MBIE Occupational regulation reforms in the building and construction sector:

Licensing In The Future Environment

Executive summary: *We argue that all those working to design the built environment are architects, and that this title should be regulated in a new way by a single authority.*

Levelling up through this new scheme is based on project complexity and associated risk (much like the existing LBP scheme), but also on a project's scale and function as these factors pertain to its present and future economic, social, and cultural significance and environmental impact through an accompanying non-technical 'Future Environments Endorsement Framework' (FEE) *that supports and validates the relevant competencies.*

Alternative pathways for acquiring the competencies required at each licensing level that recognise the wide variety of perspectives, values, experience, and specialist skills of people seeking licensing are proposed with the aim of increasing accessibility to the industry and diversifying what constitutes legitimate content in the discussion and practice of architecture.

Premise 1: The logic of this submission relies on the fact that, despite any differences between Registered Architects and LBPs, there is no necessary justification for two competing licencing schemes; that the current system is the outcome of an arbitrary historical process; and that it could be redesigned for improved safety, clarity, quality and accessibility, AND to protect and ensure the best possible Future Environment for all.
Premise 2: We believe that the knowledge and skills necessary to design and build the best Future Environment for all should be available to all; *that these skills exceed the technical expertise required to deliver safe, durable and high performing buildings and spaces*; that this knowledge is held by the diverse perspectives, histories, theories, spatial design and construction practices of all communities who call Aotearoa New Zealand home; that each of these discourses are equally legitimate; and that their aggregate development and reciprocal effect constitutes (by definition) the field of Architecture here and now.

Our Reasoning: While the existence of two overlapping licensing regimes can be confusing, the historical development that has led to this outcome is understandable: the far reaching content and onerous demands of traditional architectural education, training, and NZRAB registration place this accreditation beyond the reach of many who might like to also provide

some subset of its commercial services, and who, based on their experience may already possess the technical skills to do so.

As stated on the LBP website "The LBP scheme was launched in November 2007 [...] to encourage competent building practitioners to build homes right the first time. The scheme also gives consumers the necessary information to make informed decisions about the competence of building practitioners they may engage". Through the introduction of licensing levels and a focus on matching project complexity and associated risk with the appropriate technical regulatory, building science, documentation and contract administration expertise - rather than also on the history, theory, design practice, speculation, criticism, research and codes of ethics (ie. non-technical discourse) that underwrites the architectural profession - the LBP scheme makes design licensing more accessible to a wider and more diverse constituency.

Arguments for the status quo (i.e the continued simultaneous existence of two competing licensing schemes) are typically provided by registered architects and/or their representative body Te Kahui Whaihanga/New Zealand Institute of Architects. Under the current schemes registered architects retain the exclusive use of the protected title 'Architect', and perceive themselves as having the most to lose through any liberalisation or restructuring of the existing licensing regime.

Such arguments [see attached suggested response for members document distributed by TKW] are reducible to 1) observing the importance of non-technical design practice, history, theory, research, criticism, codes of conduct, contract administration, risk management, and stakeholder consultation in traditional architectural training required for registration vs the lesser focus on this material and related competencies within the LBP licensing scheme, and/or 2) an unsupported claim that most/all medium to large scale complex and/or culturally important projects are undertaken by registered architects.

With regards argument type 1, it seems intuitively true that the importance of the built environment and the complexity of its design extends beyond its technical performance and reliability and that non-technical competencies are required by designers to address this. With regards argument type 2, it is our analysis that, given the potential for the technical equivalence of registered architects and Design Class 3 licenced building practitioners, if true, this claim is the result of a historical process rather than any necessary or essential difference in capability, ie: the historic capital (prestige and presence) of the architectural profession; the aggregate difference in the sociodemographics and personal networks of registered architects vs LBPs; and that there has not yet been enough time for an alternative service provider to develop the culture, aggregate skills, recognition, and network to compete with the incumbent etc.

On the other hand, the most compelling arguments in favour of the LBP scheme and critical of the NZRAB/architectural registration process highlight the advantages of licensing levels that match project complexity/risk with the appropriate technical regulatory, building science, documentation and contract administration expertise, as opposed to the 'one stop shop' of architectural registration that fails to recognise the wide ranging scope of the professional services undertaken by architects and the resulting difference in their experience and skills - that not all registered architects are alike.

Our Proposal: Based on the argued presence of high utility and conceptually robust positive attributes of each licensing scheme not included in the other, we propose to combine them into a new scheme regulated in a new way by a new singular authority.

We chose to retain the protected title of 'Architect' and 'Registered Architect Level <#>', and add an additional protected title, 'Future Environment Specialist', for the exclusive use of Registered Architect Level 5 and Expanded Field Practitioners (see below) to recognise the importance of both this highest level professional and non-building architectural knowledge worker to the design and protection of the future environment of Aotearoa New Zealand.

