



Licensing Manual 2006

Section 12

Decisions of the Institute

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Summary

1. If an application, form, request, or other document requiring a decision is filed with the Board or its delegate(s), it shall:
 - a. Send a notice of receipt;
 - b. Assess the application, form or request to ensure that the document has been prepared in a manner required and contains sufficient, relevant and reliable evidence;
 - c. Send a notice to the applicant that further assessment shall be made by an assessment panel;
 - d. Invite the applicant to provide further sufficient, relevant and reliable evidence.
 - e. Send a notice to the applicant of the final decision.

Decisions of the Institute

The following process is a representative process only and may be followed in spirit and not to the letter.

DEC 1 The decision process

- 1.1 If an application, form, request, or other document requiring a decision is filed with the Board or its delegate(s) in accordance with paragraph GP 10 “Filing documents” in relation to a proceeding under this Manual, the Board or its delegate(s) shall:
 - 1.1.1 Send a notice of receipt within two (2) days or any period deemed appropriate by the Board or its delegate(s) to the sender indicating receipt of the documents;
 - 1.1.2 Undertake a preliminary assessment (as per paragraph AST 1 “General nature of assessments”) and prepare an assessment report (as per paragraph AST 2 “Assessment reports”):
 - 1.1.2.1 Where the application, form or request is to be rejected in accordance with this Manual or where further assessment of the filed documents is required, either:
 - 1.1.2.1.1 Forward the assessment report to the Board or its delegate(s) for determination; or
 - 1.1.2.1.2 Where the Board or its delegate(s) considers further assessment by a panel is required, inform the applicant of this assessment; or
 - 1.1.2.1.3 Inviting the applicant to provide further sufficient, relevant and reliable evidence within fourteen (14) days or any period deemed appropriate by the Board or its delegate(s) pertaining to the application, form or request. The notice shall indicate that the applicant has one (1) more opportunity to present further evidence before the matter is determined. The applicant may request an extension of the fourteen (14) days or any period deemed appropriate by the Board or its delegate(s); or
 - 1.1.2.1.4 Indicate to the applicant, where the matter is to be further assessed by a multi-person panel, that the Chair of the panel will contact the applicant via the BOINZ office in relation to the location, time and venue of the interview. A reference to the Institute’s policy on changing venues, indicating that a

Change shall be granted under specific circumstances (refer to paragraph G15 “Venues for proceedings”, sub-paragraph (5.5)). Requests for a change in venue shall be made within the fourteen (14) day period mentioned above;

1.1.2.1.5 At the completion of the assessment send a notice to the applicant the subject of the proceedings within seven (7) days or any period deemed appropriate by the Board or its delegate(s) from the date of the determination stating the reasons for approval or rejection. The notice shall also inform the applicant that an appeals process is available under specific circumstances

1.1.2.2 Where an application, form or request is upheld by an authorised officer or assessment panel:

1.1.2.2.1 Forward recommendation(s) to the Board or its delegate(s) for ratification;

1.1.2.2.2 Notify the applicant, subject to ratification of the Board or its delegate(s), of the final outcome.

- 1.2 Failure to respond to the “invitation” notice within fourteen (14) days or any period deemed appropriate by the Board or its delegate(s) shall cause proceedings to be determined as filed;
- 1.3 A response to the “invitation” notice within fourteen (14) days or any period deemed appropriate by the Board or its delegate(s) shall cause the Board or its delegate(s) to re-perform sub-paragraphs (1.1.1) in light of the evidence presented;
- 1.4 If an applicant's status with the Institute lapses during the time taken to resolve a request, the applicant may be granted interim status, on approval of the Board or its delegate(s), until the matter is resolved. (See ACC 15 – Applications for licensing and re-licensing designation);
- 1.5 Applicants subject to the decision process identified above are entitled to disclosure of all new evidence or obtained by the Institute's officers, and to notice of any new issue(s) identified in the course of the process with time to respond. New evidence and/or issues identified are to be sent by notice to the applicant or requestor for response within fourteen (14) days or any period deemed appropriate by the Board or its delegate(s).

DEC 2 Additions and amendments

- 2.1 The Board maintains a systematic program of review of its standards, policies and procedures (refer to the “Review of Standards, Policies and Procedures” section) in order to ensure that it contributes to:
 - 2.1.1 Community safety, health, and amenity, and the preservation of community confidence in the building control profession;
 - 2.1.2 The development and protection of the building control profession;
 - 2.1.3 The achievement of the objectives of various building acts and regulations around New Zealand;
- 2.2 However, where Licensed Building Control Officials or interested parties believe that all or parts of this section requires addition or amendment, they are encouraged to do so by filing a submission with the Board.

DEC 3 Board delegation

- 3.1 The Board may choose to delegate its authority wholly or partly under this section.