Building system legislative reform

Submission form

## Introduction

The Ministry of Business, Innovation and Employment (MBIE) invites feedback on proposals to reform the building regulatory system.

MBIE appreciates your time and effort in responding to this public consultation.

### How long it will take to complete the submission form

The full submission form will take about 50 minutes to complete. The actual time will depend on the number of section(s) you choose to complete and how much detail you want to provide. You can choose to skip individual questions or entire sections that aren’t relevant to you.

This consultation will close at **5:00pm on Friday 16 June 2019**.

### Use of information

We will use the information in submissions to refine the proposals. We may contact people or organisations that submit feedback to clarify points they’ve made.

**MBIE may publish your feedback unless you ask us not to; your feedback is subject to the Official Information Act (OIA)**

MBIE will publish a consultation report summarising the results of the consultation. If you don't want your name or any personal information to be included in anything we publish, please indicate this on the next page of this survey.

People will be able to obtain copies of your submission by making a request under the Official Information Act 1982. If you want us to keep some sections confidential, mark these sections clearly in the comment box for the relevant question and tell us why you’d like it withheld (i.e. commercial sensitivity, etc). MBIE will take your reasons into account and will consult with you when responding to requests under the Official Information Act.

## A little bit about you

### Your contact details

|  |  |
| --- | --- |
| Name: |  |
| Company: |  |
| Email address: |  |

* I would like to be anonymous in MBIE's published consultation results.

Yes  No

* Are you representing others?

No, just my self

Yes, I represent a company or an organisation

Company/Organisation title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* The best way to describe your role is:

Architect  Builder  Building Control Officer

Building owner  Designer  Developer

Electrician  Engineer – Fire  Engineer – Geotechnical

Engineer – Structural  Engineer – other  Homeowner

Manufacturer/supplier/off-site manufacturer

Plumber/gasfitter/drainlayer

Other (please specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Part 2: Building products and methods

### MBIE wants stakeholders' feedback on seven proposed changes:

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| --- | --- |
| **1.** | Widen the purpose of the Building Act to include the regulation of building products and methods. |
| **2.** | Provide clear definitions for ‘building product’ and ‘building method’. |
| **3.** | Require product manufacturers and suppliers to supply information about their building products. Set minimum standards for that information. This would not apply to building methods. |
| **4** | Clarify responsibilities of manufacturers, suppliers, designers and builders for building products and building methods. |
| **5.** | Give MBIE the power to compel information to support an investigation into a building product or method. |
| **6.** | Strengthen the framework for product certification for building products and methods. |
| **7.** | Enable a regulatory framework for modern methods of construction, including off-site manufacture. |

### Proposal 1 -Widen the purpose of the Building Act to include the regulation of building products and building methods.

|  |  |
| --- | --- |
| **2.1** | Do you agree with expanding the purpose of the Building Act to include the regulation of building products and methods and their use? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or why not.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 2 - Clearly define ‘building product’ and ‘building method’.

Include the following definitions in the Building Act:

* A ‘building product’ is any component or system that could be reasonably expected to be incorporated into building work. A system is a set of at least two components supplied and intended to be used together to be incorporated into building work.
* A ‘building method’ is a specific way of using a product or system in building work.

|  |  |
| --- | --- |
| **2.2** | Do you agree with the proposed definition of ‘building product’? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or provide your suggested definition.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.3** | Do you agree with the proposed definition of ‘building method’? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or provide your suggested definition.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.4** | Do these definitions provide sufficient scope to account for new and emerging technologies? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or what is not covered.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 3 - Set minimum standards for information about building products and require manufacturers and suppliers to supply that information.

Product manufacturers and suppliers (including importers) would need to provide publicly accessible information about building products.

Set minimum information requirements for building products (through regulations).

|  |  |
| --- | --- |
| **2.5** | Do you support the proposal to require manufacturers and suppliers to supply information about building products? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.6** | **(For designers, builders and building consent authorities)** Would the proposed minimum information requirements for building products help you make good decisions about products? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or what’s missing.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.7** | **(For designers, builders and building consent authorities)** Do you need any other information to help you decide whether a building product will result in building work that complies with the building code? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or what other information can help you decide.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.8** | **(For manufacturers and suppliers)** How closely do the proposed minimum information requirements reflect what you already provide? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Much less than what is already provided |  | Similar to what is already provided |  | Much more than what is already provided | |  |  |  |  |  |   I don’t know |
| **2.9** | **(For manufacturers and suppliers)** Would there be a financial impact on your business to provide the proposed minimum product information for your products? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  | |
| **2.10** | **(For manufacturers and suppliers)** Please tell us your estimated cost increase in NZD and include any relevant information on how it was calculated (eg the number of products you produce or supply). |
| *(please leave your comments here)* |

### Proposal 4 - Clarify the responsibilities of manufacturers, suppliers, designers and builders for building products and building methods.

