



Building (Accreditation of Building Consent Authorities) Regulations 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of December 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 402(1)(k) and (t)(i) of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building and Construction, makes the following regulations.

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Regulations

1 Title

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

2 Commencement

These regulations come into force on 1 February 2007.

3 Interpretation

In these regulations, unless the context requires otherwise,—

Act means the Building Act 2004

applicant means a person who makes an application under section 250 of the Act

building control function means a function of a building consent authority under any of the following provisions of the Act:

- (a) section 19:
- (b) section 28:
- (c) section 31:
- (d) section 45:
- (e) section 46(3):
- (f) section 47(3):
- (g) sections 48 to 52:
- (h) section 53(2)(b):
- (i) section 54:
- (j) section 58:

- (k) section 63:
- (l) section 67:
- (m) sections 71 to 74:
- (n) section 77:
- (o) section 90:
- (p) section 91:
- (q) sections 93 to 95:
- (r) sections 102 to 104:
- (s) section 112:
- (t) sections 164 to 166:
- (u) sections 238 to 240.

4 Criteria and standards for accreditation as building consent authority

- (1) The criteria and standards that an applicant must meet to be accredited as a building consent authority are set out in regulations 5 to 18.
- (2) Applicants in the period starting on 1 February 2007 and ending on 30 November 2007 must—
 - (a) meet the criteria and standards in regulations 5 to 16; and
 - (b) meet the criteria and standards in regulation 17 before 1 December 2010; and
 - (c) meet the criteria and standards in regulation 18 before 1 December 2013.
- (3) Applicants in the period starting on 1 December 2007 and ending on 30 November 2010 must—
 - (a) meet the criteria and standards in regulations 5 to 16; and
 - (b) meet the criteria and standards in regulation 17 before 1 December 2010; and
 - (c) meet the criteria and standards in regulation 18 before 1 December 2013.
- (4) Applicants in the period starting on 1 December 2010 and ending on 30 November 2013 must—
 - (a) meet the criteria and standards in regulations 5 to 17; and
 - (b) meet the criteria and standards in regulation 18 before 1 December 2013.

- (5) Applicants on or after 1 December 2013 must meet the criteria and standards in regulations 5 to 18.

5 Requirements for policies, procedures, and systems

The policies, procedures, and systems required by these regulations must be—

- (a) written or electronic; and
- (b) appropriate for their purposes.

6 Building consent authority's observance of policies, procedures, and systems

A building consent authority must record—

- (a) the means by which it ensures that it implements effectively the policies, procedures, and systems required by these regulations; and
- (b) the decisions it makes under the policies, procedures, and systems required by these regulations; and
- (c) the reasons for the decisions; and
- (d) the outcomes of the decisions.

7 Performing building control functions

- (1) A building consent authority must have policies and procedures for performing its building control functions.
- (2) The policies and procedures must cover the following:
 - (a) giving the following information, in writing or electronically, to a person who wants to apply for a building consent:
 - (i) how to apply for a building consent; and
 - (ii) how an application for a building consent is processed; and
 - (iii) how building work is inspected; and
 - (iv) how building work is certified; and
 - (b) receiving applications for building consents; and
 - (c) checking that the applications comply with the requirements that the Act and any applicable regulations under the Act specify for applications; and
 - (d) for applications that comply with the requirements that the Act and any applicable regulations under the Act specify for applications,—

- (i) entering the applications in the building consent authority's building consent processing system; and
- (ii) assessing the content of the applications; and
- (iii) allocating the applications to employees or contractors to process; and
- (iv) processing the applications to establish whether they comply with the requirements that the Act, the building code, and any other applicable regulations under the Act specify for buildings; and
- (v) granting, refusing to grant, and issuing building consents; and
- (e) planning, performing, and managing inspections; and
- (f) issuing and refusing to issue code compliance certificates, compliance schedules, and notices to fix; and
- (g) receiving and managing inquiries about building control functions, in addition to the inquiries that are received and managed under paragraph (a); and
- (h) receiving and managing complaints about building control functions.

