



Regulatory Charter

BUILDING REGULATORY SYSTEM 2022



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

Ministry of Business, Innovation and Employment (MBIE)

Hikina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders. MBIE combines the former Ministries of Economic Development, Science and Innovation, and the Departments of Labour, and Building and Housing.

MORE INFORMATION

Information, examples and answers to your questions about the topics covered here can be found on our website: www.mbie.govt.nz or by calling us free on: **0800 20 90 20**.

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Regulatory charters

Regulation is a key tool of Government that has a direct, daily impact on the lives of all New Zealanders. When done well, it supports our economy's stability, growth, resilience and sustainability.

PURPOSE OF A REGULATORY CHARTER

Since 2013, when it was first included in the State Sector Act 1988 (now repealed), the concept of stewarding regulation, or regulatory stewardship, has gathered momentum in the public sector as an important mechanism for ensuring our regulatory systems (which give effect to regulation) are fit-for-purpose. The expectation on government agencies to be good stewards continues to be reflected in the Public Service Act 2020.

A regulatory charter supports regulatory stewardship by taking a living regulatory system approach and reinforcing shared ownership for the system among those with regulatory functions in the system. Charters are designed to support cooperation between system participants and ensure any changes contribute to the desired outcomes of the system as a whole.

WHAT'S IN THE REGULATORY CHARTER

Regulatory charters:

- clarify roles and responsibilities of system participants
- identify overlaps in the regulatory system
- identify gaps in the regulatory system
- provide guidance to resolve systemic uncertainties when they arise.

In addition, MBIE periodically undertakes assessments to identify risks, gaps, opportunities to improve and review its own performance as the steward of the system.

CHARTER OWNERSHIP

MBIE is formally responsible for the charter. The charter must record the shared understanding of all organisations with key roles in the building regulatory system. It is a product of, and vehicle for, dialogue across the system.

CHARTER FUNCTIONALITY

The charter describes the current building regulatory system and how it ought to work. It sets out the purpose of the system alongside the roles and relationships between participants. The building regulatory system is complex and MBIE is working to improve the system over time. The charter does not capture the future work programme but provides a foundation for understanding the current state, roles and responsibilities.

CHARTER REVIEW AND MANAGEMENT

The responsibility for keeping and reviewing this charter sits with MBIE.

A review of this document should occur at least every five years and after significant changes to the Building Act 2004.

A charter review should include assessments of:

- whether system objectives, policy or context have changed over time
- whether the charter should be updated to reflect these changes
- whether, as a result of system assessments, progress has been made in addressing identified risks and closing gaps.

The Building Regulatory System Charter was first published in July 2017, as part of MBIE's commitment under the Regulatory Management Strategy to finalise five regulatory charters. This document comprises the 2022 update of the charter.

A series of reforms are being undertaken to improve the overall effectiveness of the building system in the immediate and longer term. These changes will require an update of the charter to be undertaken within the next three years.

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1. Regulating the building sector

1.1 THE BUILDING SECTOR IS CRUCIAL TO NEW ZEALAND'S SOCIAL, ECONOMIC AND ENVIRONMENTAL OUTCOMES

A well-functioning building sector has a positive effect on New Zealand's economic stability, health, environment, and security. People expect that the buildings they live and work in are safe and well-built, and this is a key objective of the building regulatory system.

Work in the building and construction sector has a **significant impact on New Zealand's economic performance**. The sector:

- makes up approximately 7 per cent of New Zealand's GDP annually¹
- employs approximately 10 per cent of the national workforce at 285,000 people for the year ended December 2021 - making it New Zealand's fourth largest employer²
- drives and supports activity in other parts of the economy, such as manufacturing, mining, transport, property and business services –PWC New Zealand estimated that a \$1 investment in construction produces between \$2.51 and \$3.11 in economic activity³
- impacts significantly on consumption levels, as home ownership and property values affect people's perception of their wealth and financial security – for most New Zealand households, their home is their largest asset
- delivers a key component of core infrastructure needed to support successful growth of the country.

The building regulatory system is largely user pays, with core regulator activities funded by a building levy payable on work granted a building consent and valued above \$20,000⁴.

1.2 EVOLVING BUILDING LANDSCAPE AND NEW STRATEGIC CHALLENGES

The building landscape continues to evolve in New Zealand, with the ongoing introduction of innovative building designs, technologies, and materials. These present opportunities to respond to and manage strategic challenges on the horizon.

Impact of the COVID-19 global pandemic

The emergence of the COVID-19 global pandemic in 2020 presented new challenges for the building and construction sector and for the regulatory environment. The impacts of lockdowns, the disruptions caused by global supply chain shortages, and unprecedented building demand domestically have forced the sector to adapt to new ways of operating. Impacts of the pandemic will continue to be felt over the long-term and will require innovative strategies for recovery in the construction industry.

Impact of climate change

Climate change presents another strategic challenge. New Zealand is facing a range of negative impacts from climate change⁵. Across New Zealand, natural hazards such as sea level rise, wind, rainfall, and wildfire are being exacerbated by climate change and pose a risk to buildings, homes and places.

Cabinet has agreed a framework for the whole of Government⁶, which will drive climate change policy towards achieving a climate resilient and low emission New Zealand. It supports New Zealand's international commitments, including a target of reducing emissions by 30 per cent below 2005 gross emissions (or 11 per cent below 1990 emissions) for the period 2021 and reducing net emissions of all greenhouse gases (except biogenic methane) to zero by 2050⁷. It also recognises that New Zealand needs to adapt to climate change impacts to address the changes already being seen and which the country will continue to encounter (even with a global reduction in future emissions).