* Create an explicit responsibility on manufacturers and suppliers to ensure that a building product is fit for its intended purpose.
* Clarify that builders cannot use a different building product or building method to the product or method specified in the building consent without an appropriate variation to the consent.
* Clarify the responsibilities of builders and designers to ensure that the building products and methods specified or used will result in building work that complies with the code.

|  |  |
| --- | --- |
| **2.11** | Do you support the proposals to clarify roles and responsibilities for manufacturers, suppliers, designers and builders? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.12** | Is the current threshold and process for variations to consent appropriate for all circumstances? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 5 - Give MBIE the power to compel information to support an investigation.

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| --- | --- |
| **2.13** | Do you support the proposal to give MBIE the power to compel information to support investigations? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.14** | Would MBIE’s ability to compel information about building products or methods and share this with other regulators have unintended consequences? If so, what might these unintended consequences be? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Potential impacts of the proposed changes

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| --- | --- |
| **2.15** | Do you think the impact of the proposed changes to the regulation of building products and building methods (proposals 1-5) would be positive or negative? What do you think the impact might be? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.16** | How do you think the proposed changes to the regulation of building products and building methods would change how you and your business/organisation operates? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### MBIE proposes a two-year transition period for product information, six months for other proposed changes (proposal 1, 2, 4 and 5).

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| --- | --- |
| **2.17** | How long do you think the transition period for product information needs to be to ensure manufacturers and suppliers are prepared for the changes? |
| |  |  |  | | --- | --- | --- | | Less than two years | Two years | More than two years |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.18** | How long do you think the transition period for the changes to responsibilities needs to be so that people are prepared for the changes? |
| |  |  | | --- | --- | | Six months | More than six months |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.19** | If the clarified roles and responsibilities came into force before the minimum requirements for product information, what would be the impact? |
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### Proposal 6 - Strengthen MBIE’s role as the product certification owner and regulator.

Allow for regulations to set requirements on product certification bodies and for the accreditation and registration of product certification bodies.

Allow for regulations to set out the process and requirements for registering a product certificate.

Allow MBIE to set rules for the interactions between participants in the product certification schemes.

Provide MBIE with the powers needed to administer the registers of product certification bodies and product certificates.

|  |  |
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| **2.20** | **(For product manufacturers and suppliers)** Would the changes proposed to the framework for product certification make product certification a more attractive compliance pathway for your products? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or what changes to product certification you think are necessary.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.21** | **(For designers)** How would the proposed settings to the framework for product certification impact your product specification in building designs? |
| |  |  |  | | --- | --- | --- | | No change | I’d specify fewer certified products | I’d specify more certified products |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.22** | **(For building consent authorities)** Would the changes to the product certification scheme’s settings increase your confidence that a product or method with a product certificate will perform as intended? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 7 - Enable a regulatory framework for modern methods of construction (MMC), including off-site manufacture.

Amend the Building Act to enable a regulatory framework that would future-proof the building regulatory system for MMC. Features of this framework include:

* enabling a manufacturer certification scheme for repeatable manufacture processes used to produce building work
* clarifying what roles and responsibilities for MMC will be when the new framework is in place
* minimising duplication of effort by: not requiring two consents for the same building work, and considering whether to require BCAs to accept each other’s consents and Code Compliance Certificates.

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| **2.23** | Are these the correct features for a future-proofed regulatory framework for MMC? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.24** | What would be the impact of such a regulatory framework for MMC? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.25** | **(For manufacturers of MMC, including off-site manufacture)** How would the proposed framework impact your business? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.26** | **(For manufacturers of MMC, including off-site manufacture)** Would you use the manufacturer certification scheme? |
| |  |  | | --- | --- | | Yes | No |   How would it need to be designed to work for you?  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **2.27** | **(For building consent authorities)** What would be the impact of a requirement for BCAs to accept one another’s consents and code compliance certificates? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Final thoughts

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| **2.28** | If you have any other comments on the proposals for building products and methods, please tell us. |
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## Part 3.1: Occupational regulation of the Licensed Building Practioner (LBP) scheme

### MBIE wants stakeholders' feedback on two proposals:

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| --- | --- |
| **1.** | Broaden the definition of restricted building work (RBW) to include more complex non-residential building work. |
| **2.** | Raise the competence standard for LBPs to enter and remain in the LBP scheme. This includes proposals to:   * Introduce a tiered licensing system for LBPs to establish a progression pathway, including a specific licence for supervision. * Simplify the licence class categories. * Introduce behavioural competence requirements for LBPs. |

### Proposal 1 - Broaden the definition of restricted building work (RBW) to include more complex non-residential building work.