8 Ensuring enough employees and contractors

- (1) A building consent authority must have a system for ensuring that it has enough employees and contractors to perform its building control functions.
- (2) A building consent authority must have a system for assessing the need to employ contractors if it does not have enough employees to perform its building control functions.

9 Allocating work to competent employees or contractors

A building consent authority must have a system for allocating its building control function work to employees or contractors who are competent to do the work.

10 Establishing and assessing competence of employees

- (1) A building consent authority must have a system for establishing the competence of a person who applies to it for employment as an employee performing building control functions.

- (2) A building consent authority must have a system for regularly assessing the competence of its employees performing building control functions.
- (3) The competence assessment system must cover the following:
 - (a) employees' understanding of the philosophy and principles of building design and construction; and
 - (b) employees' understanding and knowledge of building products and methods; and
 - (c) employees' knowledge and skill in applying the Act, the building code, and any other applicable regulations under the Act; and
 - (d) employees' ability to—
 - (i) process applications for building consents; and
 - (ii) inspect building work; and
 - (iii) certify building work; and
 - (e) employees' ability to communicate with internal and external persons; and
 - (f) employees' ability to comply with the building consent authority's policies, procedures, and systems.

11 Training employees

- (1) A building consent authority must have a system for training its employees who perform the authority's building control functions by doing a technical job.
- (2) The system must cover the following:
 - (a) making regular training needs assessments; and
 - (b) preparing training plans that specify the training outcomes required; and
 - (c) ensuring that employees receive the training agreed for them; and
 - (d) monitoring and reviewing employees' application of the training they have received, including by observing relevant activities; and
 - (e) supervising employees under training; and
 - (f) recording employees' qualifications, experience, and training; and
 - (g) recording continuing training information.

12 Choosing and using contractors

- (1) A building consent authority must have a system for choosing and using contractors to perform its building control functions.
- (2) The system must cover the following:
 - (a) establishing contractors' competence; and
 - (b) engaging contractors; and
 - (c) making written or electronic agreements with contractors; and
 - (d) recording contractors' qualifications; and
 - (e) monitoring and reviewing contractors' performance; and
 - (f) regularly assessing contractors' competence.

13 Ensuring technical leadership

A building consent authority must have a system for—

- (a) identifying employees and contractors who are competent to provide technical leadership; and
- (b) giving the employees and contractors the powers and authorities to enable them to provide the leadership.

14 Ensuring necessary resources

A building consent authority must have a system for providing the technical and administrative information, facilities, and equipment that its employees and contractors need to perform building control functions effectively.

15 Keeping organisational records

- (1) A building consent authority must—
 - (a) record its organisational structure; and
 - (b) record, in the structure,—
 - (i) the reporting lines and accountabilities; and
 - (ii) any relationships the authority has with external organisations.
- (2) A building consent authority must record the following for its employees and contractors performing its building control functions:
 - (a) roles; and
 - (b) responsibilities; and
 - (c) powers; and

- (d) authorities; and
- (e) limitations on powers and authorities.

16 Filing applications for building consents

- (1) A building consent authority must have a system for giving every application for a building consent its own uniquely identified file.
- (2) A building consent authority must have a system for ensuring that all information relevant to an application for a building consent is—
 - (a) put on the application's file; and
 - (b) kept in a way that makes it readily accessible and retrievable; and
 - (c) stored securely.

