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Submission On

Cost Effective Quality: Next generation building control in New Zealand

23 April 2010

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INTRODUCTION

Thank you for the opportunity to make a submission on the Building Act review and its proposed impact on the next generation of building control in New Zealand.

The Building Officials Institute of NZ currently has over 1200 members nationwide, the majority of whom work in local authorities. The Building Act Review will have an impact on the way each of those members carries out their functions under the Building Act Review.

This submission has been written on behalf of those members.

As the professional representative body, and not a Building Consent Authority (BCA), we cannot comment on some of the direct questions posed in the document. We have restricted our comments to specific issues and matters which relate to our membership as a whole and where the Building Officials Institute of New Zealand has a specific interest.

The Building Officials Institute of New Zealand supports quality and cost effective building control in New Zealand. While many of the questions asked in this review do not strictly apply to the Building Act and its review, we have answered many of these in the spirit of assisting the DBH in its review of the Act.

The Institute does have some concerns regarding the implementation of the changes around licensing and believes that this should be a staged approach based on current competencies in the industry. Self certification should also be restricted to those that have the skills and work experience and a proven track record. Our views are based on our experience to date which shows that there is a need for third party unbiased overview and this can best be provided through well qualified and trained building officials.

We have a strong view that there should be no relaxation of legislation which reinforces the current requirement of Regulation 18 and that this regulation must remain in force.

Regulation 18 states that, by November 2013, all building consent authorities (BCAs) must have a system in place for ensuring that employees or contractors performing building control work by doing a technical job either:

- Have an appropriate New Zealand qualification, or
- Are working towards having an appropriate New Zealand qualification within a reasonable time, or
- Have an appropriate foreign qualification recognised in New Zealand

In addition to these comments we wish to make the following comments.

Part 1

Clarifying the purpose and principles of the Building Act and the requirements of the Building Code

Part one proposes what are strategic and aspiration goals, many of which are not presently included in the NZBC. If these are all to be defined and performance

requirements set in the NZBC then the need for vetting of building proposals and their construction (including methods of construction) will be additional to existing processes.

Questions 8 to 14 are concerned with the clarity and understanding of the NZBC and are not concerned specifically with the Building Act but do illustrate the difficulties with its application.

Part 2

Moving to a more balanced approach to building control

Part two concerns the internal functioning of the BCA in enforcing the NZBC. The BCAs role in the enforcement of Building Act and Code (amongst other changes) has been subject to:

- Building Act 1991
- Building Act 2004
- Review of schedule 1
- Introduction of Accreditation
- Multiple use consents
- Simple House Compliance Document

The Building Officials Institute of New Zealand and BCAs have responded by the:

- adoption of Accreditation
- continuous upskilling in a changing environment
- streamlining of Consent processes
- forming of clusters of BCAs
- developing National Qualifications
- Introduction of competency measurement for BCOs
- introduction of National Licensing for BCOs

We believe that given the right support and opportunities, BCAs will achieve many of the outcomes, with better protection for the consumer, than an approach that removes a large percentage of building work from the legislative framework.

(This has been likened to removing straight and simple roads from police jurisdiction).

Part 3

Building consumer confidence

Questions 54 to 58 are about education of the consumer. This has not occurred since 1991 with the introduction of the Building Act and does not look like improving. The responsibility for this lies with the DBH, although BCAs are able to assist with this given the resources.

Questions 59 to 65 are about contracting arrangements. These should form part of LBP licensing requirements and do not belong in the Building Act.

Questions 66 to 78 are about warrantees and sureties. These should form part of LBP licensing requirements and do not belong in the Building Act. Further work will need to be done to ensure that sureties are in fact available at a cost effective price.

Questions 79 to 83 are about dispute resolution. Unless the present joint and several liability provisions are amended, BCAs are unable to avoid the risk and costs to rate-paying consumers that are presently imposed through the courts. This leaves the Local Authority and their BCA no alternative but to take a risk adverse approach to building controls. The proposals outlined in this proposal do not give confidence with respect to risk sharing and dispute resolution.