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| --- | --- |
| **3.1.1** | How effective do you think expanding the scope of RBW would be in managing risks to public safety in the building sector? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Not effective | Somewhat effective | | | Very effective | |  |  |  |  |  | |
| **3.1.2** | Do you agree with the proposed threshold for the definition of RBW? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.3** | **(For builders)** What impacts do you think the proposals for RBW would have on you and your business (including type of work, recruitment, training and costs)? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.4** | What impacts do you think the proposals for RBW would have on homeowners, building owners and building occupants? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.5** | How do you think the proposed changes to the LBP scheme would affect the behaviour of LBPs? |
|  |
| **3.1.6** | What impact do you think expanding the scope of RBW would have on the construction sector skill shortage |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 2 - Higher competence requirements to increase confidence in the LBP scheme.

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| **3.1.7** | How effective do you think raising the competence standards for the LBP scheme would be in increasing confidence in the LBP scheme? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Not effective | Somewhat effective | | | Very effective | |  |  |  |  |  |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.8** | What impact would changing the competence standards for the LBP scheme have on builders, building companies, building sector associations and training organisations? |
|  |
| **3.1.9** | **(For builders)** Would introducing tiered licence classes make you more likely to apply to become an LBP? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.10** | **(For builders)** If you’re already an LBP, would you be likely to apply to become licensed under a new supervision licence class? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.11** | **(For builders)** Do you still see potential value in having a site licence for residential and commercial building projects? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.11a** | How can a site license contribute to the coordination of building work? |
|  |
| **3.1.12** | **(For builders)** Who do you think should be responsible for coordinating building work on a site and what skills are required for this type of role? |
|  |
| **3.1.13** | Do you think that the introduction of a fit and proper person test and a code of ethics for LBPs would help to ensure that building professionals are held accountable and improve the public’s confidence in the LBP scheme? |
| |  |  |  | | --- | --- | --- | |  | Yes | No | | Fit and proper person test |  |  | | Code of the ethics for LBPs |  |  |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### MBIE proposes a transition period to implement the changes.

* reassess every existing LBP under the new competency standards after two years (November 2022); reassessment would be done when each licence comes up for renewal.
* assess new LBP applicants under the new competency standards; assessment would start in November 2022.

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| --- | --- |
| **3.1.14** | Do you agree the proposed timeframe for the changes to the LBP scheme is sufficient? |
| |  |  |  | | --- | --- | --- | | Yes | No, it’s too long | No, it’s too short |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.1.15** | What should we consider in setting the transition timeframe? |
|  |

### Final thoughts

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| **3.1.16** | If you have any other comments on the proposals for LBPs, please tell us? |
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## Part 3.2 Occupational regulation of Engineers

### MBIE wants stakeholders’ feedback on the three proposals:

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| --- | --- |
| **1** | Establish a new voluntary certification scheme that provides assurance of an engineer’s professionalism and general competency and phase out Chartered Professional Engineer (CPEng). |
| **2** | Restrict who can carry out or supervise safety-critical structural, geotechnical and fire-safety engineering work within the building sector. This would cover all medium to high complexity work and be triggered by factors such as building size, use and location. |
| **3** | Establish a new licensing scheme to regulate who can carry out or supervise engineering work that has been restricted. |

### Proposal 1 - Establish a new voluntary certification scheme that provides assurance of an engineer’s professionalism and general competence and phase out CPEng.

|  |  |
| --- | --- |
| **3.2.1** | Do you agree that there is a need for a statutory mark for engineers of professionalism and general competence to solve complex engineering problems? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.2** | How well do you think CPEng currently provides this assurance? What do you think needs to change? |
|  |
| **3.2.3** | Do you agree that a new title is needed for engineers that have been certified? If so, do you have a view on what that title should be? |
| |  |  |  | | --- | --- | --- | | Certified engineer | Chartered engineer | Other (leave your suggestion below) |   Please tell us what the title should be if you chose ‘other’.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.4** | For engineering work on buildings that does not require specialised skills, do you think certification would provide sufficient assurance of general competence and reduce the risks of substandard work? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 2 - Restrict who can carry out or supervise safety-critical structural, geotechnical and fire safety engineering work within the building sector. This would cover all medium-to-high complexity work and be triggered by factors such as building size, use and location.

|  |  |
| --- | --- |
| **3.2.5** | Do you agree that life safety should be the priority focus determining what engineering work is restricted? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.6** | What combination of the following factors should be used to determine what engineering work is restricted: building size, building use, ground conditions, other? |
| |  |  |  |  | | --- | --- | --- | --- | | Building size | Building use | Ground conditions | Other (please specify below) |   Please specify what might be included and why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 3 - Establish a new licensing scheme to regulate who can carry out or supervise engineering work that has been restricted.

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| --- | --- |
| **3.2.7** | In your opinion, does geotechnical, structural and fire safety engineering work pose the greatest life safety risk in the building sector? |
| |  |  |  | | --- | --- | --- | |  | Yes | No | | Geotechnical work |  |  | | Structural work |  |  | | Fire safety engineering work |  |  | |
| **3.2.7a** | Do you think there are any other engineering specialities that pose greater life-safety risks in the building sector that are not included here? |
| |  |  | | --- | --- | | Yes | No |   Please tell us more.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.8** | 3.2.8 Do you agree that engineers should satisfy the requirements for certification before they could be assessed for licensing? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.9** | What impact do you think the restrictions and licensing would have on the number of engineers who can carry out or supervise engineering work on buildings that require technical competence in a specialised field? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.9a** | Do you feel that there are enough engineers with the necessary technical competence to meet any new demand? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.10** | 3.2.10 What impact do you think the restrictions and licensing would have on the cost of engaging an engineer? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.11** | How effective do you think the proposed restrictions and licensing would be in reducing the risks to public safety from substandard engineering work? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Not effective | Somewhat effective | | | Very effective | |  |  |  |  |  |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.12** | If you engage a licensed engineer, would you feel confident that the engineer has the necessary technical competence to do the work? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.13** | Do you agree with the proposed grounds for discipline of licensed and certified engineers? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.2.14** | Is there anything else that you think should be grounds for discipline? Are there any proposed grounds for discipline that you think should be modified or removed? |
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### It will take time to establish a new regime and transition to it.

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| --- | --- |
| 3.2.15 | What things should we consider when we develop transitional arrangements? What supports would you need to help you during this transition? |
|  |
| **3.2.16** | **(For engineers who currently do not have CPEng or higher)** Would you be likely to apply for a licence (fire safety, geotechnical, structural)? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Final thoughts

|  |  |
| --- | --- |
| **3.2.17** | If you have any other comments on the proposals for engineers, please tell us. |
|  |

## Part 3.3 Occupational regulation of Plumbers, Gasfitters and Drainlayers

### MBIE wants stakeholders’ feedback on the three proposals:

|  |  |
| --- | --- |
| **1** | Repeal specific sanitary plumbing exemptions for householders in specified areas and for rural districts. |
| **2** | Repeal exemptions for restricted sanitary plumbing, gasfitting and drainlaying work under supervision. |

### Proposal 1 - Repeal the current sanitary plumbing exemptions for householders in specified areas and for rural districts, including the current Gazette notices for districts made under the Plumbers, Gasfitters and Drainlayers Act 1976.

|  |  |
| --- | --- |
| **3.3.1** | Have you encountered instances of hazards or health issues from sanitary plumbing work completed by unlicensed people? |
| |  |  | | --- | --- | | Yes | No |   Please tell us more or provide an example.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.3.2** | How often do you find work undertaken under a householders or a rural areas exemption that does not comply with the requirements of relevant codes and standards? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Never | Occasionally | Regularly | Often | Always | |  |  |  |  |  |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.3.3** | Do you think that a person should be qualified to do sanitary plumbing work on your property? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 2 - Repeal the exemptions for restricted sanitary plumbing, gasfitting and drainlaying work under supervision.