17 Assuring quality

- (1) A building consent authority must have a system for assuring the quality of its performance of its building control functions.
- (2) The quality assurance system must cover the following:
 - (a) the policies, procedures, and systems described in regulations 5 to 16; and
 - (b) the policy on quality; and
 - (c) the procedure for ensuring that the building consent authority operates within its scope of accreditation; and
 - (d) the procedure for the building consent authority's management to review the authority's performance; and
 - (e) the procedure for continuous improvement in the performance of the building consent authority's functions; and
 - (f) the procedure for managing the provision of human resources; and
 - (g) the procedure for ensuring that the necessary technical and administrative information, facilities, and equipment—
 - (i) are available; and
 - (ii) are appropriate; and
 - (iii) remain fit for their purposes; and
 - (h) the procedure for ensuring that an internal audit of every building control function occurs within 12

- months of the completion of the last internal audit of the function; and
- (i) the procedure for identifying and managing conflicts of interest; and
 - (j) the procedure for communicating with internal and external persons; and
 - (k) the procedure for document control; and
 - (l) the procedure for contract management; and
 - (m) the procedure for record-keeping; and
 - (n) the procedure for the building consent authority's management to review the effectiveness of the authority's quality assurance system.
- (3) A building consent authority must record who is responsible for managing its quality assurance system.
- (4) A building consent authority must have a system for ensuring that—
- (a) its employees comply with the authority's quality assurance system; and
 - (b) its contractors comply with—
 - (i) the authority's quality assurance system; or
 - (ii) the contractor's quality assurance system.
- (5) A building consent authority must have a system for periodically—
- (a) reviewing its quality assurance system; and
 - (b) making appropriate changes in the quality assurance system.

18 Requiring technical qualifications

- (1) This regulation applies to a building consent authority's employees and contractors who perform the authority's building control functions by doing a technical job.
- (2) The building consent authority must have a system for ensuring that every employee and contractor—
- (a) has an appropriate New Zealand qualification; or
 - (b) is working towards having an appropriate New Zealand qualification within a reasonable time; or
 - (c) has an appropriate foreign qualification recognised in New Zealand.

19 Application for accreditation

An application under section 253 of the Act must contain the information requested—

- (a) in the form in the Schedule; and
 - (b) in requests made by the building consent accreditation body after the form is submitted.
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Schedule**Application form for accreditation as building
consent authority****Form**

Application form for accreditation as building
consent authority

Section 253, Building Act 2004

Details of organisation applying

Full name:

Physical address:

Postal address:

Email address:

Telephone number:

Fax number:

Details of person who authorised application

Full name:

Role in organisation:

Signature:

Details of person responsible for application

Full name:

Role in organisation:

Signature:

Date of application**Legal status of organisation**

Form—*continued***Details of ownership of organisation****Information required for purposes of assessing organisation against criteria and standards**

Please state the scope of accreditation for which the organisation is applying (*to be answered only by organisations that are not territorial authorities or regional authorities*).

Please state which of the following are the primary areas of building control function work done by the organisation:

- (a) residential; and
- (b) commercial; and
- (c) industrial; and
- (d) dams.

Please state any changes in the following areas of building control function work in the organisation in the 24 months immediately before the date of the application:

- (a) residential; and
- (b) commercial; and
- (c) industrial; and
- (d) dams.

Please state approximately how many of the following the organisation issues or performs annually:

- (a) building consents for residential work; and
- (b) building consents for commercial work; and
- (c) building consents for industrial work; and
- (d) building consents for dams; and
- (e) inspections; and
- (f) notices to fix; and
- (g) code compliance certificates; and
- (h) compliance schedules.

Form—*continued*

Please state the number of employees directly involved in building control function work part-time.

Please state the number of employees directly involved in building control function work full-time.

Please state the following information for every contractor and technical consultant directly involved in building control function work:

- (a) name; and
- (b) function or role; and
- (c) contact details.

Please state the following information about the equipment the organisation has for building control function work:

- (a) name, ie, whatever is available of description, make, model, range, and unique identifier; and
- (b) quantity; and
- (c) information that the organisation considers that the building consent accreditation body should know about the equipment.

Please attach 1 copy of a list of building consents, code compliance certificates, and notices to fix issued by the organisation in the 12 months immediately before the date of the application. The list must include the following information:

- (a) property address; and
- (b) consent number; and
- (c) description of work; and
- (d) total value of work.

