



Building Practitioners Board

Annual Report 30 June 2012



Contents

ROLE AND FUNCTIONS OF THE BOARD	2
CHAIRMAN'S REVIEW	3
OBJECTIVES AND OUTCOMES 2011/12	5
STATEMENT OF SERVICE PERFORMANCE	8
LICENSING STATISTICS	11
APPEALS STATISTICS	13
COMPLAINTS STATISTICS	16
FINANCIAL PERFORMANCE	17
MEMBERS OF THE BOARD	18
HOW TO CONTACT US	24

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 and 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

The introduction of Restricted Building Work (RBW) on 1 March 2012 has been a significant milestone in the implementation of the Licensed Building Practitioner (LBP) Scheme. It resulted in a deluge of applications over the period around RBW implementation, notwithstanding that building practitioners and designers had been urged to apply well in advance.

The volume of applications exceeded the capacity of the Department of Building and Housing's (DBH's) resources as the peak volume was many times greater than anticipated. The Board commends the DBH and the Registrar of LBPs, in particular, on steps taken to address the backlog in processing applications.

There has been a corresponding increase in the volume of appeals against the Registrar's decisions that have to be addressed by the Board. While the Board has increased the number of days on which it must meet to four per month, it was not able to meet its target for hearing and determining appeals. DBH increased the support provided to the Board to assist with this, which was appreciated.

It is apparent that with the large number of LBPs working, there will be a significant number of complaints in the future. Some will relate to commercial disputes which are not within the jurisdiction of the Board to determine.

The Board has already received a number of complaints and this has allowed it to further develop and refine its processes. It is clear, if the Board's investigation of these is to be thorough and fair, the existing target for addressing complaints is unrealistic. The appointment of a Complaints Adviser to assist the Board has been much appreciated and has assisted in expediting resolution of many issues.

The Board has raised with DBH its concerns about the application of the Site licence in relation to RBW and also the "deeming" provisions currently applying to Registered Plumber's and Gasfitters requesting that these provisions be reviewed.

The Board thanks the Registrar, Mark Scully, the Secretaries, Tracy Goddard and Pam Lwee and other DBH personnel who support the Board for their assistance.

It was regrettable that Paul Blackler, the Deputy Chair of the Board, found it necessary to resign earlier this year because of business and personal commitments in Christchurch. Paul's wise contribution to the Board's work since his appointment in 2005 will be greatly missed by me and the rest of the Board. We wish him well for the future.

The Board also acknowledges the contribution of Katrina Bach, the Chief Executive of DBH, who is retiring from that role. Her contribution to the LBP Scheme and the establishment of the Board has been vital to its current operations.

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 2011/12

OBJECTIVES

The Board's 2011/12 objectives were to:

GOVERNANCE	<ul style="list-style-type: none">• Agree the Service Level Agreement with DBH by 30 June 2012.• Have the Accountability Agreement with the Minister in place by 30 June 2012.• Complete and agree the Annual budget with DBH by 30 June 2012.• Provide the Annual Report to the Minister by 31 October 2012.
APPEALS	<ul style="list-style-type: none">• Hear and determine appeals within 3 months, from 1 July 2011.• An adjustment to the above objective was agreed by the Board at the 26 March 2012 Board meeting – to hear and determine appeals within 4 months, from 27 March 2012
COMPLAINTS	<ul style="list-style-type: none">• Hear and determine complaints within 6 months.
COMMUNICATIONS	<ul style="list-style-type: none">• Negotiate with the DBH a Board Communications Strategy.

GOVERNANCE

The Board met all of its objectives in relation to governance.

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 per the Building Act 2004.

In the 2011/12 year (to 30 June 2012):

- 48 appeals were received.
 - 26 appeals were heard and determined.
- Under the 3 month target to hear and determine appeals:
 - 7 appeals were heard and determined inside of 3 months.
 - 7 appeals were heard and determined outside of 3 months.
- Under the 4 month target to hear and determine appeals:
 - 12 appeals were heard and determined inside of 4 months.
 - No appeals were heard and determined outside of 4 months.

