


ANNUAL REPORT 2019

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.



CHAIR'S REVIEW

It has been another steady year for the Building Practitioners Board.

The Board received 250 complaints this year, of which 24 were Board-initiated inquiries. The Board held 143 complaint hearings over this time. This was slightly up on the previous year and the Board is now seeing the volumes levelling out to around 250 per year.

Of the complaints that were determined in this financial year, 84 percent were upheld and the LBP was held to account. 16 percent were not upheld.

The types of penalties included censure, fines ranging from \$500 to \$6,000, training orders and in some cases the cancellation of a licence for several years.

The complaints came from a wide range of sources. These include the public, Councils and other contractors. In addition the Board initiated its own inquiries, where they became aware that an LBP had been prosecuted for criminal offences, or when it became apparent

that an LBP may have fallen below an acceptable standard or brought the regime into disrepute.

The Board would like to see more complaints coming from Councils. As part of the Board's ongoing stakeholder engagement, the Board intends to engage with Councils to explain the complaints process, advise Councils how they can be involved in the process, and to make it simpler for Councils to make complaints.

The main reasons for complaints have not changed significantly this year compared to prior years. Primarily complaints revolve around:

- › records of work (ROW) not being provided in a timely manner or not being provided at all
- › not building to the building consent
- › not making sure the consent, amendment or minor variation was in place before building work started



- › incompetent or negligent building work
- › a lack of business systems, pricing and final costings.

It has become clear to the Board that many of the issues brought up in a complaint could easily have been handled by the LBP much earlier, thereby avoiding a complaint being made. Poor planning and communication, coupled with what would normally be considered minor issues, can contribute to a relationship breakdown between the parties. As the saying goes, from small acorns grow big trees. If LBPs addressed issues in a timely manner and kept customers informed, the Board believes a number of complaints that have come to them could have been avoided.

Another significant issue this year was LBPs undertaking building work prior to a building consent being issued, or a change to a building consent. Many LBPs claim this is the way that these things are handled in a practical sense on site, however this practice leaves LBPs vulnerable when things go wrong.

In terms of ROW, there continues to be a misunderstanding regarding how these work and who they should go to. Often ROW are provided to the head contractor. This seems practical and if the head contractor passes these onto the relevant parties, being the Council and the homeowner, all is good. If not, the LBP can be found to be in breach of the law.

The Board has also heard a number of complaints where the LBP has subcontracted work to an unlicensed and/or unskilled person and has not provided adequate supervision. The Board has then found the LBP negligent in terms of their poor supervision of the building work. The Board urges LBPs to make sure that the correct people, with the right skills, are doing the work if the LBP is not doing the work themselves and that they are adequately supervised.

When things go wrong the buck stops with the LBP. LBPs should spend time checking that the work is being done in accordance with the building consent and the Building Code, and to an acceptable industry standard. The Ministry has developed a practice note for LBPs on supervision, which sets out clear expectations for acceptable conduct and behaviour and establishes clear standards for those in the industry to follow. This type of guidance is produced to assist LBPs to keep on the right side of the Rules and ultimately achieve consistently high quality outcomes for building work.

Some LBPs, including designers, are using Council inspections as a method of quality control and to pick up issues. This puts the LBP at risk, as Councils do not pick up everything nor is it their job to do so. Where LBPs have clearly used Council inspections as quality control the Board have been very unsympathetic to their position.



Furthermore, LBPs must realise that they cannot be supervised by another LBP for work that they are licensed to carry out nor can they supervise another LBP. Supervising another LBP goes against the intention of the Building Act, which was to make individual LBPs responsible for the work that they do or supervise.

Occasionally, the Board has seen a lack of engagement by LBPs in the complaints process. This means that the Board has quite often gone to hearings with little response from the LBP in terms of the issues at hand. The Board urges LBPs to engage early in the process. In doing so it may well be that the Board decides that there is no case to answer and no hearing is required. Where an LBP accepts the errors they have made and sets out how they can improve, the Board can take this into account when setting the penalty and costs.

In terms of the future, there are likely to be a number of changes to the Building Act. The Ministry released a consultation document in June 2019 proposing major changes to New Zealand's building laws to improve the quality of building work. In response to public consultation, the Board made a submission to the Ministry. The Board's submission was based on its observations in respect to complaints that it had received.

In the next year, the Board is also expecting a similar level of complaints and it will continue to work with Ministry staff to streamline the Board's systems and processes. This will ensure that complaints are handled in an efficient and effective manner, so that consumers have confidence in the system and LBPs are held to account in a fair and timely manner.

I would like to thank the Board members for their great contributions this year, the team at the Ministry, and the Minister for her support. The Ministry has continued to provide the Board with a high level of service and continues to work with the Board to look at ways they can do their job better.