The building and construction sector contributes up to 22% of New Zealand's greenhouse gas emissions (excluding short-lived gases) [MBIE analysis, 2020], which are emitted throughout the life cycle of a building⁸. The sector and regulatory

¹ MBIE (2021), [Building and Construction Sector Trends Annual Report 2021](#).

² Stats NZ (2020), [Household Labour Force Survey](#).

³ PWC (2016), [Valuing the role of construction in the New Zealand economy](#).

⁴ MBIE (2022), [Building levy: Building Performance \(figure of \\$20,000 correct as of March 2022\)](#).

⁵ Ministry for the Environment (2022), [Evidence of climate change](#).

⁶ Ministry for the Environment (2022), [About New Zealand's climate change programme](#).

⁷ Climate Change Response (Zero Carbon) Amendment Act 2019.

⁸ when building materials are produced, when buildings are constructed, through construction waste, during the disposal of a building at the end of its life, as energy and water are used during the operation of a building.

system have important roles to play in reducing emissions alongside ensuring New Zealand's buildings are resilient to the changing climate, allowing people and communities to thrive.

1.3 THE BUILDING REGULATORY SYSTEM IS BROAD AND COMPLEX

The building sector is made up of the institutions and markets involved in the building, construction and maintenance of commercial and residential property in New Zealand, and covers:

- direct service providers – designers, architects, engineers, builders/ other tradespeople, and product suppliers
- financial institutions – banks and insurance companies
- research agencies -including Building Research Association of New Zealand (BRANZ), universities, and Crown Research institutes
- quality assurance and compliance organisations – territorial authorities, building consent authorities (BCAs), and conformity assessment bodies (CABs)
- residential and commercial building owners and developers
- building users.

The sector is characterised by large numbers of small, diverse businesses, with many self-employed people. In 2021, 89 per cent of businesses involved in construction had five or fewer employees and there is high churn in the sector⁹. This churn may contribute to historically low productivity and adds a level of challenge to communicating and influencing change consistently across the sector.

1.4 REGULATION OF THE BUILDING SECTOR AIMS TO DELIVER SAFE, HEALTHY AND DURABLE HOMES AND BUILDINGS

New Zealand's building regulatory system focuses on the development of robust minimum building standards, so that everyone has access to safe, healthy, durable homes and buildings. Regulation is a key tool used to influence the performance of the building sector because:

- the building sector delivers **public good benefits** – poor performance in the sector has broad and significant negative impacts
- there is **information asymmetry** – providers of services or products often have superior information to individual customers and regulation is used to protect consumers
- there is a need to reflect **societal expectations about health and safety** and drive **system-wide coordination** – the overall integrity, soundness and efficiency of the building sector call for a role for government.

1.5 BUILDING FOR THE FUTURE – MBIE'S STRATEGY FOR THE REGULATORY SYSTEM

In 2020, MBIE launched its Building System Regulatory Strategy – *Building for the Future*, which sets out a vision for the future of building regulation over the next 10 to 15 years. The strategy has a focus on wider wellbeing outcomes – social, environmental, economic – and aims to get the system thinking beyond the 'bricks and mortar' of design and construction.

It focuses on how MBIE's regulatory role can contribute to addressing some of the big challenges the building system needs to overcome, such as skills shortages, environmental and climate impacts of the construction process, and the slow adoption of new technologies.

The strategy will become more ambitious and future-oriented over time as it is developed in consultation with others operating across the system and through tracking progress.

MBIE developed the *Building for the Future Indicators Explorer* – released publicly in 2021 – to track progress against the outcomes in the strategy and support prioritisation and decision making in its role as the central building regulator.

⁹ Stats NZ (2021), [Business Demography Statistics – February 2021](#).

2. Scope and purpose of the building regulatory system

2.1 NEW ZEALAND HAS A PERFORMANCE-BASED BUILDING REGULATORY SYSTEM

The Building Act has two primary purposes:

- The Building Act regulates building work, establishes the licensed building practitioner regime and enables performance standards to be set so that:
 - people who use buildings can do so safely and without endangering their health
 - buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them
 - people who use a building can escape from the building if it is on fire
 - buildings are designed, constructed, and able to be used in ways that promote sustainable development.
- The Building Act promotes the accountability of owners, designers, builders, and BCAs – all of whom have responsibilities to ensure that building work complies with the Building Code.

To achieve these objectives, building work must meet certain requirements set out in legislation and regulations. These requirements determine how work can be done, who can do it, and ensure that the system has adequate checks and consumer protection in place.

The Building Code is the part of the system that sets expectations of the standards new buildings should meet. It covers aspects such as structural stability, durability, protection from fire, access, moisture control, services and facilities, and energy efficiency. These outline how a building must perform in its intended use rather than describing how the building must be designed and constructed. This performance-based approach allows development and innovation in building design, technology, and systems.

Since the last charter in 2017, MBIE has put in place an annual maintenance programme to ensure effective management of the Building Code and its documents. This can include updates to the Building Code, Acceptable Solutions and Verification Methods and published guidance that provide pathways for complying with the regulations.

Updating the Building Code regularly helps ensure it keeps pace with modern construction methods. Recent Building Code updates have included changes to support safer and more resilient housing foundations for buildings on liquefaction-prone ground; a focus on the solutions available for higher density housing; and changes to make new homes and buildings more energy efficient.

