



Building (Accreditation of Building Consent Authorities) Amendment Regulations 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 13th day of May 2024

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 402(1)(t)(i), (ta), and (w) of the Building Act 2004—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Building and Construction.

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Regulations

1 Title

These regulations are the Building (Accreditation of Building Consent Authorities) Amendment Regulations 2024.

2 Commencement

These regulations come into force on 17 June 2024.

3 Principal regulations

These regulations amend the Building (Accreditation of Building Consent Authorities) Regulations 2006.

4 Regulation 6A amended (Notice)

(1) Replace regulation 6A(1)(b) with:

- (b) the departure of any of the following from the building consent authority:
 - (i) the authorised representative;
 - (ii) the responsible manager;
 - (iii) the quality assurance manager;

(2) In regulation 6A(3), insert in their appropriate alphabetical order:

authorised representative, in relation to a building consent authority, means the person authorised by the building consent authority as its representative for engaging with the building consent accreditation body and the Ministry

quality assurance manager, in relation to a building consent authority, means the person recorded under regulation 17(3) as responsible for managing the building consent authority's quality assurance system

responsible manager, in relation to a building consent authority, means the person responsible for managing day-to-day operations at the building consent authority

5 Regulation 7 amended (Performing building control functions)

Replace regulation 7(2)(f) with:

- (f) issuing and refusing to issue—
 - (i) code compliance certificates; and
 - (ii) compliance schedules; and
 - (iii) notices to fix; and

6 Regulation 10 amended (Establishing and assessing competence of employees)

In regulation 10(2), replace “annually” with “every 2 years”.

7 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in the Schedule of these regulations as the last Part; and
- (b) make all necessary consequential amendments.

8 Schedule 2 amended

- (1) In Schedule 2, clause 2, replace “section 249” with “section 249(1)(a)”.
- (2) In Schedule 2, clause 3(1),—
 - (a) replace “\$215” with “\$283”; and
 - (b) replace “\$105” with “\$141”.
- (3) In Schedule 2, clause 3(2), replace “\$1,720” with “\$2,264”.
- (4) In Schedule 2, clause 4(1),—
 - (a) replace “\$156” with “\$240”; and
 - (b) replace “\$105” with “\$141”.
- (5) In Schedule 2, clause 4(2), replace “\$1,248” with “\$1,920”.
- (6) In Schedule 2, clause 6, replace “\$106.25” with “\$140” in each place.

Schedule

New Part 2 inserted into Schedule 1

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Part 2

Provisions relating to Building (Accreditation of Building Consent Authorities) Amendment Regulations 2024

- 2 Changes do not apply to applications made or audits started before 17 June 2024**
- (1) This clause applies to—
- (a) an application for accreditation under section 250 of the Act that is made before 17 June 2024;
 - (b) an audit under section 249(1)(a) of the Act that is started before 17 June 2024.
- (2) The building consent accreditation body must determine the application, or conduct the audit, as if the Building (Accreditation of Building Consent Authorities) Amendment Regulations 2024 had not been made.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations, which come into force on 17 June 2024, amend the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the **principal regulations**).

The principal regulations prescribe the criteria and standards that an applicant must meet to be accredited as a building consent authority (**BCA**) under the Building Act 2004 and the fees payable to building consent accreditation bodies for the accreditation and audit of BCAs.

The regulations amend the criteria and standards for BCA accreditation by—

- including the departure of the person responsible for managing a BCA's quality assurance system as a matter that a BCA must notify the building consent accreditation body and the Ministry of Business, Innovation and Employment of; and
- requiring BCAs to have a system for assessing employee competence at least every 2 years, rather than annually; and

- making some minor drafting adjustments to the criteria and standards, including to facilitate the operation of regulation 7(2)(f) (which relates to policies and procedures for issuing and refusing to issue code of compliance certificates, compliance schedules, and notices to fix).

The regulations also amend Schedule 2 of the principal regulations to increase the fees payable for accreditation applications and audits of BCAs. The regulations increase the hourly rates for calculating personnel cost and technical expert cost, and the monthly rates for calculating administrative overhead cost.

The regulations insert *new Part 2* into Schedule 1 of the principal regulations, setting out transitional, savings, and related provisions. These new provisions provide that the changes made by these regulations do not apply to applications for accreditation made, or audits started, before 17 June 2024.

Regulatory impact statement and cost recovery impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement and a cost recovery impact statement on 23 January 2024 to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of these statements can be found at—

- <https://www.mbie.govt.nz/dmsdocument/28168-regulatory-impact-statement-proposed-change-to-regulation-10-2-of-the-building-accreditation-of-building-consent-authorities-regulations-2006>
- <https://www.mbie.govt.nz/dmsdocument/28169-stage-2-cost-recovery-impact-statement-building-consent-authority-accreditation-scheme>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 16 May 2024.

These regulations are administered by the Ministry of Business, Innovation, and Employment.