Chris Preston

Chris Preston
CHAIRMAN



2018/19

AT A GLANCE



88 Meeting Days
of the Board



236 Complaints
considered by the Board



24 Inquiries
initiated by the Board



89% of Investigations
by the Registrar completed
within 16 weeks



98% of Complaints
determined within
60 working days of hearing



100% of Appeals
against a licensing decision
determined within 60 working
days of receipt of appeal



OBJECTIVES AND OUTCOMES



Objectives

The Board's 2018/19 Annual Business Plan objectives follow:

RESPONSIBILITY CENTRE	TARGETS
Governance	<ul style="list-style-type: none"> › Agree Service Level Agreement with the Ministry by 30 June. › Review Accountability Agreement with the Minister and have in place as close to the commencement of the new financial year as practicable. › Complete draft Annual Report by 31 August. › Deliver Annual Report to the Minister by 31 October. › Review the frequency of Board meetings.
The Rules	<ul style="list-style-type: none"> › Review the Rules as required. › Maintain an overview of the performance of the Skills Maintenance regime.
Appeals	<ul style="list-style-type: none"> › Determine 85% of appeals within 60 working days of receipt of complete appeal. › Review the appeals process on an ongoing basis.
Complaints	<ul style="list-style-type: none"> › Determine 90% of complaints within 60 working days of the date of the hearing. › Review the complaints process on an ongoing basis.
Communications	<ul style="list-style-type: none"> › Review the Communications Strategy, designed to: <ul style="list-style-type: none"> - convey key messages, including issues arising from Board decisions - provide information on Board functions and purpose - provide access to all Board decisions in relation to appeals and complaints - provide access to all relevant licensing information. › Work with the Ministry to maintain the LBP website and other channels of communications. › Establish a programme of inviting key external stakeholders to meet with the Board on a regular basis – six per year. › Invite internal stakeholders to Board meetings on a regular basis, including the Deputy Chief Executive, Market Services. › Meet with the Minister at least once per year.
Training	<ul style="list-style-type: none"> › Training will be available for Board members for at least four half-day sessions per year.

Governance

The Board met its governance targets.

Last year the Board reviewed the number of Board meetings and decided to reduce the number of regular meetings from eleven to seven. This reflects a maturing scheme that requires less oversight. The reduced meeting schedule over the 2018/2019 year has improved efficiency, while still delivering key objectives and outcomes.

Rules

The LBP Rules were not amended during the 2018/19 year. Major updates have been put on hold due to the Building System Legislative Reform Programme which may make significant policy changes to the LBP scheme.

Appeals

The Board met its appeals objectives. Statistics are discussed later in this report.

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.

There was a significant decrease (over 50%) in the number of appeals received compared to the 2017/18 year. It is unclear if this is an anomaly or part of a trend. The past three years have had relatively stable numbers, with around 1% of licensing decisions that are appealed, a low percentage which reflects a robust assessment and licensing process.

Complaints

The Board met its complaints targets. Statistics are discussed later in this report.

Anyone may complain to the Board about the particular conduct of an LBP as specified in the Act. The Board must investigate the complaint and determine whether or not to proceed to a hearing. Contractual disputes and other civil matters are outside the Board's jurisdiction.

All complaints, disciplinary decisions and appeals decisions are made available on the LBP website. There is also a repository of 'notable or significant' decisions on the website. This is where users can find landmark decisions, which can be used as indicators of precedence by the Board.

The volume of complaints, however, continues to increase year on year, as the awareness of the scheme increases and the complaints process is more fully utilised. Complaints received for this financial year have increased by approximately 6% from last year.



The Board is noticing a number of key themes through the complaints process, which will be discussed below

Supervision

The scheme allows LBPs to scale back their role on restricted building work, in response to an increase in demand, by supervising unlicensed people carrying out the work, rather than them carrying out the work themselves as LBPs. The Board and the Ministry continue to refer to the LBP Supervision Practice Note to support good practice, which has become a go-to resource for any LBP undertaking supervision of building work.

Records of work

The Board also continues to see unnecessary non-compliance with regards to LBPs failing to issue ROW. The Board and the Ministry have consistently communicated to the sector that a record of work is a statutory document that cannot be withheld due to payment disputes or forgetfulness. LBPs are also responsible for their ROW reaching homeowners and territorial authorities, and cannot transfer this responsibility to other contractors. Some LBPs also incorrectly believe that ROWs generate additional liability, which leads to further reluctance. A Codewords article on labour only contracts was published this year to highlight some of the misconceptions around

liability and accountability and to provide clarity for LBPs on how they can meet their regulated obligations with confidence.

General consenting process compliance

LBPs are expected to understand the building consent process as they operate primarily in that space. The Board has identified a continued theme in complaints whereby LBPs fail to comply with the consenting process.

These types of issues should not occur and the Board has an expectation that LBPs hold themselves to a high standard in this respect. LBPs, as experts in building and construction, need to be able to advise lay-homeowners of the correct process while also ensuring that they and those they are supervising set a good example for unlicensed practitioners.

