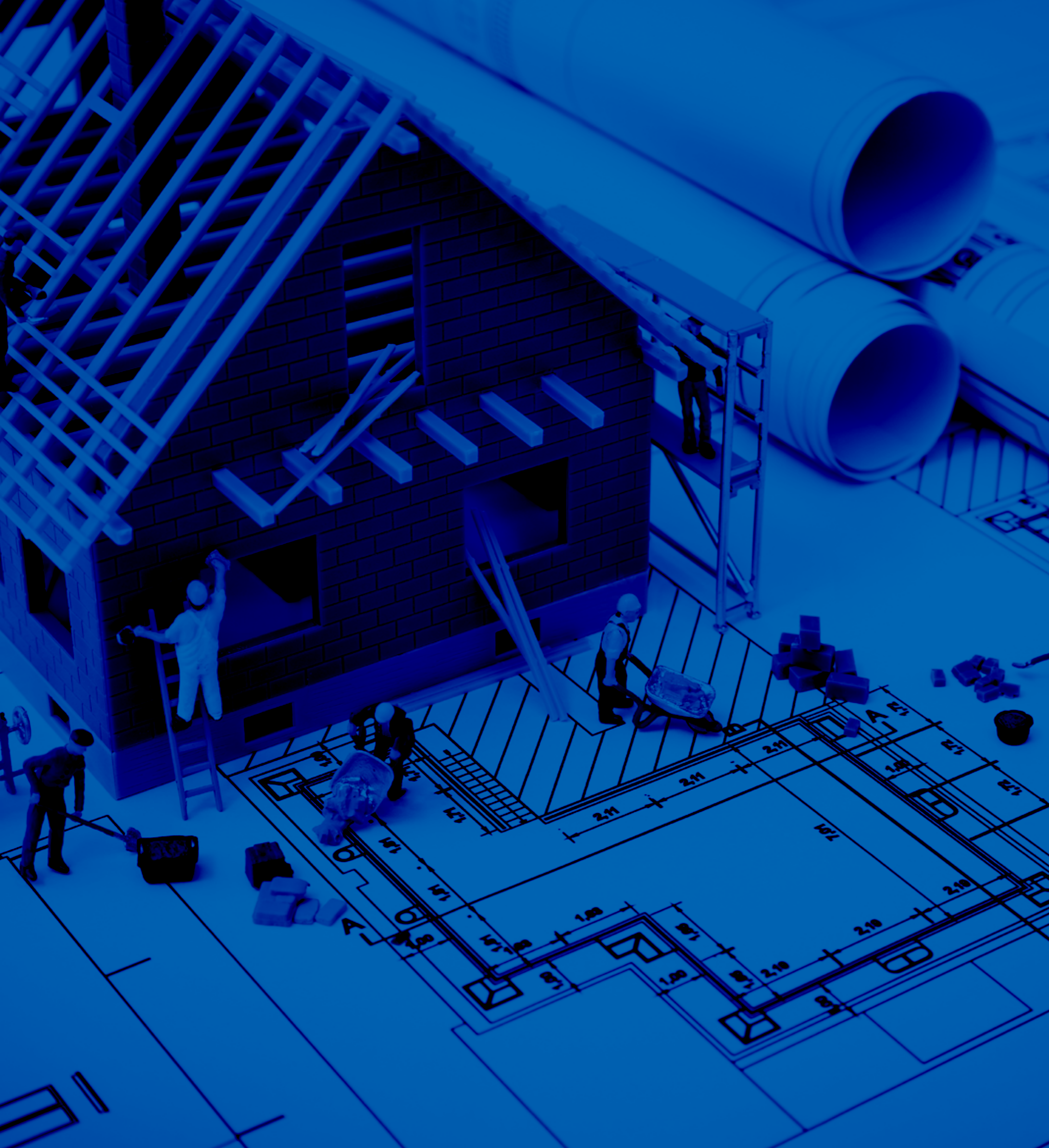


ANNUAL REPORT 2021

BPB | Building Practitioners Board
Te Poari Kaupapa Kaiwaihanga Whare



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ROLE AND FUNCTIONS OF THE BOARD



The Building Practitioners Board (the Board) is a statutory body constituted under Part 4 of the *Building Act 2004*. It plays an important role in the Licensed Building Practitioners Scheme (the Scheme).

