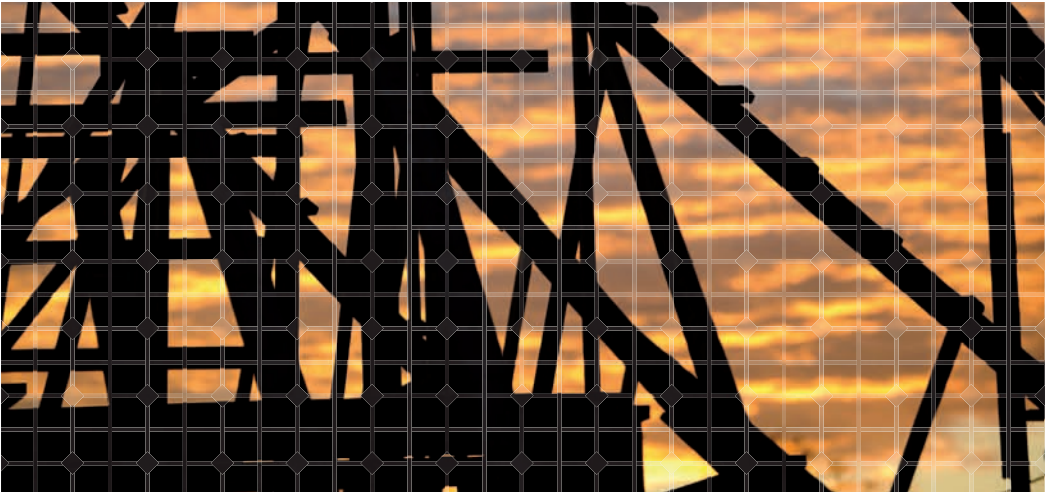




Building Practitioners Board
Annual Report 30 June 2011



Contents

ROLE AND FUNCTIONS OF THE BOARD	2
CHAIRMAN'S REVIEW	3
OBJECTIVES AND OUTCOMES 2010/11	5
STATEMENT OF SERVICE PERFORMANCE	7
LICENSING	9
LICENSING STATISTICS	12
APPEAL STATISTICS	13
STATEMENT OF FINANCIAL PERFORMANCE	15
MEMBERS OF THE BOARD	17
HOW TO CONTACT US	23

Role and functions of the Board

The Building Practitioners Board (the Board) is responsible under the Building Act 2004 for the Licensed Building Practitioners Scheme (the Scheme). The Board is committed to supporting the capability of New Zealand's building construction industry and maintaining building practitioner standards.

The Board is independent of the Department of Building and Housing (the Department), but is supported by the Department in the performance of its role and functions. It is a statutory Board.

The functions of the Board are to:

- approve Rules for licensed building practitioners (LBPs)
- hear appeals against licensing decisions of the Registrar of LBPs
- investigate and hear complaints about LBPs
- review and report to the Minister of Building and Construction (the Minister) each year on its operations.

Chairman's review

In the last year, the increase in the number of Licensed Building Practitioners has been significant. This increased rate of licensing is pleasing, with the targeted number of Licensed Building Practitioners being attainable with the prospect of Restricted Building Work becoming operative in 2012.

As a result, the Board's work has become active in relation to the hearing of appeals and complaints against Licensed Building Practitioners.

A number of appeals have been heard and determined. Some of the Board's decisions have attempted to assist the LBP Registrar in improving the quality of assessment of applicants for licensing by articulating some relevant considerations for the future.

A small number of complaints have been received, with the Board having to decline jurisdiction in some cases because the practitioner was not licensed at the time when the work was carried out. One significant complaint was heard and a decision issued. Other complaints are currently under investigation. These have provided the Board the opportunity to refine and improve its complaints procedures. It is clear that, in the future, complaints investigation is likely to become a significant part of the Board's workload.

The aftermath of the Christchurch earthquakes required the Deputy Chairman of the Board, Paul Blackler, to take temporary leave of absence to allow him to address business and personal issues in Christchurch. His contribution to the Board's work has been missed and the Board looks forward to his return in the near future.

David O'Connell, also from Christchurch, retired from the Board when his term of office expired. David was the National Secretary of the New Zealand Building Trades Union and his grass roots connections allowed him to make a valuable contribution to the Board's work. We wish him well in his retirement.

David has been replaced by Dianne Johnson, a building surveyor from Petone. She brings a wealth of experience to the Board as a result of her extensive industry experience.