Part 4

The impacts of improving building control

The Building Officials Institute of New Zealand supports the improvement of Building Controls in New Zealand. However we believe that this can be best (and most cost effectively) achieved by:

- The continuous quality improvement of BCA systems and processes
- Introduction of a National Qualification for Building Officials
- Education of consumers and LBPs in the performance requirements of the NZBC
- Education and enforcement of responsibilities of consumers and LBPs
- Cost effective means of assessing the suitability of materials and building systems
- Application of simplified systems appropriate to the Simple House Compliance Document
- Clustering and standardisation of BCA operations and systems
- A period of stability to allow the Building Act 2004 to be fully implemented.

PART 1.1: CLARIFYING THE PURPOSE AND PRINCIPLES OF THE BUILDING ACT

Q1 Does the reference to sustainable development in the purpose statement (Building Act 2004 section 3 (d)) provide clear and appropriate guidance to those administering the Act? If not, why not?

No The definition is not clear; there are many differing views on what it means. Principles need to be carried through to the Building Code Clauses to enable enforcement or else they remain only guidance to owners or designers. There are many aspects to sustainability such as; energy efficiency, waste, re-use of materials, building maintenance, building recycling and/or demolition and disposal. Is this a reference to total cost of ownership e.g. life cycle or is it a reference to environment cost.

Q2 Should sustainability for purpose be referred to in the purpose statement? If so, how should this be worded?

Not sure that Purpose Statement of the Building Act is the right place and clarification is needed by way of clear definition. If it is included it must be carried through all aspects of building legislation and code.

Q3 Should other changes be made to the purpose statement? If so, what are they?

Q4 Do you agree that all of the 16 existing principles (Building Act 2004 section 4) are necessary to guide those administering the Act? If not, which principles do you consider fundamental?

These can be grouped to better reflect core principals and priorities, e.g. 1. Health and Safety, 2. Construction, 3. Sustainability/Environment, 4. Other social issues.

Q5 Should other matters be referred to in the principles? If so, what are they?

Could include, quality of amenities, social issues where these affect health and safety. They are not enforceable, but could remain as a statement of intent.

Q6 Do you agree that the purpose and principles should apply to building consent authorities in their administration of all, not just some, of their building control functions? If not, in which circumstances should they be able to make decisions without regard to the purpose and principles?

Principals and purposes of the Act do not bind the BCAs in enforcing the Building Code, which is about protecting building users and other property, but may influence advice, RMA and other local authority functions.

Q7 Do you have any other comments on the Building Act's purpose and principles?

Generally if principles are not able to be applied/enforced they may be better stated elsewhere as guidance to building practitioners in general. They seem misplaced if they are not able to be enforced or advanced through the Building Act/ Building Code enforcement process.

The principles need to be better aligned to the Building Code/ Enforcement processes, or perhaps they belong in the RMA or other Act or statement of intent. The various pieces of legislation affecting buildings do need to be better aligned and where possible combined (eg. Fencing of Swimming Pools Act) to simplify understanding and provide for enforcement in a more consistent manner.

PART 1.2: CLEARER REQUIREMENTS IN, AND IMPROVED ACCESS TO, THE BUILDING CODE AND SUPPORTING INFORMATION

Q8 Do you agree that some Code performance requirements are ambiguous or unclear?

Parts of the performance requirements are unclear and may be able to be more clearly defined, especially words such as 'adequate' or 'sufficient'.

Poor definitions can lead to problems, especially for designers and builders, but a performance based code may always have these problems, or it would become overly prescriptive.

Many practitioners work well with the existing Code, and many problems reflect lack of knowledge or understanding of the Building Control Regime.

Education of the public and building practitioners in Building Controls is required. To open to interpretation nationwide, this needs to be black and white not grey. Clear guidance on a compliance path is required including measures of compliance.

Q9 If so, what is the impact of this for you?

The Building Officials' role becomes much more difficult where owners, designers or builders do not understand building controls legislation and how it applies to their specific project. Building Officials are becoming the teacher by default and this is not our function this should be done by the Department of Building and Housing.

Q10 Which Code performance requirements do you think need to be clarified and which would you make top priority for clarification? (Note that work is underway on requirements related to visibility in escape routes and fire safety.)

Those performance requirements defined by means of a robust Acceptable Solution or Verification Method require the least work in clarification. Those performance requirements lacking a robust Acceptable Solutions or Verification Method require a less subjective means of definition.

Education is also required to lift industry performance beyond the minimums provided for in the NZBC.

Q11 Do you believe that code performance requirements are well known to those who need to know them? If not, how could they be made better known?

