

Building System Legislative Reform

Submission to Ministry of Business, Innovation and Employment

14th June 2019

Executive Summary

SESOC is generally supportive of the MBIE consultation document and endorse the broad objective to improve quality outcomes in the Building Sector. SESOC believes that improved quality standards will only be achieved by having a regulatory framework that supports a holistic view of quality – supported by evidence-based data.

With reference to the specifics of our proposal;

- SESOC supports the regulation of Structural Engineers through licensing. SESOC has put forward a proposal of how we think Licencing could work and is keen to work collaboratively with MBIE, Engineering New Zealand and other Technical Societies to further develop the detail of such a licensing system.
- SESOC does not support Government regulation of general competence through a voluntary certification scheme.
- SESOC does not support using factors such as building size, building use and ground conditions as outlined in section 3.2 figure 1 of the discussion paper, for defining a threshold for Restricted Engineering Design Work for Structural Engineering. SESOC has proposed an alternate threshold that is consistent with current industry (unregulated) practice.
- SESOC does not support lowering of the Building Levy.

SESOC would like to be actively involved in helping MBIE shape the detail of the proposals and believe we have an important role to play in any subsequent implementation phases.

Introduction

The New Zealand Structural Engineering Society (SESOC) is a collaborating technical society of Engineering New Zealand, with a membership of approximately 2300, most of whom are practising structural engineers. The majority of our members will be directly affected by this proposed reform. We also work collaboratively with other disciplines in associated areas such as Geotechnical and Fire Engineering. SESOC employs a part time Executive Officer and we work closely with Engineering New Zealand who manage many of our operational needs. SESOC otherwise runs on the good will and volunteer efforts of our Management Committee and Membership.

SESOC has close links with overseas Structural Engineering Professional bodies such as IStructE (UK), SEAOC (California) and Engineers Australia.

SESOC's objectives are:

- To promote the science, art and practice of structural engineering;
- To ensure the advancement and dissemination of knowledge relating to structural engineering; and
- To provide a forum for structural engineering practitioners to communicate amongst themselves and to

the public at large

This submission has been prepared by a SESOC Working Group made up of members of the SESOC Management Committee. It is intended to reflect the views of the wider membership of SESOC and member feedback has been sought in relation to our views, through a membership consultation on our initial outline position paper (SESOC Paper, 8 May 2019). Numerous responses to our member consultation have been received, with general endorsement of the views held by the SESOC Working Group.

Background

In preparing this submission the SESOC Working Group has drawn heavily on work previously undertaken by SESOC in relation to occupational regulation, higher qualifications and improved practice. SESOC has been a proactive contributor to these topics over a number of years and believe much of that previous insight and documentation is of significance to this current MBIE reform process. In particular, we reference the following work previously undertaken by SESOC;

- SESOC Higher Qualification and Improved Practice (HQ&IP) discussion paper and report – September 2013
- SESOC Membership Consultation on HQ&IP (late 2013) and summary feedback paper – January 2014
- SESOC Presidents Roadshow – mid 2014
- SESOC submission to MBIE on the proposal to change the occupational regulation of engineers in New Zealand – October 2014
- SESOC collaboration with Engineering New Zealand in relation to a Technical Auditing proposal 2015-2017.
- SESOC letter to Standards NZ dated June 2018.
- SESOC development of the Structural Engineering body of knowledge and skills (SE BOKS, v1 2018) and ongoing work with Engineering New Zealand to implement these into the CPEng assessment process.

SESOC Submission

Overview

SESOC supports legislative change that aims to improve quality standards across the building sector to ensure buildings are safe, healthy and durable. We are generally supportive of the MBIE discussion paper and we welcome many of the changes proposed.

SESOC believes that any changed legislative system needs to ensure the following;

- Simplicity – the system needs to be understood within the profession, the wider construction industry, and the public.
- Pitched at the right level – and to solve the known and anecdotal issues.
- Work within the Building Sector – including existing regulations, guidelines and frameworks (e.g. Producer Statement system – or equivalent).

SESOC is aware that there is a lot of Structural Engineering undertaken in New Zealand that is of high quality and in many instances, world leading in the context of structural design for earthquakes. However, SESOC does have concerns about the range of quality within Building Sector, including the quality of structural engineering design. Anecdotal evidence suggests that quality outcomes at the lower end of the spectrum may not always meet acceptable minimum standards. However, a real impediment to understanding the state of Engineering Design in the Building Sector is a lack of meaningful quantitative data.

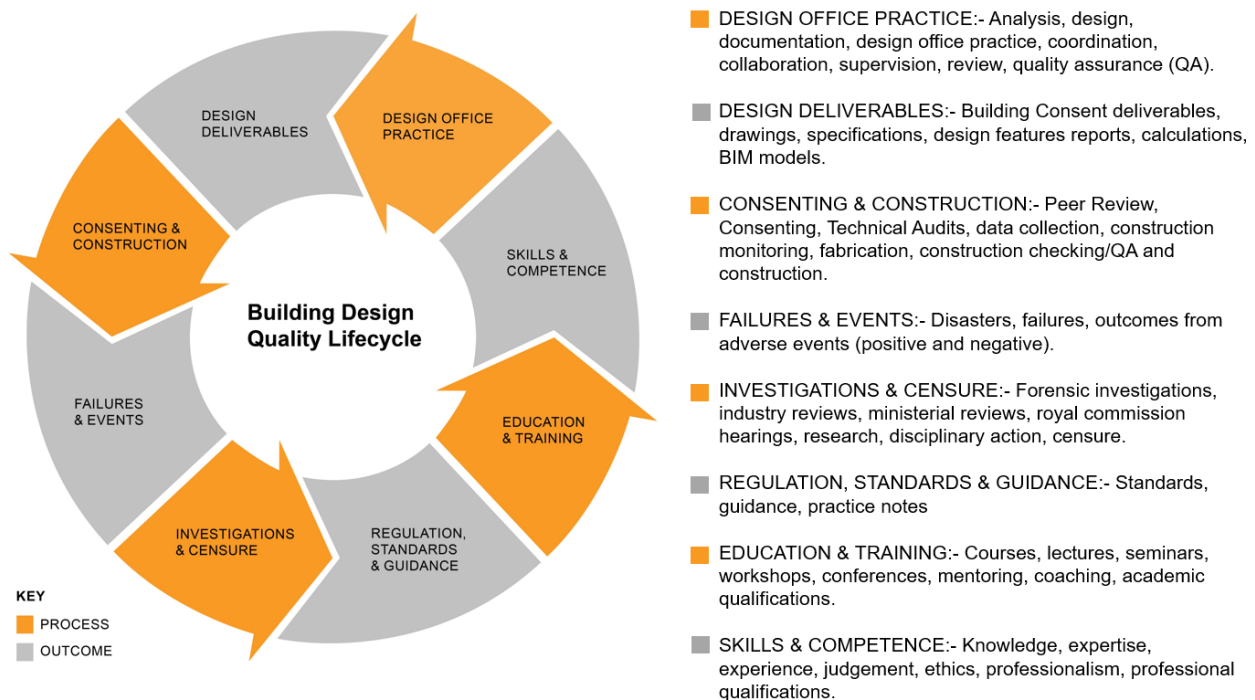
Holistic Quality Approach

SESOC believes that improved quality standards will only be achieved by having a regulatory framework that supports a holistic view of quality – whilst understanding the full lifecycle of building and construction projects. The need for a holistic/systems view of the industry and the need for quality improvements to achieve a high-performing, transparent and trusted sector are also consistent with the aim of the Construction Industry Accord.