The Future Environments Licensing Scheme
Registered Architect Expanded Field: ● *Requires Future Environments endorsement level 3 and reapproval from the Licensing Authority every X years based on evidence of continuing significant contributions to the field.* ● Research, academia, publication, teaching, consultation. ● Not licensed to complete building work. **Intention:** To recognise the expertise provided by architects who aren't providing a professional service in the building sector market place, but whose research, teaching, and theorisation of the discipline contribute to public perception, understanding, agency in, and confidence in the architectural field and its services. **Equivalency includes:** Educators, researchers, consultants, facilitators and content producers with postgraduate degrees or equivalent experience currently working in the Expanded Field of Architecture and Future Environments.
Registered Architect Level 1: ● Single detached residential dwellings and renovations **Intention:** To recognise the low level of risk associated with this building class and make the ability to design personal built environments more accessible to more diverse constituencies; To ensure competent building practitioners build homes right the first time;

To provide confidence in the building industry by increasing the credibility of those undertaking this level of design work.
Equivalency includes: Current LBP Design Class 1

Future Environments Endorsement Level 1:
Evidence of a minimum level of engagement with the professional responsibilities, environmental performance, impacts and sustainable design practices of single family dwellings, small scale multi-residential structures, and other simple structures and their associated supply chains.
Equivalency includes: DipArchTech; X points CPD in relevant subject matter

Registered Architect Level 2:

- *Requires Future Environments Endorsement level 1*
- Single detached residential dwellings and renovations with added complexity of the facade system.
- Multi-residential projects of less than 5 dwellings and 10m in height.
- Agricultural/industrial utility projects and simple non-residential buildings of less 500m2 and 10m in height

Intention: To recognise the increasing importance of the environmental performance of the built and future environment and its supply chain, and to support/promote a culture of engagement in these issues. (Future Environments Endorsement Level 1); To recognise the importance of relevant technical competencies required to mitigate the risk associated with the design of more complex buildings involving more stakeholders; To provide confidence in the building industry by increasing the credibility of those undertaking this level of design work.
Equivalency includes: Current LBP Design Class 2 + FEE Lvl1

Future Environments endorsement Level 2:
Evidence competencies required to manage the professional responsibilities and social, cultural and environmental impacts of the design process and outcomes across projects that engage and/or affect a wider variety of stakeholders who may not be directly involved in the design and/or consultation process.
Equivalency includes: Undergraduate tertiary qualifications (BArch, BAS or equivalent, Wānanga qualification etc.) or specialist competencies developed through work experience in a specialised area in combination with X points CPD in relevant subject matter.

Registered Architect Level 3:

- *Requires Future Environments endorsement level 2*
- Multi-residential projects of more than 5 dwellings and less than 15m in height.
- Commercial and mixed-use development projects including complex facade and structurally engineered non-residential buildings less than 15m in height

Intention: To recognise the specialist competencies required to manage the professional responsibilities, social, cultural and environmental impacts of the design process and outcomes across projects that engage and/or affect a wider variety of stakeholders who may not be directly involved in the design and/or consultation process (Future Environments Endorsement Level 2); To recognise the importance of relevant technical competencies required to mitigate the risk associated with the design of more complex

buildings involving more stakeholders; To provide confidence in the building industry by increasing the credibility of those undertaking this level of design work.
Equivalency includes: Current LBP Design Class 2 + FEE Lvl2

Registered Architect Level 4:

- *Requires Future Environments Endorsement Level 2*
- Multi-unit residential, commercial, or public buildings greater than 15m in height
- Excluding civic projects and buildings that could service more than X people at one time or Y people on any given day.

Intention: To recognise the additional technical building science, documentation, regulatory, contract management, stakeholder engagement, and professional responsibility based competencies required to mitigate the risks associated with buildings of this increased scale and complexity; To provide confidence in the building industry by increasing the credibility of those undertaking this level of design work.
Equivalency includes: Current LBP Design Class 3 + FEE Lvl2

Future Environments Endorsement level 3:
Evidence the specialist competencies required to manage the social, cultural and environmental significance of the design process and outcomes across projects of a scale that impact collective identity and both provide and consume significant social, cultural and economic resources affecting a wide variety of stakeholders.
Equivalency includes: Equivalent to postgraduate tertiary qualifications (MArch, MArch Prof or equivalent Wānanga qualification etc.), and/or recognition of specialist competencies developed through work experience in specialised areas.

Future Environment Specialist [Registered Architect Level 5]

- *Requires Future Environments endorsement level 3*
- Any building project of civic importance or that could service more than X people at any time or Y people on any given day.

Intention: To recognise the specialist competencies required to manage the professional responsibilities, social, cultural and environmental significance of the design process and outcomes across projects of a scale that impact collective identity and both provide and consume significant social, cultural and economic resources for a wide variety of stakeholders (Future Environments Endorsement Level 3); To provide confidence in the building industry by increasing the credibility of those undertaking this level of design work.
Equivalency includes: Current Registered Architect; LBP Design Class 3 + FEE Lvl3

Notes:

1. Stated height, area, and capacity specifications are for illustration purposes only and will require extensive research and consultation with relevant experts and affected stakeholders to determine.
2. Future Environments Endorsements are a parallel pathway to the Registered Architect licensing levels and accessible to anyone at any time - Ie. we imagine some Registered Architect licence holders at all levels also holding the Future Environments Endorsement Lv3.
3. We believe such a Future Environment Endorsement framework will create a marketplace of providers competing in this space, each delivering different but equally recognised content, thereby increasing the diversity of non-technical

knowledge and expertise recognised by the profession and public, AND encourage licence holders to continue to build and diversify their competencies by obtaining multiple FEEs in specialised areas at any given level.