I extend my personal thanks to the members of the Board for their wise and conscientious contribution to the Board's work over the year.

The working relationship we have with LBP Registrar, Mark Scully, continues to be harmonious and very helpful to the Board's function. The Board thanks Mark and other staff of the Department for their support and assistance and, in particular, the Board's Secretary, Tracy Goddard, for her conscientious efforts under an increasing workload.

I am pleased to present the Building Practitioners' Board Annual Report to June 2011.

A handwritten signature in black ink that reads "Alan Bickers." The signature is written in a cursive style with a long horizontal stroke at the end.

Alan Bickers, JP
Chairman

Objectives and outcomes 2010/11

OBJECTIVES

The Board's objectives for 2010/11 were to:

- consider and approve amendments to the Rules
- conduct regular Board meetings
- consider appeals
- consider complaints.

The Board has achieved these objectives by its performance. The scheme has become the quality benchmark for building practitioners and is now being supported by the wider industry as is shown in the increasing number of applications.

LICENSED BUILDING PRACTITIONERS RULES 2007

Licensed Building Practitioner Rules 2007 (the Rules) set the minimum standards of competence for building practitioners to become licensed, and detail the procedures for assessing competence, collecting information, and issuing and cancelling licence cards, consistent with the Building Act. The Department develops the Rules in consultation with the Board. The Board approves the Rules.

The competencies required by LBPs, which the Board helped to develop, has led to a robust assessment process which adds to the quality of the LBP Scheme.

In February 2010, the Government introduced a streamlined assessment process for applicants with recognised qualifications, making it easier and cheaper for them to apply to be licensed. Recognised qualifications are set out in Schedule 2 of the Rules.

In August 2010 the Board considered and approved the addition of a further set of recognised qualifications to be included Schedule 2 of the Licensed

Building Practitioners Rules 2007. The Amendment Rules (No 2) 2010 came into effect in October 2010.

BOARD MEETINGS

The Board held ten Board meetings in 2010/11 (exclusive of hearings).

APPEALS

The appeals process is available for building practitioners who want to question the Registrar's decision to decline an application to become licensed, or to suspend or cancel a licence as per the *Building Act 2004*.

The Board received ten appeals in 2010/11. Three appeals were heard and determined, one appeal was awaiting determination, three appeals were withdrawn by the applicant, three appeals were awaiting a hearing.

Appeal hearing outcomes are available online at www.dbh.govt.nz

COMPLAINTS

The Board's role in hearing complaints gives people assurance on the robustness of the Licenced Building Practitioners scheme.

Anyone may complain to the Board about the conduct of a LBP in accordance with the Building Act. The Board must investigate the complaint and determine whether to proceed to a hearing.

The complaint may relate to a person who is no longer a building practitioner, but who was licensed at the time of the relevant conduct.

The Board received five complaints in 2010/11. One complaint was dismissed by the Board as it was not within the Board's jurisdiction. One complaint (received in the previous financial year and placed on hold due to related disciplinary proceedings about the same LBP) was heard, but not determined. Four complaints remain under investigation.

Statement of service performance

Performance measures and standards for the outputs of the Board for the year ended 30 June 2011.

OUTPUT	PERFORMANCE MEASURE	PERFORMANCE STANDARD ACHIEVED
<p>Rules</p> <p>Approve Rules relating to Licensed Building Practitioners</p>	<p>Approve or decline all proposed Rules within 15 working days of receipt from the Department</p>	<ol style="list-style-type: none"> 1. The Board approved the Licensed Building Practitioner Rules 2007, Amendment Rules (No 2) 2010 in August 2010 2. Proposed Rules were dealt with within 15 working days of receipt from the Department
<p>Appeals</p> <p>Hear appeals against decisions of the Registrar</p>	<ol style="list-style-type: none"> 1. Hear and determine appeals within three months of receipt 2. No. of appeals received 3. No. of appeals heard 	<ol style="list-style-type: none"> 1. One appeal was heard and determined within 3 months, two appeals were heard and determined in 3-4 months (Christchurch Appellants) 2. Ten appeals were received. 3. Four appeals were heard 4. Three appeals were determined 5. Three appeals were dismissed