Whilst the MBIE discussion paper seeks to make improvements to some aspects of our profession, we do not believe that it addresses all those elements needed to ensure standards are raised to a suitable level. As outlined in SESOCs previous submissions on this subject (as referenced above) we believe it important to address a broad range of areas in order to address quality issues within our profession including;

- Appropriate education, training and professional qualifications/registration.
- High quality professional practice documentation, including technical guidance and Standards.
- Checks and balances – including the role of independent Peer Review, consistent Building Consent processes, Technical Auditing of Building Consent submissions and collation of data in relation to insurance claims and failures.
- Improved quality of construction, including the important role of construction observation.
- A profession that is underpinned by a strong self-regulating professional body including a suitable Code of Ethics and appropriate disciplinary process.

These areas form part of a broader Building Design Quality Lifecycle that is represented in the diagram below. SESOC believes that attention to and investment in all aspects of this life-cycle is necessary, in order to improve quality outcomes.



SESOC has previously stated that the imposition of an increasingly complex and demanding compliance burden on designers (i.e. occupational regulation) is likely to do little to improve quality, without a broader systems approach including all the aspects outlined above. To improve quality, we need to adopt a “fence at the top” approach in order to address poor design outcomes before they happen.

Quality Systems and Technical Audits

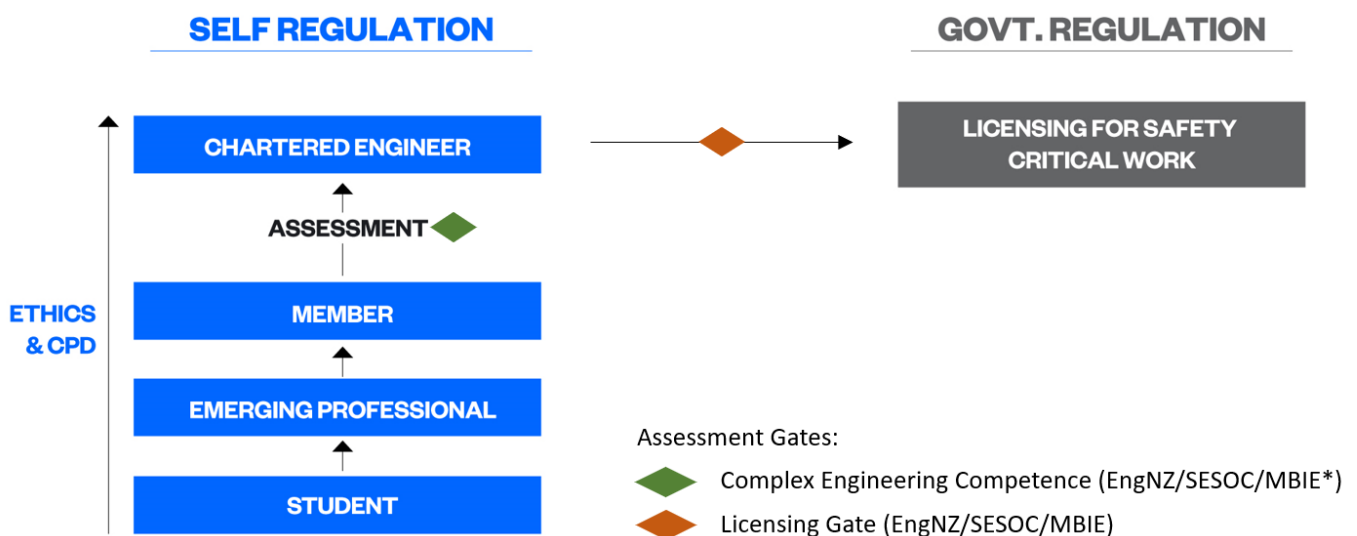
One consistent area of Member feedback is around the need for Technical Auditing of Structural Engineering designs – design outcome audits (not process audits). SESOC strongly supports this view and believes an independent national auditing body is crucial if quality is to be assessed and enhanced over time. Currently there is no consistent means by which quality of designs are assessed against their ability to meet the requirements of the Building Code. Until such time that we have evidence-based data to assess quality outcomes, it will be impossible to ensure quality improvements are being targeted at the right place. We also believe that the knowledge of Technical Audits happening may also lead to improvements in quality.

Section 3.2 of the MBIE discussion paper on occupational regulation of Engineers forms the main part of our submission and is therefore discussed first. Other parts of the MBIE discussion paper, that we wish to comment on, are outlined towards the end of this document.

Part 3.2 Occupation Regulation - Engineers

Licensing

SESOC supports the regulation of Structural Engineers through licensing. SESOC also believes that our professional bodies (Engineering New Zealand, SESOC and other Technical Societies) play a crucial role in supporting collaboration, the sharing of ideas and ultimately professionalism. SESOC believe that Government regulation will only work if the system recognises the crucial role that a self-regulating profession plays maintaining quality. As such we believe that the system framework promoted by Engineering New Zealand provides the ideal platform for a system that combines the best components of self-regulation and Government licensing. We have added the two assessment gates to the diagram as outlined below – and note that these two gates will need to work together in order to achieve appropriate outcomes for the licensing of safety critical work.





* Engineering New Zealand, SESOC and MBIE working collaboratively to determine criteria and methodology for assessment of complex engineering competence.

SESOC has been working with Engineering New Zealand to improve the current assessment for CPEng, including the development of the Body of Knowledge and Skills (Structural BOKS). However, we believe that further resources, processes and training are needed in order to strengthen the assessment process for Complex Engineering Competence (Structural). Areas for improvement and/or to be addressed include;

- The selection criteria, training and remuneration of Practice Area Assessors.

- Availability of appropriate Practice Area Assessors.
- Consistent assessment criteria and processes (based on the Structural BOKS) including consideration of the need for examination (noting very mixed views on the merits of an exam as part of previous SESOC member consultation).
- The definition and publication of Practice Areas/Fields.
- Candidate pass rates.

SESOC supports the notion of a technical assessment gate for complex engineering competence  as a requirement to achieve Chartered Engineer status – subject to addressing the deficiencies within the current CPEng assessment process as outlined above.