No. Further education is required to ensure licensed building practitioners (LBPs) understand the Building Code, the performance requirements and how they should be applied. Most are ignorant of what the Code really says and questions the need for the BCAs to be satisfied on reasonable grounds.

Q12 Do you have any problems accessing Code performance requirements and supporting information (including Compliance Documents and Standards)? If so, what are the problems and what could be done about them?

Building Officials do not have any problems accessing Code performance requirements but they do have problems with others such as builders, home owners and developers.

Q13 Do you agree that the label 'Compliance Document' creates an expectation that it must be used? If so, can you suggest a better label for this type of document?

This is not a big issue. Perhaps the Australian wording of "deemed to comply" would be easier. It is a valuable tool, but sometimes there is disagreement over what is an alternative solution in fire design.

A possible new label could be "standard solution".

Q14 Do you have any other comments on clarifying Code requirements or improving access to the Code requirements and supporting information?

Compliance Documents are free but don't contain all the information required. It is very expensive to download Standards.

Designers and Architects don't always have a good understanding on meeting Code requirements. Home owners are not generally interested in how to meet Code requirements; they just want a safe, warm comfortable home that will achieve compliance.

Should we add the issue of free access to Standards for teaching purposes, especially where they are the Compliance Document (Acceptable Solution) e.g. 3604, 4218, 4229 etc?

There could be more templates from the Department of Building and Housing such as the simple house acceptable solution document could be used nationwide.

PART 2.1: LOWEST RISK BUILDING WORK EXPEMPT FROM CONSENT REQUIREMENTS

Q15 Do you agree the items or areas of work listed in Attachment 1 are low risk?

Comments to Attachment 1

Table A:

A: Excluded from the consent process when applied to a non-habitable space but need notification to the local authority to:

1. Ensure compliance with RMA
2. Check scope
3. Siting
4. Loading on existing services, especially on-site sewerage disposal (increase in numbers of occupants)
Final inspection on completion to ensure compliance (not Building Act compliance)

Building Officials are not in favour of habitable spaces not going through a simple consent process because energy conservation, ventilation, internal environment, fire safety, overcrowding and overloading of cooking and cleaning facilities still require to be checked. These issues become greater as soon as more than one sleep-out is added on a site.

B: Not in favour of exclusion.

The local authority requires to be notified and any proposal needs to be checked (and consent issued) to ensure:

1. RMA issues are met
2. Scope of work complies
3. Proposed work does not reduce the performance of the existing building in terms

- of:
- a. Structural stability
 - b. Means of escape from fire
 - c. Fire rating performance
 - d. Weathertightness
 - e. On-site sewerage disposal

If constructed by an LBP then site inspections could be waived and only final inspection conducted to ensure compliance to scope of application.

C: Not in favour of exclusion at the moment. LBPs need to prove their capability. BCA requires to be notified and proposal checked (consent issued) to ensure:

1. RMA issues are met
2. Designed by competent engineer
3. Built by a competent LBP

Site inspections could be waived and only final inspection conducted to ensure compliance with scope of application.

D: Not in favour of exclusion.

BCA requires to be notified and proposal checked (consent issued) to ensure:

1. RMA issues are met
2. Designed by competent engineer
3. Built by a competent LBP
4. Intended use (not storage of hazardous substances)

Site inspections could possibly be waived (if reasonably satisfied) and only final inspection conducted to ensure compliance with scope of application.

With the increasing number of life-style subdivisions (that are semi-urban) safety can be an issue, and failure can damage other property.

E: In favour of inclusion, but for private dwellings only. Places of assembly should be excluded to ensure compliance with Section 112 of the Act is met.

F: In favour of inclusion, exclusions supported.

G: In favour of exclusion

H: In favour of exclusion.

I: In favour of inclusion with exclusions stated.

J: In favour of exclusion.

K: In favour of exclusion.

L: In favour of exclusion.

M: In favour of exclusion.

N: In favour of exclusion.

O: In favour of exclusion.

P: In favour of exclusion.

Q: Retain existing height of falling restriction.

R: Retain existing height restriction

S: In favour of exclusion.

Table B

1: Not in favour of exclusion.

BCA requires to be notified and proposal checked (consent issued) to ensure:

1. RMA issues are met (separation often greater than 1 m)
2. Designed by a competent engineer
3. Built by a competent LBP
4. Intended use (not storage of hazardous substances)

Site inspections could possibly be waived (if reasonably satisfied) and only final inspection conducted to ensure compliance with scope of application.

With the increasing number of life-style subdivisions (that are semi-urban) safety can be issue, and failure can damage other property.

2: Not in favour of exclusion.

BCA requires to be notified and proposal checked (consent issued) to ensure:

1. RMA issues are met
2. Designed by a competent engineer
3. Built by a competent LBP
4. Intended use (not storage of hazardous substances)
5. Fire separation

Site inspections could possibly be waived (if reasonably satisfied) and only final inspection conducted to ensure compliance with scope of application.

With the increasing number of life-style subdivisions (that are semi-urban) safety can be issue, and failure can damage other property.

3: In favour of exclusion where:

- a. Plumbing load within building or on site is not increased (to prevent combination with A and B)
- b. Within residential building only

4: Requires work to provide:

- a. Suitable definition of playground equipment
- b. Consideration of height restriction (safety issues around falling eg, surfaces, safety rails, durability, maintenance etc)

5: In favour of exclusion

6: Not in favour of exclusion.

If not checked after installation some BCAs record that up to 30% of installations fail to comply and require remedial action. This is a serious safety issue

<p>7: Exempt from consent process but notification is required and on-site inspection prior to occupation. Fire egress is a major issue for large marquees, and an occupancy rating must be based on the number able to be accommodated.</p> <p>8. Exempt from consent process but notification required and on-site inspection prior to use. (Engineers or other experts used to ensure safety issues dealt with prior to occupation.) Issues can be safety from falling, fire egress or evacuation, crowd control, structural issues.</p> <p>9. As 8 above</p> <p>10. Depends on size of building and number of stalls. Can be a safety issue through escape routes being blocked and fire loads increased. Suggest notification to BCA and inspection prior to opening to public where limits could be placed around occupancy of the building (over 100?).</p>
<p>Q16 Are there any items or areas of work list in Attachment 1 that should not be exempt from building consent requirements? If so, which ones (please use identification number/letter when commenting) and why should they be subject to building consent requirements? Are there any limitations or conditions that would address your concerns?</p> <p>Refer to comments on Attachment A and B above</p>
<p>Q17 What other items or areas of work do you think should be added to Schedule 1 of the Act? Why are these low risk?</p>
<p>Q18 Is there any essential or useful information that is currently gathered through building consent applications that would be unavailable under this proposal?</p> <p>Allocation of resources e.g. sewerage, stormwater disposal, water supply and roading to service habitable developments constructed under the proposal. Valuations of capital value for un-notified work.</p> <p>Land information memorandums show all building work related to a property but this would not be the case with the proposed changes.</p>
<p>Q19 Do you have any other comments on exemptions for lowest-risk building work?</p>

PART 2.2: A MORE STREAMLINED PROCESS FOR LOW-RISK RESIDENTIAL BUILDING WORK

Q20 Do you agree that building consent authority oversight and control of a building or building work should be in proportion to the risk and consequences of failure? If not, why not?

Yes.

Q21 Do you agree that licensed building practitioners should be able to be relied on to design and construct simple buildings that meet Building Code requirements without the level of third-party oversight currently applied? If not, why not?

Yes. They should be able to, but third party oversight by specialist professionals provides security to building owners who are not in a position themselves to ensure that the Building Code has been complied with. Electricians self-certify, but the consequences of their cutting corners are likely to be dramatic.

With other LBPs cutting corners (builders, designers) the effect may not become apparent within any proposed warranty period.

As the body responsible to ensure compliance with the Building Code the BCA must be able to intervene where they perceive a risk of damage or failure, even where the building might be simple. The compliance process ensures that LBPs continue to perform as required under the Building Act and the proposed licensing regime. The consequences of failure in simple building may be no worse than those in a complex building.

BCAs already tailor processing and inspections in relation to risk and this would be seen to extend further as LBPs come up to speed in Code Compliance.

Q22 Do you agree that the proposed streamlined process is adequate to ensure simple buildings are Code compliant?

In theory it should be but this may take some time to become possible, if at all. Often the consent check is the cheapest place to intervene to ensure a safe and healthy building that provides an amenity to the home owner, rather than the owner having to endure expensive and wasteful re-work.