2.2 THE BUILDING ACT CONTROLS BUILDING DESIGN AND CONSTRUCTION

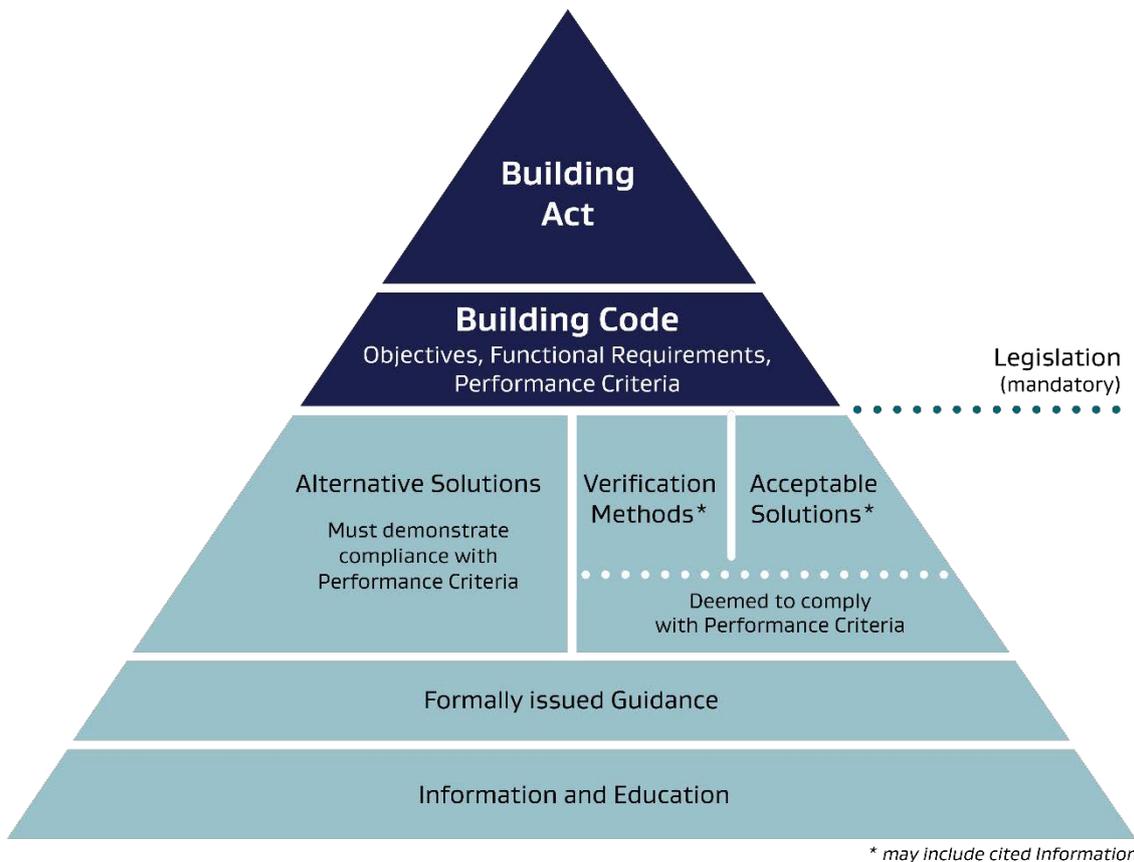
The Building Act applies mainly to the physical aspects of building work and establishes a framework for good decision-making, with checks and balances at each stage of the building or alteration process. The Building Act provides for:

- requirements relating to building work
- the functions of MBIE, territorial authorities, councils, BCAs and their accreditation
- licensing of building practitioners
- mandatory contracts and implied warranties for the benefit of consumers
- defined responsibilities for owners, designers, builders, and manufacturers/suppliers
- guidance, information and education from the regulator.

Figure 1 below sets out the key components of the building regulatory system and methods for demonstrating compliance:

- Building Act – the primary legislation governing the building and construction industry.
- Building Regulations 1992 – detail for particular building controls (eg prescribed forms; list of specified systems, definitions of 'change the use' and 'moderate earthquake'; levies, fees, and infringements).
- Building Code – contained in Schedule 1 of the Building Regulations 1992, sets the minimum performance standards buildings must meet.

