

## Building Officials Institute of New Zealand

Submission

on

### Proposed Changes to the Licensed Building Practitioner Scheme

The Building Officials Institute of New Zealand (BOINZ or the Institute) appreciates the opportunity to provide comment on the package of proposed changes to the Licensed Building Practitioner (LBP) Scheme

The Institute represents approximately 1300 members engaged in or related to Building Surveying, whether it be in Building Control, property inspection or specialised building inspection. In the private and public sectors, our members are vested in co-regulatory support across the building sector. Our Building Control members support Building Consent Authorities (BCAs) throughout the country in the daily employment in the roles they undertake to affect the right outcomes within regulatory intent.

More so than any other sector, our membership has a birds-eye perspective on the successes and failings of both the regulatory and operational inputs into the Built environment. The Institute is an independent party that does not have a financial interest in a building, and its membership can collectively provide impartial vision for the betterment of the sector. Through our observational and educational resources are well placed to support our fellow stakeholders.

#### **We support the direction of the proposed changes**

BOINZ supports the direction of the proposed changes. We are pleased that the proposals deal with concerns we have had with the LBP scheme and its administration.

#### **We however continue to be disappointed at MBIE's fragmented approach to reform**

Rather than taking a systems approach to the LBP scheme, and enabling stakeholders to comment on all the LBP-related proposals, MBIE is running two sets of consultation processes. We are disappointed that MBIE continues to take a piecemeal approach to regulatory reform in the critical area of building and construction. We would encourage a future approach where MBIE takes the time to package Act, Regulations and Rule proposals together when consulting.

#### **We look forward to being involved going forward**

Notwithstanding the piecemeal approach, BOINZ very much looks forward to working with MBIE on the further proposals due for release in early 2021. We are well placed to comment on matters such as licensing classes, competency requirements and additional to the complaints and disciplinary processes given the flow-on impacts an under-performing LBP scheme has on building officials and the consenting process.

## **Comments on the proposals in this paper**

### *Code of Ethics*

We welcome the establishment of a Code of Ethics as outlined in Proposal 1 and support the proposed principles and expected standards. We have felt such a proposal has been long overdue and the implications of not having a code of practice in place has perversely influenced the behaviours and actions of LBP's to the detriment of their customers as well as to fellow LBP's. We look forward to MBIE providing adequate resources to enforcing this Code and supporting the Board in disciplining LBPs who breach the Code.

### *Administrative Changes*

We support the proposed administrative changes as set out in proposals 2-7. We urge MBIE to continue to look to the skills maintenance regime as a key regulatory tool to ensure LBPs at least maintain minimum standards. In this regard, we encourage MBIE to seek industry input into the skills maintenance requirements, in particular the mandatory elements, on a biennial basis so that the regime is fit for purpose.

### *Changes to the Complaints and Disciplinary Processes*

We support the proposals but as noted earlier, however would prefer the consultation covers proposed amendments to both the Act and the Regulations (not just the former) so that an overall system view can be formed.

In relation to the proposed changes to the Registrar and Board's respective roles, we again support these but submit that it is unclear what would happen if the Board disagreed with the investigator over whether a complaint should be considered by the Board. For example, if the investigator reports that a complaint should not be considered by the Board but the Board considers that it should. What options (if any) does the Board have in this situation? Could they raise it with the Registrar or the chief executive of MBIE?

Thank you for the opportunity to comment on the proposals.

Kind regards



**Nicholas W Hill**

Chief Executive