

Building Act Review

The Building Act review aims to improve the effectiveness of New Zealand's building control system.

The Building Act 1991 was in its day, very innovative legislation. It provides for easily applied "off the shelf solutions" and for building consent applicants to design their own means of complying with the code. Inspections and other functions can be carried out by local authorities or by approved private building certifiers.

The system was intended to be more consistent, allow for flexibility and innovation, and encourage more efficient service. After nine years of operation it is time to assess how well the system is working and what changes may be needed.

A team at the Department of Internal Affairs is conducting the review with an overview group drawn from the Building Industry Authority (which administers the code)' Local Government New Zealand and the Construction Liaison Group (an umbrella group for organisations from the construction and property sectors).

A discussion document has been issued and sent to local authorities, building industry groups and to others who have expressed an interest in the review. The document is available from the Department of Internal Affairs and submissions on it are open until 3 October 2001.

The submissions will be used in forming policy on changes to the Building Act (and if necessary the way building controls interact with other legislation). A Bill amending the Act is expected next year.

The Discussion Document:

- covers what the Act applies to and what work should be exempt from the need for a building consent (sections 1.1,1.2). The issue of cable cars will be considered
- proposes that project information memorandums (which supply information about the consents needed for a project) be voluntary, saving time and cost (section 2.1)
- discusses possible changes to controls on building on hazard prone sites to make them more efficient (section 2.2)
- discusses possible improvements to the way the 'bottom line' controls on unsafe and insanitary buildings are specified and enforced by councils (section 3.1)
- discusses possible changes to the requirements to upgrade existing buildings when they are altered, subdivided or their use changes (this might for instance include higher levels of noise protection when commercial buildings are converted to residential use) (section 3.2)
- proposes minor changes to the disciplinary regime for private building certifiers and the way they report to local authorities. It also discusses

whether private certifiers should be able to issue building consents (section 4.1)

- discusses a possible system for independent qualified persons (IQPs) who certify the maintenance of automatic systems (such as lifts) be registered nationally by the Building Industry Authority. They currently need to be approved by each council in whose district they operate)(section 4.2)
- suggests a possible time limit for councils to issue code compliance certificates which signify that a project has been completed in accordance with a building consent (section 4.3.1) and discusses the way code compliance certificates can be triggered (section 5.1)
- raises for discussion changes to ensure a level playing field between private building certifiers and territorial authority building inspectors (sections 4.3.2,4.3.3)
- raises for discussion the introduction of an infringement fee or “instant fine” system for common Building Act offences (section 5.3)
- suggests changes to the way unauthorised work is treated so people dealing with a property have better information about how far work complies with the code (section 5.4)
- discusses whether the system has encouraged alternative solutions and innovation (section 6)
- discusses the interaction between the building control system and other legislation including fire safety laws, the Resource Management Act and the Fencing of Swimming Pools Act (section 7)