The functions of the Board are to:

- › hear appeals against licensing decisions of the Registrar of Licensed Building Practitioners (LBPs)
- › investigate and hear complaints about LBPs
- › approve Rules for LBPs
- › annually review and report on its operations to the Minister of Building and Construction.

The Board is independent of the Ministry of Business, Innovation and Employment (the Ministry), but is supported by the Ministry in the performance of its functions.

The Board is committed to supporting the capability of New Zealand's building and construction industry and maintaining building practitioner standards.

BOARD CHAIR'S REVIEW



Well, it has been another solid year for the Board and the Ministry. I would like to thank both for their continued support in making sure the handling, processing and dealing with complaints is done in an efficient and effective manner.

This work is important to make sure that we uphold the standards of the licenced building practitioner's scheme, deal with the licence holders in a timely and respectful way, upholding the principles of natural justice.

The Board has met all the performance indicators and expectations of the Minister in performing its duties and continues to look at its own processes and procedures to make sure that both complainants and respondents are dealt with in a fair and consistent manner and as quickly as can be achieved.

In terms of the types of complaints heard, the themes from previous years have not changed. Practitioners still do not understand their obligations in regard to the provision of the Record of Work to the homeowner and territorial authority, some are still building prior to a building consent being issued or in some cases not issued at all and we continue to see poor supervision resulting in substandard work.

Having said the above the number of complaints this year was down on the previous year and still remains relatively low given the number of licence holders in addition to the real increase in building work undertaken this last year.

Looking forward the Board will continue to look at ways it can work better. The introduction of a code of ethics will no doubt increase the workload if introduced in 2022 and the current building boom may see an increase in complaints given the considerable pressure the industry is under.

So again, thanks to my fellow Board members for the work they have done over the year, and I look forward to working with you and the Ministry to meet the expectations of the Minister, the industry, and the public.

Chris Preston

Chris Preston
CHAIR





2020/21 AT A GLANCE



**198 Complaints/
Board Inquiries**
considered by the Board



176 Investigations
completed by the Registrar



17 Inquiries
initiated by the Board



102 Complaints
upheld



117 Complaints
determined following hearing



15 Appeals
against the Registrar determined



**STATEMENT OF
SERVICE
PERFORMANCE**

The Board's performance expectations and measures for 2020/21 set by the Minister are outlined below.

EXPECTATIONS	MEASURES	ACHIEVEMENT
Legislative obligations The Board meets all obligations under relevant legislation, including reporting under the Act.	All legislative obligations are met and performance against its obligations is reported in its Annual Report.	Achieved. Annual Report provided to the Minister by 31 October 2020.
Licensed Building Practitioners Rules 2007 Approve Rules relating to Licensed Building Practitioners in a timely way.	Approve or decline all proposed Rules within 30 working days of receipt from Ministry.	No Rule changes were proposed in this financial year.
Complaints Investigate complaints, hear complaints and discipline Licensed Building Practitioners efficiently and in accordance with Regulations.	Determine 90% of complaints within 60 working days of the date of the hearing. The complaint and disciplinary process from beginning to end is regularly reviewed.	Achieved. 94% of complaints were determined within 60 working days of the date of the hearing. The complaints and disciplinary process was regularly reviewed. The Board held three Complaints Workshops with the Ministry.
Appeals Hear appeals against decisions of the Registrar in a timely way.	Determine 85% of appeals within 60 working days of receipt of complete appeal.	Achieved. 87% of appeals were heard and/or determined within 60 working days of receipt of complete appeal.
Service Level Agreement with Ministry Develop, implement and monitor a Service Level Agreement that sets out the expected service levels to be provided by the Ministry and Registrar.	Performance against the agreed service levels is reviewed by 31 March each year, to inform consideration of the next Service Level Agreement	Achieved. No changes were made to the Service Level Agreement in 2020/21.
Board self-appraisal The Board undertakes an annual self-appraisal of its performance as a Board and provides a summary to the Ministry.	A summary of the self-appraisal is received by 31 October each year, identifying areas which are working well for Board members, areas for improvement, and the action the Board intends to take as a result.	Achieved. An independent review of the Board's performance was undertaken using the Council of Australasian Tribunals (COAT) Excellence Framework. The Board is working through the recommendations that resulted from the review.

EXPECTATIONS	MEASURES	ACHIEVEMENT
Board member succession The Board provides the Ministry with its views on membership and succession.	The Board's review shows the current skills and experience of Board members and identifies any gaps and proposals for the Minister to consider in future appointment rounds.	Achieved. The Board worked actively with the Ministry's Governance team and provided a view of the future makeup of the Board, with consideration to skills and experience, gender balance and ethnic diversity.
Professional development Board members undertake professional development in the performance of their functions.	Training is available for Board members for at least four half-days of development per annum.	Board members undertook the Tūtira Mai NZ - Cultural Competence Training in the 2020/21 year. Board members attended the COAT Conference (virtual attendance).



Chris Preston
BOARD CHAIR

20 October 2021



Mel Orange
DEPUTY CHAIR

LICENSING

Total number of LBPs and licences

At 30 June 2021, 27,138 individual LBPs were licensed with a total of 31,461 licences issued. The difference in individual LBPs and licences issued reflects LBPs that hold more than one licence. This is an increase from 2020, where there were a total of 25,761 individual LBPs. Overall licence numbers have rebounded and continued to increase after a slight decrease in 2019.

Total number of licences by licensing class, previous 3 years

	BRICKLAYING AND BLOCKLAYING	CARPENTRY	DESIGN	EXTERNAL PLASTERING	FOUNDATIONS	ROOFING	SITE	TOTAL
AT 30 JUNE 2019	854	19,806	2,458	461	335	1,259	4,550	29,723
AT 30 JUNE 2020	834	20,368	2,523	460	361	1,329	4,493	30,368
AT 30 JUNE 2021	852	21,281	2,641	463	391	1,359	4,474	31,461

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 pursuant to the Building Act 2004.

Appeals activity summary for the previous 3 years

CARRIED FORWARD/RECEIVED	2018/19	2019/20	2020/21
Carried forward from previous year	2	2	1
Received – declined licence applications	10	17	15
Total	12	19	16
HEARD			
Hearings held	10	16	10
DETERMINED (CLOSED)			
Determined – following hearing	10	17	9
Determined – withdrawn	–	1	6
Total	10	18	15
IN PROGRESS AT YEAR END			
Active – not yet determined by the Board	2	10	1



Performance measures summary

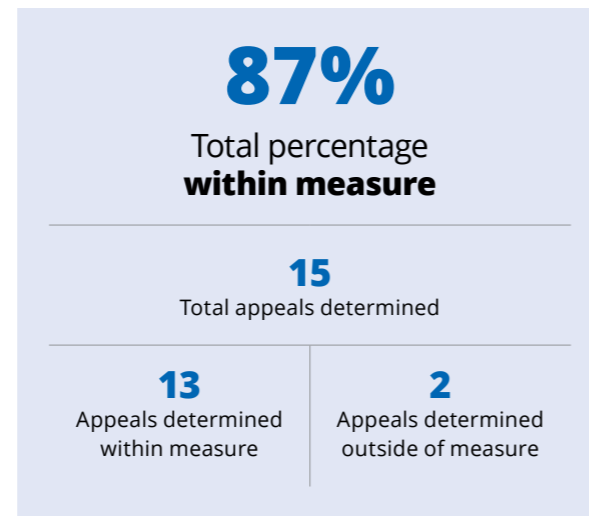
Target

Determine 85% of appeals within 60 working days of receipt of complete appeal.

Performance

The Board met its target in relation to appeals.

15 new appeal applications were received for the 2020/21 year relating to declined licences and one appeal rolled over from the 2019/20 financial year. This was consistent with the previous year, and is in line with the average received in recent years. The number of licensing decisions appealed still equates to less than one percent of the total number of licence applications.



Appeal hearing outcomes - appealing declined licence application

CARRIED FORWARD/RECEIVED	NUMBER	%
Upheld (licence granted)	3	20%
Withdrawn	6	40%
Not upheld (licence not granted)	6	40%
Total	15	100%



COMPLAINTS

Any person may complain to the Board about the conduct of a licensed building practitioner in accordance with the Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008 and the Building Act 2004.