Poor workmanship

The Board has seen a wide range of issues relating to poor workmanship. One trend that is common to many of them is an attempt to disguise such issues as work 'not yet finished'. In many cases the evidence, when presented, can prove this is not the case. The work required may in fact be remedial in nature due to flaws in the initial building work.

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 without a building consent

Poor application of site 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

Poor contract administration and communication skills

This includes failing to comply with contractors' obligations with respect to disclosure and written contracts

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

Furthermore, LBPs should not rely on Building Consent Authority inspections as a quality assurance mechanism. When an LBP has a pattern of failed inspections it can be an indicator that there are systematic issues with their work or supervision due to negligence or incompetence. An LBP should have their own quality management process to ensure things are built right the first time.

Labour-only contracts and LBP responsibilities

The Board has identified an increase in cases where LBPs are operating under a labour-only contract. LBPs have claimed that this reduces their obligations in relation to construction sequencing and regulatory adherence.

LBPs' conduct and compliance standards are set regardless of the type of contract. An LBP cannot avoid their responsibilities. A two part Codewords article was developed and published in 2019 to educate and inform LBPs of their responsibilities in a labour-only contract and dispel common misunderstandings.

Regulatory framework and building standards

A weak understanding of the regulatory framework has led some LBPs to come before the Board. Understanding the regulatory framework is an important part of working as an LBP, as recognised by the requirement to show competency in this area to become licensed. Regulation does change over time, which is why regulation is one of the key topics covered by Codewords as part of the skills maintenance programme. The LBP Handbook also acts as a useful resource to remind LBPs of their roles and responsibilities.

In July 2019 over 120 building related standards were made free for download by the Ministry, in collaboration with Standards New Zealand. This will significantly reduce the cost of accessing standards for LBPs and

reduce barriers to complying with the Building Code. New Zealand is one of the few countries to sponsor free access to building standards. This may result in a better uptake in standards and a decrease in complaints relating to compliance.

Communications

The Board has continued to work well with the Ministry to lift awareness of the scheme both for consumers and LBPs participating in the scheme.

Codewords (the Ministry's building sector e-newsletter) and Build (BRANZ building sector magazine) remain the primary communication tools for the LBP scheme. The Board publicises a number of disciplinary decisions in Codewords in order to share learnings with other LBPs as a means of educating-by-example. Subject material for skills maintenance related articles have also been drawn from trends in complaints, in order to educate the sector to avoid unnecessary issues. An example of this was the articles on LBP obligations when working via a labour-only contract.

The Board undertakes a number of other initiatives to disseminate information, including:

- › regularly contributing to a number of sector publications that feature articles on the LBP scheme
- › conveying learnings via the LBP website
- › attending and presenting at building industry events and conferences in conjunction with the Registrar of LBPs
- › issuing media releases concerning notable LBP disciplinary decisions issued by the Board on the Ministry's website

- › appearing on the radio and other media (normally undertaken by the Registrar as the primary external facing spokesperson for the scheme).

The current suite of the Board's policies and procedures concerning complaints and appeals are also posted on the LBP website.

The Ministry's contact centre provides a range of services to support public and consumer awareness, as well as answering many and varied licensing questions from practitioners.

Training and professional development

The Board has undertaken a range of training and professional development activities over the 2018/2019 year. Together the Board participated in a cultural awareness workshop regarding Chinese culture and language. Members also undertook individual professional development activities including

an Arbitrators & Mediators Institute of New Zealand (AMINZ) seminar on dispute resolution.

Individual members attended conferences for Architectural Designers New Zealand, New Zealand Certified Builders, Registered Master Builders Association, Building Officials Institute of New Zealand and the Council of Australian Tribunals National Conference.





STATEMENT OF PERFORMANCE



Performance measures and standards for the outputs of the Board for the year ended 30 June 2019.

OUTPUT	PERFORMANCE MEASURE	PERFORMANCE STANDARD ACHIEVED
GOVERNANCE		
Self-review Undertake self-review of Board performance.	Board self-review to be completed by 31 October.	Achieved.
Board members' Interests Register Register of Board members' interests in place.	Board members' Interests Register reviewed and updated at the start of each Board meeting. Other possible conflicts of interest recorded in minutes.	Achieved. Board members' disclosures of interest were reviewed and updated at the start of each Board meeting. Conflicts of interest were recorded in Board meeting minutes and/or in hearing decisions.
Training and professional development Provide training and professional development for Board Members in performance of functions.	Training will be available for Board members for at least four half-day sessions per year.	The Board undertook a range of professional development activities over the 2018/19 year. (See Objectives and Outcomes 2018/19 section for additional detail).
SERVICE DELIVERY		
Licensed Building Practitioners Rules 2007 Approve Licensed Building Practitioners Rules relating to LBPs.	Approve or decline all proposed Rules within 15 working days of receipt from the Ministry.	No Rule changes were proposed in this financial year.
Complaints Investigate complaints, hear complaints and discipline LBPs in accordance with regulations.	Determine 90% of complaints within 60 working days of the date of the hearing. Annual report to contain: Active complaints <ul style="list-style-type: none"> › Complaints carried forward from previous year › Complaints received › Total active complaints Complaints in progress at year end <ul style="list-style-type: none"> › Complaints under investigation › Complaints awaiting hearing or final decision › Total complaints carried forward to next year Complaints considered by Board <ul style="list-style-type: none"> › Complaints which did not proceed to hearing › Complaints heard, determined and upheld › Complaints heard, determined and not upheld › Total complaints closed during year LBPs disciplined by licence class	Achieved. 98% of complaints were determined within 60 working days of the date of the hearing. Complaints figures are contained in the Annual Report.