Figure 1: Components of the building regulatory system



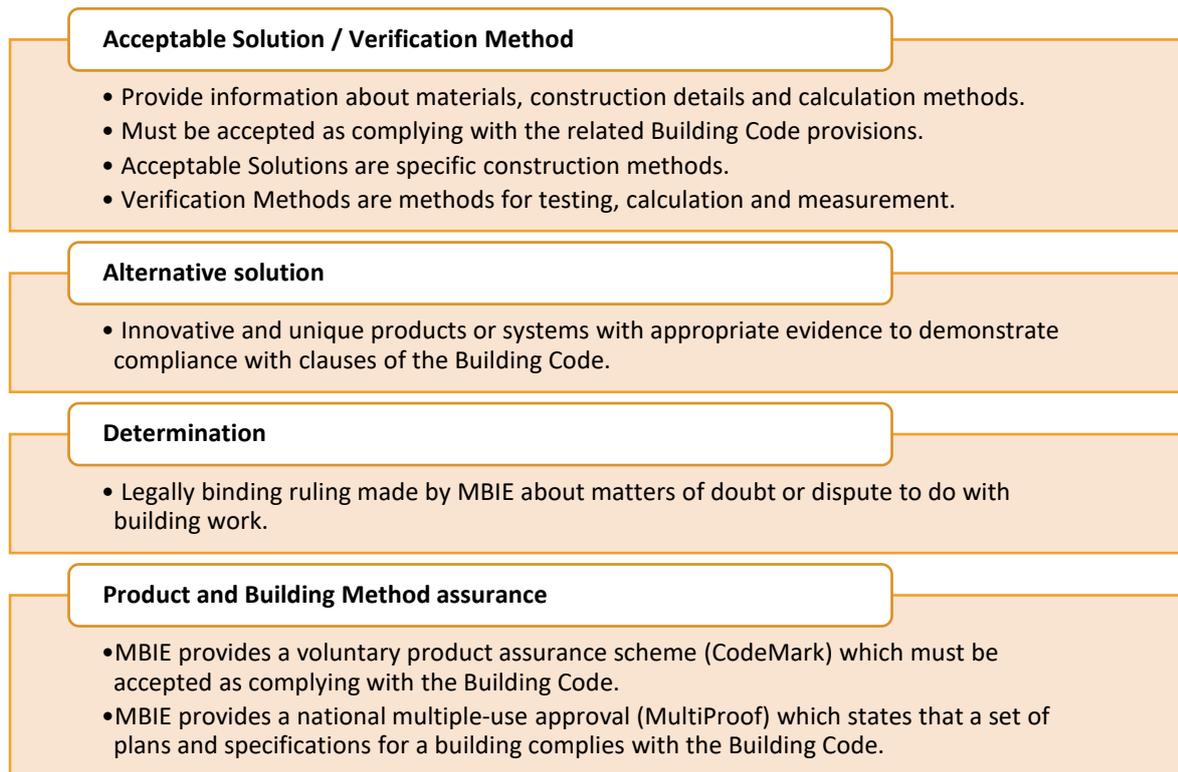
The Building Act works alongside other legislation affecting the building and construction sector, including council bylaws and:

- Chartered Professional Engineers of New Zealand Act 2002
- Construction Contracts Act 2002
- Electricity Act 1992
- Engineering Associates Act 1961
- Fire and Emergency New Zealand Act 2017
- Plumbers, Gasfitters, and Drainlayers Act 2006
- Registered Architects Act 2005
- Resource Management Act 1991
- Weathertight Homes Resolution Services Act 2006.

2.3 DIFFERENT WAYS TO DEMONSTRATE COMPLIANCE WITH THE BUILDING CODE

The building consent system is set up to ensure that building projects above a certain threshold of complexity and risk are undertaken in such a way that people’s health and safety is safeguarded. To issue a building consent, a BCA must be reasonably satisfied that the plans and specifications demonstrate compliance with the Building Code. Compliance may be demonstrated in a number of ways, set out in Figure 2.