|  |  |
| --- | --- |
| **3.3.4** | How often do you find substandard work carried out under a supervision exemption? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Never | Occasionally | Regularly | Often | Always | |  |  |  |  |  |   Please tell us more.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.3.5** | What benefits (if any) do you see from regulating people who are currently exempted if they work under supervision? |
|  |
| **3.3.6** | What potential issues (if any) do you see from removing the exemptions for doing restricted work under supervision? |
|  |
| **3.3.7** | What impacts (such as business impacts) would removing the supervision exemptions have on how your business is managed? |
|  |
| **3.3.8** | Do you support allowing people currently working under supervision exemptions to continue working as a regulated person under a new registration and licence? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **3.3.9** | Is anything else required to support the transition of exempted tradespeople to a new registration and licence? |
| |  |  | | --- | --- | | Yes | No |   Please tell us more.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Final thoughts

|  |  |
| --- | --- |
| **3.3.10** | If you have any other comments on the proposals for plumbers, drainlayers and gasfitters, please tell us. |
|  |

## Part 4 Risk and liability

### MBIE wants stakeholders’ feedback on the three proposals:

|  |  |
| --- | --- |
| **1** | Require guarantee and insurance products for residential new builds and significant alterations, and allow homeowners to actively opt out. |
| **2** | Leave the liability settings for building consent authorities unchanged. |

### Proposal 1 - Require a guarantee and insurance product to be in place for all residential new builds and significant alterations. Homeowners would have the choice to actively opt out of having a guarantee and insurance product.

|  |  |
| --- | --- |
| **4.1** | Do you support the proposal to require guarantee and insurance products for residential new builds and significant alterations? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.2** | Do you think homeowners should be able to actively opt out of having a guarantee and insurance product? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.3** | Should there be conditions on when homeowners are able to opt out? What should these conditions be? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why and what the conditions should be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.4** | What types of buildings do you think should be required to have a guarantee and insurance product? (Please tick all that should apply.) |
| Standalone residential dwellings  Medium density housing (up to six storeys)  High density housing (over six storeys)  Mixed-used developments (i.e. where a part of the building is used as commercial premises, for example shops or offices.)  Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.5** | What threshold do you think the requirement for a guarantee and insurance product should be set at? |
| Residential building work over $30,000  Residential building work over $100,000  Residential building work that would impact the structure or weathertightness of the building.  Other (please tell us more in the comment box below)  Please tell us why or any other comments.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.6** | Do you have any views on the minimum standards that should be set for a guarantee and insurance product?  For example: the type of product, the types of events that are covered, the minimum level of cover, the period of cover, the nature of redress, the maximum claim value, dispute resolution processes, the ability to transfer to new owners. |
|  |
| **4.7** | What financial and prudential requirements do you think should be placed on providers, to ensure there is a continuing supply of guarantee and insurance products?  For example: reinsurance or other insurance backing, solvency, auditing requirements, security and prudential requirements. |
|  |
| **4.8** | If residential new builds and significant alterations are required to have a guarantee and insurance product, what do you think the impacts will be? |
|  |
| **4.9** | **(For builders)** How difficult will it be for you to gain eligibility to offer a guarantee and insurance product? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Impossible | Very difficult | Somewhat difficult | Not very difficult | I already offer one | |  |  |  |  |  |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### MBIE proposes a two-year transition period.

|  |  |
| --- | --- |
| **4.10** | How long do you think the transition period for guarantee and insurance products needs to be to ensure providers, builders and BCAs are prepared for the changes? |
| |  |  |  | | --- | --- | --- | | Less than two years | Two years | More than two years |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.11** | Is anything else needed to support the implementation of guarantee and insurance products? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 2 – Leave the liability settings for BCAs unchanged.

|  |  |
| --- | --- |
| **4.12** | If the government decides to make all the other changes in this discussion paper, do you agree that that the liability settings for BCAs will not need to be changed? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.12a** | What area of work do you think will have the biggest impact on BCA consenting behaviour? |
| Products  Occupational regulation  Risk and liability  Building levy  Offences and penalties  Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.13** | If the government decides to limit BCA liability, do you support the proposal to place a cap on BCA liability? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.14** | If there is a cap on BCA liability, do you agree that the cap should be set at 20 per cent? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.15** | If there is a cap on BCA liability, do you think BCAs should have to pay more than 20 per cent if they have contributed to more than 20 per cent of the losses? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **4.16** | What do you think would be the impacts of placing a cap on BCA liability? |
|  |

### Final thoughts

|  |  |
| --- | --- |
| 4.17 | If you have any other comments on the proposals for risk and liability, please tell us. |
|  |