OUTPUT	PERFORMANCE MEASURE	PERFORMANCE STANDARD ACHIEVED
Appeals Hear appeals against decisions of the Registrar.	Determine 85% of appeals within 60 working days of receipt of complete appeal. Annual report to contain: Active appeals <ul style="list-style-type: none"> › Appeals carried forward from previous year › Appeals received › Total active appeals Appeals in progress at year end <ul style="list-style-type: none"> › Appeals awaiting Board consideration › Appeals awaiting hearing or decision › Total appeals carried forward to next year Appeals considered by Board <ul style="list-style-type: none"> › Appeals which did not proceed to hearing › Appeals heard, determined and upheld › Appeals heard, determined and not upheld › Total appeals closed during year 	Achieved. 100% of appeals were heard and/or determined within 60 working days of receipt of complete appeal. Appeals figures are contained in the Annual Report.
Accountability Produce Annual Report in accordance with section 347 of the Building Act	Provide Annual Report to the Minister of Building and Construction by 31 October.	Achieved.

Chris Preston
CHAIRMAN

8 October 2019

Richard Merrifield
DEPUTY CHAIRMAN



STATISTICS



LICENSING STATISTICS

Total number of LBPs and licences

At 30 June 2019, 25,075 individual LBPs were licensed with a total of 29,723 licences issued. The difference in individual LBPs and licences issued reflects LBPs that hold more than one licence. This is a slight decrease from 2018, where there were a total of 25,464 individual LBPs.

Total number of licences by licensing class, previous 3 years

	BRICKLAYING AND BLOCKLAYING	CARPENTRY	DESIGN	EXTERNAL PLASTERING	FOUNDATIONS	ROOFING	SITE	TOTAL
AT 30 JUNE 2017	947	19,970	2,328	490	319	1,248	4,935	30,237
AT 30 JUNE 2018	913	20,124	2,407	481	332	1,273	4,758	30,288
AT 30 JUNE 2019	854	19,806	2,458	461	335	1,259	4,550	29,723

APPEALS STATISTICS

Appeals activity summary for the previous 3 years

	2016/17	2017/18	2018/19
CARRIED FORWARD/RECEIVED			
Appeals carried forward from previous year	5	3	2
Appeals received	15	22	10
Total	20	25	12
HEARD			
Hearings held	18	23	10
DETERMINED			
Appeals determined	17	23	10
IN PROGRESS AT YEAR END			
Appeals active and not determined by the Board	3	2	2

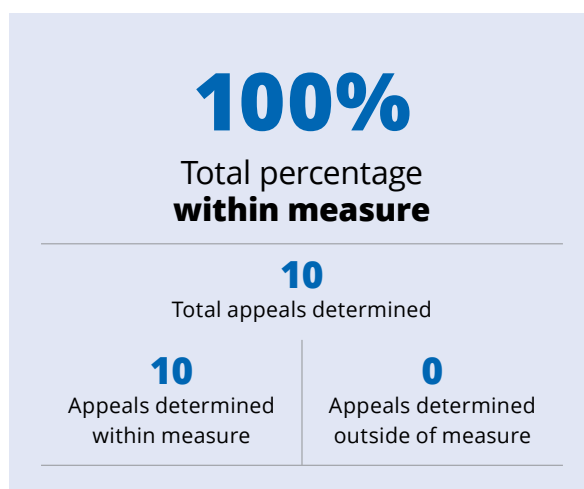
Performance measures summary

Target

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

Performance

The Board met its target for appeals. There were 10 new appeal applications received for the 2018/19 year, which equates to less than one percent of the total number of licence applications. This is a marked decrease on the previous year (22 new appeals). However, given the already low percentage of appeals, this variation may not be statistically significant. Continued low appeal rates reflect a robust and detailed assessment and licensing process.