SESOC also believes ensuring appropriate technical competence, coupled with sound judgement, experience and behavioural competence (as required for the supervisory and sign-off requirements for Licencing) is necessary for Licencing assessment gate . SESOC believes that the skills required for this Licensed role are often broader to the range of technical skills and expertise required to undertake the actual design. For medium to larger scale projects, the Licenced Engineer (or Engineer of Record) might do little if any of the actual design. Their role is to apply judgement, based on experience and technical competence to ensure that the design team has appropriate skills, expertise, resources and timeframes to undertake the design work and that an appropriate review and checking process (quality assurance, QA) has been adopted. This may often include the need for the project to be independently Peer Reviewed. Ensuring collaboration and cross discipline coordination is undertaken to ensure that Structural Design is effectively integrated into the overall building system is also crucial.

It seems clear that many decisions are yet to be made in terms of the system is structured and the way in which the assessment processes for Chartered Engineer (professional body self-regulation) and Licencing works. SESOC believes that it will be important for all stakeholders, including MBIE, Engineering New Zealand and SESOC (along with other Technical Societies) to work together collaboratively to ensure successful outcomes. It will be important to ensure that the system addresses key technical competence and behavioural needs, without duplication of assessment requirements for Chartership and Licencing. SESOC also believes that the current CPEng requirement for regular re-assessment is a strong benefit of that system and SESOC strongly recommends that a regular re-assessment component is part of the future system.

Certification

SESOC does not support Government regulation of general competence through a voluntary certification scheme. SESOC does not see the need for such a scheme and believes its presence would lead to duplication and confusion in the Building Sector. SESOC supports the Chartered Engineer, within the self-regulating professional body as proposed by Engineering New Zealand. SESOC strongly supports the notion that Chartered Engineer (Structural) is the appropriate pathway to Licenced Engineer.

Restricted Engineering (Design) Work

In practice, the current regulatory system already has a definition for “restricted engineering (structural design) work” in the form of “specific structural engineering design” to the verification methods cited under B1/VM1 in the New Zealand Building Code. Typically, when undertaking design work to B1/VM1 a designer would provide certification of their design in the form of the Producer Statement Design, which would accompany design drawings, specifications and calculations. Alternate Solutions, beyond B1/VM1 would also be considered “restricted” under the current regime.

SESOC believes this existing definition of “restricted engineering (structural design) work” would provide a suitable threshold for safety critical structural design under the proposed new Licencing scheme.

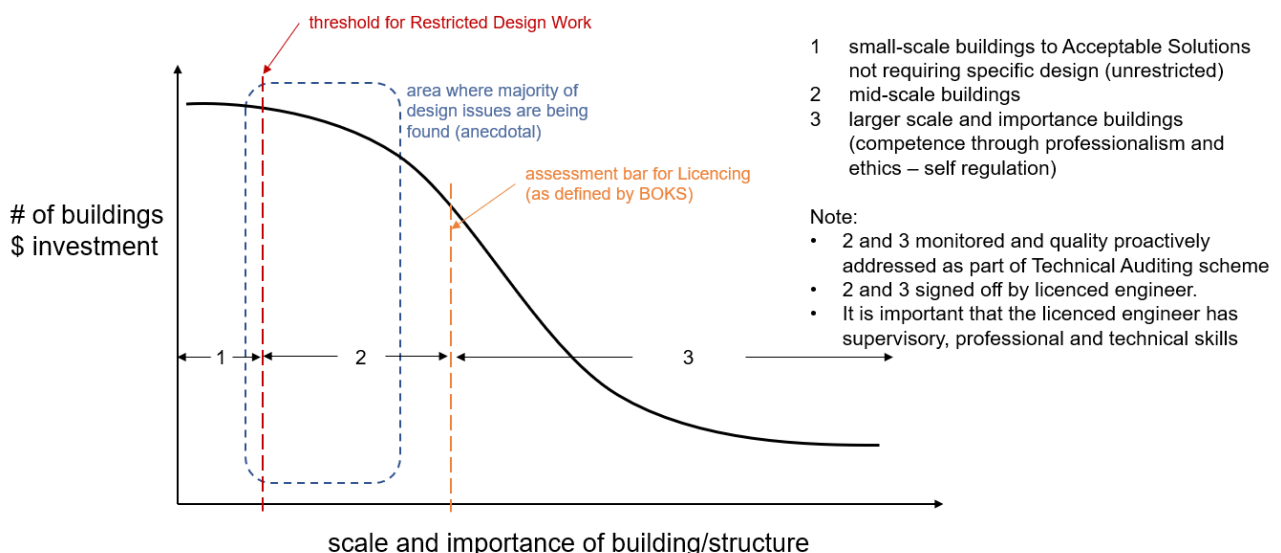
SESOC also recommends that Seismic Assessments of existing buildings are also deemed “restricted engineering work” and consideration be given to the restriction of other Safety Critical design activities such as Contractor Temporary Works.

Under this scenario, work that complies with the Acceptable Solutions cited in B1 would not be deemed restricted. Again, SESOC believe this sets an appropriate threshold for defining work that is less critical in a life safety sense, noting that this work encapsulates all light timber framed buildings to NZS3604, masonry buildings to NZS4229 and earth buildings to NZS4299. We understand that MBIE proposes to cite a new Acceptable Solution for steel framed buildings soon as well.

SESOC does not support using factors such as building size, building use and ground conditions as outlined in section 3.2 figure 1 of the discussion paper. There are numerous reasons for this view including;

- Such criteria ignore many other types of structure that should be restricted such as tanks, tunnels, bridges, wharves, masts and other Safety Critical components such as Contractor Temporary Works.
- Such definitions are difficult to define and manage – for example building height, (does this include basements), what about buildings that step up a slope.
- Building size, scale and use regularly change through the course of a design project. Floors get added, buildings get bigger and tenant mix changes (e.g. adding a day-care centre to a commercial building). Under such a definition, buildings that start life under a given “threshold” could easily morph to ones that exceed the “restricted” threshold during design – potentially leading to the need to change designer along the way, if the original designer wasn’t Licenced.
- Such definitions can be gamed – e.g. keeping a building scale within the definition to avoid needing to engage a Licenced Engineer.
- Building scale and importance is not a good proxy for building complexity. Small buildings can be very structurally complex – especially when the design isn’t “managed” by a suitably experienced and qualified Engineer, that knows how to keep things simple. Problems often arise when an inexperienced Engineer doesn’t keep control of the structural design, and it becomes more complex than it needs to be.
- Many of the quality issues and failures (including life safety issues) that are seen in the industry are for buildings of smaller scale (Masterton Buildings, Six60 balcony – Dunedin, Cave Creek Collapse, Couch Building Barbadoes Street – Christchurch, Canterbury snow failures 2006 etc; also refer SESOC presentation to MBIE dated 16th May 2019).

SESOC – Restricted Work Threshold vs Licensing Bar



Resource Availability

SESOC believes that the system outlines above meets the needs identified in that it’s simple and easy to understand, it’s pitched at the right level (and to help address the known issues) and that it will work within the existing regulations and frameworks of the Building Sector.