Figure 2: Methods of demonstrating compliance with the Building Code

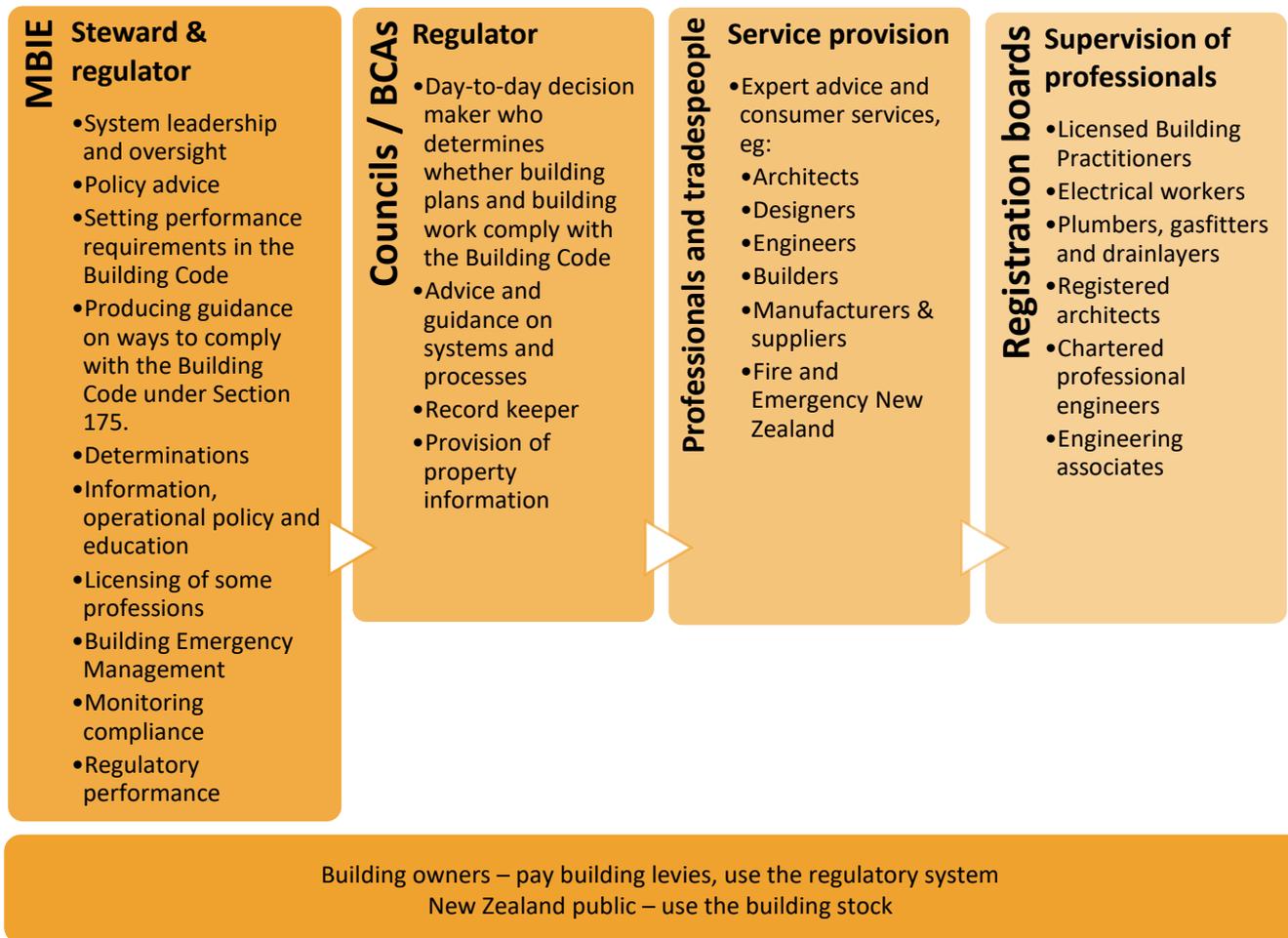


3. Roles within the regulatory system

3.1 OVERVIEW OF BUILDING REGULATORY SYSTEM ROLES

Figure 3 below provides an overview of the different roles in the regulatory system and who carries them out.

Figure 3: Overview of roles within the building regulatory system



3.2 MBIE’S ROLES: STEWARD AND CENTRAL REGULATOR

MBIE has the role of steward and central regulator of the building regulatory system. Its regulatory duties, powers, and functions are set out in the Building Act (and other legislation affecting the building and construction sector).

MBIE is the lead policy advisor to government on the building regulatory system. It is responsible for advice on legislation and regulations, including the Building Code. The stewardship role requires MBIE to look across the system as a whole and provide advice on how to ensure the building regulatory system is high performing.

As the central regulator, MBIE manages the system that regulates building work. It is responsible for:

- reviewing and maintaining building-related legislation and the Building Code
- producing documents that show ways to comply with the Building Code
- monitoring the performance of territorial authorities in the building regulatory system
- investigating complaints against BCAs
- making determinations about disputes on certain building matters
- providing information, education and guidance about the building system
- regulating aspects of some professions¹⁰
- appointing to and monitoring statutory boards that regulate occupations in the building and construction sector.

MBIE's central regulator role is prescribed in the Building Act, detailed in Annex 1.

MBIE works alongside building practitioners, government agencies, other regulators and the construction industry to understand what matters to the sector and to improve the regulatory system.

MBIE's regulatory and stewardship governance structures

MBIE's building regulatory system functions are located across two groups in MBIE - the Building, Resources and Markets Group and Te Whakatairanga Service Delivery Group - and delivered by a range of teams. The functions of each team work co-operatively with a whole-of-system view to support an integrated approach to building regulation and leverage the wide expertise across MBIE and the sector.

Priority work programmes are governed through individual arrangements. Each priority work programme has a governance arrangement such as a steering group. These steering groups are made up of managers across the building system.

Governance is provided by the Building System Steering Group (BSSG) comprising three general managers from the two MBIE groups (see above). It is chaired by the General Manager Building System Performance who is responsible for strategic oversight of the building regulatory system. A memorandum of understanding describes the working relationship between the building regulatory system functions across the groups, supported by a mutually-agreed operating model delivering the capacity and capability required to deliver a high performing building regulatory system.

The BSSG is responsible for strategic oversight of system effectiveness through governance of the cross-group and branch relationships and an agreed building system work programme. Annually, the BSSG:

- agrees a building system work programme and oversees progress
- reviews the operating model to ensure it remains effective.

Māori engagement approach

Partnering and maintaining strong relationships is essential to providing the environment for meaningful participation by Māori in sector conversations and decision making. MBIE's Māori engagement approach enables Māori to realise their own goals and aspirations as they relate to the building and construction system by:

- working alongside Māori to understand the opportunities/challenges
- creating and maintaining authentic and enduring partnerships with Māori through regular, meaningful engagement and conversations
- engaging early on in policy development, procedures and services
- valuing kaupapa Māori and understanding the importance when engaging with Māori
- integrating te reo Māori and tikanga Māori into the building system staff's ways of working to ensure engagement is appropriate, meaningful and respectful and staff are comfortable and confident to engage with Māori.

MBIE review of regulatory stewardship practices

An internal review of the regulatory stewardship practices across the building regulatory system was completed in late 2020. The review was intended to identify where there are areas of strength in MBIE's stewardship of the regulatory system and to identify where practices can be improved.