In late 2011/early 2012, the number of appeals received increased. At the 26 March Board meeting, the Board agreed to adjust the 3 month target to hear and determine appeals to 4 months, effective 27 March 2012.

With the introduction of Restricted Building Work (RBW) on 1 March 2012, the Department of Building and Housing (DBH) experienced a substantial increase in the numbers of applications for persons wishing to be Licensed Building Practitioners (LBPs). Along with this was a substantial increase in the number of appeals against the Registrar’s decisions needing to be heard by the Board. In response to this, the Board increased the number of days devoted to appeal hearings, but struggled to cope with the influx.

The Board therefore sought a revised performance target from the Minister for the 2012/13 year – to hear and determine 90% of appeals within 6 months. If, and when, appeal numbers reduce the Board would intend to return to the former performance target.

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

COMPLAINTS

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 or not to proceed to a hearing.

In the 2011/12 year (at 30 June 2012):

- 8 complaints were received.
- 4 complaints were resolved.
- 8 preliminary investigations were completed.

- 8 Registrar investigations were completed.
- No complaints were heard.

Again, with the introduction of RBW the number of complaints increased. The Regulations specify that the Board follow defined procedures and the Board seeks to achieve the following outcomes:

- A rigorous investigation process for legitimate complaints.
- Observance of the rules of natural justice to be fair to the LBP complained about.
- Optimal costs of the investigation and the Board's inquiry.

The Board's procedures are subject to constant review not only by itself, but also by DBH. An experienced barrister reviewed the process endeavouring to find efficiencies.

As a result of the review, the Board concluded that the 2011/12 performance target, to hear and determine complaints within 6 months, was not attainable if the Board's desired outcomes (above) were also to be met.

The Board therefore has sought a revised performance target from the Minister for the 2012/13 year, to hear and determine 90% of complaints within 8 months.

COMMUNICATIONS

The Board successfully negotiated a Board Communications Strategy with the DBH. The aim of the strategy is to:

- Inform industry and members of the public about the Board and its role.
- Communicate the Board's decisions in regard to Appeals and Complaints
- Assist the Board to maintain relationships with related occupational licensing boards and authorities - the key related Board/authorities are the Registered Architects Board, the Chartered Professional Engineers Council, the Institution of Professional Engineers, and the Plumbers, Gasfitters and Drainlayers Board.
- Assist the Board to maintain relationships with key stakeholders.

Statement of service performance

Performance measures and standards for the outputs of the Board for the year ended 30 June 2012.

OUTPUT	PERFORMANCE MEASURE	PERFORMANCE STANDARD ACHIEVED
<p>Complaints</p> <p>Investigate, hear complaints and discipline licensed building practitioners in accordance with Regulations.</p>	<p>Hear and determine complaints within 6 months of receipt.</p> <p>Annual Report to contain:</p> <ul style="list-style-type: none"> • No of complaints received • No of complaints investigated • No of disciplinary hearings • No of LBPs disciplined 	<ul style="list-style-type: none"> • 8 complaints were received. • 4 complaints were resolved. • 8 preliminary investigations were completed. • 8 Registrar investigations were completed. • No complaints were heard. <p>With the introduction of Restricted Building Work in early 2012 the number of complaints received increased. A review of the complaints procedures was undertaken and as a result of this it was deemed necessary to adjust the 2012/13 target to hear and determine 90% of complaints within 8 months.</p> <p>Detailed complaint figures are contained in the Annual Report.</p>