We believe that the role of the profession (Engineering New Zealand and associated technical societies) in

assessing and maintaining professional standards and technical competence is crucial, and so we believe there is a strong place for Chartered Engineer within the system. We also recognise the role that Licencing can play in fostering great behavioural outcomes and promoting improved quality, review, oversight and accountability for Restricted Design Work.

The role that good Design Office Practice plays within this is critically important, including the ability to critique, query, review and challenge. In many medium to large practices the oversight and sign-off responsibility is often restricted to a small number of Senior Principals/Directors, even though many others within an office may have CPEng. As such we see the Licencing system reflecting what already happens within many larger firms, with the possibility that only those in an oversight and sign-off role need to become Licenced.

For smaller practices, these roles and responsibilities are often merged. In this context SESOC recognises the role that ongoing training and development, independent review, professionalism and ethics and a collegial professional approach plays to ensure Engineers remain up to date and can combine the roles of designer, oversight and sign-off.

Obviously, any attempt to raise the bar in terms of professional standards and quality will have consequences with respect to resource availability of suitably qualified Engineers. However, we believe those consequences can be managed by careful consideration of transitional arrangements, combined with adequate resources and training to assist those seeking to become Chartered and Licenced. If we recognise that change is required, the consequence of that change needs to be balanced in the context of the system improvements that we are trying to achieve. Ultimately, system changes will only impact on resources and outcomes to the extent to which those changes are policed – hence the need for ongoing Technical Audits and competence re-assessment.

SESOC supports strong governance, independence and leadership of the licensing regime, provided that appropriate technical input is available within that governance regime.

Part 2 – Building Products and Methods

SESOC supports the introduction of requirements to strengthen the way in which building products and methods are managed within the Building Sector and regulatory framework.

Part 3.1 – the Licensed Building Practitioner (LBP) scheme

SESOC supports the proposed changes to the LBP scheme to broaden its scope and strengthen its requirements. However, SESOC questions the appropriateness of the proposed definition of restricted building work.

Part 4 – Risk and Liability

This section falls outside of the technical aspects of the Structural Engineering profession and as such SESOC defers to Engineering New Zealand, ACENZ and CEAS regarding this part of the discussion paper.

Part 5 – Building Levy

As outlined in the overview, SESOC believes that improved quality standards will only be achieved by having a regulatory framework that supports a holistic view of quality. As such we believe there are numerous opportunities for greater investment within the Building Sector to support this holistic approach. Examples could include;

- Greater support and training for Practice Assessors within the licensing framework (or current CPEng process).
- Greater investment in technical guidance and Standards.

- The introduction of a Technical Auditing scheme for Building Consent submissions and the collection of data from that and other sources (e.g. the insurance industry and Engineering New Zealand complaints processes) in order to enable practice improvements to be better targeted.
- An independent review commission/body advising on good practice measures and processes

Until such investment in the Building Sector is undertaken and the cost of such programmes are understood, SESOC believes it is premature to lower the Building Levy.

Part 6 – Offences, Penalties and Public Notification

This section falls outside of the technical aspects of the Structural Engineering profession and as such SESOC defers to Engineering New Zealand, ACENZ and CEAS regarding this part of the discussion paper.

Conclusion

SESOC endorse and support the purpose of the consultation document, and in principal agree with most of the proposals. We are pleased to provide this submission to MBIE and would be happy to provide further information if required. We are also keen to provide input into the final legislation and to work with the regulator, MBIE, in its implementation.

In the meantime please feel free to contact the following people in relation to this submission:

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Appendix A: MBIE Submission Questions – SESOC Response

A little bit about you

Your contact details

Name: Hamish McKenzie

Company: Holmes Consulting and SESOC President

Email address: hamish.mckenzie@holmesconsulting.co.nz

- I would like to be anonymous in MBIE's published consultation results.

Yes No

- Are you representing others?

No, just my self

Yes, I represent a company or an organisation

Company/Organisation title: Structural Engineering Society New Zealand (SESOC)

- The best way to describe your role is:

- | | | |
|--|---|---|
| <input type="checkbox"/> Architect | <input type="checkbox"/> Builder | <input type="checkbox"/> Building Control Officer |
| <input type="checkbox"/> Building owner | <input type="checkbox"/> Designer | <input type="checkbox"/> Developer |
| <input type="checkbox"/> Electrician | <input type="checkbox"/> Engineer – Fire | <input type="checkbox"/> Engineer – Geotechnical |
| <input checked="" type="checkbox"/> Engineer – Structural | <input type="checkbox"/> Engineer – other | <input type="checkbox"/> Homeowner |
| <input type="checkbox"/> Manufacturer/supplier/off-site manufacturer | | |
| <input type="checkbox"/> Plumber/gasfitter/drainlayer | | |
| <input checked="" type="checkbox"/> Other (please specify) President, Structural Engineering Society New Zealand (SESOC) | | |

Part 2: Building products and methods

MBIE wants stakeholders' feedback on seven proposed changes:

1.	Widen the purpose of the Building Act to include the regulation of building products and methods.
2.	Provide clear definitions for 'building product' and 'building method'.
3.	Require product manufacturers and suppliers to supply information about their building products. Set minimum standards for that information. This would not apply to building methods.
4.	Clarify responsibilities of manufacturers, suppliers, designers and builders for building products and building methods.
5.	Give MBIE the power to compel information to support an investigation into a building product or method.
6.	Strengthen the framework for product certification for building products and methods.
7.	Enable a regulatory framework for modern methods of construction, including off-site manufacture.

Proposal 1 -Widen the purpose of the Building Act to include the regulation of building products and building methods.

2.1	Do you agree with expanding the purpose of the Building Act to include the regulation of building products and methods and their use?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	SESOC supports the introduction of requirements to strengthen the way in which building products and methods are managed within the Building Sector and regulatory framework.

Proposal 2 - Clearly define 'building product' and 'building method'.

Include the following definitions in the Building Act:

- A 'building product' is any component or system that could be reasonably expected to be incorporated into building work. A system is a set of at least two components supplied and intended to be used together to be incorporated into building work.
- A 'building method' is a specific way of using a product or system in building work.

2.2	Do you agree with the proposed definition of 'building product'?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.3	Do you agree with the proposed definition of 'building method'?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

2.4	Do these definitions provide sufficient scope to account for new and emerging technologies?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
SESOC has no comment.	

Proposal 3 - Set minimum standards for information about building products and require manufacturers and suppliers to supply that information.

Product manufacturers and suppliers (including importers) would need to provide publicly accessible information about building products.

Set minimum information requirements for building products (through regulations).

2.5	Do you support the proposal to require manufacturers and suppliers to supply information about building products?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SESOC supports the introduction of requirements to strengthen the way in which building products and methods are managed within the Building Sector and regulatory framework.	

2.6	(For designers, builders and building consent authorities) Would the proposed minimum information requirements for building products help you make good decisions about products?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
It would help us make better decisions but is unlikely to provide sufficient information on it's own to enable good decision making.	

2.7	(For designers, builders and building consent authorities) Do you need any other information to help you decide whether a building product will result in building work that complies with the building code?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Information will be product specific.	