Please attach 1 copy of the organisation's current organisational chart.

Please attach 1 copy of a document showing relevant delegations and responsibilities.

Please attach 1 copy of the organisation's policies and procedures on building control function work.

Form—*continued*

Please attach 1 copy of the following documents as they relate to the organisation's building control function work:

- (a) technical skills matrices for employees and contractors; and
- (b) employee training records and plans; and
- (c) written and electronic contracts for performing building control function work; and
- (d) results of previous accreditation assessments (if any).

Please attach 1 copy of the organisation's quality assurance system.

Please attach 1 copy of the organisation's system for ensuring that persons doing technical jobs have, or are working towards having within a reasonable time, appropriate qualifications.

Please read regulations 5 to 18 of the Building (Accreditation of Building Consent Authorities) Regulations 2006. The building consent accreditation body assesses your application against the criteria and standards in the regulations.

However, you do not have to comply with all the regulations at once.

If you apply in the period starting on 1 February 2007 and ending on 30 November 2007, you must—

- (a) meet the criteria and standards in regulations 5 to 16; and
- (b) meet the criteria and standards in regulation 17 before 1 December 2010; and
- (c) meet the criteria and standards in regulation 18 before 1 December 2013.

If you apply in the period starting on 1 December 2007 and ending on 30 November 2010, you must—

- (a) meet the criteria and standards in regulations 5 to 16; and
- (b) meet the criteria and standards in regulation 17 before 1 December 2010; and
- (c) meet the criteria and standards in regulation 18 before 1 December 2013.

Form—*continued*

If you apply in the period starting on 1 December 2010 and ending on 30 November 2013, you must—

- (a) meet the criteria and standards in regulations 5 to 17; and
- (b) meet the criteria and standards in regulation 18 before 1 December 2013.

If you apply on or after 1 December 2013, you must meet the criteria and standards in regulations 5 to 18.

You might have information that is additional to the information you have already provided, that is relevant to the regulations you must comply with, and that you think would help the building consent accreditation body to assess your application. If so, please set it out here.

Rebecca Kitteridge,
for 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 prescribe the criteria and standards that an applicant must meet in order to be accredited as a building consent authority under the Building Act 2004.

Regulation 4 prescribes when the criteria and standards in these regulations have to be met by applicants.

Regulations 5 and 6 specify general requirements that applicants must meet regarding all their policies, procedures, and systems for undertaking their building control functions.

Regulation 7 specifies criteria and standards that applicants must meet regarding their policies and procedures for performing their building control functions.

Regulations 8 to 14 specify criteria and standards that applicants must meet regarding their skills and resources, including—

- having enough employees and contractors to undertake their building functions (*regulation 8*); and
- ensuring building control function work is allocated only to those who are competent to do the work (*regulation 9*); and
- establishing and assessing the competence of employees who undertake their building control function work and setting out what the competence assessment system should cover (*regulation 10*); and
- having and using an appropriate system for the training of their employees who undertake building control function work (*regulation 11*); and
- having and using an appropriate system to choose, and use, competent contractors (*regulation 12*); and
- identifying and designating appropriate technical leaders (*regulation 13*); and
- having sufficient information, facilities, and equipment to effectively perform their building control functions (*regulation 14*).

Regulation 15 requires building consent authorities to record their organisational structure and the roles, powers, and authorities of their staff.

Regulation 16 requires the keeping of appropriate records.

Regulation 17 specifies criteria and standards that applicants must meet regarding their quality assurance system.

Regulation 18 specifies criteria and standards that applicants must meet regarding the qualifications of their technical staff.

Regulation 19 requires applications for accreditation to contain certain information.

The *Schedule* sets out the application form for applicants to use when applying for accreditation as a building consent authority.

The regulations come into force on 1 February 2007.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 21 December 2006.

These regulations are administered by the Department of Building and Housing.