As LBPs increase their competence less checks will be required, but an overall watch needs to be kept.

The consent process is used by the designer, builder and home owner as a check on compliance. They see the BCA and Building Officials as the experts on matters of compliance. For the BCA, to enable a safe reduction in vetting and inspections, a method of defining the consequently limited or reduced risk to the BCA needs to be enabled.

Home owners should be able to choose full BCA involvement, and BCAs must be

	<p>able to assess the risk of partial or reduced involvement.</p> <p>BCAs are already streamlining the consent and inspection processes and the streamlined process proposed here should be seen as an ideal for which to aim, but some means of enforcement to protect the consumer is still required.</p>
Q23	<p>Do you have any comment on the indicative steps in Table 1, including the notes to the table?</p> <p>The BCA just confirms the steps followed.</p>
Q24	<p>Are there any other steps that should be part of a streamlined process for simple, low-risk residential building work?</p> <p>A check is still needed on the scope of work proposed.</p>
Q25	<p>Do you agree that the foundations, framing and insulation, plumbing, drainage, claddings and flashings are critical elements that would still need to be inspected by building consent authorities in a streamlined process? If not, what elements do you think would still need to be inspected?</p> <p>If there are items in the Code that are not critical then they should not be included in the checks.</p>
Q26	<p>Do you agree with the criteria for buildings to be covered by the proposed streamlined process for simple, low-risk residential building work? If not, which criteria would you change and why?</p> <p>No. These are not low risk buildings. Approximately 20% of the dwellings that are failed due to the critical areas mentioned in Question 25 are “low risk” residential.</p>
Q27	<p>Should the proposed streamlined process apply to buildings covered by a MultiProof approval?</p> <p>No. MultiProof buildings (sheds, kitsets, barns and simple houses etc.) can have high risk areas of construction. These types of buildings have a 30% failure rate at final inspection due to structural items. These types of buildings are usually built by inexperienced LBPs.</p>
Q28	<p>Should the proposed streamlined process apply to any other low-risk buildings or building work? If so, how would you define which buildings or building work?</p> <p>No</p>
Q29	<p>Does the proposed process align appropriately with the rules on restricted building work? If not, why not?</p>

<p>Q30 Do you have any other comments on the proposed streamlined process for simple, low-risk residential building work?</p>
<p>PART 2.3: A MORE STREAMLINED PROCESS FOR COMPLEX COMMERCIAL BUILDING WORK</p>
<p>Q31 Do you agree that people commissioning complex commercial buildings and building work are generally better informed and better equipped to hold contractors to account than consumers of residential building work? If not, why not?</p> <p>In many areas but not always e.g. Accessible facilities such as toilets often fall short. In general bigger complex commercial buildings have better contract systems, and therefore these people are better informed.</p>
<p>Q32 Do you agree that chartered professional engineers, registered architects and other licensed or certified professionals should be able to be relied on to design and supervise complex building projects that comply with the Building Code, without the current level of building consent authority review? If not, why not?</p> <p>Yes - in some areas, however there are exceptions in areas such as accessibility, weathertightness, and fire. There are also issues with sub-contractors who are less competent.</p> <p>At the moment a lot of reliance is placed on PS2, 3 and 4 for satisfaction with competency, which does streamline the process.</p>
<p>Q33 Do you agree that the proposed streamlined process for complex building work is adequate to ensure buildings are Code compliant? If not, why not?</p> <p>To be quite frank, if you are relying on a site-licensed building practitioner to submit a memorandum to confirm compliance you may as well not request one at all. Paperwork is often issued by these type of contractors which has little or no meaning. If a hard to fix problem occurs on site you often get – “can we send in a PS4 to say it is OK?” An independent check is required.</p>
<p>Q34 Do you have any comment on the indicative steps in Table 2, including the notes to the table?</p> <p>BCAs need to verify critical areas both in consent and inspection stages.</p>
<p>Q35 Are there other building projects with the necessary quality assurance systems in place that could also be subject to the proposed streamlined process for complex commercial buildings?</p>
<p>Q36 Do you have any other comments on the proposed streamlined process for complex commercial building work?</p>

PART 2.4: PUBLIC INFRASTRUCTURE WORKS

Q37 Do you agree that the building control system provides an appropriate means of ensuring the safety and quality of all public infrastructure works? If not, why not?

