



Licensing Manual 2006

Section 3

General Provisions

Index

Index 2

General Provisions..... 3

GP 1 **Confidential nature of licensing proceedings** 3

GP 2 **Publication of licensing proceedings** 3

GP 3 **Confidential documents** 4

GP 4 **Proceedings and deliberations to be recorded**..... 4

GP 5 **Waiving confidentiality** 4

GP 6 **Disclosure to State based regulatory authorities and licensing agencies** . 5

GP 7 **Notices** 5

GP 8 **Proceeding documentation** 5

GP 9 **Additions and amendments** 6

GP 10 **Filing documents**..... 6

GP 11 **Location and venue for proceedings** 7

GP 12 **Time allocated for proceedings** 7

GP 13 **Board delegation** 8

General Provisions

GP 1 Confidential nature of licensing proceedings

- 1.1 All proceedings and deliberations of parties constituted for the purposes of this Manual shall be recorded or reported by methods approved by the Board or its delegate(s);
- 1.2 Proceedings under this Manual are not open to the public unless otherwise waived by the party subject of the proceedings and then only on approval by the Board or its delegate(s);
- 1.3 Notwithstanding the provision of sub-paragraph (1.2), the Board or its delegate(s), may waive transcript confidentiality in relation to any proceedings after notice to the party subject of the proceedings in order to contribute to the purposes of licensing as set forth in paragraph GI 1. For further information refer to “Waiving confidentiality”, paragraph GP 5;
- 1.4 The Board or its delegate(s) associated with proceedings under this Manual shall comply with the conflict of interest provisions under this Manual. The policies on conflict of interest and confidentiality shall be reviewed at the start of each panel or group meeting;

GP 2 Publication of licensing proceedings

- 2.1 The Board or its delegate(s) shall:
 - 2.1.1 Publish a list of newly licensed and re-licensed persons on its web site identifying:
 - 2.1.1.1 Licensing level granted;
 - 2.1.1.2 The expiry date of the licensing;
- 2.2 If the Board or its delegate(s) withdraws licensing, suspends or reduces one’s licensing level, or takes any action available under this Manual, the Board or its delegate(s) may make transcripts of proceedings and/or documents public in a manner provided by this Manual or as determined by the Board or its delegate(s);
- 2.3 A listing of all persons licensed within a particular field may be filed, as and when required, with the relevant government agency, statutory authority or licensing agency;

GP 3 Confidential documents

- 3.1 Applications, forms, requests and any other documents associated with proceedings under this Manual are confidential unless so far as consistent with the effective administration of this Manual, fairness to participants, and due process. Confidentiality may be waived by the party subject of proceedings under this Manual on approval by the Board or its delegate(s);
- 3.2 Notwithstanding the provisions of sub-paragraph (3.1), the Board or its delegate(s), may waive confidentiality (as set forth in paragraph GP 5 “Waiving confidentiality”) after notice to the party subject of proceedings under this Manual in order to:
 - 3.2.1 Contribute to the purposes of licensing as set forth in paragraph GP 1;
 - 3.2.2 Fulfill the disclosure requirements set forth in paragraph GP 6 “Disclosure to State based regulatory authorities and licensing agencies”;

GP 4 Proceedings and deliberations to be recorded

- 4.1 All proceeding and deliberations shall be recorded or reported by methods approved by the Board or its delegate(s);
- 4.2 The nature and extent of recording shall allow the requirements under GP 8 “Proceeding documentation” to be satisfied.

GP 5 Waiving confidentiality

- 5.1 The Board or its delegate(s) may waive confidentiality in relation to transcripts and documents after notice to the party subject of proceedings under this Manual when the necessity to waive, in order to contribute to the provisions set forth in paragraph GP 1, outweighs the necessity for preserving confidentiality;
- 5.2 After waiver of confidentiality pursuant to sub-paragraph (5.1), the Board or its delegate(s) may define the scope of the waiver and may limit the disclosure to specified individuals or entities;
- 5.3 A decision to waive confidentiality pursuant to sub-paragraphs (5.1) and (5.2) shall be supported by a showing of facts;

- 5.4 If the Board or its delegate(s) waives confidentiality pursuant to sub-paragraphs (5.1) and (5.2), the Board or its delegate(s) may issue, if appropriate, one or more public announcements and may disclose information concerning the party subject of proceedings under this Manual.

GP 6 Disclosure to regulatory authorities and licensing agencies

- 6.1 Notwithstanding any confidentiality provisions set forth in this Manual, the Board or its delegate(s) may disclose the substance of information, and/or forward documentation concerning proceedings under this Manual to regulatory authorities and licensing agencies under which an individual is licensed pursuant to the provisions under request and authorisation from the applicant notwithstanding building, development and construction acts and regulations;
- 6.2 If disclosure is made and/or documentation distributed to regulatory authorities and the licensing agencies that license Building Control Officials operate under, then the nature of the disclosure may be disclosed to the relevant parties.

GP 7 Notices

- 7.1 Notices shall be served by E-Mail or by mailing first class to the last address furnished. Reasonable notice shall be given as set forth in the “General Information” section, paragraph GP 12, sub-paragraph (12.9).