2.8	(For manufacturers and suppliers) How closely do the proposed minimum information requirements reflect what you already provide?			
Much less than what is already provided		Similar to what is already provided		Much more than what is already provided
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> I don't know				

2.9	(For manufacturers and suppliers) Would there be a financial impact on your business to provide the proposed minimum product information for your products?
	<div style="display: flex; justify-content: space-around; font-size: small;"> Strong negative impact Negative impact No impact Positive impact Strong positive impact </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>
2.10	(For manufacturers and suppliers) Please tell us your estimated cost increase in NZD and include any relevant information on how it was calculated (eg the number of products you produce or supply).
	SESOC has no comment.

Proposal 4 - Clarify the responsibilities of manufacturers, suppliers, designers and builders for building products and building methods.

- Create an explicit responsibility on manufacturers and suppliers to ensure that a building product is fit for its intended purpose.
- Clarify that builders cannot use a different building product or building method to the product or method specified in the building consent without an appropriate variation to the consent.
- Clarify the responsibilities of builders and designers to ensure that the building products and methods specified or used will result in building work that complies with the code.

2.11	Do you support the proposals to clarify roles and responsibilities for manufacturers, suppliers, designers and builders?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	This will lead to greater accountability for product supply.
2.12	Is the current threshold and process for variations to consent appropriate for all circumstances?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	SESOC has no comment as we do not have consistent information about the way in which the current process is applied by various Territorial Authorities.

Proposal 5 - Give MBIE the power to compel information to support an investigation.

2.13	Do you support the proposal to give MBIE the power to compel information to support investigations?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Investigations are an important component of the Quality Life Cycle and so SESOC supports any initiative that will enhance MBIE’s ability to conduct thorough investigations.

2.14 Would MBIE’s ability to compel information about building products or methods and share this with other regulators have unintended consequences? If so, what might these unintended consequences be?

Yes No

SESOC have no comment.

Potential impacts of the proposed changes

2.15 Do you think the impact of the proposed changes to the regulation of building products and building methods (proposals 1-5) would be positive or negative? What do you think the impact might be?

Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Improved certainty on products and accountability when products don’t meet their expected performance objectives.

2.16 How do you think the proposed changes to the regulation of building products and building methods would change how you and your business/organisation operates?

Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It would hopefully lead to a lower compliance burden for SESOC members in relation to ensuring quality products are used in construction.

MBIE proposes a two-year transition period for product information, six months for other proposed changes (proposal 1, 2, 4 and 5).

2.17 How long do you think the transition period for product information needs to be to ensure manufacturers and suppliers are prepared for the changes?

Less than two years Two years More than two years

SESOC has no comment.

2.18 How long do you think the transition period for the changes to responsibilities needs to be so that people are prepared for the changes?

Six months More than six months

SESOC has no comment.

2.19 If the clarified roles and responsibilities came into force before the minimum requirements for product information, what would be the impact?

SESOC has no comment.

Proposal 6 - Strengthen MBIE's role as the product certification owner and regulator.

Allow for regulations to set requirements on product certification bodies and for the accreditation and registration of product certification bodies.

Allow for regulations to set out the process and requirements for registering a product certificate.

Allow MBIE to set rules for the interactions between participants in the product certification schemes.

Provide MBIE with the powers needed to administer the registers of product certification bodies and product certificates.

2.20 (For product manufacturers and suppliers) Would the changes proposed to the framework for product certification make product certification a more attractive compliance pathway for your products?

Yes

No

SESOC has no comment.

2.21 (For designers) How would the proposed settings to the framework for product certification impact your product specification in building designs?

No change

I'd specify fewer certified products

I'd specify more certified products

SESOC expect minimal change for Structural Engineering product specification based on the proposed changes.

2.22 (For building consent authorities) Would the changes to the product certification scheme's settings increase your confidence that a product or method with a product certificate will perform as intended?

Yes

No

SESOC has no comment.

Proposal 7 - Enable a regulatory framework for modern methods of construction (MMC), including off-site manufacture.

Amend the Building Act to enable a regulatory framework that would future-proof the building regulatory system for MMC. Features of this framework include:

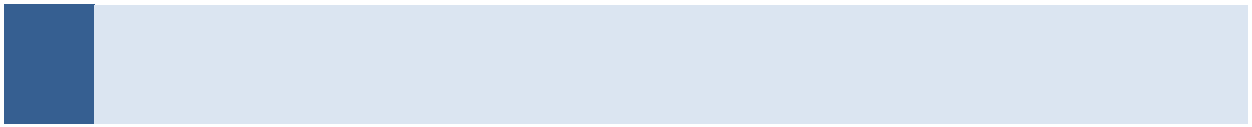
- enabling a manufacturer certification scheme for repeatable manufacture processes used to produce building work
- clarifying what roles and responsibilities for MMC will be when the new framework is in place

- minimising duplication of effort by: not requiring two consents for the same building work, and considering whether to require BCAs to accept each other's consents and Code Compliance Certificates.

2.23	Are these the correct features for a future-proofed regulatory framework for MMC?										
<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>SESOC has not considered this part of the discussion paper in detail, but generally supports efforts to enhance the use of modern methods of construction and off-site manufacture, provided suitable quality frameworks are in place.</p>											
2.24	What would be the impact of such a regulatory framework for MMC?										
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Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
2.25	(For manufacturers of MMC, including off-site manufacture) How would the proposed framework impact your business?										
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Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
2.26	(For manufacturers of MMC, including off-site manufacture) Would you use the manufacturer certification scheme?										
<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>SESOC has no comment.</p>											
2.27	(For building consent authorities) What would be the impact of a requirement for BCAs to accept one another's consents and code compliance certificates?										
<table border="0" style="width: 100%; text-align: center;"> <tr> <td>Strong negative impact</td> <td>Negative impact</td> <td>No impact</td> <td>Positive impact</td> <td>Strong positive impact</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <p>SESOC has no comment.</p>		Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							

Final thoughts

2.28	If you have any other comments on the proposals for building products and methods, please tell us.
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Part 3.1: Occupational regulation of the Licensed Building Practitioner (LBP) scheme

MBIE wants stakeholders' feedback on two proposals:

1.	Broaden the definition of restricted building work (RBW) to include more complex non-residential building work.
2.	<p>Raise the competence standard for LBPs to enter and remain in the LBP scheme. This includes proposals to:</p> <ul style="list-style-type: none"> • Introduce a tiered licensing system for LBPs to establish a progression pathway, including a specific licence for supervision. • Simplify the licence class categories. • Introduce behavioural competence requirements for LBPs.

Proposal 1 - Broaden the definition of restricted building work (RBW) to include more complex non-residential building work.