OUTPUT	PERFORMANCE MEASURE	PERFORMANCE STANDARD ACHIEVED
<p>Complaints</p> <p>Investigate and hear complaints, and discipline LBPs in accordance with Regulations</p>	<ol style="list-style-type: none"> 1. Hear and determine complaints within five months of receipt 2. No. of complaints received 3. No. of complaints investigated 4. No. of disciplinary hearings 5. No. of LBPs disciplined 	<ol style="list-style-type: none"> 1. No complaints have been heard but not determined. One complaint is outside of the five month completion target as it had been on hold for a period due to another related disciplinary hearing taking place about the same LBP 2. Five complaints were received 3. One complaint was dismissed by the Board as it was not within it's jurisdiction 4. Four complaints are under investigation
<p>Accountability</p> <p>Produce Annual Report in accordance with section 347 of the Building Act 2004</p>		<ol style="list-style-type: none"> 1. The Board provided the 2009/10 Annual Report to the Minister in October 2010
<p>Board self-review</p> <p>Undertake Board self-review of Board performance</p>	<p>Board self-review completed by 31 October</p>	<ol style="list-style-type: none"> 1. A Board self review was completed in October 2010 (feedback provided to the Board in December 2010 meeting)
<p>Board members' interests register</p> <p>Board members' interests register in place</p>	<p>Board members' interests register reviewed and updated at the start of each Board meeting. Other possible conflicts of interest recorded in minutes</p>	<ol style="list-style-type: none"> 1. Board members' interests were reviewed and updated at the start of each Board meeting and any conflicts recorded in the minutes
<p>Training and Development</p> <p>Provide training and professional development for Board members in performance of functions</p>		<ol style="list-style-type: none"> 1. The Board received a presentation from Alan Bickers on expert witnesses 2. Three members attended a half-day session given by the Office of Auditor General on adhering to legislative mandate

Licensing

RESTRICTED BUILDING WORK

Restricted building work is building work that is critical to the integrity of the building.

Government has agreed that restricted building work will cover:

- the design and construction of the primary structure and external moisture management system for houses and small-to-medium sized apartment buildings; and
- the design of fire safety systems for small-to-medium sized apartment buildings; and

The restricted building work regulations are currently being drafted and will come into effect on 1 March 2012, at which time, all restricted building work will be required to be carried out, or supervised by, a Licensed Building Practitioner holding the appropriate licence.

LICENCE CLASSES

Licence classes are based on specific roles or occupations that are crucial to a building's performance. There are seven licence classes building practitioners may become licensed in.

LICENCE CLASS	INTRODUCED
Carpentry	1 November 2007
Site	1 November 2007
Design	1 November 2007
External Plastering	1 November 2008
Bricklaying & Blocklaying	1 November 2008
Roofing	1 November 2008
Foundations	1 April 2010

AREAS OF PRACTICE

All licence classes, except Carpentry, have 'Areas of Practice', which recognise the different types of work an LBP may do within a licensing class.

In April 2010, single Site and single Design licence classes were introduced to replace the previous three Site and three Design licence classes. The Site and Design classes now each have three areas of practice, based on three new simplified building categories.

The new building categories are complexity based, ranging from simple, low-risk dwellings in category 1 to complex multi-storey commercial in category 3.

The seven licence classes with associated areas of practice are set out below:

LICENCE CLASS	AREA OF PRACTICE	DESCRIPTION
Carpentry	No areas of practice	
Site	S1	Coordinate and oversee the construction or alteration of Category 1 buildings
	S2	Coordinate and oversee the construction or alteration of Category 1, 2 and 3 buildings
	S3	Manage some or all of the construction or alteration of Category 1, 2 and 3 buildings
Design	D1	Design Category 1 buildings
	D2	Design Category 1 and 2 buildings
	D3	Design Category 1, 2 or 3 buildings
External Plastering	E1	Solid plastering
	E2	Proprietary plaster cladding systems (PPCS)
Foundations	F1	Concrete foundation walls and concrete slab-on-ground
	F2	Concrete or timber pile foundations
Bricklaying & Blocklaying	B1	Veneer
	B2	Structural masonry

LICENCE CLASS	AREA OF PRACTICE	DESCRIPTION
Roofing	R1	Concrete or clay tile roof
	R2	Profiled metal roof and/or wall cladding
	R3	Metal tile roof
	R4	Roof membrane
	R5	Torch on roof membrane
	R6	Liquid membrane roof
	R7	Shingle or slate roof

OTHER OCCUPATIONAL LICENSING SCHEMES

Some building practitioners, such as engineers and architects, are already licensed or registered under an existing occupational licensing scheme.