OUTPUT	PERFORMANCE MEASURE	PERFORMANCE STANDARD ACHIEVED
<p>Appeals</p> <p>Hear appeals against decisions of the Registrar.</p>	<p><i>From 1 July 2011–26 March 2012</i></p> <p>Hear and determine appeals within 3 months of receipt.</p> <p><i>From 27 March 2012–30 June 2012</i></p> <p>Hear and determine appeals within 4 months of receipt. This shift was agreed by the Board at the 26 March 2012 Board meeting in response to a significant increase in appeals received.</p> <p>Annual Report to contain:</p> <ul style="list-style-type: none"> • No of appeals received • No of appeals heard 	<ul style="list-style-type: none"> • 48 appeals were received. • 26 appeals were heard and determined. • Under the 3 month target to hear and determine appeals: <ul style="list-style-type: none"> – 7 appeals were heard and determined within 3 months. – 7 appeals were heard and determined outside of 3 months. • Under the 4 month target to hear and determine appeals: <ul style="list-style-type: none"> – 12 appeals were heard and determined within 4 months. – No appeals were heard and determined outside of 4 months. <p>In late 2011/early 2012 the number of appeals received increased. At the 26 March Board meeting, the Board agreed to shift the 3 month target to hear and determine appeals to 4 months, effective 27 March 2012.</p> <p>With the introduction of Restricted Building work, the number of appeals received again significantly increased. The Board struggled to cope with the significant numbers and in response to this the 2012/13 target has been revised to hear and determine 90% of complaints within 6 months. If, and when, the appeal numbers reduce, the Board would intend to return to the former target of 3 months.</p> <p>Detailed appeal figures are contained in the Annual Report.</p>

OUTPUT	PERFORMANCE MEASURE	PERFORMANCE STANDARD ACHIEVED
<p>Rules</p> <p>Approve rules relating to licensed building practitioners.</p>	Approve or decline all proposed rules within 15 working days of receipt from the Department.	No new rules were proposed.
<p>Accountability</p> <p>Produce Annual Report in accordance with section 347 of the Building Act</p>	Annual report provided to the Minister by 31 October 2011.	The 2011/12 Annual Report was provided to the Minister in October 2011.
<p>Self Review</p> <p>Undertake Board self review of Board performance.</p>	Board self review to be completed by 31 October 2011.	A self review was completed in October 2011.
<p>Board members' Interests Register</p> <p>Register of Board members' interests in place.</p>	Board members' Interests Register reviewed and updated at the start of each Board meeting. Other possible conflicts of interest recorded in minutes.	Board members' disclosures of interest were reviewed and updated at the start of each Board meeting. Conflicts of interest were recorded in minutes.
<p>Training & Professional Development</p> <p>Provide training and professional development for Board Members in performance of functions.</p>	At least 1 day's training per annum for Board members (collective or individual), on appropriate subject matter.	<p>A 1/2 day of training was provided to seven members on conducting hearings and writing decisions.</p> <p>A 1 day Occupational Licensing Forum was attended by the Chairman and Deputy Chairman.</p> <p>A 1 day Electrical Workers Registration Board complaint hearing was observed by two members.</p> <p>A 1 day Plumbers, Gasfitters and Drainlayers Board complaint hearing was observed by one member.</p>