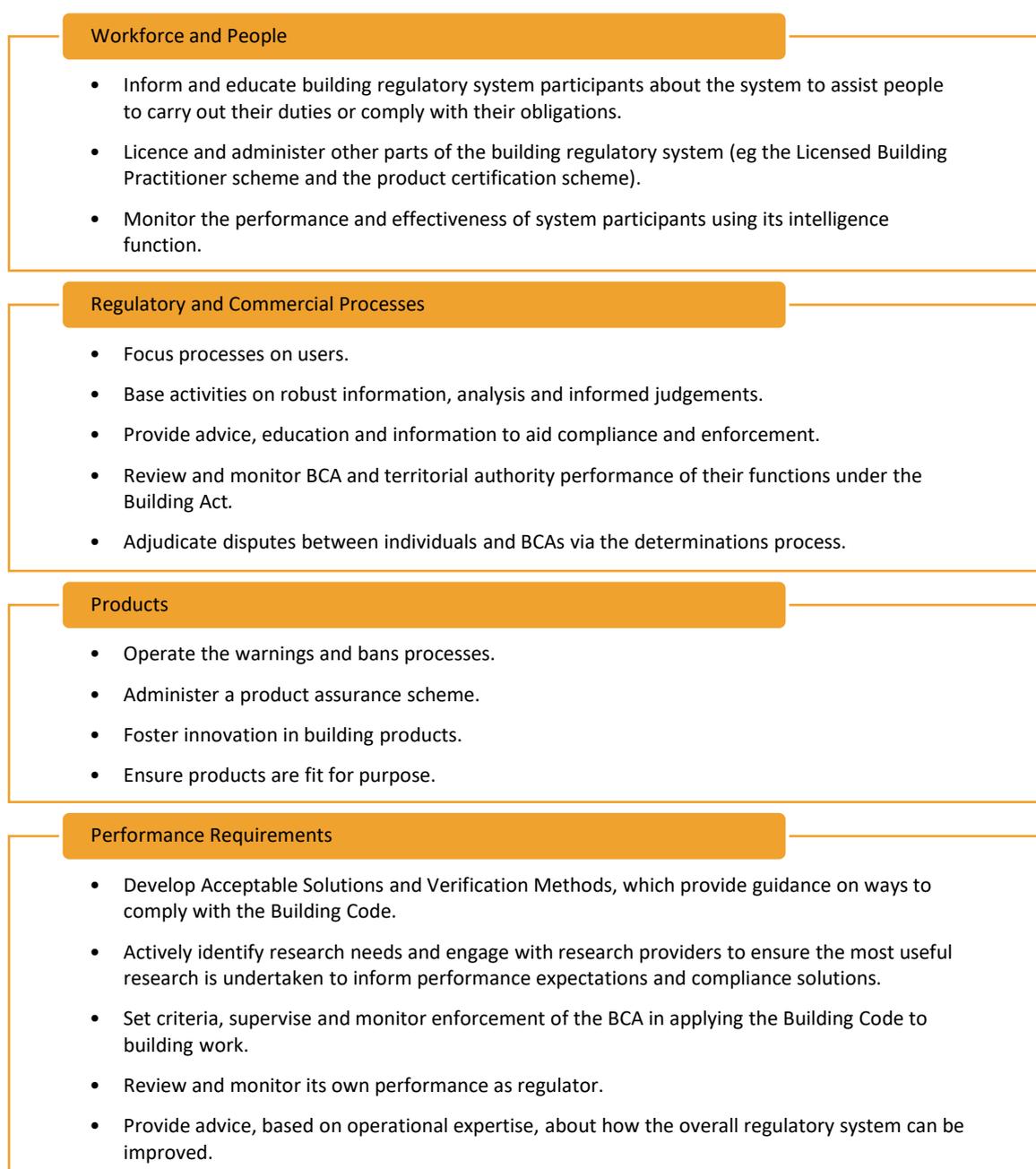
It evaluated the maturity of the system and informs efforts to increase the maturity of practices over time. Work is underway to address the findings of this review, particularly with respect to three identified priorities areas – culture; governance, leadership and strategy; and insights and foresights.

MBIE's approach

In exercising its roles, MBIE has four broad levers it uses: People, Processes, Products and Performance. Figure 4. outlines MBIE's approach under these levers.

¹⁰ Occupational regulation, including the Licensing Building Practitioners and Electrical Workers Licensing schemes.

Figure 4: MBIE's approach using four broad levers.



3.3 TERRITORIAL AUTHORITIES AND BCAS ARE THE FRONTLINE OF THE BUILDING REGULATORY SYSTEM

Territorial authorities

The Building Act requires territorial authorities to keep records about all properties in their area, issue project information memoranda and certificates of acceptance, monitor compliance schedules and follow up notices to fix.

Territorial authorities also have powers to address breaches of the Building Act. They can issue infringement notices or, in some circumstances, organise for remedial work to be done. An owner applies to the territorial authority for a building consent. They are able to grant waivers and exemptions, as well as modifications of the Building Code.

Territorial authorities also have a role in managing buildings in their area after an emergency event and managing earthquake-prone buildings in their area. Other functions include administering annual building warrants of fitness, deciding the extent to which buildings must comply with the Building Code, performing functions relating to dangerous or insanitary buildings, and responding to managing buildings in an emergency situation.

BCAs

BCAs are responsible for:

- checking that applications for building consents comply with the Building Code and issuing building consents
- carrying out inspections to determine whether building work has been carried out in compliance with the consent and the Building Code, and issuing Code Compliance Certificates certifying this
- issuing notices to fix, which require a person to remedy a breach of the Building Act or its regulations
- compliance schedules.

Most territorial authorities are BCAs. They may also contract these services out to other BCAs. Standards of performance are set out in the Building Act. These are currently assessed by International Accreditation New Zealand (IANZ) on behalf of MBIE. Kāinga Ora also has a non-territorial authority BCA called Consentium which provides building compliance services for state homes of up to four levels.

3.4 BUILDING PROFESSIONALS AND TRADESPEOPLE

Building professionals – such as designers, architects and engineers – are responsible for ensuring building plans and proposals comply with the Building Code.

Building professionals and tradespeople ensure the building is built to any consented plans (including any subsequently approved variations). They are also responsible for ensuring that building work (whether a consent is required or not) will meet the requirements of the Building Code.

