



NEW ZEALAND INSTITUTE OF
ARCHITECTS
I N C O R P O R A T E D

31 August 2012

LBP Consultation, Building and Housing Group
Ministry of Business, Innovation and Employment
P.O. Box 10 729
Wellington 6011

Dear Sir/Madam

Submission on the 2012 LBP Consultation

We refer to the call for input from stakeholders on the 2012 LBP Consultation Review that appears on the Ministry's website.

The New Zealand Institute of Architects Incorporated (NZIA) is a professional organisation representing 2830 members which includes 90% of Registered Architects in New Zealand.

We have consulted widely with our membership in the preparation of this submission which also addresses our concerns regarding some elements of the LBP Design 3 Licence. We have responded to the 2012 LBP Consultation document as follows:

Issue 1: What should the role of the Site licence be going forward?

We note that the Site licence as initially envisaged, does not have a role in the current restricted building work (RBW) regime i.e. a Site LBP is not able to sign off on restricted design or restricted construction work.

The NZIA recommends that this situation be rectified and that LBP's Site should have the responsibilities reinstated as originally developed. We believe that Site should be a Mandatory Licence in the RBW regime, to ensure that the residential building site is well supervised, RBW work is carried out or supervised by LBP's, and that the work of different LBP's is well integrated.

Issue 2: Should the Site Licence be split into a 'Technical Supervision' licence and a 'project Manager' licence?

Please refer to our submission later in this document relating to the LBP Design 3 licence as there may be some overlap with a potential 'Technical Supervision' licence.

Issue 3: Should any new licences be developed?

The NZIA believes that the simplicity of the RBW/LBP regime should be paramount and that strengthening the current licences if required, rather than creating new licences, is a more prudent option for the future.

Issue 4: Do any of the current licence competencies and performance indicators need to be amended?

Please refer to our submission in this document relating to the LBP Design 3 licence.

Issue 5: Should any work that is currently RBW be specifically excluded from being RBW?

No comment.

LICENCED BUILDING PRACTITIONER DESIGN LICENCE

New Zealand Registered Architects are deemed to hold a LBP Design 3 licence as set out in the Building (Designation of Building Work Licencing Classes) Order 2010.

We also draw your attention to the Licenced Building Pratifioners Rules 2007. Schedule 1 Licence Class Competencies - Design sets out the Performance Indicators relating to each Licence Class Competency.

Within these Rules, we refer you to Competency 2: Manage the Design Process: *Area of Practice 3: Design 3 (Category 1, 2 and 3 buildings)*.

This recognises five competencies as they apply to Registered Architects (LBP Design 3) as part of RBW:

- 2.3.1 Plan, schedule and organize design projects to deliver specified outcomes.
- 2.3.2 Use quality assurance techniques in performing design activities.
- 2.3.3 Provide contract observation
- 2.3.4 Provide contract administration
- 2.3.5 Advise building owner on occupational requirements

We note that these competencies are the competencies normally expected of a Registered Architect in the practice of architecture, whether they are completing RBW Design or other design work.

Contract observation

2.3.3 Provide contract observation, is a critical phase in delivering good quality outcomes and providing quality control in architecture. It ensures that both the design and the documentation are realised as the completed project. It also ensures that the design intent and the performance of the building are up to expectation as trade interfaces generally do not get managed at site level.

However the Building (Designation of Building Work Licencing Classes) Order 2010 does not appear to recognise this competency as it does not allow a Design LBP to sign off on any RBW Construction Work they may be observing. We refer you to Section 6 (1), Design Area of Practice 3.

This is totally at odds with the Licenced Building Practitioners Rules 2007 and is potentially undermining the quality of building work on site. However this anomaly can be easily rectified.

We recommend that contract observation be properly recognised by making it mandatory that a LBP Design 3 sign off on construction observation just as they currently do with most

building contracts. This would not require a new licence as contract observation is a competency of an existing licence.

Memorandum of Construction Observation

In conjunction with this change, we strongly recommend that a mandatory 'LBP Memorandum of Construction Observation' be introduced to be signed off by LBP Design 3 Practitioners for all Category 2 and 3 Buildings. This would tie in with the LBP Memorandum of Design Work to confirm that what was designed has been built.

Liability

The one proviso the NZIA has to its introduction is that the liability to the LBP would not increase when signing the LBP Memorandum of Construction Observation. This would need to be limited by Statute and included with the Memorandum of Design Work, under Building Act s88 (4)...

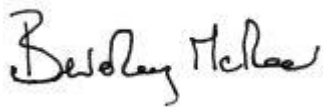
'...does not in itself (a) create any liability in relation to any matter to which the certificate relates; or (b) give rise to any civil liability that would not otherwise exist if the LBP was not required to provide the certificate

Conclusion

We believe it is important that Building and Housing Group work within the current framework and ensure that the LBP Regime does not become unduly complicated. The NZIA is of the opinion that there is a opportunity to give the holders of a LBP Design licence greater responsibility and recognition by making construction observation mandatory and at the same time, improve the quality of the built form.

We would welcome the opportunity of discussing this further if the opportunity arises.

Yours sincerely



Beverley McRae
Chief Executive