Appeal hearing outcomes

	NUMBER	%
CARRIED FORWARD/RECEIVED		
Appeals upheld (licence granted)	4	40%
Appeal upheld (offer lower)	1	10%
Appeals not upheld (licence not granted)	4	40%
Withdrawn	1	10%
Total	10	100%

COMPLAINTS STATISTICS

Any person may complain to the Board about the conduct of a LBP 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 LBP raised by its own inquiries or raised after a complainant decides not to proceed with a complaint and submits a withdrawal.

The Board has had two record months of new complaints received in the later stage of the financial year. This has created a higher than usual amount of carried over complaints.

Complaint/Board inquiry activity summary for the previous 3 years

	2016/17	2017/18	2018/19
CARRIED FORWARD/RECEIVED			
Complaints/Board inquiries carried forward from previous year	131	148	149
Complaints received/Board inquiries initiated	217	235	250
Total	348	383	399
INVESTIGATED/CONSIDERED/HELD			
Complaints/Board inquiries investigated	179	234	238
Complaints/Board inquiries considered	– ¹	– ²	236
Hearings held	160	165	143
DETERMINED			
Complaints withdrawn	0	6	5
Complaints/Board inquiries determined not to proceed to hearing	45	67	67
Complaints/Board inquiries determined following hearing	155	152	142
Total	200	225	214
LBPS DISCIPLINED			
LBPs disciplined	121	113	115
IN PROGRESS AT YEAR END			
Complaints/Board inquiries active and not determined by the Board	148	149 ³	188 ⁴

¹ This figure was not provided in the 2016/17 Annual Report

² This figure was not provided in the 2017/18 Annual Report

³ This figure includes complaints placed on hold

⁴ This figure includes complaints placed on hold

Performance measures summary

Target

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

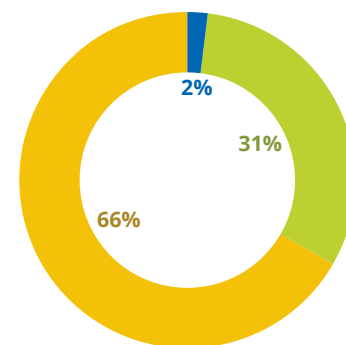
Performance

The Board met its targets for complaints. 98% of complaints/Board inquiries were determined within 60 working days of the date of the hearing for the 2018/19 year. The volume of received complaints continue to increase, as mentioned earlier, growing by 6% this past year. This year represents another all-time high for complaints, although volumes appear to be plateauing.

Complaints/Board inquiries determined

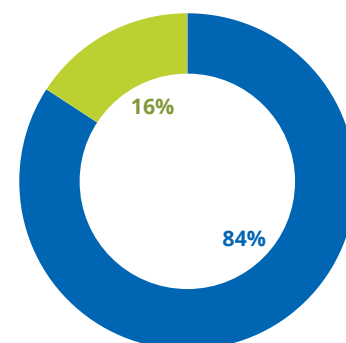
The table below details complaints/Board inquiries determined by the Board in 2018/19.

COMPLAINTS DETERMINED	NUMBER OF COMPLAINTS
Withdrawn	5
Did not proceed to a hearing	67
Determined following hearing	142
TOTAL	214



Board hearing outcomes

HEARING OUTCOMES	NUMBER OF HEARINGS
Complaints/Board inquiries upheld	119 ⁵
Complaints/Board inquiries not upheld	23
TOTAL	142



⁵ The number of upheld complaints is higher than the number of LBPs disciplined as some LBPs had more than one upheld complaint.

Upheld complaints by licence class

Of the total Complaints/Board inquiries heard in 2018/19, 119 or 84% were upheld, and 23 or 16% were not upheld.

The table below details the licence classes held by LBPs who were disciplined. 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 closely reflects that proportion in each licence class.

The LBP scheme is a complex occupational licensing model as it has seven separate licence classes: six that are trade-related, and one which deals with the design of certain residential buildings.

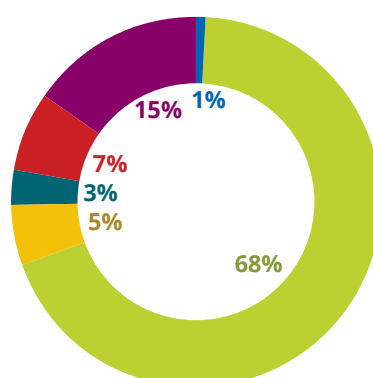
LICENCE CLASS	Disciplined in 2018/19	Total licence holders in scheme
Bricklaying & Blocklaying	2	854
Carpentry	93	19,806
Design	7	2,458
External Plastering	0	461
Foundations	4	335
Roofing	9	1,259
Site	21	4,550
TOTAL	136	29,723