Where it is reasonable to do so, builders also have a responsibility to identify that any consented plans do not meet the Building Code and take steps to ensure that this is addressed before proceeding with building work.

3.5 PRODUCT MANUFACTURERS AND SUPPLIERS

Building product manufacturers or suppliers are responsible for making sure their products are fit for their purpose and for use in the New Zealand market.

From December 2023, building product manufacturers and suppliers will have new legal obligations to make certain information about their products publicly available. This includes information about how the product will contribute to compliance with the Building Code and how it must be installed and maintained in order to perform as intended. These changes, made by the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021, will support homeowners, builders and building consent authorities to make better decisions about what products to use.

3.6 BUILDING USERS AND BUILDING OWNERS

The ultimate customer is the building user, who may also be the building owner. Building users – that is, the general public of New Zealand – have an expectation that buildings are safe to use. The building regulatory system is ultimately aimed at ensuring buildings are safe, healthy and durable, so that New Zealanders can have confidence in their performance.

Building owners have a crucial role. They use the system and provide information on their experience. They generally pay the costs associated with producing and processing applications for building consents, and the costs associated with the inspection process and achieving a Code Compliance Certificate.

Building owners also choose the building professionals and companies who carry out building work for them. This includes building work to deconstruct a building at the end of its life.

Owners have an indirect influence on the performance of the BCAs, through submission of the consent application. They can influence the behaviour of those who submit applications for building consents as they are often the ones who bear the costs of delays, changes, and rework.

Building owners are responsible for the ongoing maintenance to protect the building, their investment in it, and the appropriate safety for the people who live and work in those buildings. They are also responsible for building operation, which can result in variable carbon emissions and water usage.

4. Oversight, checks and balances

The system is designed with checks and balances and a process for ensuring performance. That is, there is someone who is responsible for checking and verifying what has been done and helping ensure the various functions are delivered at an appropriate standard.

Who or what	How oversight is provided
Minister	Parliament / New Zealanders / Courts (judicial review).
MBIE	<p>Minister.</p> <p>MBIE (as the policy agency responsible for the stewardship of the building regulatory system, including MBIE’s own specific regulatory role).</p>
Councils / territorial authorities / BCAs	<p>IANZ accredits BCA processes to ensure they conform to the expectations defined by MBIE as the regulator. IANZ monitors and assesses BCA performance.</p> <p>MBIE supervises IANZ as IANZ is MBIE’s agent. MBIE registers BCAs after accreditation has been given by IANZ.</p> <p>MBIE undertakes technical reviews of territorial authority functions under the Building Act.</p> <p>If there is a dispute about a BCA decision, those affected can seek a ‘determination’ from MBIE.</p>
Building professionals (builders, architects, engineers, etc)	<p>MBIE is responsible for setting occupational regulation policy.</p> <p>Six statutory bodies provide regulatory oversight of the various building and construction occupations that are regulated: engineers; architects; engineering associates; builders; electrical workers; and plumbers, gasfitters and drainlayers.</p> <p>MBIE administers the Licensed Building Practitioners scheme (via the Registrar of Licensed Building Practitioners), investigates complaints relating to Registered Electrical Workers, enforces offence provisions relating to unauthorised people carrying out restricted building work, and provides support services to both the Building Practitioners Board and the Electrical Workers Registration Board.</p> <p>Councils review applications and inspect work carried out under a building consent.</p>
Products & processes	<p>Suppliers / manufacturers produce (or get third parties to produce) a statement to attest to product performance, correct installation and maintenance requirements.</p> <p>Standards NZ, BRANZ, CodeMark providers and others provide attestation of performance / quality assurance / compliance.</p> <p>A large number of organisations provide research services (on products, processes, services).</p> <p>MBIE investigates complaints about substandard products.</p> <p>Note: It is not the role of a BCA to review products and processes other than in association with a specific building consent.</p> <p>The Building Amendment Act 2021 will bring in new responsibilities and functions for modular component and offsite manufacturers.</p>

Annex 1: MBIE’s duties, powers and functions set out in the Building Act

MBIE’s Role	Meaning
Must appoint the Building Advisory Panel (the Panel) and provide information about the Panel	Must appoint a Building Advisory Panel and include information about the panel in the Ministry’s annual report.
Must take all necessary steps to ensure implementation and administration of the Building Act and review as necessary	A broad obligation to ensure the Building Act is implemented. Requires a review of the Building Act ‘when necessary’.
Carries out any other functions and duties specified in the Building Act	This is a ‘catch all provision’ and captures functions and duties listed in the Building Act, but not in section 11.
Carries out any functions that are incidental and related to, or consequential upon, the functions set out	This provision captures functions not specifically listed in the Building Act but are inferred. It is a ‘catch all provision’ that provides practical flexibility without broadening MBIE’s Chief Executive’s (CE’s) functions.
Issues Acceptable Solutions or Verification Methods and reviews those documents	An Acceptable Solution or a Verification Method is issued by the CE for use in establishing compliance with the Building Code.
Warns against or bans the use of particular building methods or products	A warning or a ban can be issued if the CE considers on reasonable grounds that the use of a building method or product has resulted or is likely to result in a building or building work failing to comply with the Building Code.
Determines applications for national multiple-use approvals	A national multiple use approval establishes that the plans and specifications to which it relates comply with the Building Code. This is known as the MultiProof system.
Specifies the kinds of applications for a building consent that must be provided to Fire and Emergency New Zealand under section 46 of the Building Act	Allows the CE to determine the types of building consent applications that should be referred to Fire and Emergency New Zealand.
Must monitor and report to Minister on current and emerging trends in building design	Monitoring and reporting function on ‘emerging trends in building design, building technologies, and other factors’ that may affect the Building Code, Acceptable Solutions and Verification Methods, warnings and bans, guidance and other functions and powers. Requires an annual report.
Publishes guidance information on the requirements of the Building Act and the Building Code	Publishing guidance on the requirements of the Building Act and the Building Code provides information to the sector about what the requirements are and how to comply with the requirements. Guidance can be prepared more rapidly and be more specific to a situation than an Acceptable Solution or a Verification Method.
Registers BCAs that have been accredited to allow them to perform functions under Parts 2 and 3 of the Building Act	Registering a person (including a local council) as a BCA.
Makes determinations	A quasi-judicial function. Relates to whether a particular matter complies with the Building Code or the exercise or failure or refusal to exercise of a power of decision by an authority.