## Part 5 Building levy

### MBIE wants stakeholders’ feedback on the three proposals:

|  |  |
| --- | --- |
| **1** | Reduce the rate of the levy from $2.01 to $1.50 including GST (per $1,000). |
| **2** | Standardise the threshold at $20,444 including GST. |
| **3** | Amend the Building Act to enable MBIE’s chief executive to spend the levy for purposes related to broader stewardship responsibilities in the building sector. |

### Proposal 1 - Reduce the rate of the building levy from $2.01 to $1.50.

|  |  |
| --- | --- |
| **5.1** | Do you agree that the levy rate should be reduced from $2.01 to $1.50? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **5.2** | **(For building consent authorities)** What impact, if any, would a reduced levy rate have on building consent authorities? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **5.3** | Other than reduced building consent costs, what are the other impacts from reducing the current levy rate? |
|  |
| **5.4** | **(For building consent authorities)** How long would you need to implement the proposed changes to the building levy rate and threshold? |
| 0-3 months  3-6 months  6-12 months  12 months or longer  other (please tell us more)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 2 - Standardise the threshold for the building levy at $20,444 including GST (per $1,000).

|  |  |
| --- | --- |
| **5.5** | Do you have any comments on standardising the threshold at $20,444? |
|  |

### Proposal 3 - Amend the Building Act’s provisions to enable the chief executive to spend the levy on activities related to stewardship responsibilities in the building sector.

|  |  |
| --- | --- |
| **5.6** | Do you agree that the Building Act should be amended so MBIE’s chief executive may spend the levy for purposes relating to building sector stewardship? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### We propose that the levy rate and threshold changes take effect on 1 July 2020.

|  |  |
| --- | --- |
| **5.7** | Do you agree with the proposed start date of 1 July 2020 for the changes to the building levy rate and threshold? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Final thoughts

|  |  |
| --- | --- |
| **5.8** | If you have any other comments on the proposals for building levy, please tell us. |
|  |

## Part 6 Offences, penalties and public notification

### MBIE wants stakeholders' feedback on four proposals:

|  |  |
| --- | --- |
| **1** | Increase the maximum financial penalties for all persons. |
| **2** | Set the maximum penalty levels differently for individuals and organisations. |
| **3** | Extend the time relevant enforcement agencies have to lay a charge under the Building Act, from six months to 12 months (section 378 of the Building Act). |
| **4** | Modify the definition of ‘publicly notify’ in section 7 of the Building Act. |

### Proposal 1 - Increase the maximum financial penalties.

|  |  |
| --- | --- |
| **6.1** | Are the current maximum penalty amounts in the Building Act appropriate? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **6.2** | Do you agree with the proposed increases to maximum penalties? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why and what they should be if you disagree.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 2 - Set the maximum penalties differently for individuals and organisations.

|  |  |
| --- | --- |
| **6.3** | Do you agree with introducing higher penalties for organisations? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **6.4** | What impacts on the building industry could arise from this proposal if it is implemented? |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Strong negative impact Negative impact No impact Positive impact Strong positive impact | | | | | |  |  |  |  |  |   Please tell us what the impact might be.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 3 - Extend the time parties have to lay a charge under the Building Act, from six months to 12 months (section 378 of the Building Act).

|  |  |
| --- | --- |
| **6.5** | Do you think 12 months is an appropriate time period for relevant enforcement agencies to lay a charge? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why or what you think is an appropriate.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### Proposal 4 - Modify the definition of ‘publicly notify’ in section 7 of the Building Act to remove the requirement to publish in daily newspapers circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin. Public notification will still be required in a more modern form that is future proofed and publicly accessible.

|  |  |
| --- | --- |
| **6.6** | Do you agree that public notification under the Building Act should no longer be required in newspapers? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **6.7** | Do you agree that publication on the internet and in the New Zealand Gazette is sufficient? |
| |  |  | | --- | --- | | Yes | No |   Please tell us why.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Final thoughts

|  |  |
| --- | --- |
| **6.8** | If you have any other comments on the proposals for offences, penalties and public notification, please tell us. |
|  |

## Overall feedback

### Thinking about this consultation, do you have any comments or suggestions to help us improve future consultations?

|  |  |
| --- | --- |
| 1 | What worked for you? |
|  |

|  |  |
| --- | --- |
| 2 | What would we do better? |
|  |

|  |  |
| --- | --- |
| 3 | Any other comments or final thoughts? |
|  |