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

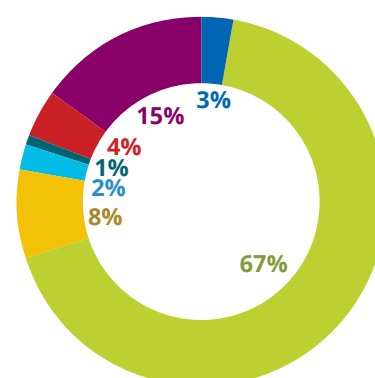
KEY

Bricklaying & Blocklaying
Carpentry
Design
External Plastering
Foundations
Roofing
Site

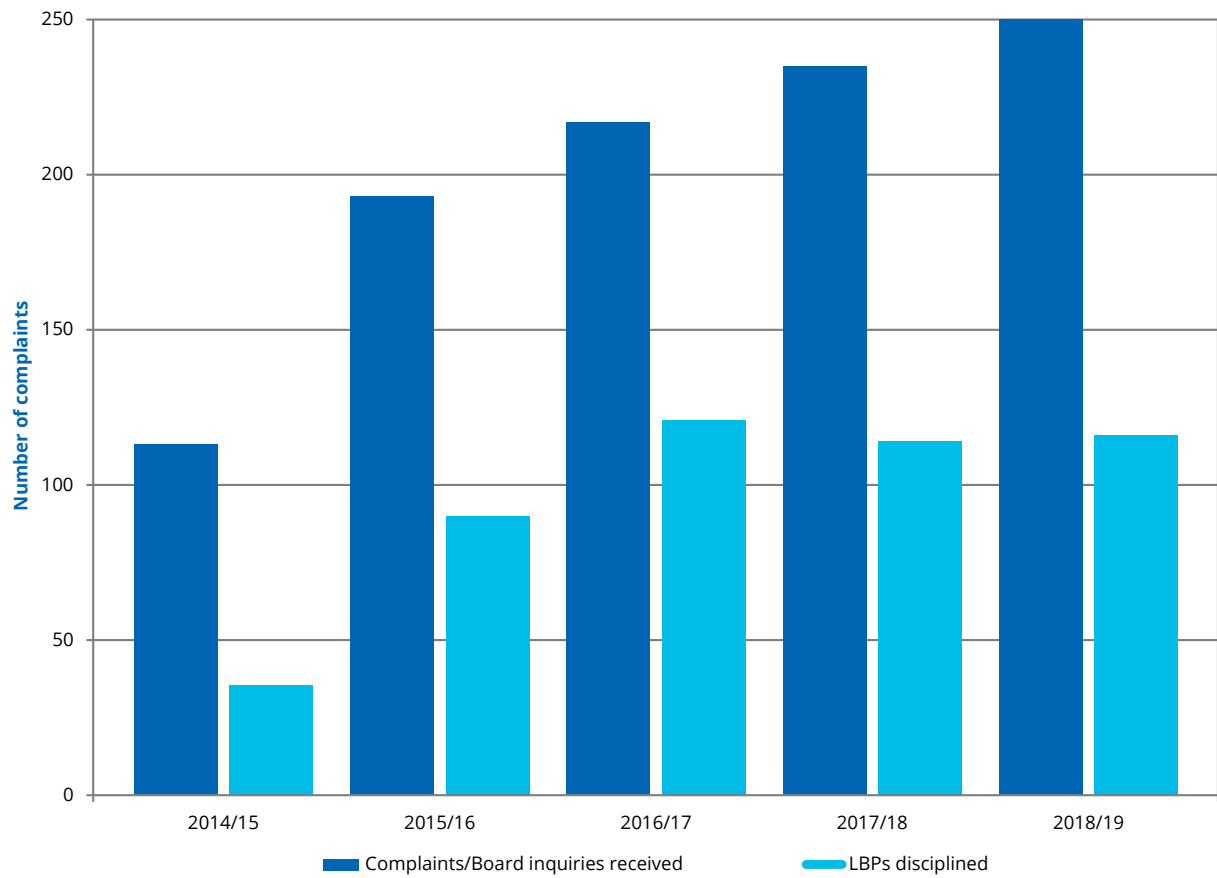
PERCENTAGE OF LBPs DISCIPLINED IN 2018/19