3.1.1	<p>How effective do you think expanding the scope of RBW would be in managing risks to public safety in the building sector?</p> <p style="text-align: center;"> <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Somewhat effective <input type="checkbox"/> Very effective </p>
3.1.2	<p>Do you agree with the proposed threshold for the definition of RBW?</p> <p style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </p> <p><i>The discussion paper comments that 'High numbers of vulnerable occupants such as older persons, children and people who are disabled or have poor health face a higher risk to their safety if a building fails.....MBIE wants to expand the definition of RBW to capture higher risks.'</i>(Part 3 pg 16).</p> <p>The proposed definition of RBW limits its application to commercial structures that are greater than 12m high, have occupancy of more than 200 people, or are IL3 or greater.</p> <p>Apart from the main centres, SESOC believes the majority of commercial structures designed and built in New Zealand are IL2 low rise with an occupancy of less than 200 people. Certainly, most schools, day-cares, general medical facilities and rest homes are low rise and likely considered IL2. These types of buildings would not be covered under the proposed definition.</p> <p>If the aim is to capture high risk and protect vulnerable occupants, then the proposed definition does not appear able to achieve this across the majority of NZ.</p>
3.1.3	<p>(For builders) What impacts do you think the proposals for RBW would have on you and your business (including type of work, recruitment, training and costs)?</p> <p style="text-align: center;"> <input type="checkbox"/> Strong negative impact <input type="checkbox"/> Negative impact <input type="checkbox"/> No impact <input type="checkbox"/> Positive impact <input type="checkbox"/> Strong positive impact </p> <p>SESOC has no comment.</p>

SESOC has no comment.

3.1.11 (For builders) Do you still see potential value in having a site licence for residential and commercial building projects?

Yes No

SESOC has no comment.

3.1.11a How can a site license contribute to the coordination of building work?

SESOC has no comment.

3.1.12 (For builders) Who do you think should be responsible for coordinating building work on a site and what skills are required for this type of role?

SESOC has no comment.

3.1.13 Do you think that the introduction of a fit and proper person test and a code of ethics for LBPs would help to ensure that building professionals are held accountable and improve the public's confidence in the LBP scheme?

	Yes	No
Fit and proper person test	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Code of the ethics for LBPs	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SESOC believes these changes are a positive improvement to the system.

MBIE proposes a transition period to implement the changes.

- reassess every existing LBP under the new competency standards after two years (November 2022); reassessment would be done when each licence comes up for renewal.
- assess new LBP applicants under the new competency standards; assessment would start in November 2022.

3.1.14 Do you agree the proposed timeframe for the changes to the LBP scheme is sufficient?

Yes No, it's too long No, it's too short

SESOC has no comment.

3.1.15 What should we consider in setting the transition timeframe?

SESOC has no comment.

Final thoughts

3.1.16 If you have any other comments on the proposals for LBPs, please tell us?

SESOC has no further comment.

Part 3.2 Occupational regulation of Engineers

MBIE wants stakeholders' feedback on the three proposals:

1	Establish a new voluntary certification scheme that provides assurance of an engineer's professionalism and general competency and phase out Chartered Professional Engineer (CPEng).
2	Restrict who can carry out or supervise safety-critical structural, geotechnical and fire-safety engineering work within the building sector. This would cover all medium to high complexity work and be triggered by factors such as building size, use and location.
3	Establish a new licensing scheme to regulate who can carry out or supervise engineering work that has been restricted.

Proposal 1 - Establish a new voluntary certification scheme that provides assurance of an engineer's professionalism and general competence and phase out CPEng.

3.2.1	Do you agree that there is a need for a statutory mark for engineers of professionalism and general competence to solve complex engineering problems?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	SESOC supports the introduction of a systems that combines the benefits of a self-regulating profession and Government Licencing as outlined in our written submission.
3.2.2	How well do you think CPEng currently provides this assurance? What do you think needs to change?
	SESOC do not believe the current CPEng system is meeting the needs of the profession. SESOCs view is that the current system needs to be strengthened and improved to meet the needs of the profession as outlined in our written submission.
3.2.3	Do you agree that a new title is needed for engineers that have been certified? If so, do you have a view on what that title should be?
	<input type="checkbox"/> Certified engineer <input checked="" type="checkbox"/> Chartered engineer <input type="checkbox"/> Other (leave your suggestion below)
	SESOC supports Engineering New Zealand's proposed titles and structure using Chartered Engineer and Licencing as outlined in our written submission.
3.2.4	For engineering work on buildings that does not require specialised skills, do you think certification would provide sufficient assurance of general competence and reduce the risks of substandard work?
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	SESOC does not support the introduction of a Government run certification scheme as outlined in our written submission.

Proposal 2 - Restrict who can carry out or supervise safety-critical structural, geotechnical and fire safety engineering work within the building sector. This would cover all medium-to-high complexity work and be triggered by factors such as building size, use and location.

3.2.5 Do you agree that life safety should be the priority focus determining what engineering work is restricted?

Yes No

SESOC believe that Life Safety or Safety Critical focus should be the priority. This has in some cases been referred to as “high risk” which in SESOCs view should be viewed to be equivalent to Life Safety.

3.2.6 What combination of the following factors should be used to determine what engineering work is restricted: building size, building use, ground conditions, other?

Building size Building use Ground conditions Other (please specify below)

SESOC does not support using factors such as building size, building use and ground conditions for determining restricted engineering work.

As outlined in our written submission SESOC recommends the use of the current practical restriction of “specific structural engineering design to B1/VM1” as an appropriate restriction.

SESOC believe that using Alternate Solutions and undertaking Seismic Assessments should also be considered restricted.

Proposal 3 - Establish a new licensing scheme to regulate who can carry out or supervise engineering work that has been restricted.

3.2.7 In your opinion, does geotechnical, structural and fire safety engineering work pose the greatest life safety risk in the building sector?

	Yes	No
Geotechnical work	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Structural work	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire safety engineering work	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.2.7a Do you think there are any other engineering specialities that pose greater life-safety risks in the building sector that are not included here?

Yes No

SESOC has no strong views on this but recommend wider sector consultation is given to this question. Water supply, electrical supply and other engineering systems may also pose significant Life Safety risk.

