

SOUTH ISLAND IQP REGISTRATION PANEL

(Independent Qualified Persons)

PO Box 522

Timaru 7940

Phone: 03 687 7200

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South Island IQP Panel May 2019 Newsletter

Chair Persons Blog

The last panel meeting identified that the standard of the applications has improved, many thanks for your efforts in this regard and to Mary's diligence in the vetting /further information process.

It is important to note that the application form is the minimum threshold that needs to be provided, any additional information that supports the application is welcome.

As a panel we endeavour to review the acceptance criteria regularly and are currently seeking addition information on lift certification, which we will advise the outcome in due course.

One of the main issues that all stakeholders face is the rather narrow legislative framework of section 108 of the Building Act and the acceptance of a Building Warrant of Fitness.

I have written to the Minister of Housing and MBIE Chief Executive expressing our concerns and we have engaged Simpson Grierson to assist the panel in seeing what can be resolved. Although MBIE have issued advice in the past, it is just that and has no substantive legal standing, so individual Councils are put in the position of acceptance or rejection based on their risk adverseness.

The ultimate aim is to have a process that all South Island Councils are agree on to present a consistent approach.

I will attending the June ABC meeting in Christchurch and will endeavour to provide a bit of an update on a number of things - questions welcome

Regards

Greig

Greig.wilson@wmk.govt.nz

Next Panel Meeting – 15th August – cut-off date for applications is 6th August

It was pleasing to note at the last SI IQP Panel Meeting the quality of some of the applications has lifted, **thanks to some stringent vetting from our secretary**. This resulted in a higher rate of acceptance. There were 15 applications reviewed by the Panel, and fourteen of those were approved.

However, still too many references are not relevant to the specified systems being applied for, also the page five questions are being poorly answered.

****A plea from the secretary – if you leave a job or change address please notify me. I am wasting a lot of time trying to track people down and dealing with returned mail.****

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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

The questions on page five are also proving to be a stumbling point, when answering the 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/>

Building (Forms) Regulations 2004 -

<http://www.legislation.govt.nz/regulation/public/2004/0385/latest/whole.html#contents>

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 and has resulted in either requests for further information or declined applications.

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.

A recent successful applicant provided photographic evidence to support his knowledge, he clearly demonstrated that he could identify what complied and what didn't. This information gave the reviewer plenty of confidence in the applicant, making the approval decision an easy one.

Applications were declined for:

- Detail of Work Experience
- References (Quality of) and Lack of
- Not meeting the set criteria

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Reminders:-

- IQP's **MUST** work within their competency and registration.
- 12a's are not issued in the interest of the building owner, they should be issued if appropriate. I.e. The required Inspection, Maintenance and Reporting regime is complete.
- A report in lieu is NOT a right or get out of jail card. It has no legal standing and some Councils will file them as a record that the specified system is, on the day of inspection working as required, however during the year, missed inspections or a defect that has been repaired.
- A report in lieu should never be issued if the specified system remains defective – Please discuss with the Territorial Authority when a clean 12a cannot be issued.
- **Forcing upgrades** – please refer to the attached letter from MBIE

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!

Useful links

Association of Building Compliance - <http://www.abciqp.org.nz/>

Back Flow Training info –

<https://training.opuseducation.co.nz/courses/194-backflow-prevention-2019?xdr=eyJDT09LSUUiOmsid2dzdGF0czMiOiI1YzdjYmEzZjA2MWQ4NjEwYzkyYWVRkNGYifX0%3D>

FPA NZ - <http://www.fireprotection.org.nz/>

FPA Newsletters and FIRENZ Magazines - <http://www.fireprotection.org.nz/online-resources/articles-and-publications>

Building Officials Institute of New Zealand - <https://www.boinz.org.nz/>

Fire Stop Centre - <http://www.firestopcentre.co.nz>

Building Networks - <https://www.buildingnetworks.co.nz/>

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

Building Act 2004 sections 100-112.

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

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

Building (Forms) Regulations 2004 -

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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