Q38 Are there some categories of public infrastructure work where other arrangements may more efficiently and effectively ensure safety and quality? If so, what types of works and what sort of arrangements?

PART 2.5: STREAMLINED PROCESS FOR REVIEWING FIRE SAFETY OF BUILDING PLANS

Q39 At what point in building design and construction is Fire Service Commission involvement most useful? Please explain why.

Their involvement is useful at pre-lodgement of consent (preliminary and developed design stages). However this is often too late to make cost effective changes.

Fire service reports need to be more holistic. The Fire Service also has issues with consistency around the country.

Q40 What weight should be given to Fire Service Commission's advice – for example, should it be treated as consultative input, should following the advice be mandatory, or should the weight given depend on the circumstances? Please explain why.

At the design stage the designer should have to justify why they have or have not complied with the advice of the Fire Service. All advice should be included in the full design application.

Q41 Do you have any other comments on fire safety review of building plans?

PART 2.6: IMPROVED PROCESS FOR BUILDING WARRANTS OF FITNESS

Q42 Do you agree that the administration of the building warrant of fitness and compliance schedule requirements is more complex or costly than necessary? If so, what issues does this cause for you?

No, however if an owner wishes to add an additional protective system (e.g. sprinklers to protect records) then they should not be subject to a higher compliance standard.

If an additional system is concerned with life-safety (e.g. upgraded alarm system) then the higher standard of compliance would apply as it still needs to be maintained.

Q43	Do you agree that there is a lack of clarity about building warrants of fitness and compliance schedules? If so, what is unclear and what issues does this cause for you?
	Yes, owners are not clear on these matters and require further education.
Q44	What changes should be made to the requirements to simplify administration while still ensuring critical systems are maintained and inspected? You may want to comment on the description of specified systems in the regulation, the definition of 'independent qualified person', or any other issues.
Q45	Do you have any other comments on the building warrant of fitness and compliance schedule requirements?
PART 2.7: MORE EFFICIENT BUILDING CONTROL ADMINISTRATION	
Q46	Do you agree that the number of building consent authorities and the variation in size is causing issues as outlined in Part 2.7? If not, why not?
	The current cluster approach is working well and could be extended and officials believe that standardisation across the sector is important. The Auckland experience shows that a local office still important.
Q47	Are there any other issues or problems resulting from the current administrative arrangements that have not been identified in this document?
Q48	Do you see benefits in greater cooperation between building consent authorities, or clustering or consolidation of building control functions? What would be the main benefits?
Q49	Do you see costs and risks associated with greater cooperation between building consent authorities, or clustering or consolidation of building control functions? What would be the main costs and risks?
Q50	What, if any, role should the private sector have in the administration of building controls?
	The private sector should be included but only the appropriately qualified people.
Q51	Which elements of building control require local input and why?
Q52	Which elements of building control would most benefit from a national approach?

Q53 Do you have any other comments on options for more efficient building control administration?

There is a common problem with TAs/BCAs not receiving enough funding for training and appropriate staffing levels.

PART 3.1: WELL-INFORMED CONSUMERS

Q54 Do you agree the Government should do more to inform consumers about their responsibilities and rights in relation to residential building projects? If so, why?

Yes, as only well informed consumers can make the right consumer choices. Suppliers need to also take responsibility to inform customers and local authorities about the products they sell.

BCAs are well placed to inform consumers (at the time of consent application) but more resources are required to do this effectively.

Building Control Officers are ending up being educators to the industry when this should not be their domain.

Q55 What further information do consumers need?

Q56 Should the Government publish information on acceptable standards of workmanship for residential building work?

Yes

Q57 Are there other steps that would help consumers commission residential building work knowledgeably and with confidence? If so, what are they?

Q58 Do you have any other comments about consumer knowledge and behaviour in relation to residential building work?

PART 3.2: IMPROVED CONTRACTING PRACTICES

Q59 Do you agree that contracting arrangements between consumers and principal building contractors for residential building projects need to be strengthened? If so, why?

Yes, it is part of the responsibility of an LBP to define theirs' and the consumers' responsibilities. Also warranty requirements may ensure the contractor does not attempt to cut corners as they would have more responsibility and liability at the end of the job.