The Board may initiate an inquiry into matters about the conduct of a licensed building practitioner raised by its own inquiries or raised after a complainant decides not to proceed with a complaint and submits a withdrawal.

The Board received 173 new complaints and initiated 17 Board inquiries this year. Complaint volumes have reduced this financial year, it is suspected that reduced work in the construction sector during the COVID-19 lockdown period between March and June 2020 has resulted in a flow on effect of reduced complaint volumes this financial year.

Complaint/Board inquiry activity summary for the previous 3 years

CARRIED FORWARD/RECEIVED	2018/19	2019/20	2020/21
Complaints/Board inquiries carried forward from previous year	149	188	154
Board Inquiries initiated	- ¹	33	17
Complaints received	250 ²	193 ³	173
Total	399	414	344
INVESTIGATED/CONSIDERED			
Complaints/Board inquiries investigated	238	232	176
Complaints/Board inquiries considered	236	250	198
DETERMINED (CLOSED)			
Complaints withdrawn	5	-	-
Complaints Board determined not to proceed to hearing	67	90 ⁴	75
Complaints/Board Inquiries determined following hearing	142	168 ⁴	117
Total	214	258	192
IN PROGRESS AT YEAR END			
Complaints/Board inquiries active and not determined by the Board	188 ⁵	156 ⁵	139

1. Board Inquiries were included in "Complaints received" figures in 2018/19
 2. Includes complaints received and Board inquiries initiated
 3. Excludes Board inquiries
 4. Includes withdrawals
 5. Includes complaints placed on hold

Performance measures summary

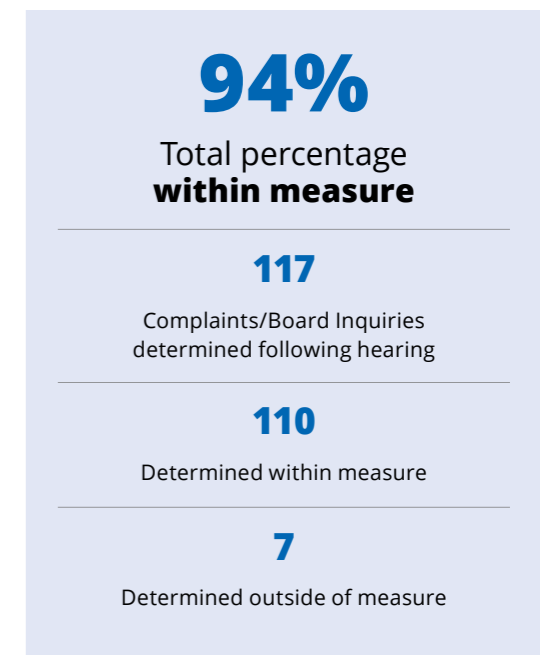
Target

Determine 90% of complaints within 60 working days of the date of the hearing.

Performance

The Board met its targets in relation to complaints.

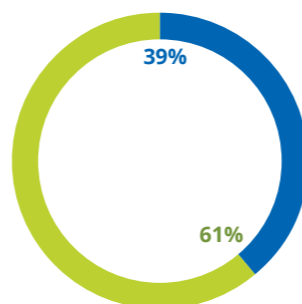
94% of complaints/Board Inquiries were determined within 60 working days of the date of the hearing for the 2020/21 year.



Complaints/Board Inquiries determined

The table below details complaints/Board Inquiries determined by the Board in 2020/21.

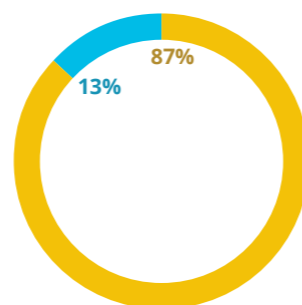
COMPLAINTS DETERMINED	NUMBER OF COMPLAINTS
Did not proceed to a hearing	75
Determined following hearing	117
TOTAL	192



Complaint/Board Inquiry hearing outcomes

The table below details complaints/Board Inquiries upheld and not upheld. In 2020/21, 99 LBPs were disciplined for 102 upheld complaints. Some LBPs had more than one upheld complaint against them.