Alan Bickers, JP
Chairman



11 September 2012

David Clark
Deputy Chairman

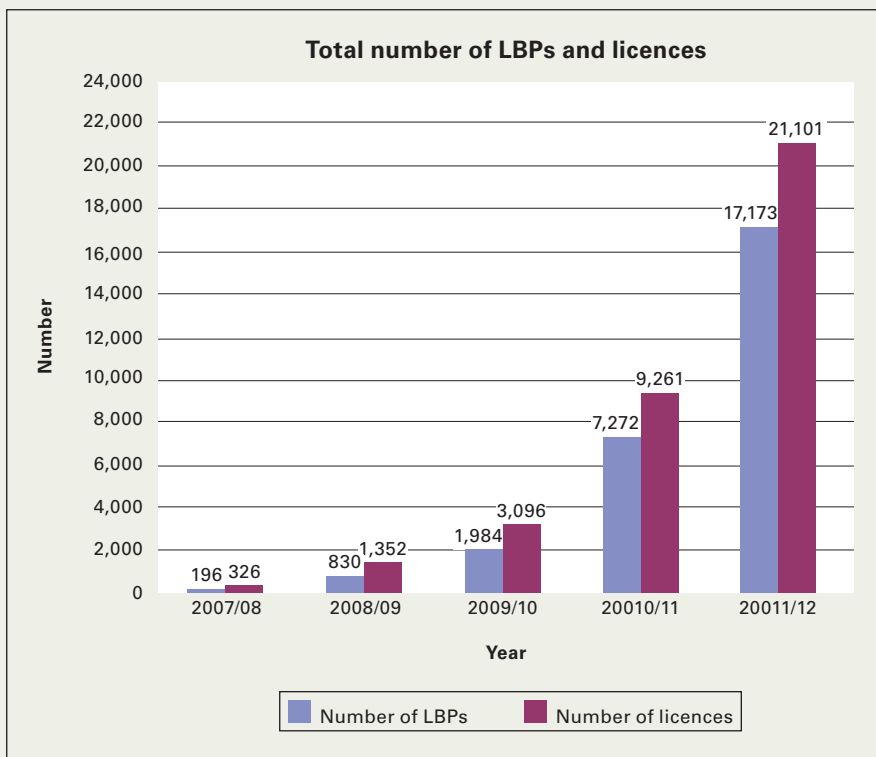


11 September 2012

Licensing statistics

TOTAL NUMBER OF LBPS AND LICENCES TO DATE

Set out below are the total number of LBPs licensed and number of licences held.



ANNUAL NUMBER OF LICENCES GRANTED BY LICENSING 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
At 30 June 2012	13,469	4,275	1,524	328	685	145	675	21,101

Appeals statistics

The below appeal figures are activity based whereby figures are reported in the year an activity takes place, versus the year an appeal is received.

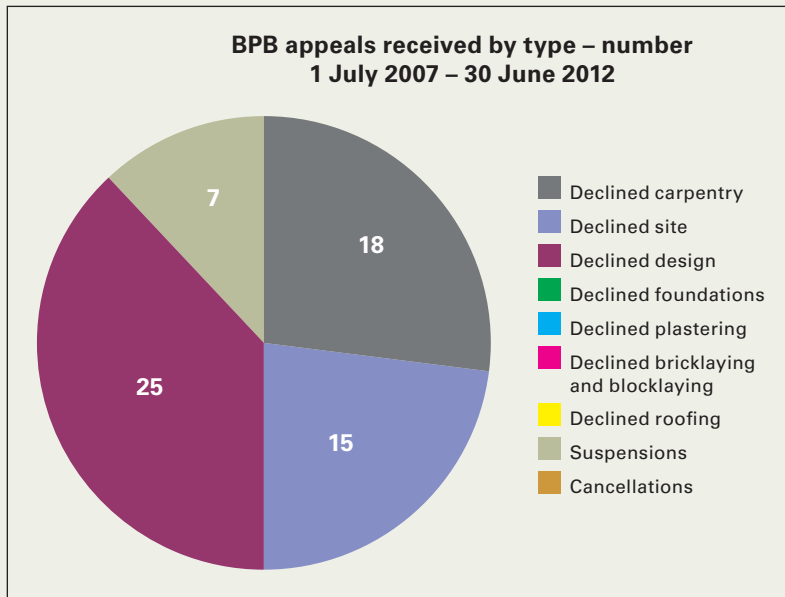
For example, an appeal may be recorded as being 'received' in the 2010/11 figures, however recorded as being 'heard' in the 2011/12 figures.

SUMMARY OF APPEAL ACTIVITY

	2011/12 FY TOTAL (AT 30 JUNE 2012)	TOTAL TO DATE (AT 30 JUNE 2012)
Appeals received	48	63
Appeals heard	31	41

APPEALS RECEIVED BY TYPE

A total of 63 appeals have been received to date (to 30 June 2012). Set out below are appeals received to date by type relating to declined, suspended and cancelled licences.