Q60	<p>Do you agree that all contracts between consumers and principal building contractors for residential building work should have to be in writing and signed by both/all parties? If not, in what circumstances, or for what type of building projects, should written contracts not be required?</p> <p>This should be required</p>
Q61	<p>Do you have any comments on the proposed minimum terms for contracts as set out in Part 3.2? Please indicate what, if any, information you would like to see added to or removed from the proposed list.</p>
Q62	<p>Do you have any comments on the proposed required disclosures for residential building projects? Please indicate whether there is any information you would like to see added to or removed from the proposed list of required disclosures.</p>
Q63	<p>How should information required to be disclosed be provided?</p>
Q64	<p>Are there other steps the Government could take to improve contracting practices for residential building projects? If so, please indicate what additional measure should be taken.</p>
Q65	<p>Do you have any other comments about contracting practices for residential building work?</p>
PART 3.3: DEVELOP MORE EFFECTIVE WARRANTIES	
Q66	<p>Do you agree there should be a mandatory warranty for residential building work? Please give reasons.</p> <p>Yes, as a safeguard for the homeowner. The warranty provided by each party in a project should reflect the level of responsibility.</p>
Q67	<p>Which of the options for warranty listed in Part 3.3 do you prefer? Which do you disagree with? Please comment on:</p> <ul style="list-style-type: none"> • Length • Cap • Coverage • Loss of deposit and non-completion • Circumstances where the warranty service obligation could be voided • Projects covered

Q68	<p>Should the building owner be able to renounce the offer of a warranty by a building contractor by signing a notice revoking the warranty?</p> <p>Only if the owner is also the builder.</p>
Q69	<p>Should developers be required by law to provide third-party warranty cover?</p>
Q70	<p>Should owner-builders, or those who renounce the offer of a warranty, be obliged to:</p> <ul style="list-style-type: none"> • Disclose on sale of the building that no warranty is offered? • Purchase a third-party warranty on sale of the building? <p>Yes to both.</p>
Q71	<p>Should building contractors upon retiring or winding up their company be required to transfer warranty service obligations to another party:</p> <ul style="list-style-type: none"> • With prior notice to affected building owners? • With prior consent of building owners? <p>With prior consent. This will ensure customers are not disadvantaged.</p>
Q72	<p>Do you have any other comments on warranties?</p>
PART 3.4: SURETY AS A FINANCIAL BACKSTOP FOR WARRANTIES	
Q73	<p>Do you agree that building contractors should have to disclose whether they have surety backing? If not, why not?</p> <p>A warranty is of little value without surety</p>
Q74	<p>Do you agree that building contractors should be obliged by law to have surety backing? If not, why not?</p>
Q75	<p>What do you see as the benefits and/or costs of mandatory surety? What is your view on when the benefits would outweigh the costs?</p>
Q76	<p>Do you agree with the proposed list of required disclosures about surety? Is there any information that should be added or removed?</p>
Q77	<p>If surety were to be mandatory, should surety providers be restricted in their ability to pursue other negligent parties such as building consent authorities?</p>

Q78	Do you have any other comments about surety?
PART 3.5: BETTER ACCESS TO DISPUTE RESOLUTION	
Q79	Do you agree that consumers currently face barriers or problems in resolving disputes with building contractors? If so, why? Yes, disputes tribunal limits are too low and court costs are too high.
Q80	Do you agree that consumers need more information about options for resolving disputes with building contractors? If so, how could this be provided?
Q81	Do you think there are adequate services available to resolve disputes between consumers and building contractors? If not, what other dispute resolution services do you suggest?
Q82	What would be the characteristics of an appropriate dispute resolution service?
Q83	Do you have any other comments about disputes between homeowners and building contractors?
PART 4: IMPACTS OF IMPROVING BUILDING CONTROL	
Q84	Is it realistic to assume residential consumers, building professionals and tradespeople, and building consent authorities would behave differently if this package of proposals was introduced? Please comment. Yes, but not sure if it would be for the better?
Q85	Have the main benefits of the package of proposals been identified above? If not, what is missing?
Q86	Which benefits do you expect to most significant and why?
Q87	Have the main costs of the package of proposals been identified above and, if not, what is missing?
Q88	Which costs to you expect to be most significant and why?
Q89	What are the main risks associated with the package of proposals?