HEARING OUTCOMES	NUMBER OF HEARINGS
Complaints/Board inquiries upheld	102
Complaints/Board inquiries not upheld	15
TOTAL	117



LBPs disciplined

Of the total complaints/Board Inquiries heard in 2020/21, 102 or 87% were upheld, and 15 or 13% were not upheld.

Upheld complaints by licence classes

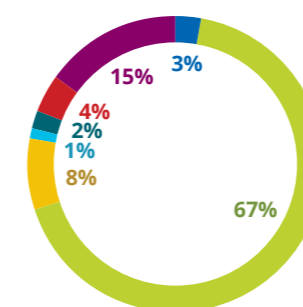
The table at right details the licence classes held by LBPs whose complaints were upheld. Note that some LBPs hold licences in more than one class.

When compared with the total number of licences held, the proportion of licence holders disciplined typically reflects that proportion in each licence class, with a few exceptions. Carpentry licence holders this year were disciplined at a lower rate than the percentage of licences held in the scheme. Whereas, Bricklaying and Blocklaying licence classes were disciplined at a higher rate. Although the number of complaints in these areas are low, which leads to annual variability with this comparison.

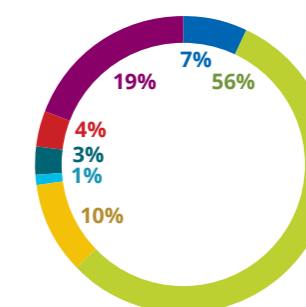
LICENCE CLASS	LBPs disciplined in 2020/21	Total licences held in scheme at 30 June 2021
Bricklaying & Blocklaying	9	852
Carpentry	70	21,281
Design	12	2,641
External Plastering	1	463
Foundations	4	391
Roofing	5	1,359
Site	23	4,474
TOTAL	124	31,461

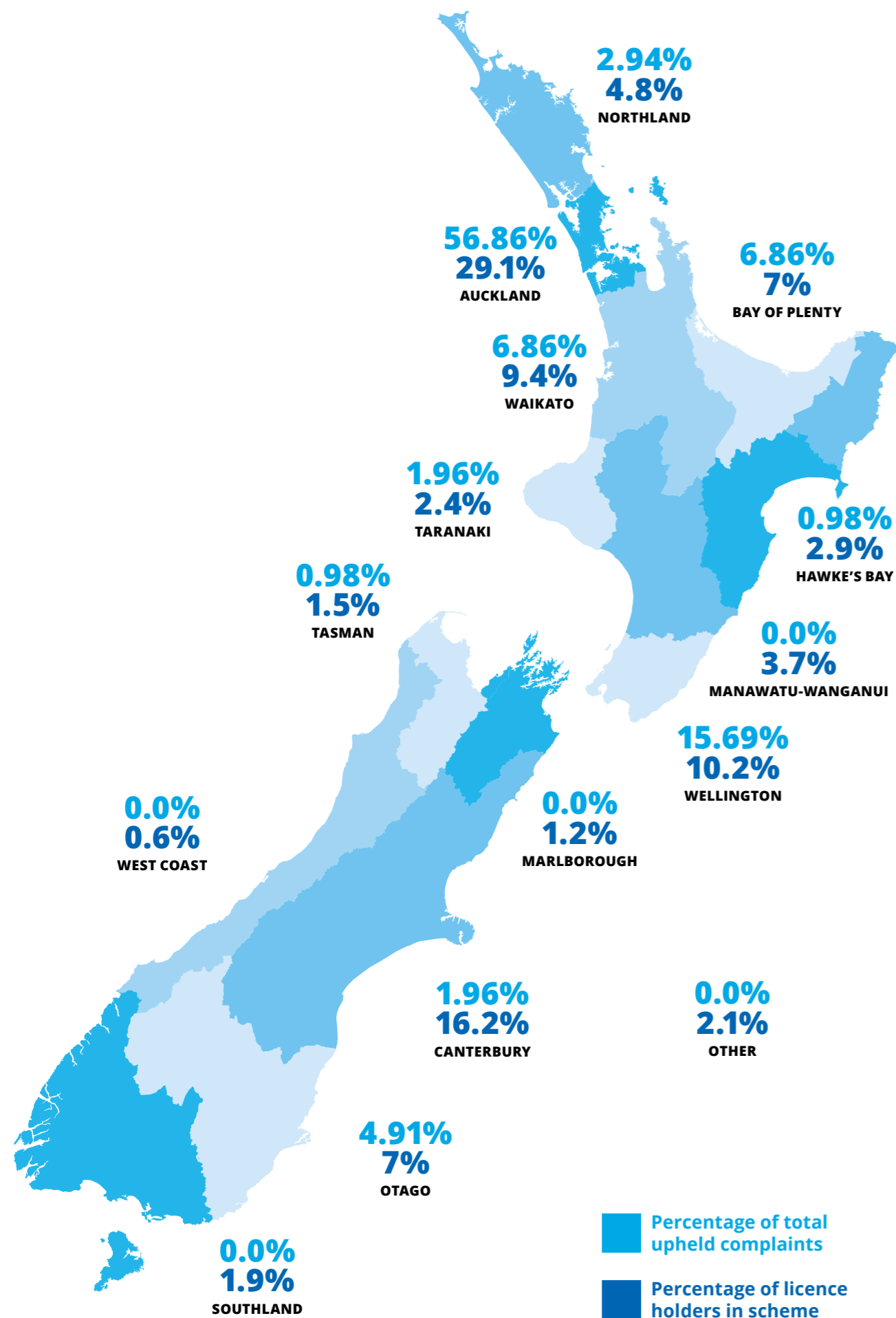
Note: Some LBPs hold licences in more than one class.