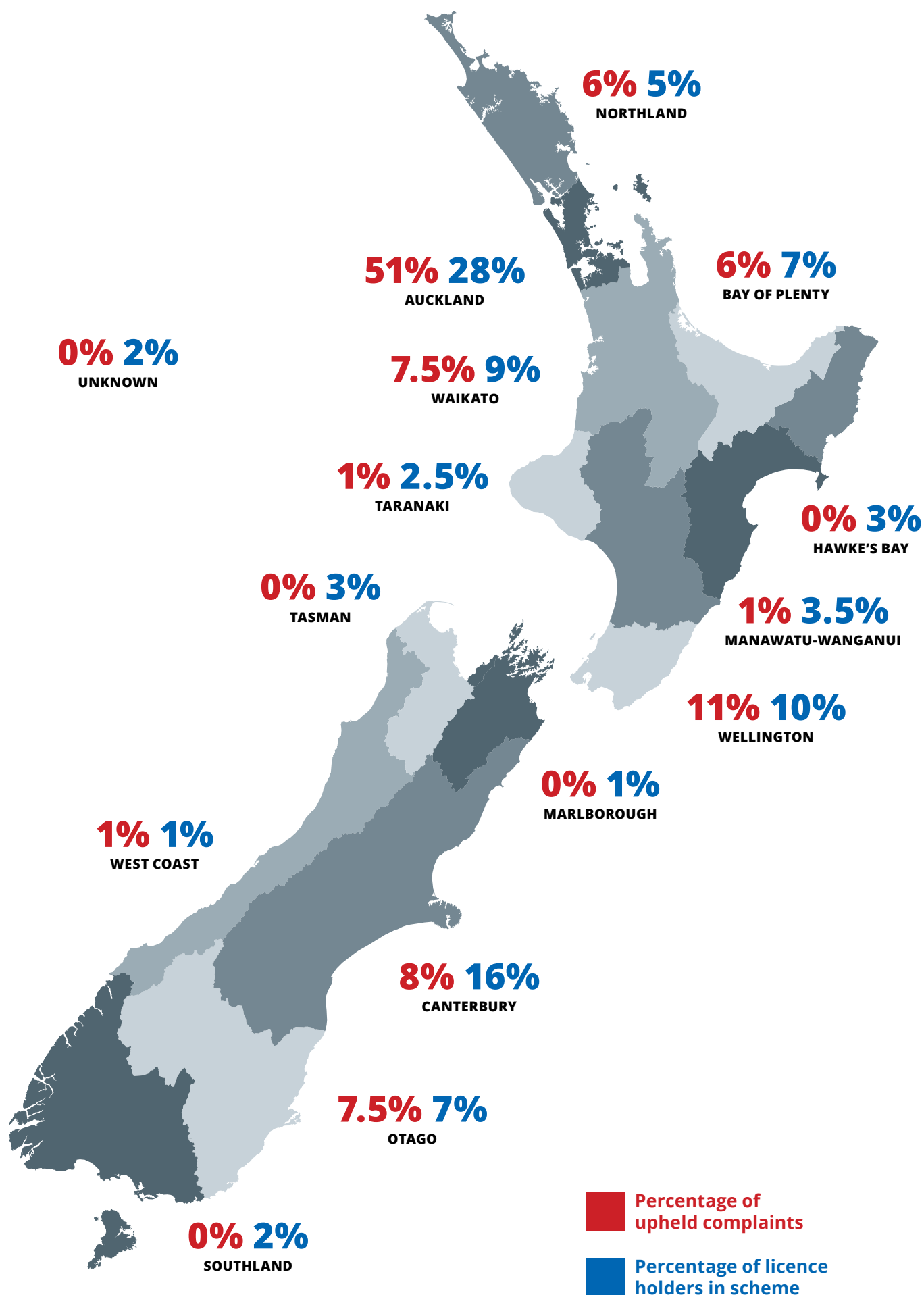


PERCENTAGE OF LICENCE HOLDERS IN SCHEME



Complaints received/LBPs disciplined in the previous 5 years





Upheld complaints in 2018/19 by region

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

As identified in the below figures, Auckland represents a clear majority (51%) of all upheld complaints. The number of upheld complaints are also disproportionate to the number of LBPs in Auckland, as Auckland only has 28% of active LBPs. Canterbury, by contrast, has a lower rate than the national average of upheld complaints compared to the number of licence holders.