GP 8 Proceeding documentation

- 8.1 Documentation shall be prepared and retained for proceedings under this Manual that are sufficiently complete and detailed to provide another person, who has no previous experience with proceedings under this Manual, with an understanding of the work undertaken, documents collected, assumptions made, and basis of recommendations. Documentation should include:
- 8.1.1 Communications – notices, letters, faxes, emails, and any telephone conversations that are significant to the proceedings;
 - 8.1.2 Applications;
 - 8.1.3 Details of procedures applied;
 - 8.1.4 Evidence accumulated and/or provided;
 - 8.1.5 Recommendations;
 - 8.1.6 Meeting transcript extracts;

- 8.2 Documentation shall be retained by the Institute as required in accordance with the Institute's legal obligations and policy manuals.

GP 9 Additions and amendments

- 9.1 The Board or its delegate(s) 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:
- 9.1.1 Community safety, health, and amenity, and the preservation of community confidence in the building control profession;
- 9.1.2 The development and enhancement of the building control profession;
- 9.1.3 The achievement of the objectives of various building acts and regulations around New Zealand;
- 9.2 However, where Licensed Building Control officials or interested parties believe that all or parts of this section require addition or amendment, they are encouraged to do so by filing a submission with the Board or its delegate(s).

GP 10 Filing documents

- 10.1 Documents (eg. applications, forms, and requests) requiring filing under this Manual shall be filed in the form prescribed by the various paragraphs (for example, refer to paragraph APP 6 "Form of appeal letter" in the "Appeals" section) with the Board or its delegate(s);
- 10.2 Address:
- 10.2.1 *Building Officials Institute of New Zealand, Licensing Office, PO Box 11424 Manners St, Wellington, New Zealand*
- 10.3 Documents shall be filed by mail, except in cases other wise specified by the licensing proceedings and/or the Board or its delegate(s);
- 10.4 The servicing of confidential and/or sensitive documentation shall be made by certified mail, return receipt requested;
- 10.5 The filing of documentation may be permitted, with approval from the Board or its delegate(s) on a case-by-case basis, by facsimile transmission or electronically. Documents filed by facsimile transmission or electronically shall have the same effect as an original paper document and shall be deemed as serviced at the time of transmission;

- 10.6 Service by facsimile transmission or electronically shall be permitted only where the parties consent. The proof of the service shall state:
- 10.6.1 That such consent was obtained;
 - 10.6.2 The date and time that the facsimile or electronic transmission was made;
 - 10.6.3 The telephone numbers of the transmitting and receiving machines, or electronic addresses of the sender and receiver;
 - 10.6.4 That the transmission was reported by the transmitting machine to be complete and without error.

GP 11 Location and venue for proceedings

State of origination

- 11.1 Licensing proceedings shall be initiated by the filing of complete documentation (applications, forms or requests, etc.) supported by sufficient, relevant and reliable evidence, where required by this Manual, with the Board or its delegate(s) in a manner set forth in section GP 10 "Filing documents".
- 11.2 After completing an assessment of the documentation filed (in accordance with paragraph AST 1 "General nature of assessments), and formulating any preliminary recommendations, authorised officers of the Board or its delegate(s) may forward the application, form or request (and supporting documentation) to an assessment panel for further assessment;
- 11.3 The Board or its delegate(s) shall designate venues for interview, appeal and assessment panels;

GP 12 Time allocated for proceedings

- 12.1 The time in which an act within this Manual is to be done is computed by excluding the first day, and including the last, unless the last day is a holiday, and then it is also excluded;
- 12.2 If the last day for the performance of any act required by this Manual to be performed within a specified period of time is a holiday, then that period is extended to and including the next day which is not a holiday. For the purposes of this section, "holiday" means all day on Saturdays, Sundays and public holidays as specified in New Zealand by the relevant authority;
- 12.3 Any act required to be performed by this Manual on a particular day or within a specified period may be performed (but is not required to be performed) on a Saturday and Sunday, with like effect as if performed on a day which is not a holiday;

- 12.4 When service is by facsimile transmission or electronically, any act required within a prescribed period shall not be extended. Electronic service is completed at the time of transmission;
- 12.5 When a notice is served by mail, any act required to be performed by this Manual shall be increased by three (3) days or any period deemed appropriate by the Board or its delegate(s);
- 12.6 Time limits and notice periods provided by this Manual may be shortened or extended by the groups constituted to manage licensing proceedings for good cause or on motion of a party;
- 12.7 Upon motion of a party and for good cause, the groups constituted to manage licensing proceedings may grant an extension of time to file documentation or permit late document filing;
- 12.8 A motion shall be supported by a statement of the reasons, and shall be served by mail, facsimile transmission or electronically as per the provisions set forth in section GP 10 "Filing documents";
- 12.9 If not otherwise specified within this Manual, "reasonable notice" means twenty one (21) days or any period deemed appropriate by the Board or its delegate(s) prior to an event;
- 12.10 Every party delegated authority for the purposes of dealing with any proceeding under this Manual shall proceed with reasonable dispatch to conclude any matter presented to it with due regard for the convenience of the parties, and to ensure that the integrity of the purposes of licensing as set forth in paragraph GI 1, the responsibility of the Board or its delegate(s) as set forth in paragraph GI 2, and the benefits of licensing as set forth in paragraph GI 3 are not compromised.

GP 13 Board delegation

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