PERCENTAGE OF LICENCES HELD IN SCHEME



PERCENT OF TOTAL LBPS DISCIPLINED IN 2020/21





Upheld complaints in 2020/21 by region

The information below details upheld complaints by the regions where the conduct took place.

As identified in the below figures, Auckland has over half of all upheld complaints nationally (56.86%). Due to the comparative size of the Auckland construction industry, it is not surprising to see a larger number of complaints coming from the region. However it is interesting to note that the number of complaints relative to the number of LBPs is disproportionately high. Canterbury in comparison has a significantly reduced number of complaints than what would be expected for the number of LBPs in the region. This could indicate regional differences in the performance of LBPs and/or the appetite of consumers to lay complaints against LBPs.

REGION	NUMBER OF UPHELD COMPLAINTS	PERCENTAGE OF TOTAL UPHELD COMPLAINTS	NUMBER OF LICENCE HOLDERS IN SCHEME	PERCENTAGE OF LICENCE HOLDERS IN SCHEME
Northland	3	2.94%	1,307	4.8%
Auckland	58	56.86%	7,903	29.1%
Waikato	7	6.86%	2,548	9.4%
Bay of Plenty	7	6.86%	1,887	7%
Hawkes Bay	1	0.98%	787	2.9%
Taranaki	2	1.96%	663	2.4%
Manawatu-Wanganui	0	0.0%	1002	3.7%
Wellington	16	15.69%	2,776	10.2%
Marlborough	0	0.0%	312	1.2%
Tasman	1	0.98%	417	1.5%
Canterbury	2	1.96%	4,402	16.2%
West Coast	0	0.0%	176	0.6%
Otago	5	4.91%	1,887	7%
Southland	0	0.0%	507	1.9%
Other	0	0.0%	564	2.1%
TOTAL	102	100%	27,138	100%