4. Such a scheme could also provide regional authorities with the ability to further restrict certain combinations of project type and location to particular licence and/or endorsement levels/specialisations through the Resource Consent process thereby ensuring adequate protections for significant projects and environments.
5. Licensing and titles at equivalent levels are conferred and a transitional period of X years provided for those requiring a given Future Environments Endorsement Level to obtain it.

Our Hopes And Intentions: The intention behind proposing this new licensing platform is to leverage the resources and benefits of each existing regime to generate a new system that recognises the value of technical expertise across all levels of building work AND acknowledges the value of a rigorous ethical code and deeper understanding of the cultural, social, historical and environmental impacts of the design process and its outcomes on communities and collective identity. The Registered Architects framework has a robust set of competencies and performance criteria developed by the NSCA that provide a blueprint for the endorsement framework we propose.

The Future Environments Endorsement framework ensures the value of a tertiary education system, but also provides for the possibility of alternative pathways to that same and/or equivalent knowledge and anticipates the emergence of new providers of this expertise - either within an academic context or provided by industry bodies - and an opportunity for self-directed and supervised independent learning. Where tertiary education is unrealistic or inaccessible, these alternate pathways create greater opportunities and accessibility of the design discipline and ensure the value of this expertise to the market. The competencies required for each level progression will need to be evidenced to the licensing board.

The building licence categories are organised in five levels, and introduce an extra licence category, ‘Registered Architect Expanded Field’, that acknowledges research and teaching as recognised modes of architectural practice and considers them valid within the professional context. Registered Architect Expanded Field is the only licensing class that sits independent from the level structure, and hence is not required for progression. It recognises that architectural work not directly related to built outcomes contributes to public perception, understanding, agency and confidence in the architectural field and its services.

Licensing categories 1 through 5 form an incremental licensing system where progression is based on both technical proficiency and non-technical expertise pertaining to the economic, cultural and social significance of the built environment and the history, theory and criticism of the design practices and processes that produce it including stakeholder/community engagement and environmental impact.

The proposed licensing levels make the ability to design personal built environments more accessible to more diverse constituencies, provide confidence in the building industry by increasing the credibility of those undertaking various levels of design work, and through the Future Environments Endorsement scheme, ensure that the increasing importance of the environmental performance of the built and future environment and supply chain is recognised in practice, and that specialist competencies required to understand and manage the social, cultural and environmental impact of the design process and outcomes are guaranteed for projects that impact collective identity and provide significant social, cultural and economic resources for a wide variety of stakeholders.

Aspirationally we anticipate this new licensing scheme to: clarify the roles and responsibilities of design professionals for the public; increase confidence in the delivery of built environment projects; emphasise the importance of appropriate professional expertise at all project scales; increase access to and diversity of the built environment profession; generate the emergence of alternative, innovative educational pathways into architectural service industry that also recognise the wide variety in experience and specialist skills within the profession; encourage learning of and attendance to cultural outcomes throughout the life of an architectural practitioner; increase opportunities for self-learning, publishing, research and discourse; diversify what content constitutes as relevant in the discussion and practice of architecture; embed the new NSCA performance criteria into current, existing practice within the profession, not just future practice via the academy; increase professional competency across the industry in order to ensure the industry is able to meet regulatory obligations related to safety, climate change and performance; and create a future environment that is more ethical, sustainable, beautiful and inclusive.

Submitted by:

The Night School and Groupwork, in collaboration with pre:fab.

The Night School is a platform for the sharing, performance and testing of experimental practices in architecture and other spatial disciplines.
The Night School tests the methodologies of alternative architecture practitioners and educators in the hope of sharing and forging new pathways within the discipline and building the collective momentum needed to imagine and perform new worlds. TNS creates the

space for continued exploration of what architecture practice is and could be, beyond the confines of the academy.

Groupwork is an emerging architecture, theory and research practice based in Tāmaki Makaurau Auckland and Whiritoa Aotearoa experimenting with how architecture is practised, who for, and how the architect's tools can be redeployed for a more aspirational, equitable, collective future.
Groupwork's research projects include exploring the intersection of generative AI with architecture and built environments, and experiments in earth building technology.

pre:fab is a platform for collective reimagining, resource and knowledge sharing, and experimentation in Architecture.
Sitting at the intersection of event producer, publisher, (non-profit) practice, practice/practitioner network, facilitator/educator, creator/curator and political lobby; pre:fab hopes to develop as a spatial agency advocacy group, with a particular focus on younger members of our industry, alternative practices, community engagement, public discourse, disciplinary development, and original content.