to supervise restricted building work needs to be addressed within the competencies?

Licence Classes

6. Do you believe that specialised professions where members are not LBPs are being adequately monitored and operating correctly under the current scheme?
7. Do you believe any of the current classes no longer need to be covered by the LBP scheme? If so, why?
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?
9. What areas do you believe need to be covered by the LBP scheme that aren't already? Why?

Areas of Practice

10. Are you aware of instances where LBPs are operating in Areas of Practice within their licence class but outside of their competence level?
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?
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?

Site Licence

13. Do you believe the building sector in New Zealand still needs the Site Licence Class?
14. Can the Site licence be amended to make it more useful or make the purpose clearer? If so, how?
15. Have you previously held a Site licence but chosen not to continue with it? If so, why?
16. For current Site Licence holders: How do you make your licence worthwhile? What methods do you use to promote it?
17. Are there ways that restricted building work and supervision can be added to the Site Licence? If so, how?
18. In what ways can responsibility be added to the class without the level of risk to the holder becoming too high?

Licence Class Structure

19. Do you believe that the LBP scheme should recognise those who have more experience in the industry? If so, how?
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?
21. Do you believe that a tiered licence would solve any issues? If so, how do you believe it should be structured?

Competencies

22. How well do you think the LBP scheme currently ensures new applicants and existing LBPs are sufficiently competent?
23. What specific parts of the scheme do you think are driving low confidence?
24. Should we lift minimum standards of competence in the Rules? What level should they be set at, are there particular gaps that need to be covered?
25. Should formal qualifications be required for anyone in the scheme? If they were required, are there any issues MBIE should take into account?
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?