

# SOUTH ISLAND IQP REGISTRATION PANEL

(Independent Qualified Persons)

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## South Island IQP Panel March 2018 Newsletter

### Reminders for new IQP Applicants

#### Application form

Please make sure you are applying on the **correct version** of the application form – all IQP forms are available on the Timaru District Council Website.

<https://www.timaru.govt.nz/services/building/independent-qualified-persons>

If you need a word version of the application form please email Mary - [mary.gazzard@timdc.govt.nz](mailto:mary.gazzard@timdc.govt.nz)

**Please note** - the application form has been changed slightly and has a new page five.

The questions on page five are also proving to be a stumbling point, when answering these please refer to the **Building Act 2004 sections 100-112**.

<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html> and the

**Compliance schedule handbook** available here

<https://www.building.govt.nz/building-code-compliance/building-code-and-handbooks/compliance-schedule-handbook/>

**References:** When completing a reference to support an application for SI IQP registration **please** ensure that it is relevant to the specified system that the person is applying for and actually provide details on what and how much you have supervised or worked together. Vagueness is not doing the applicant any favours.

**Applications to become IQP registered:** Please take care when completing applications and remember the more **relevant** information the better, therefore facts and supporting documentation is important.

**\*\*NB. The next SI IQP Panel meeting is 24<sup>th</sup> May 2018\*\* Cut-off date for applications is 16th May 2018**

#### Annual Renewal Letter

This gets sent with your annual renewal invoice – **PLEASE** - fill it out and return it to Mary. Scanning and emailing it is fine, just send it in!

**Also** – if you change employer and wish to retain your registration please let Mary know, likewise if you don't want to retain your registration.

**Reminder - Forcing Upgrades to existing systems** - Please refer to the attached information from MBIE regarding forcing upgrades to specified systems.





## **Upgrade of specified systems – November 2014**

To Whom It May Concern

The Ministry has been notified that some independent qualified persons (“IQPs”) are using the compliance schedule and building warrant of fitness (“BWoF”) provisions under the Building Act 2004 (the Act), in particular the Form 12A certificate, to require upgrades to specified systems.

The purpose of this letter is to clarify the requirements of the compliance schedule and BWoF provisions under the Act.

### **Legislative requirements**

All buildings (except single household units without cable cars) are required to have a compliance schedule if they have a specified system (sprinklers, lifts etc).

Compliance schedules are required to:

1. State and describe each of the specified systems
2. State the performance standard for each specified system (i.e., the level to which the system was intended to perform to when it was installed)
3. Describe the inspection, maintenance and reporting procedures for each specified system to ensure they continue to perform to the performance standards.

IQPs are tasked with carrying out the above inspection and maintenance procedures for the specified systems and issuing Form 12As every 12months certifying these procedures have been carried out.

Once the building owner has received Form 12A(s) which collectively cover all the specified systems on the compliance schedule they can then supply the BWoF to the territorial authority (TA).

### **Problem**

Some IQPs are requiring expensive upgrades to specified systems before they will issue a Form 12A.

These upgrade requirements involve changing the system to perform to a level which is greater than, or differs from, what was required at the time the system was installed (performance standards) and is not simply work to maintain the existing system.

Where Form 12As can't be obtained by the building owner, no BWoF can be issued. There are several offences under the Act relating to having no current BWoF. Some TAs are issuing instant fines for such offences occurring.

Ultimately this leaves the building owner with the option of either paying for unnecessary upgrades or having a building with no BWoF and subsequently committing more than one offence under the Act and liable to instant fines.



## Upgrades and consents

It has also been suggested that some IQPs requiring upgrades to specified systems are not informing building owners of the requirement to obtain a building consent for such work.

It needs to be reinforced that all building work requires a building consent unless specifically exempt under Schedule 1 of the Act (and other limited cases under section 41 of the Act).

## Key messages and suggestions

The purpose of the BWoF regime is to ensure specified systems in buildings continue to perform to the level that was required, or intended to be required, at the time it was installed. The purpose of the BWoF regime is achieved by having appropriate inspection, maintenance and reporting procedures which ensure the specified system continues to perform to the performance standard and are certified through Form 12As and BWoFs.

The BWoF and Form 12As cannot be used to require upgrades specified systems in buildings.

Form 12As should be issued where the inspection, maintenance and reporting procedures have been carried out in accordance with the compliance schedule for the previous 12 months.

While the Ministry of Business, innovation and Employment supports building owners upgrading their specified systems to ensure the safety of building users and other property, any such advice to the building owner needs to be done in the correct way. If an IQP believes it is within the best interests of the building owner and the building's users that a system be upgraded (e.g., for safety reasons) they need to do this as a recommendation under a separate process to the Form 12A requirements. For example, a letter which is sent after an inspection/assessment of the systems is made or a letter that accompanies the Form 12A.

This letter should clearly state that:

1. a building consent may be required for the work to install or modify a specified system
2. the decision to issue the Form 12A does not rely on an upgrade being carried out.

*Suggestions for **owners/owners agents** with IQPs refusing to issue Form 12As until upgrades of the system are completed:*

- Notify the IQP of the requirements under the Act - that the Form 12A is issued based on the procedures in the compliance schedule being carried out
- Find out if the procedures stated on the compliance schedule have been carried out for the specified system in question
- Notify the relevant TA that the IQP is refusing to issue the Form 12A for reasons other than the procedures in the compliance schedule being carried out (if this is the case).

*Suggestions for IQPs* if it is believed that an existing system requires maintenance or upgrades

- Check that the maintenance required is in accordance with the provisions of the compliance schedule and ensure no requirements are made to upgrade the building to a higher level than the performance standard for the specified system.
- If it is believed the existing specified system is insufficient or creating a dangerous or insanitary situation notify the owner and the TA.
- If you believe the compliance schedule is inadequate in ensuring effective maintenance be carried out (to ensure the specified system continues to perform to the performance standard), suggest to the owner and the TA (under section 108) that the compliance schedule be amended.
- If you believe it is within the best interests of the building owner and the building's users that a system is upgraded (e.g., for safety reasons), do this as a recommendation under a separate process to the Form 12A requirements. For example, a letter which is sent after an inspection/assessment of the systems is made or a letter that accompanies the Form 12A. This letter should clearly state that
  1. a building consent may be required for the work to install or modify a specified system
  2. the decision to issue the Form 12A does not rely on an upgrade being carried out.

## **Contact**

Any questions about this letter should be directed to Brad Hislop via:  
[brad.hislop@mbie.govt.nz](mailto:brad.hislop@mbie.govt.nz)