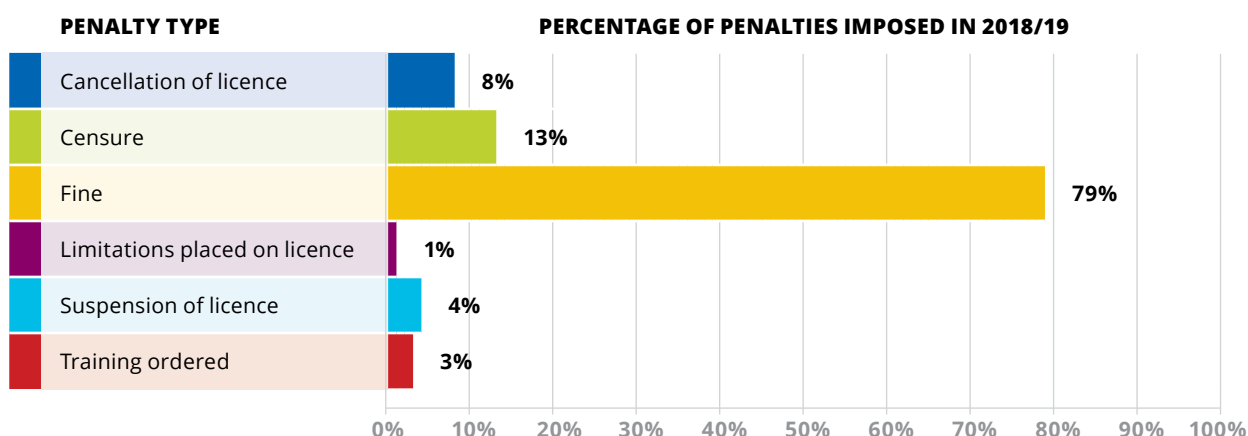
REGION	NUMBER OF UPHELD COMPLAINTS	PERCENTAGE OF UPHELD COMPLAINTS	NUMBER OF LICENCE HOLDERS IN SCHEME	PERCENTAGE OF LICENCE HOLDERS IN SCHEME
Northland	7	6%	1,180	5%
Auckland	61	51%	7,121	28%
Waikato	9	7.5%	2,306	9%
Bay of Plenty	7	6%	1,700	7%
Hawkes Bay	0	0%	846	3%
Taranaki	1	1%	616	2.5%
Manawatu-Wanganui	1	1%	870	3.5%
Wellington	13	11%	2,520	10%
Marlborough	0	0%	301	1%
Tasman	0	0%	704	3%
Canterbury	10	8%	4,110	16%
West Coast	1	1%	158	1%
Otago	9	7.5%	1,720	7%
Southland	0	0%	439	2%
Unknown	0	0%	484	2%
TOTAL	119	100%	25,075	100%

Penalties imposed in 2018/19

129 penalties were imposed for 119 upheld complaints against LBPs. In all cases where a complaint was upheld, the LBP was ordered to pay towards the cost of the hearing. Ordered contributions are typically a portion of the hearing cost, which varies depending on a number of factors.

Of the LBPs sanctioned, 10 also had their name published in Codewords to alert the industry of the severity of their offending. This represents a minority of cases (8%), 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 2018/19
Cancellation of licence	9
Censure	16
Fine	94
Limitations placed on licence	1
Suspension of licence	5
Training ordered	4
TOTAL	129



Statement of 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, however previously Mr. Preston was a dispute resolution professional, undertaking a range of residential disputes and advisory work. Clients include homeowners, contractors and builders. He was previously CEO of the Registered Master Builders Association and acting CEO of BRANZ on two occasions.

Mr. Preston 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.

Mr. Preston has a keen interest in the community having been on the local Community Board and Business Association.

Mr. Preston was appointed in 2013 and is from Canterbury.



RICHARD MERRIFIELD, DEPUTY CHAIR

Mr. Richard Merrifield is a qualified carpenter and has been a licensed building practitioner since June 2008. He has over 50 years' experience in the building industry and has operated his own company since 1989.

Mr. Merrifield has held a number of industry related board and working group appointments. He is a former chair of the Certified Builders Association of New Zealand, a former chair of the Building Research Association Advisory Council, and is also a former Board Member of BRANZ.

Mr. Merrifield is a board member of the Standards New Zealand Approvals Board and is a Member of the Construction Strategy Group.

Mr. Merrifield was appointed in 2012 and is from Upper Moutere.



ROBIN DUNLOP

Dr. Robin Dunlop consults and advises on management and transport issues. He has been involved in the transport sector for over 30 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 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.



BOB MONTEITH

Mr. Bob Monteith is a qualified builder who holds a New Zealand Certificate in Building. Mr. Monteith is a licensed building practitioner with over 49 years' experience in the building industry. He is Managing Director of Monteith Central Construction Limited and Monteith Rural Construction Limited.

Mr. Monteith 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.

Mr. Monteith was appointed in 2015 and is from Kinloch, Taupo.



MEL ORANGE

Mr. Mel Orange is a self employed barrister and solicitor, and business consultant undertaking a range of commercial and project work in the construction and utility sectors.

Mr. Orange has held senior management positions within Meridian Energy and board positions in the energy industry. Mr. Orange is the Presiding Member of the Electrical Workers Registration Board, a former chair of the Electrical Workers Complaints Assessment Committee and a former board and commission member of the Electricity and Gas Complaints Commission.

Mr. Orange was appointed in 2013 and is from Christchurch.



FAYE PEARSON-GREEN

Mrs. Faye Pearson-Green is an Architectural Designer and a licensed building practitioner (Design 2). She has over 36 years' experience in the industry and has been self employed since 1996.

Mrs. Pearson-Green 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.

Mrs. Pearson-Green was appointed in 2017 and is from Christchurch.



DAVID FABISH

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

Mr. Fabish is a licensed building practitioner in carpentry and site 2 and is a life member of the Registered Master Builders Association (RMBA). Mr. Fabish 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.

Mr. Fabish has won many House of the Year awards including two National Category winners.

Mr. Fabish was appointed in 2018 and is from New Plymouth.

How to contact us



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