<p>3.2.8</p>	<p>3.2.8 Do you agree that engineers should satisfy the requirements for certification before they could be assessed for licensing?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Yes and no (as SESOC doesn't support Certification). However, SESOC does agree that Chartered Engineer as part of the self-regulating professional body is the appropriate pathway to Licenced Engineer.</p>										
<p>3.2.9</p>	<p>What impact do you think the restrictions and licensing would have on the number of engineers who can carry out or supervise engineering work on buildings that require technical competence in a specialised field?</p> <table border="0" style="width: 100%; text-align: center;"> <tr> <td>Strong negative impact</td> <td>Negative impact</td> <td>No impact</td> <td>Positive impact</td> <td>Strong positive impact</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <p>SESOC believes that a stronger Chartered Engineer and Licencing system will have a positive impact on outcomes, whilst not necessarily having a major impact on resources in the medium to longer term.</p> <p>The impact will inevitably be proportionate to the extent to which quality outcomes are policed.</p> <p>That said, SESOC believe that such system changes are on one small part of the overall quality system.</p>	Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>							
<p>3.2.9a</p>	<p>Do you feel that there are enough engineers with the necessary technical competence to meet any new demand?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>SESOC does not have data to support this statement.</p> <p>SESOC does however believe that any transitional arrangements will need to be carefully planned, communicated and managed, including the provision of guidance and training to Engineers, in order for them to be successful.</p>										
<p>3.2.10</p>	<p>3.2.10 What impact do you think the restrictions and licensing would have on the cost of engaging an engineer?</p> <table border="0" style="width: 100%; text-align: center;"> <tr> <td>Strong negative impact</td> <td>Negative impact</td> <td>No impact</td> <td>Positive impact</td> <td>Strong positive impact</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <p>SESOC believes that that on it's own this question could be misleading. Any increased cost due to restrictions on Licencing would need to be balanced against the significant cost to society brought about by poor engineering design outcomes.</p>	Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
<p>3.2.11</p>	<p>How effective do you think the proposed restrictions and licensing would be in reducing the risks to public safety from substandard engineering work?</p> <table border="0" style="width: 100%; text-align: center;"> <tr> <td>Not effective</td> <td colspan="2">Somewhat effective</td> <td colspan="2">Very effective</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Not effective	Somewhat effective		Very effective		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not effective	Somewhat effective		Very effective								
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							

	SESOC believes that Licencing forms one part of any holistic system improvements that would be needed to improve quality as outlined in our written submission.
3.2.12	If you engage a licensed engineer, would you feel confident that the engineer has the necessary technical competence to do the work?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	SESOC believes that this would depend entirely on the Licencing framework and the quality of the proceed developed to obtain Licencing.
3.2.13	Do you agree with the proposed grounds for discipline of licensed and certified engineers?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	SESOC supports strong accountability within the Engineering Profession.
3.2.14	Is there anything else that you think should be grounds for discipline? Are there any proposed grounds for discipline that you think should be modified or removed?
	SESOC has no further comment.

It will take time to establish a new regime and transition to it.

3.2.15	What things should we consider when we develop transitional arrangements? What supports would you need to help you during this transition?
	Comprehensive planning, communications and management will be required through the transitional period.
	This will include the need for significant resources to manage this transition.
3.2.16	(For engineers who currently do not have CPEng or higher) Would you be likely to apply for a licence (fire safety, geotechnical, structural)?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	This will depend entirely on the career stage and aspirations of individual Engineers.
	SESOC believes that within our proposed structure, as outlined in our written submission, there will be plenty of opportunity to have a productive and fulfilling career as a Structural Engineer (through the Engineering New Zealand professional pathway) without necessarily needing to be Licenced.

Final thoughts

3.2.17	If you have any other comments on the proposals for engineers, please tell us.
	SESOC has no further comment at this stage, other than that outlined in our written submission.



Part 3.3 Occupational regulation of Plumbers, Gasfitters and Drainlayers

MBIE wants stakeholders' feedback on the three proposals:

1	Repeal specific sanitary plumbing exemptions for householders in specified areas and for rural districts.
2	Repeal exemptions for restricted sanitary plumbing, gasfitting and drainlaying work under supervision.

Proposal 1 - Repeal the current sanitary plumbing exemptions for householders in specified areas and for rural districts, including the current Gazette notices for districts made under the Plumbers, Gasfitters and Drainlayers Act 1976.

3.3.1	Have you encountered instances of hazards or health issues from sanitary plumbing work completed by unlicensed people?										
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please tell us more or provide an example.</p> <p>_____</p>										
3.3.2	How often do you find work undertaken under a householders or a rural areas exemption that does not comply with the requirements of relevant codes and standards?										
	<table style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="width: 20%;">Never</td> <td style="width: 20%;">Occasionally</td> <td style="width: 20%;">Regularly</td> <td style="width: 20%;">Often</td> <td style="width: 20%;">Always</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <p>Please tell us why.</p> <p>_____</p>	Never	Occasionally	Regularly	Often	Always	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Never	Occasionally	Regularly	Often	Always							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
3.3.3	Do you think that a person should be qualified to do sanitary plumbing work on your property?										
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please tell us why.</p> <p>_____</p>										

Proposal 2 - Repeal the exemptions for restricted sanitary plumbing, gasfitting and drainlaying work under supervision.

3.3.4	How often do you find substandard work carried out under a supervision exemption?										
	<table style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="width: 20%;">Never</td> <td style="width: 20%;">Occasionally</td> <td style="width: 20%;">Regularly</td> <td style="width: 20%;">Often</td> <td style="width: 20%;">Always</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Never	Occasionally	Regularly	Often	Always	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Never	Occasionally	Regularly	Often	Always							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							

	<p>Please tell us more.</p> <p>_____</p>
<p>3.3.5</p>	<p>What benefits (if any) do you see from regulating people who are currently exempted if they work under supervision?</p> <p>_____</p>
<p>3.3.6</p>	<p>What potential issues (if any) do you see from removing the exemptions for doing restricted work under supervision?</p> <p>_____</p>
<p>3.3.7</p>	<p>What impacts (such as business impacts) would removing the supervision exemptions have on how your business is managed?</p> <p>_____</p>
<p>3.3.8</p>	<p>Do you support allowing people currently working under supervision exemptions to continue working as a regulated person under a new registration and licence?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please tell us why.</p> <p>_____</p>
<p>3.3.9</p>	<p>Is anything else required to support the transition of exempted tradespeople to a new registration and licence?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please tell us more.</p> <p>_____</p>

SESOC have not considered this part of the discussion paper

Final thoughts

<p>3.3.10</p>	<p>If you have any other comments on the proposals for plumbers, drainlayers and gasfitters, please tell us.</p> <p>_____</p>
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Part 4 Risk and liability

MBIE wants stakeholders' feedback on the three proposals:

1	Require guarantee and insurance products for residential new builds and significant alterations, and allow homeowners to actively opt out.
2	Leave the liability settings for building consent authorities unchanged.

Proposal 1 - Require a guarantee and insurance product to be in place for all residential new builds and significant alterations. Homeowners would have the choice to actively opt out of having a guarantee and insurance product.

4.1	Do you support the proposal to require guarantee and insurance products for residential new builds and significant alterations? <input type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why. _____
4.2	Do you think homeowners should be able to actively opt out of having a guarantee and insurance product? <input type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why. _____
4.3	Should there be conditions on when homeowners are able to opt out? What should these conditions be? <input type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why and what the conditions should be. _____
4.4	What types of buildings do you think should be required to have a guarantee and insurance product? (Please tick all that should apply.) <input type="checkbox"/> Standalone residential dwellings <input type="checkbox"/> Medium density housing (up to six storeys) <input type="checkbox"/> High density housing (over six storeys) <input type="checkbox"/> Mixed-used developments (i.e. where a part of the building is used as commercial premises, for example shops or offices.) Please tell us why.

SESOC have not considered this part of the discussion paper

4.5 What threshold do you think the requirement for a guarantee and insurance product should be set at?

Residential building work over \$30,000

Residential building work over \$100,000

Residential building work that would impact the structure or weathertightness of the building.