From April 2010, under the LBP scheme, chartered professional engineers are treated as if they are licensed in Site (area of practice 3). Licensed/certifying plumbers and gasfitters are treated as if they are licensed in Roofing, External Plastering, and Bricklaying and Blocklaying.

LICENSING MARKETING PLAN

The Department of Building and Housing implemented a marketing plan in 2010/2011 to drive LBP recruitment. This has consisted of organising nationwide enrolment events through timber merchants, trade suppliers and industry associations supported through print and radio advertising.

The Department also developed partnerships with trade associations and merchants to support workshops and distribute key LBP messages.



Alan Bickers, JP
Chairman

29 September 2011



Paul Blackler
Deputy Chairman

Licensing statistics

NUMBER OF LBPS AND LICENCE CLASSES APPROVED IN

	NUMBER OF LBPS	NUMBER OF LICENCE CLASSES APPROVED IN
At 30 June 2008	196	326
At 30 June 2009	634	1,026
At 30 June 2010	1,154	1,744
At 30 June 2011	5,288	6,165

Notes:

1. Because some LBPs may be licensed in more than one class, the number of licence classes approved in is higher than the number of LBPs.
2. Above figures include suspended licences.

NUMBER OF LBPS BY LICENCE CLASS

	CARPENTRY	SITE	DESIGN	EXTERNAL PLASTERING	BRICKLAYING & BLOCKLAYING	FOUNDATIONS	ROOFING	TOTAL
At 30 June 2008	138	166	22	-	-	-	-	326
At 30 June 2009	412	534	71	1	4	-	4	1,026
At 30 June 2010	729	860	102	7	15	-	31	1,744
At 30 June 2011	4,927	719	133	33	129	33	191	6,165

Notes:

1. Above figures include suspended licences.

Appeals statistics

NUMBER OF APPEALS HEARD & DETERMINED

Set out below are appeals heard by the Board relating to declined licences, suspended licences and cancelled licences. These figures exclude appeals which did not reach a hearing.

DECLINED CARPENTRY LICENCE	DECLINED SITE LICENCE	DECLINED DESIGN LICENCE	DECLINED PLASTERING LICENCE	DECLINED BRICKLAYING & BLOCKLAYING LICENCE	DECLINED FOUNDATION LICENCE	DECLINED ROOFING LICENCE	SUSPENDED LICENCE	CANCELLED LICENCE	TOTAL
----------------------------	-----------------------	-------------------------	-----------------------------	--	-----------------------------	--------------------------	-------------------	-------------------	-------

APPEALS HEARD & DETERMINED

2007-08	-	-	1	-	-	-	-	-	1
2008-09	-	-	4	-	-	-	-	-	4
2009-10	-	-	-	-	-	-	-	-	-
2010-11	1	-	2	-	-	-	-	-	3
TOTAL	1	-	7	-	-	-	-	-	8

APPEALS DECLINED

2007-08	-	-	1	-	-	-	-	-	1
2008-09	-	-	3	-	-	-	-	-	3
2009-10	-	-	-	-	-	-	-	-	-
2010-11	-	-	1	-	-	-	-	-	1
TOTAL	-	-	5	-	-	-	-	-	5

	DECLINED CARPENTRY LICENCE	DECLINED SITE LICENCE	DECLINED DESIGN LICENCE	DECLINED PLASTERING LICENCE	DECLINED BRICKLAYING & BLOCKLAYING LICENCE	DECLINED FOUNDATION LICENCE	DECLINED ROOFING LICENCE	SUSPENDED LICENCE	CANCELLED LICENCE	TOTAL
--	-------------------------------	--------------------------	----------------------------	--------------------------------	--	--------------------------------	-----------------------------	-------------------	-------------------	-------

APPEALS UPHELD

2007-08	-	-	-	-	-	-	-	-	-	-
2008-09	-	-	1	-	-	-	-	-	-	1
2009-10	-	-	-	-	-	-	-	-	-	-
2010-11	1	-	-	-	-	-	-	-	-	1
TOTAL	1	-	1	-	-	-	-	-	-	2

APPEALS DIRECTED TO REGISTRAR FOR REASSESSMENT

2007-08	-	-	-	-	-	-	-	-	-	-
2008-09	-	-	-	-	-	-	-	-	-	-
2009-10	-	-	-	-	-	-	-	-	-	-
2010-11	-	-	1	-	-	-	-	-	-	1
TOTAL	-	-	1	-	-	-	-	-	-	1

Statement of financial performance

The information contained in this statement will form part of the Department's consolidated statements. The Board is not a body corporate.