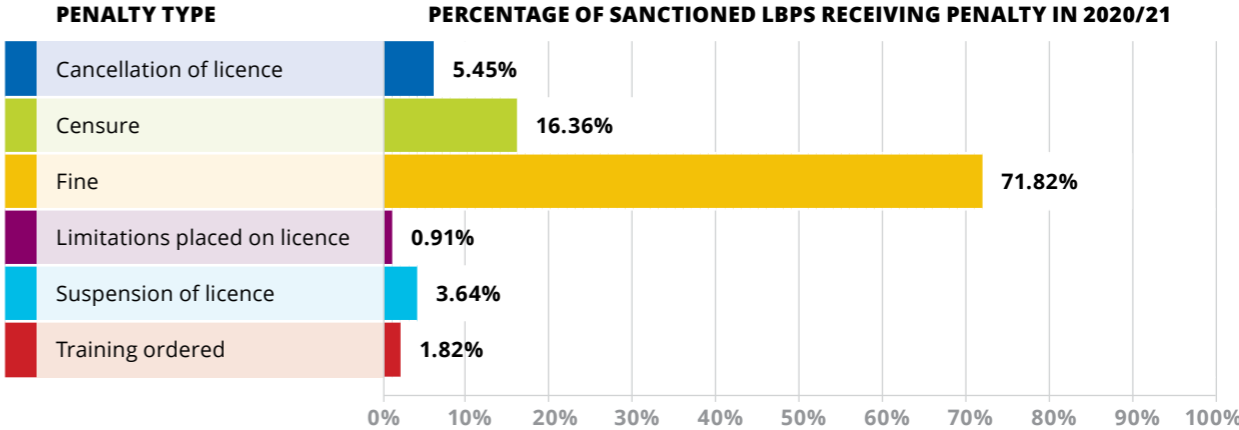
Penalties imposed in 2020/21

110 penalties were imposed for 102 upheld complaints against LBPs. Fines continue to be the most commonly imposed penalty, followed by censure. The cancellation or suspension of a licence occurs in less than 10% of cases, and is usually reserved for more serious levels of offending.

Of the LBPs sanctioned, 13 also had their name published in *Codewords* to alert the industry of the severity of their offending. This represents a minority of cases, as the Board only orders publication (over and above the inclusion in the register and in the decision) when there is a perceived need for the public and/or profession to know the findings of the hearing.

PENALTY TYPE	NO. OF PENALTIES IMPOSED IN 2020/21
Cancellation of licence	6
Censure	18
Fine	79
Limitations placed on licence	1
Suspension of licence	4
Training ordered	2
TOTAL	110

Note: A disciplinary decision may have more than one penalty imposed.



Note: A disciplinary decision may have more than one penalty imposed.

Key themes in complaints

Failing to provide a record of work once restricted building work is complete

A breach of sections 88 and 317(1)(da)(ii) of the Building Act.

LBP's failing to build in accordance with a building consent or in accordance with the Building Code when a building consent is not necessary.

Poor application of supervision

leading to issues with construction sequencing or poor work.

False belief that working as a sub-contractor eliminates LBP obligations

leading to complaints regarding the conduct of individual LBPs.

Using Building Consent Authorities as quality control

This is often in conjunction with poor supervision, LBPs have relied on the inspection process to identify issues with work, rather than building it right the first time.

Issues with workmanship of non-restricted building work

LBPs are accountable for both non-restricted as well as restricted building work.

Proceeding with non-compliant work

regardless of some level of doubt about compliance with the consented plans or the Building Code.

A power imbalance may exist between an employer and employee

This can lead to LBPs being held to account for following an employer's direction.



FINANCIAL PERFORMANCE



The Building Practitioners Board is a statutory Board created under the provisions of the Building Act 2004. The Board's revenue and expenses are managed by the Ministry.

MEMBERS OF THE BOARD



CHRIS PRESTON, CHAIR

Mr Chris Preston is self-employed and is currently a full time member of the Board. Previously, Chris was a dispute resolution professional undertaking a range of residential disputes and advisory work. Clients included homeowners, contractors and builders. He was also previously CEO of the Registered Master Builders Federation and acting CEO of BRANZ on two occasions.

Chris has a Bachelor of Commerce and a Postgraduate Diploma in Dispute Resolution from Massey University. He is an Associate of the Arbitrators' and Mediators' Institute of New Zealand and has undertaken the Institute of Directors course in governance.

Chris has a keen interest in the community and was a member of the local Community Board and Business Association.

Chris was appointed in 2013 and became the Chair in 2015. Chris is from Canterbury.



MEL ORANGE, DEPUTY CHAIR

Mr Mel Orange is a self-employed barrister and business consultant from Christchurch who works in the energy and construction industries.

Mel has previously held senior management positions and board positions in the energy industry. Mel is the Chair of the Electricity Rulings Panel and Presiding Member of the Electrical Workers

Registration Board. He is a former Chair of the Electrical Workers Complaints Assessment Committee and a former Board and Commission member of the Electricity and Gas Complaints Commission.

Mel was appointed in 2013 and became the Deputy Chair in 2020. Mel is from Christchurch.