Reviews the operation of territorial authorities, regional authorities, and BCAs in relation to their functions under the Building Act	In relation to territorial authorities the CE may review whether a territorial authority is properly performing its functions and duties or powers under the Building Act.
Grants and revokes accreditation of BCAs or appoints a building consent accreditation body	The CE must decide whether to grant or revoke accreditation of BCAs or appoint a person to be an accreditation body. Currently the CE has appointed IANZ to perform this role.
Grants and revokes accreditation of dam owners or appoints a dam owner accreditation body to do so	The CE must decide whether to grant or revoke accreditation of dam owners or appoint a person to be an accreditation body.
Appoints a product certification accreditation body	The CE may appoint a person as a product certification accreditation body.
Disseminates information and provides educational programmes on matters relating to building control	Disseminating information and providing educational programmes.
Takes enforcement action (including taking proceedings for offences under the Building Act) if the CE considers it desirable to do so	It is considered desirable to establish or clarify any matter of principle relating to building or the interpretation of the Building Act, if one or more territorial authorities are unwilling or unable to take action or to enforce obligations under Part 4A (Consumer rights and remedies) of the Building Act.
Establishes and maintains several information registers	The following registers must be established and maintained: <ul style="list-style-type: none"> - BCAs - Accredited dam owners - Accredited product certification bodies - Certified building methods or products.
Appoints the Registrar	The CE must appoint under the Public Service Act 2020 a Registrar of Licensed Building Practitioners.
Prepares proposed rules	Making rules relating to Licensed Building Practitioners including competence standards.
Issues infringement notices and authorises persons to issue infringement notices	Issuing of infringement notices.
May provide dispute resolution services	May provide services to assist in the resolution of any dispute arising under a residential building contract.
Monitors the application and effectiveness of earthquake-prone buildings	The CE is responsible for monitoring the application and effectiveness of earthquake-prone buildings.
Oversees post-event assessments	The CE approves the methodology in preparation for, and the form of notices, directions, and signs for post-event assessments.
Investigation of building failures	The CE is responsible for investigating building failures.
Oversees qualified pool inspectors	The CE accepts (and withdraws acceptance of) independently-qualified pool inspectors.

Annex 2: BCA and territorial authority duties, powers and functions set out in the Building Act

Role	Meaning
<i>BCAs</i>	
Issues building consents, but not if a building consent is required to be subject to a waiver or modification of the Building Code	All current registered BCAs are also territorial authorities, so the restriction does not apply.
Inspects building work for which it has granted a building consent	
Issues notices to fix	A notice to fix can be issued by either a BCA or territorial authority.
Issues Code Compliance Certificates	
Issues compliance schedules	Compliance schedules are issued by a BCA in association with a Code Compliance Certificate.
<i>Territorial authorities</i>	
Performs the functions of a BCA set out in subsection (1)(a) (including the issue of building consents subject to a waiver or modification of the building code) of the Building Act if— (i) the territorial authority is also a BCA (ii) an owner applies to the territorial authority for a building consent	
Issues project information memoranda	Project information memoranda are optional; however, a majority of the same tasks must be undertaken by a territorial authority whether or not a project information memorandum is issued.
Grants exemptions under Schedule 1 of the Building Act	These are exemptions under Schedule 1 (2) of the Building Act where the territorial authority has discretion on whether specified work requires building consent.
Grants waivers and modifications of the Building Code	Provisions of the Building Code may be waived or modified by a territorial authority, excluding any that apply to access and facilities for people for disabilities.
Issues certificates of acceptance	A certificate of acceptance may be issued where a territorial authority believes that the work complies with the Building Code, even though a building consent has not been obtained.
Issues and amends compliance schedules	The territorial authority issues or amends a compliance schedule where there is no associated building consent.
Administers annual building warrants of fitness	
Enforces the provisions relating to annual building warrants of fitness	
Decides the extent to which buildings must comply with the building code when— (i) they are altered; or (ii) their use is changed; or	This is for the purposes of sections 112, 115, 116 and 116A of the Building Act.

(iii) their specified intended life changes

Performs functions relating to dangerous, earthquake-prone, or insanitary buildings

Carries out any other functions and duties specified in this Act

This is a 'catch all provision' and captures functions and duties listed in the Building Act, but not in section 12. This can include for example, issue of a notice to fix for matters other than building consent related work.

Carries out any functions that are incidental and related to, or consequential upon, the functions set out in paragraphs (a) to (k)

This is a 'catch all provision' and captures functions and duties not specifically listed in the Building Act but are inferred.

Note: Regional authorities also have duties, functions and powers in relation to dams under the Building Act that are not listed in this document.