

Regulation 18 – Requiring technical qualifications

Last updated: 13 March 2018

Employees and contractors performing building control functions by doing a technical job need a technical qualification.

The objective of the regulation

The objective of regulation 18 of the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations) is to ensure all employees and contractors performing building control functions by doing a technical job have a technical qualification.

A building control official's (BCO's) technical qualification can be supplemented by any work or trade experience, and any further training or study they undertake.

The regulatory guidance below has been developed to support understanding of the Regulations as amended by the Building (Accreditation of Building Consent Authorities) Amendment Regulations 2016 (the amendment Regulations). The amendment Regulations require BCOs performing a building control function by doing a technical job to hold a technical qualification from a specified list, unless exempt.

Regulation 18 (<http://www.legislation.govt.nz/regulation/public/2006/0399/latest/DLM424693.html>) and the amendments (<http://www.legislation.govt.nz/regulation/public/2017/0014/latest/DLM7049192.html>) are available on the Legislation website.

Regulation 18 must be read in conjunction with regulations 5 and 6.

The policies and procedures required by regulation 18 must be written and/or electronic, and appropriate for purpose.

A building consent authority (BCA) must ensure that the policies, procedures and system required by regulation 18 are consistently and effectively implemented. BCAs must ensure they record the decisions they make under regulation 18, including the reasons for the decisions, as well as the outcomes.

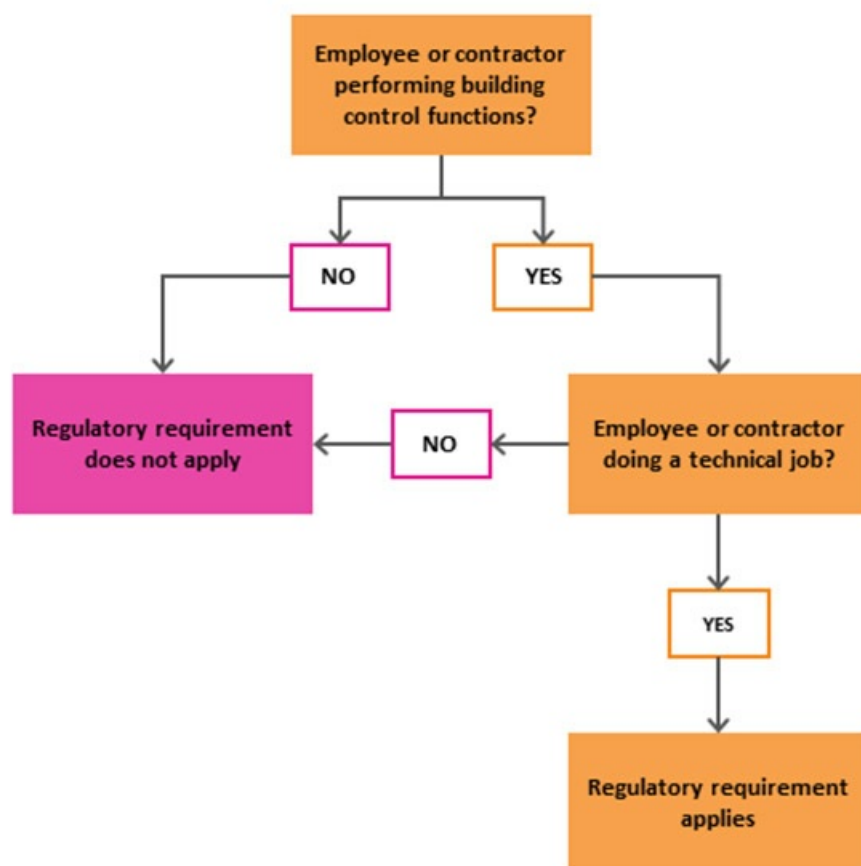
MBIE's guidance on meeting the accreditation requirement

[Checklist for regulation 18 \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/checklists/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/checklists/) outlines the minimum criteria for compliance.

To whom does this regulatory requirement apply?

This regulatory requirement only applies to those employees and contractors who are performing building control functions by doing a technical job. The regulatory requirement does not apply to employees or contractors who perform non-technical jobs or functions within a BCA, or to contractors who have been engaged to provide technical or specialist expertise.