2010/11 FINANCIAL PERFORMANCE

	ACTUAL 2010/2011 \$	ESTIMATE 2010/2011 \$
Revenue		
Department of Building & Housing	116,270	142,326
Licensed Building Practitioners Board Levies	26,225	79,070
TOTAL REVENUE	142,495	221,396
Expenses		
Personnel (Board Secretary)	31,226	30,466
Board fees and costs (Board member fees, travel, food, accommodation, venue hire, catering, training, conferences)	73,071	153,180
Operating (All other costs)	38,198	37,750
TOTAL EXPENSES	142,495	221,396

Notes:

1. The Department is responsible under the Building Act 2004 for funding the Board and managing the Board's finances and accounts.
2. The Department has prepared the 'Statement of Financial Performance' for the Board.
3. The actual 2010/11 Board fees and costs were lower than the estimated Board fees and costs due to the lower than expected numbers of appeals and complaints heard.

PREVIOUS FIVE YEARS' FINANCIAL PERFORMANCE

	ACTUAL 2006/07 \$	ACTUAL 2007/08 \$	ACTUAL 2008/09 \$	ACTUAL 2009/10 \$	ACTUAL 2010/11 \$
Revenue					
Department of Building & Housing	149,944	146,440	136,180	121,951	116,270
Licensed Building Practitioners Board Levies	0	0	0	12,839	26,225
TOTAL REVENUE	149,944	146,440	136,180	134,790	142,495
Expenses					
Personnel (Board Secretary)	40,484	35,619	28,166	30,275	31,226
Board fees and costs	38,825	47,211	52,109	66,369	73,071
Operating (All other costs)	70,635	63,610	55,905	38,146	38,198
TOTAL EXPENSES	149,944	146,440	136,180	134,790	142,495

Notes:

1. In the first four years of operation (2005-06 to 2008-09), Board fees included only fees paid to Board members.
2. From 2009-10 Board fees and costs have been reported together (Board costs include such things as travel, accommodation, food, catering, venue hire). As a result Operating costs are lower than in previous years, due to the shift in where Board costs are allocated.

Members of the Board



ALAN BICKERS (CHAIR)

Mr Bickers currently provides dispute resolution, management and governance services to public and private sector clients and is an independent resource consent commissioner for regional and territorial local authorities.

He holds a Bachelor of Engineering (Civil), Graduate Diploma in Business Studies (Dispute Resolution) and is a Chartered Professional Engineer. He is a Distinguished Fellow of the Institution of Professional Engineers New Zealand, a Fellow of the Arbitrators' and Mediators' Institute of New Zealand and a Justice of the Peace.

Mr Bickers has worked for four local authorities, most recently as Chief Executive of Tauranga City/District Council (1987-1995). He has served on the Standards Council of New Zealand (1993-1997), Bay of Plenty District Health Board and Transit New Zealand Board (1997-2004), which he Chaired for three-and-a-half years. He has a lengthy involvement with the Institution of Professional Engineers New Zealand (including President 1991-1992) and many years experience on the IPENZ Disciplinary Committee. He was appointed to the Plumbers, Gasfitters and Drainlayers' Board in 2011.

Mr Bickers was appointed in 2005 and is from Tauranga. Mr Bickers' current term expires in 2013



PAUL BLACKLER (DEPUTY CHAIR)

Mr Blackler is General Manager – Southern Region for Mainzeal Property and Construction Ltd.

Mr Blackler is a trade-certified carpenter and has served on the Boards of Canterbury Registered Master Builders and Site Safe New Zealand. He is Chairman of the Christchurch Polytechnic Institute of Technology Trades Innovation Institute Advisory

Board, and is a member of the New Zealand Institute of Building (NZIOB).

In 1997, Mr Blackler received the NZIOB/James Hardie Award for Excellence in the Building Profession (residential).

Mr Blackler was appointed in 2005 and is from Christchurch. Mr Blackler's current term expires in 2015.



DAVID CLARK

Mr Clark is a senior partner of law firm Wilson McKay, undertaking a range of commercial and civil litigation work. Clients include homeowners, developers, contractors, builders and financiers.