Other (please tell us more in the comment box below)

Please tell us why or any other comments.

4.6 Do you have any views on the minimum standards that should be set for a guarantee and insurance product?

For example: the type of product, the types of events that are covered, the minimum level of cover, the period of cover, the nature of redress, the maximum claim value, dispute resolution processes, the ability to transfer to new owners.

4.7 What financial and prudential requirements do you think should be placed on providers, to ensure there is a continuing supply of guarantee and insurance products?

For example: reinsurance or other insurance backing, solvency, auditing requirements, security and prudential requirements.

4.8 If residential new builds and significant alterations are required to have a guarantee and insurance product, what do you think the impacts will be?

4.9 **(For builders)** How difficult will it be for you to gain eligibility to offer a guarantee and insurance product?

Impossible	Very difficult	Somewhat difficult	Not very difficult	I already offer one
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tell us why.

MBIE proposes a two-year transition period.

4.10 How long do you think the transition period for guarantee and insurance products needs to be to ensure providers, builders and BCAs are prepared for the changes?

Less than two years Two years More than two years

Please tell us why.

4.11 Is anything else needed to support the implementation of guarantee and insurance products?

Yes No

Please tell us why.

Proposal 2 – Leave the liability settings for BCAs unchanged.

4.12 If the government decides to make all the other changes in this discussion paper, do you agree that that the liability settings for BCAs will not need to be changed?

Yes No

Please tell us why.

4.12a What area of work do you think will have the biggest impact on BCA consenting behaviour?

Products

Occupational regulation

Risk and liability

Building levy

Offences and penalties

Please tell us why.

4.13 If the government decides to limit BCA liability, do you support the proposal to place a cap on BCA liability?

Yes No

Please tell us why.

SESOC have not considered this part of the discussion paper

4.14	<p>_____</p> <p>If there is a cap on BCA liability, do you agree that the cap should be set at 20 per cent?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please tell us why.</p> <p>_____</p>
4.15	<p>If there is a cap on BCA liability, do you think BCAs should have to pay more than 20 per cent if they have contributed to more than 20 per cent of the losses?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please tell us why.</p> <p>_____</p>
4.16	<p>What do you think would be the impacts of placing a cap on BCA liability?</p> <p>_____</p>

SESOC have not considered this part of the discussion paper

Final thoughts

4.17	<p>If you have any other comments on the proposals for risk and liability, please tell us.</p> <p>_____</p>
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Part 5 Building levy

MBIE wants stakeholders' feedback on the three proposals:

1	Reduce the rate of the levy from \$2.01 to \$1.50 including GST (per \$1,000).
2	Standardise the threshold at \$20,444 including GST.
3	Amend the Building Act to enable MBIE's chief executive to spend the levy for purposes related to broader stewardship responsibilities in the building sector.

Proposal 1 - Reduce the rate of the building levy from \$2.01 to \$1.50.

5.1	Do you agree that the levy rate should be reduced from \$2.01 to \$1.50? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No As outlined in our written submission SESOC believes that significant additional investment in the Building Sector is required. Until such time such investment is planned and the cost of such programmes understood, SESOC believes that it is premature to lower the Building Levy.
5.2	(For building consent authorities) What impact, if any, would a reduced levy rate have on building consent authorities? Strong negative impact Negative impact No impact Positive impact Strong positive impact <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> SESOC has no comment.
5.3	Other than reduced building consent costs, what are the other impacts from reducing the current levy rate? A reduction in available resources to invest back into much needed quality improvements in the Building Sector.
5.4	(For building consent authorities) How long would you need to implement the proposed changes to the building levy rate and threshold? <input type="checkbox"/> 0-3 months <input type="checkbox"/> 3-6 months <input type="checkbox"/> 6-12 months <input type="checkbox"/> 12 months or longer <input type="checkbox"/> other (please tell us more) _____

Proposal 2 - Standardise the threshold for the building levy at \$20,444 including GST (per \$1,000).

5.5 Do you have any comments on standardising the threshold at \$20,444?

SESOC has no comment.

Proposal 3 - Amend the Building Act's provisions to enable the chief executive to spend the levy on activities related to stewardship responsibilities in the building sector.

5.6 Do you agree that the Building Act should be amended so MBIE's chief executive may spend the levy for purposes relating to building sector stewardship?

Yes

No

SESOC believes the Chief Executive already has wide ranging powers within which to spend the levy, but would welcome any further changes deemed necessary in order to invest in holistic quality improvement initiatives as outlined in our written submission.

We propose that the levy rate and threshold changes take effect on 1 July 2020.

5.7 Do you agree with the proposed start date of 1 July 2020 for the changes to the building levy rate and threshold?

Yes

No

SESOC has no comment.

Final thoughts

5.8 If you have any other comments on the proposals for building levy, please tell us.

SESOC has no further comment other than those outlined in our written submission.

Part 6 Offences, penalties and public notification

MBIE wants stakeholders' feedback on four proposals:

1	Increase the maximum financial penalties for all persons.
2	Set the maximum penalty levels differently for individuals and organisations.
3	Extend the time relevant enforcement agencies have to lay a charge under the Building Act, from six months to 12 months (section 378 of the Building Act).
4	Modify the definition of 'publicly notify' in section 7 of the Building Act.

Proposal 1 - Increase the maximum financial penalties.

6.1	Are the current maximum penalty amounts in the Building Act appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why. _____
6.2	Do you agree with the proposed increases to maximum penalties? <input type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why and what they should be if you disagree. _____

SESOC have not considered this part of the discussion paper

Proposal 2 - Set the maximum penalties differently for individuals and organisations.

6.3	Do you agree with introducing higher penalties for organisations? <input type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why. _____
6.4	What impacts on the building industry could arise from this proposal if it is implemented? Strong negative impact Negative impact No impact Positive impact Strong positive impact <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Please tell us what the impact might be. _____

Proposal 3 - Extend the time parties have to lay a charge under the Building Act, from six months to 12 months (section 378 of the Building Act).

6.5	Do you think 12 months is an appropriate time period for relevant enforcement agencies to lay a charge?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Please tell us why or what you think is an appropriate. _____	

Proposal 4 - Modify the definition of 'publicly notify' in section 7 of the Building Act to remove the requirement to publish in daily newspapers circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin. Public notification will still be required in a more modern form that is future proofed and publicly accessible.

6.6	Do you agree that public notification under the Building Act should no longer be required in newspapers?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Please tell us why. _____	
6.7	Do you agree that publication on the internet and in the New Zealand Gazette is sufficient?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Please tell us why. _____	

SESOC have not considered this part of the discussion paper

Final thoughts

6.8	If you have any other comments on the proposals for offences, penalties and public notification, please tell us.

Overall feedback

Thinking about this consultation, do you have any comments or suggestions to help us improve future consultations?

1	What worked for you?
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2	What would we do better?
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SESOC have not considered this part of the discussion paper

3	Any other comments or final thoughts?
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