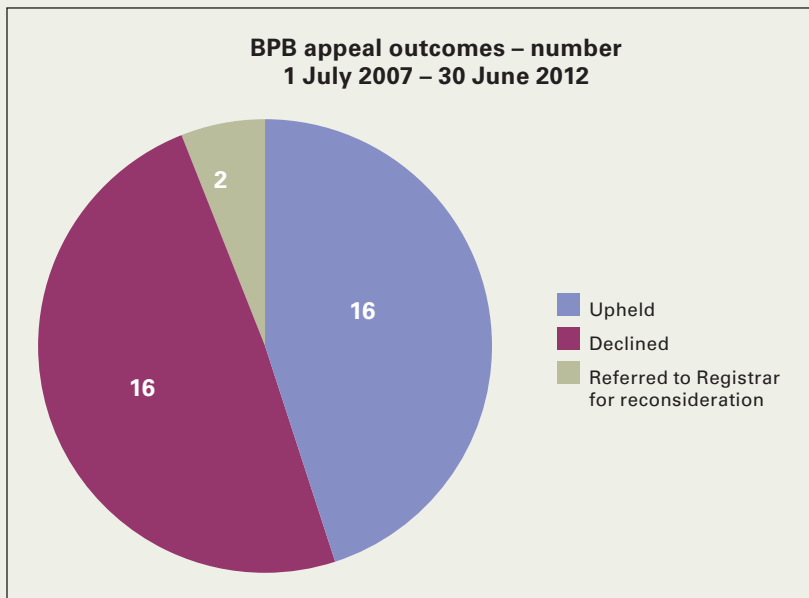


Notes:

1. The total number of appeals received to date do not equal the total detailed in the pie chart as some Appellants appeal more than one licensing class.

APPEAL OUTCOMES TO DATE

Set out below are appeal outcomes to date (to 30 June 2012).



Complaints statistics

The below complaints figures are activity based whereby figures are reported in the year an activity takes place, versus the year a complaint is received.

For example, a complaint may be recorded as being 'received' in the 2010/11 figures, however recorded as being 'determined' in the 2011/12 figures.

SUMMARY OF COMPLAINT ACTIVITY

	2011/12 FY TOTAL (AT 30 JUNE 2012)	TOTAL TO DATE (AT 30 JUNE 2012)
Complaints received	8	15
Complaints resolved	4	7
Complaints investigated ¹		
a. Preliminary stage completed	8	15
b. Registrar stage completed	8	9
c. Board investigation completed	0	1
Disciplinary hearings held	0	1
Complaints determined	0	1
LBP's disciplined	0	0

Notes:

1. There are three stages to an "investigation":
 - a. **Preliminary stage** – tests to see if the Board has jurisdiction to investigate the complaint.
 - b. **Registrar stage** – tests to see whether there is a prima facie case for further investigation by the Board.
 - c. **Board investigation stage.**

Financial performance

The Board is not a body corporate and does not have independent financial status. The Board's revenue and expenses are managed on behalf of the BPB by the DBH as part of the LBP scheme.

For information about the financial performance of the LBP scheme please refer to the DBH Annual Report.

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 with his last position 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 on the Board of Transit New Zealand (1997-2004), where he was Chair 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 and is the current Chairman.

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 resigned from the Board in early 2012, effective 31 March 2012.

DAVID CLARK



Mr Clark is a Senior Partner of 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 its 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 2014.

DIANNE JOHNSON



Ms Johnson is Managing Director of Capital Improvements Ltd, undertaking building surveyor consultancy services throughout New Zealand.

Ms Johnson holds a NZ Certificate in Draughting (Architectural) and Diploma in Business Studies (Dispute Resolution). She has previously held executive roles with the NZ Institute of Building Surveyors and is a current member of National Association of Women in Construction and associate member of the Arbitrators' and

Mediators' Institute of New Zealand.

Ms Johnson was appointed in 2011 and is from Petone. Her term expires in 2014.

BRIAN NIGHTINGALE



Mr Nightingale is a Director of two building consultancy companies, Building & Construction Services Ltd and Leighs Construction Ltd. Prior to this he was General Manager of McKee Fehl Constructors Ltd.

He is a Registered Construction Manager, Fellow of the New Zealand Institute of Quantity Surveyors and a member of the New Zealand Institute of Building.

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.

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 2014.

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.

Mr Smith holds numerous Board statutory and private appointments. He is Chair of the Building Industry Federation of NZ, and Chair of the Productivity Partnership and Building Advisory Panel for the Department of Building and Housing.

He is a Director of the Asthma Foundation. He previously was a Director of EECA and two retirement pension plans, and a member of the Building Research Advisory Panel.

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

BUILDING PRACTITIONERS BOARD



From left: Jane Cuming, Brian Nightingale, Alan Bickers (Chairman), David Clark (Deputy Chairman), Dianne Johnson, Bill Smith, Colin Orchiston.
Absent: Paul Blackler.

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

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