



COVERSHEET

Minister	Hon Chris Penk	Portfolio	Building and Construction
Title of Cabinet paper	Building (Product Certification) Amendment Regulations 2025	Date to be published	15 September 2025

List of documents that have been proactively released

Date	Title	Author
July 2025	Cabinet paper Building (Product Certification) Amendment Regulations 2025	Minister for Building and Construction
31 July 2025	Building (Product Certification) Amendment Regulations 2025 Minute of Decision LEG-25-MIN-0149 Minute	Cabinet Office

Information redacted

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.

In Confidence

Office of the Minister for Building and Construction

Chair, Cabinet Legislation Committee

BUILDING (PRODUCT CERTIFICATION) AMENDMENT REGULATIONS 2025

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the:
 - 1.1 Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Act 2025 Commencement Order 2025; and the
 - 1.2 Building (Product Certification) Amendment Regulations 2025.

Policy

- 2 The Government is committed to driving down the cost of building in New Zealand. The proposals in this paper support this by allowing more high-quality overseas building products to be used here, increasing competition and giving New Zealanders more choice.
- 3 For example, subject to recognition, acceptance of products certified under Australia's WaterMark scheme could improve access to more than 200,000 plumbing products.
- 4 The recently passed Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Act 2025 (the Building Amendment Act) creates new powers for the:
 - 4.1 chief executive of the Ministry of Business, Innovation and Employment (MBIE) to recognise overseas certified building products or methods, and mandates their acceptance by building consent authorities (section 272HA);
 - 4.2 Minister for Building and Construction to recognise groups of overseas standards and standard certification schemes (section 272HB).
- 5 To implement the new legislation and achieve its benefits, regulations are needed to establish criteria the decision-maker must be satisfied of before making a recognition.
- 6 On 4 June 2025, the Cabinet Economic Policy Committee agreed to:
 - 6.1 a Commencement Order to bring the remaining provisions in section 2(2) of the Building Amendment Act into force; and
 - 6.2 draft criteria to be specified in regulations for notices made under sections 272HA and 272HB of the Building Amendment Act [ECO-25-MIN-0085 refers].

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- 7 Cabinet authorised me to take further decisions consistent with the agreed proposals on any issues which arise during the drafting process [ECO-25-MIN-0085 refers]. The proposed regulations include minor amendments to the draft criteria agreed by Cabinet to improve clarity and consistency. These do not require any new policy decisions.
- 8 The decision-making criteria has been added to existing regulations under the Building Act 2004. This paper seeks authorisation for the submission to the Executive Council of the Building (Product Certification) Amendment Regulations 2025.
- 9 This paper also seeks authorisation for the submission to the Executive Council of a Commencement Order to bring the remaining provisions in section 2(2) of the Building Amendment Act into force. These provisions relate to the power to issue notices recognising overseas certified building products and methods, groups of overseas standards and standard certification schemes.

Timing and 28-day rule

- 10 I am seeking a waiver to the 28-day rule on the grounds that the proposed secondary legislation (which set out a government decision-making process) has little or no effect on the public. This is supported by there being no directly regulated group and that the use of recognised products or standards is voluntary.
- 11 Relevant stakeholders have had time to understand the changes and assess their impact through previous engagement processes. Additionally, the Cabinet paper *Recognising overseas certified building products and standards* and related Cabinet minute (ECO-25-MIN-0085) were proactively released on 21 July 2025.

Compliance

- 12 The regulations comply with each of the following:
- 12.1 the principles of the Treaty of Waitangi;
 - 12.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 12.3 the principles and guidelines set out in the Privacy Act 2020;
 - 12.4 relevant international standards and obligations;
 - 12.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 13 The Regulations Review Committee (the Committee) examined the regulation-making powers under section 272HA during its review of the Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Bill. The Committee noted that the design of section 272HA is atypical because this type of content usually appears in primary legislation to limit the executive's legislative power.

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- 14 However, the Committee concluded that secondary legislation is suitable for facilitating urgent changes due to the technical nature of the subject matter. The Committee indicated that it plans to review any Order in Council for the new section 272HA as part of its routine examination of secondary legislation.

Certification by Parliamentary Counsel

- 15 The draft Amendment Regulations and Commencement Order were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet:
- 15.1 provided that the Building (Product Certification) Amendment Regulations 2025 are made on the Minister's recommendation; and
- 15.2 except that they will come into force earlier than the 28th day after their notification in the *Gazette*.

Impact Analysis

- 16 The Ministry for Regulation determined that this proposal is exempt from providing a Regulatory Impact Statement. The exemption is on the grounds that the proposal has no or only minor economic, social or environmental impacts, in the context of the broader set of policy changes supported by previous impact analysis [CAB-24-MIN-0101 refers] and the framework in the Building Act 2004.

Publicity

- 17 Subject to Cabinet agreement to these regulations, I intend to issue a press release announcing the initial recognitions by September 2025.

Proactive release

- 18 I propose to proactively release this Cabinet paper package and associated Cabinet minute within 30 business days.

Consultation

- 19 The following Government agencies and bodies have been consulted on this paper: Ministry of Foreign Affairs and Trade, Treasury, Department of the Prime Minister and Cabinet, Ministry for Regulation, Ministry for the Environment, Ministry of Housing and Urban Development, Department of Internal Affairs, Kāinga Ora, Te Puni Kōkiri, Ministry of Transport, Ministry of Education, Ministry of Social Development, Commerce Commission, Department of Conservation, Ministry for Primary Industries, Ministry for Culture and Heritage, and Standards New Zealand.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 4 June 2025 the Cabinet Economic Policy Committee agreed to:

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- 1.1 a Commencement Order to bring the provisions in section 2(2) of the Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Act 2025 (the Building Amendment Act) into force; and
 - 1.2 draft criteria to be set in regulations for notices made under sections 272HA and 272HB of the Building Amendment Act [ECO-25-MIN-0085 refers];
- 2 **note** that the following will give effect to the decision referred to in recommendation 1 above:
- 2.1 the Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Act 2025 Commencement Order 2025;
 - 2.2 the Building (Product Certification) Amendment Regulations 2025
- 3 **authorise** the submission to the Executive Council of the:
- 3.1 Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Act 2025 Commencement Order 2025;
 - 3.2 Building (Product Certification) Amendment Regulations 2025;
- 4 **note** that the following come into force on 8 August 2025 (or 5 September 2025 if a waiver of the 28-day rule is not agreed to):
- 4.1 the Building (Overseas Building Products, Standards, and Certification Schemes) Amendment Act 2025 Commencement Order 2025;
 - 4.2 the Building (Product Certification) Amendment Regulations 2025;
- 5 **note** that a waiver of the 28-day rule is sought:
- 5.1 so that the regulations can come into force as soon as possible;
 - 5.2 on the grounds that the proposed secondary legislation has little or no effect on the public;
- 6 **agree** to waive the 28-day rule so that the regulations can come into force on 8 August 2025;
- 7 **note** that, subject to Cabinet agreement to these regulations, the Minister for Building and Construction intends issue a press release announcing the initial recognitions by September 2025.

Authorised for lodgement

Hon Chris Penk
Minister for Building and Construction

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