Mr Clark gained his Bachelor of Laws in 1987 and was admitted to the Bar in 1988. He is an Associate of the Arbitrators' and Mediators' Institute of New

Zealand and is currently engaged by the Department as a Weathertight Homes Resolution Service Mediator. He is also the former Chair of the Electricity and Gas Disputes Resolution Service and a Board member of Youthtown New Zealand.

Other professional activities include being a Code of Conduct Commissioner for New Zealand Cricket and a faculty member of the New Zealand Law Society Litigation Skills programme.

Mr Clark was appointed in 2005 and is from Auckland. Mr Clark's current term expires in 2015.



JANE CUMING

Ms Cuming is currently Building Standards Manager for PlaceMakers, working with their suppliers and customers on regulatory changes at a technical level.

She is a trade certified carpenter and holds a Certificate in Teaching Adults. Previous roles include Education Advisor for the Building Industry Authority and Technical Sales Representative for James Hardie Building Products.

Ms Cuming is past President and current member of the National Association of Women in Construction.

Ms Cuming was appointed in 2005 and is from the Kapiti Coast. Ms Cuming's current term expires in 2011.



BRIAN NIGHTINGALE

Mr Nightingale is a director of Building and Construction Services Ltd. Before this, he was General Manager of McKee Fehl Constructors Ltd. He is the Government appointed representative on the Eden Park Redevelopment Board, responsible for the overall redevelopment of Eden Park for the Rugby World Cup 2011. Mr Nightingale has held a number of building-related board appointments, including

Chair of the Registered Master Builders Technical Advisory Committee.

Mr Nightingale was appointed in 2010 and is from Lower Hutt. His term expires in 2013.



DAVID O'CONNELL

Mr O'Connell is currently National Secretary, New Zealand Building Trades Union (NZBTU), liaising widely with industry representatives and representing NZBTU on trade training organisations.

Mr O'Connell is a time-served carpenter and a Justice of the Peace.

Mr O'Connell has 30 years' experience with NZBTU, with current board appointments including Vice Chairman of the Joinery Industry Training Organisation and Board member of Site Safe New Zealand. He is also on the Board of the Building Construction Industry Training Organisation and a Board member of Unimed Medical Insurance. He has been a member on apprenticeship committees and training organisation boards setting competencies for trainees.

Mr O'Connell was appointed in 2005 and is from Banks Peninsula, Canterbury. Mr O'Connell's current term expires in 2011.



BILL SMITH

Mr Smith has 30 years experience in the building industry, largely in management roles at Carter Holt Harvey and Fletcher Building and he holds a Bachelor of Commerce.

He holds numerous Board statutory and private appointments. Mr Smith is Chair of the Building Industry Federation of New Zealand, and the Productivity Partnership and Building Advisory Panel, which report to the Chief Executive Officer of the Department of Building and Housing. He also is a Director of the Asthma Foundation and a member of the Building Research Advisory Panel. Mr Smith previously was a Director of EECA and two retirement pension plans.

Mr Smith, was appointed in 2010, and is from Auckland. His term expires in 2013.



COLIN ORCHISTON

Mr Orchiston is Principal of Orchiston Architects Ltd: Architecture and Dispute Resolution. Since 1976 his experience in architecture has included management roles in both small practice and a large multidisciplinary consultancy. Since 1993 his involvement in building disputes has included both litigation support and dispute resolution.

Mr Orchiston is a Registered Architect and also holds qualifications in valuation and dispute resolution. He is a Fellow of the New Zealand Institute of Architects and of the Arbitrators' and Mediators' Institute of New Zealand. He serves on arbitration, adjudication and mediation panels for the latter.

Mr Orchiston was appointed in 2005 and is from Wellington. His current term expires in 2011.



Board Members

Top row (from left): Colin Orchiston, David O'Connell, Brian Nightingale, Bill Smith
Bottom row (from left): Jane Cuming, Alan Bickers (Chairman), Paul Blackler (Deputy Chairman), David Clark.

HOW TO CONTACT US

Building Practitioners Board
Level 6, 86 Customhouse Quay
PO Box 10729
Wellington 6143
New Zealand

Phone: 0800 60 60 50

Fax: (04) 494 0290

Email: bpb@dbh.govt.nz

New Zealand Government

Printed in October 2011 by
Department of Building and Housing
PO Box 10729
Wellington 6143
New Zealand

This document is also available
on the Department's website:
www.dbh.govt.nz

ISSN 1177-5742