Application of regulation 18 requirement



Ensuring employees and contractors doing a technical job hold a technical qualification

A BCA must have a system for ensuring that all its employees and contractors performing a building control function by doing a technical job have, or are working towards, one of the following qualifications or their recognised international equivalents, unless exempt:

- National Diploma in Building Control Surveying (Small Buildings)
- National Diploma in Building Control Surveying (Medium and Large Buildings)
- Diploma in Building Surveying
- Diploma in Construction Management
- Diploma in Construction
- Diploma in Quantity Surveying
- Diploma in Architectural Drafting
- Diploma in Architectural Technology
- Bachelor of Applied Technology – Building
- Bachelor of Architecture
- Bachelor of Architectural Studies
- Bachelor of Building Science
- Bachelor of Construction (Construction Management and Construction Economics)
- Bachelor of Engineering

Qualifications in the field of building design or construction at a New Zealand Qualification Authority (NZQA) framework level 6 or above are also satisfactory for meeting this regulatory requirement.

What constitutes 'working towards' a technical qualification?

An employee or contractor will be deemed to be 'working towards' a technical qualification if they:

- are enrolled in and are currently studying for an appropriate qualification

- are enrolled in an appropriate qualification and are awaiting the commencement date of the course
- have not yet enrolled in an appropriate qualification but have a specified start date for:
 - the appropriate qualification they will undertake
 - their future study in their performance plan.

How are historical qualifications recognised?

The names of New Zealand qualifications can change over time. Some of the qualifications listed in regulation 18 may have replaced historical qualifications.

To ascertain the validity of a historical qualification a BCA can simply search 'NZQA' online and the name of the qualification. The search results should refer a BCA to the NZQA website and relevant information about the qualification, including its current title and level. The current title and/or level should be comparable to the regulation 18 list.

If a historical qualification is in the field of building design and construction and is at or above level 6 in the NZQA framework it is acceptable for meeting this regulatory requirement.

How are international qualifications recognised?

Advice on how international qualifications gain recognition in New Zealand can be found on the NZQA website. Many migrants will have applied for recognition as part of the migration process. Where this is the case, they will already hold the appropriate evidence of their international qualification and its New Zealand equivalent.

For the purposes of meeting this accreditation requirement, a BCA can also rely on the Immigration New Zealand exemption list. If an employee or contractor holds an equivalent qualification in the fields of building design or construction at a NZQA level 6 or above, it is acceptable to meet this requirement.

System for decisions on exemptions

A BCA must have a system for identifying the circumstances where it would be unreasonable and impractical for an employee or contractor to comply with this regulatory requirement. It must use the system to identify and record any employees and contractors who are exempt from this regulatory requirement. The system should include:

- a general policy statement or objective that sets out the goal for the BCA related to qualifications
- an agreed set of circumstances where an exemption may be considered
- a nominated person who can sign off an exemption
- the process for seeking the sign off of an exemption (which may simply be by memo).

Circumstances in which it may be unreasonable and impractical for a BCO to hold a qualification

When agreeing a set of circumstances where an exemption may be considered, a BCA must have regard for the intent of regulation 18. It is the Ministry of Business, Innovation and Employment's view that the circumstances in which a BCA may consider it to be unreasonable and impractical for an employee or contractor to hold or be working towards an appropriate qualification may include where they:

- have been assessed as competent in their current role and are within five years of retirement
- are a new employee within the first 12 months of employment and are appropriately supervised
- have tendered their resignation and will leave the BCA within the next three months.

[Technical job \(https://www.building.govt.nz/building-officials/bca-accreditation/terms-and-abbreviations/#job\)](https://www.building.govt.nz/building-officials/bca-accreditation/terms-and-abbreviations/#job) and [technical or specialist advice \(https://www.building.govt.nz/building-officials/bca-accreditation/terms-and-abbreviations/#advice\)](https://www.building.govt.nz/building-officials/bca-accreditation/terms-and-abbreviations/#advice) definitions can be found in the glossary .

[How international qualifications gain recognition in New Zealand \(http://www.nzqa.govt.nz/qualifications-standards/international-qualifications/international-qualifications-assessment/\)](http://www.nzqa.govt.nz/qualifications-standards/international-qualifications/international-qualifications-assessment/) can be found on the New Zealand Qualifications Authority website.

[Qualifications exempt from assessment \(http://onlineservices.immigration.govt.nz/opsmanual/35171.htm\)](http://onlineservices.immigration.govt.nz/opsmanual/35171.htm) are listed on the Immigration New Zealand website.



people:

- with compliance with the Building Act, it is published under section 175 of the Building Act
- with a Weathertight Services claim, it is published under section 12 of the Weathertight Homes Resolution Services Act 2006.