



COVERSHEET

Minister	Hon Dr Megan Woods	Portfolio	Building and Construction
Title of Cabinet paper	Regulations under the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021	Date to be published	25 July 2022

List of documents that have been proactively released

Date	Title	Author
26 May 2022	Regulations under the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021	Office of the Minister of Building and Construction
2 June 2022	Cabinet minute: LEG-22-MIN-0092	Cabinet Office

Information redacted

YES / NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Regulations under the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021

Portfolio **Building and Construction**

On 2 June 2022, the Cabinet Legislation Committee:

- 1 **noted** that in October 2021, the Cabinet Economic Development Committee (DEV) agreed to policy proposals for regulations to help implement the detail of new mandatory building product information requirements, a new voluntary modular component manufacturer scheme, and a strengthened product certification scheme [DEV-21-MIN-0212];
- 2 **noted** that in September 2020, Cabinet agreed to new infringement offences for the building product information requirements [CAB-19-MIN-0508];
- 3 **noted** that the following regulations will give effect to the decisions referred to in paragraphs 1 and 2 above:
 - 3.1 Building (Building Product Information Requirements) Regulations 2022 [PCO 24349/5.0];
 - 3.2 Building (Modular Component Manufacturer Scheme) Regulations 2022 [PCO 24146/6.0];
 - 3.3 Building (Product Certification) Regulations 2022 [PCO 24345/9.0];
 - 3.4 Building (Infringement Offences, Fees, and Forms) Amendment Regulations 2022 [PCO 24346/4.0];
 - 3.5 Building (Residential Consumer Rights and Remedies) Amendment Regulations 2022 [PCO 24147/3.0];
 - 3.6 Building (Forms) Amendment Regulations 2022 [PCO 24148/6.0];
- 4 **noted** that exposure drafts of the regulations on the building product information requirements, modular component manufacturer scheme, and product certification were released to targeted stakeholders from 9 March to 28 March 2022;
- 5 **noted** that DEV authorised the Minister for Building and Construction (the Minister) to make decisions consistent with the policy decisions on any issues which arise during the drafting process, including any minor or technical changes required [DEV-21-MIN-0212];
- 6 **noted** that during drafting, the Minister for Building and Construction approved several changes to the regulations, consistent with the delegated authority authorised by DEV;

- 7 **noted** that stakeholder feedback on the exposure draft of the Building (Building Product Information Requirements) Regulations 2022 indicated that the additional benefits of requiring building product information for class 3 products (gas and electrical products) were not sufficient to justify the additional costs;
- 8 **noted** that class 3 products are sufficiently regulated under the Gas Act 1992 and Electricity Act 1992 and their associated regulations, and will still be required to meet Building Code requirements, where relevant;
- 9 **agreed** to not include class 3 building products in the Building (Building Product Information Requirements) Regulations 2022 at this time;
- 10 **noted** that the Building (Modular Component Manufacturer Scheme) Regulations 2022, Building (Product Certification) Regulations 2022, Building (Residential Consumer Rights and Remedies) Amendment Regulations 2022 and Building (Forms) Amendment Regulations 2022 come into force on 7 September 2022, three months after they are made;
- 11 **noted** that the Building (Building Product Information Requirements) Regulations 2022 and Building (Infringement Offences, Fees, and Forms) Amendment Regulations 2022 come into force on 11 December 2023, 18 months after they are made;
- 12 **noted** that before recommending the making of an Order in Council prescribing information requirements for building products, section 403 of the Building Act 2004(as amended by section 96 of the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021) requires that the responsible Minister be satisfied that the chief executive of Ministry of Business, Innovation and Employment has:
- 12.1 done everything practicable to consult with persons substantially affected by the regulations and advised the Minister of the results of that consultation; and
- 12.2 followed appropriate consultation processes including giving adequate notice and a reasonable opportunity for interested persons to make submissions and adequate consideration of submissions;
- 13 **noted** the advice of the Minister that this requirement has been met;
- 14 **authorised** the submission to the Executive Council of the regulations referred to in paragraph 3 above.

Rebecca Davies
Committee Secretary

Present:

Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Kris Faafoi
Hon Michael Wood (Chair)
Keiran McAnulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG