

BuildLaw: In Brief

First unlicensed builder prosecution under the Crimes Act

An unlicensed builder from Mosgiel has become the first person to be prosecuted under the Crimes Act 1961 since the introduction of the Licensed Building Practitioners (LBP) scheme in 2007.

The Ministry of Business, Innovation and Employment (MBIE) released details of the case this week, stating that Rodney James Day had plead guilty to 15 charges in the Christchurch District Court, including four forgery charges.

The charges relate to two separate occasions on which Mr Day was undertaking work on properties in Christchurch. Mr Day informed the owners of both properties that his LBP licence had expired and that he would get the work supervised and signed off by the LBP. Instead Mr Day used someone else's LBP number to complete the paperwork for the jobs and did not get the work reviewed. The fraudulent paperwork was given in one instance to a real estate company dealing with the sale of one of the properties.

MBIE's Occupational Licensing Operations Manager, Duncan Connor, said "Mr Day deceived not only the people who hired him to undertake building work, he fraudulently used another person's details to his own benefit, not considering the impact this would have on them.

"This type of offending is undertaken to deliberately mislead people for the individual's own financial gain.

"The LBP scheme is in place to ensure consumers can make informed decisions when it comes to hiring builders to undertake restricted building work. This type of offending brings the LBP scheme into disrepute and will not be tolerated.

"MBIE will not hesitate to prosecute people who commit offences under the Building Act and/or the Crimes Act."

Mr Day will face sentencing in the Christchurch District Court on 24 September.



MBIE funds over 120 building standards for free download

Over 120 building standards used for building code compliance are now available to download for free.

Building practitioner's concerns that the cost of standards can be a barrier to applying best practice were recognized by The Ministry of Business, Innovation and Employment (MBIE) in December 2017 when they launched a pilot in which five building standards and a handbook were made available, free of charge. This resulted in over 15,000 downloads in 18 months.

Due to the success of this pilot, MBIE has now funded more than 120 standards to make it easier to comply with the Building Code.

Standards New Zealand and the building system regulator MBIE are committed to improving better access to the building standards that make a difference to the wellbeing of New Zealanders.

The selected Building Code standards are the ones that help demonstrate compliance with the code,



The standards can be accessed through the Standards New Zealand [website](#), and indirectly through www.building.govt.nz and www.codehub.building.govt.nz



CertMark International suspended as CodeMark product certification body

CertMark International Pty Ltd's (CMI) Accreditation as a Codemark Product Certification Body (PCB) under the Building Act 2004 has been suspended as of 10 July 2019 by the Joint Accreditation System (JAS-ANZ) of Australian and New Zealand.

The suspension is a result of CMI not meeting scheme CodeMark accreditation requirements. JAS-ANZ says CMI was suspended "for breaching the following clauses of the Accreditation Deed Poll – Conditions of Accreditation – specifically clauses 1, 2, 14, and 20, and therefore poses an unacceptable risk to JAS-ANZ and accreditation." The suspension may be lifted if CMI resolves these issues.

CMI has been given 60 working days to resolve the issues found and demonstrate that CMI meets the accreditation requirements.

During the suspension, CMI cannot carry out any of the CodeMark PCB functions, including evaluating or accepting new certificate applications, revising

existing certificates, or undertaking surveillance activities for current certificate holders.

All current Codemark Certificates issued by CMI will remain valid during the suspension period and can continue to be depended on by Building Consent Authorities (BCAs) as evidence of suitability, so long as they remain on the Ministry of Business, Innovation and Employment (MBIE) CodeMark New Zealand product certificate register. MBIE has recommended that BCAs check the certificate register before issuing any new building consents involving certificates issued by CMI.

MBIE will be working with CMI's certificate holders to make sure any upcoming surveillance is performed by another accredited PCB.

JAS-ANZ is authorised by MBIE for the accreditation and ongoing monitoring of PCBs for the CodeMark scheme.