BOB MONTEITH

Mr Bob Monteith is a qualified builder who holds a New Zealand Certificate in Building. Bob is a Licensed Building Practitioner with over 50 years' experience in the building industry. He is Managing Director of Monteith Central Construction Limited.

Bob has held numerous industry-related working group appointments. He was a Board member of the New Zealand Certified Builders Association (NZCB) for seven years, three of those as the National President. He is an honorary member of NZCB.

Bob was appointed in 2015 and is from Kinloch, Taupo.



DAVID FABISH

Mr David Fabish has operated his own residential construction business for 38 years and holds two carpentry trade qualifications.

David is a Licensed Building Practitioner in Carpentry and Site 2 and is a Life Member of the Registered Master Builders Association (RMBA). David is a past National President and Board member of RMBA and is the Deputy Chair of the Building and Construction Industry Training

Organisation (BCITO) Board.

David Fabish Ltd has won many House of the Year awards including 2 National Category winners.

David was appointed in 2018 and is from New Plymouth.



FAYE PEARSON-GREEN

Mrs Faye Pearson-Green is an Architectural Designer and a Licensed Building Practitioner (Design 2). She has over 37 years' experience in the industry and has been self-employed since 1996.

Faye holds a NZ Certificate in Draughting (Architectural). She is a member of Architectural Designers New Zealand and the Regional Chair of the Canterbury Westland Branch. She is a Regional Judge for

Registered Master Builders House of the Year competition.

Faye was appointed in 2017 and is from Christchurch.



ROB (YUANLIN) SHAO

Mr Rob Shao holds a master’s degree in economics from the University of International Business and Economics (UIBE) in Beijing and spent over a decade of his professional career with a world-leading European brand printing press manufacturer, gaining extensive experience in industrial sales and management.

Since arriving in New Zealand in 2001, Rob has retrained to focus on the residential building sector in Auckland. He has held various roles in the sector, ranging from hands-on carpentry work, site management and property development, to managerial duties with a group home builder, followed by property inspection services.

Rob was awarded a Certificate in Applied Technology in Carpentry by Unitec in 2007, and became a Licensed Building Practitioner in 2011.

Rob was appointed in 2019 and is from the North Shore, Auckland.

FRANK THOMAS

Mr Frank Thomas has operated his own roofing business for over 36 years, prior to which he worked for 14 years for local plumbing and roofing businesses involved in both contracting and manufacturing.

Frank holds plumbing & roofing trade qualifications – namely a National Certificate in Roofing. He is well versed in the management of asbestos and its removal and his company is accredited to do so - holding A&B Class Licences.

Frank is a Licensed Building Practitioner in Roofing and has held numerous positions with the Roofing Association of New Zealand (RANZ), along with being a past ITO Assessor and a past National Moderator for the Roofing Industry. In June 2019 he was awarded with a life membership. Frank is also involved in an access & engineering company which regularly compliments the roofing company.

Frank was appointed in August 2020 and is from Hamilton.

JACQUI CLARK

Mrs Jacqui Clark is a barrister and solicitor with over 30 years legal experience. She is currently Special Counsel at Wilson McKay Solicitors and specialises in construction law. Jacqui has appeared as counsel at all levels of the NZ Court system and in numerous mediations and arbitrations. Clients have included home owners, developers, builders, contractors, engineers and architects.

Jacqui has a BA in English and LLB (Hons) from Auckland University.

Jacqui was appointed in 2021 and is from Auckland.



ROBIN DUNLOP

Dr Robin Dunlop consults and advises on management and transport issues. He has been involved in the transport sector for over 45 years, covering strategic direction, funding, organisational form, asset management and research.

Dr Dunlop has a Bachelor of Engineering (Hons) in Civil Engineering and a PhD in Civil Engineering. He is former Chair of the Engineering Associates Registration Board, Chair of the Institute of Professional Engineers Heritage Board and Chair of Destination Wairarapa. He is also the Director of four private companies and Chair of a charitable forestry trust. He was previously CEO/Secretary of Transport in NZ and CEO of Transit NZ.

Dr Dunlop was appointed in 2014 and is from the Wairarapa.

Dr Dunlop concluded his appointment in May 2021.

How to contact us



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