

Regulatory requirements of the BCA accreditation scheme

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This section of the website provides an overview of the Building (Accreditation of Building Consent Authorities) Regulations 2006 and the Building (Registration of Building Consent Authorities) Regulations 2007 that give operational effect to the building consent authority accreditation scheme. Each clause in the regulations is summarised.

This regulatory guidance has been developed to support understanding of the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).



The Building (Accreditation of Building Consent Authorities) Regulations 2006

Summary of regulatory requirements

The Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations) set out the minimum policies, procedures and systems a building consent authority (BCA) must have and consistently and effectively implement to gain accreditation. The Regulations provide the foundation for achieving the purpose and objectives of the BCA accreditation scheme and the foundation for accreditation assessments.

The Regulations are summarised below. The Ministry of Business, Innovation and Employment (MBIE) has developed detailed regulatory guidance containing further information on the minimum policies, procedures and systems that the Regulations require. A link to the relevant guidance is included with the explanation of each clause.

Regulation 1

[Regulation 1 \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/) confirms the title of the Regulations.

Regulation 2

[Regulation 2 \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/) contains the commencement provisions for the Regulations.

Regulation 3

Regulation 3 defines the following words or phrases used in the Regulations:

- Act, the Building Act 2004 (the Act)
- applicant, a person who is applying for BCA accreditation under section 250 of the Act
- building control function, a function of a BCA under the Act
- specified New Zealand qualification, which defines the qualifications a building consent official performing a building control function by doing a technical job must hold.

It is important to understand that the Regulations only apply to BCA functions even where a BCA is a part of a territorial or regional authority which may undertake other functions. Territorial and regional authority functions are out of scope for the scheme.

[Regulation 3: The interpretations clause \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/)

Regulation 3A

Regulation 3A is the standard clause that is used for all transitional and savings schedules included in regulations. The wording is used to allow for any future provisions (inserted by future amendments) to be added to Schedule 1. While the only transitional provision at this stage relates to fees, it is possible that in the future there will be other transitional or savings provisions that relate to matters other than fees.

[Regulation 3A: Transitional, savings and related provisions \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/)

Regulation 4

Regulation 4 states that the standards and criteria for accreditation are set out in Regulations 5–18.

[Regulation 4: Criteria and standards for accreditation \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/1-4-preliminary-provisions/)

Regulation 5

Regulation 5 requires BCAs to ensure their policies, procedures and systems are written or electronic, “appropriate for their purposes” and “consistently and effectively implemented”.

This general requirement must be read in conjunction with the requirements set out in Regulations 7–18. The policies, procedures and system required by Regulations 7–18 must be written or electronic, appropriate for purpose and consistently and effectively implemented.

[Regulation 5: Polices, procedures and systems \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/5-requirements-policies-procedures-systems/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/5-requirements-policies-procedures-systems/) contains MBIE’s guidance on meeting the accreditation requirement.

Regulation 6

Regulation 6 requires a BCA to record:

- how it ensures that its policies, procedures and systems are effectively implemented
- the decisions it makes under its policies, procedures and systems
- the reasons for and outcomes of its decisions.

This general requirement must be read in conjunction with the requirements set out in Regulations 7–18. Decisions made under the policies, procedures and system required by Regulations 7–18 must be recorded.

[Regulation 6: Observance of policies, procedures and systems \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/6-decisions-policies-procedures-systems/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/6-decisions-policies-procedures-systems/) contains MBIE’s guidance on meeting the accreditation requirement.

Regulation 6A

Regulation 6A sets out the requirement that a BCA must have a system for notifying MBIE and the accreditation body of specified matters that include a change to their organisational status or significant turnover in staff. A BCA that is not part of a territorial or regional authority has additional notification requirements.

[Regulation 6A: Notification requirements \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/6a-notification-requirements/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/6a-notification-requirements/) contains MBIE’s guidance on meeting the accreditation requirement.

Regulation 7

Regulation 7 sets out detailed requirements for a BCA’s policies and procedures for performing their building control functions including for:

- providing information to the public
- receiving and processing consent applications
- planning, performing and managing inspections
- the issue of code compliance certificates, compliance schedules and notices to fix
- managing inquiries and complaints.

[Regulation 7: Performing building control functions \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/7-perform-building-control-functions/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/7-perform-building-control-functions/) contains MBIE’s guidance on meeting the accreditation requirement.

Regulation 8

Regulation 8 specifies the requirement that a BCA must have a system for ensuring it has enough employees and contractors to undertake its building control functions.

[Regulation 8: Ensuring enough employees and contractors](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/8-ensure-enough-employees-contractors/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/8-ensure-enough-employees-contractors/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 9

Regulation 9 specifies the requirement that a BCA must have a system for ensuring building control work is allocated only to those who are competent to do the work.

[Regulation 9: Allocating work to competent employees or contractors](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/9-allocate-work-competent-employees-contractors/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/9-allocate-work-competent-employees-contractors/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 10

Regulation 10 specifies the requirement that a BCA must have a system for establishing and assessing the competence of employees who undertake building control functions.

[Regulation 10: Establishing and assessing competence of employees](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/10-establish-assess-competence-employees/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/10-establish-assess-competence-employees/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 11

Regulation 11 specifies the requirement that a BCA must have a system for training employees who undertake building control functions by doing a technical job. It specifies the components that the training system must include.

[Regulation 11: Training employees](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/11-training-employees/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/11-training-employees/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 12

Regulation 12 specifies the requirement that a BCA must have a system for choosing and using competent contractors and specifies the features that the system must include.

[Regulation 12: Choosing and using contractors](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/12-choosing-using-contractors/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/12-choosing-using-contractors/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 13

Regulation 13 specifies the requirement that a BCA must have a system for identifying and designating appropriate technical leadership.

[Regulation 13: Technical leadership](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/13-technical-leadership/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/13-technical-leadership/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 14

Regulation 14 specifies the requirement that a BCA must have a system for ensuring it has the technical information, facilities and equipment to effectively perform its building control functions.

[Regulation 14: Ensuring necessary technical resources](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/14-necessary-technical-resources/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/14-necessary-technical-resources/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 15

Regulation 15 requires BCAs to record their organisational structure and the roles, responsibilities, powers, authorities, and limitations on the powers and authorities, of their staff.

[Regulation 15: Keeping organisational records](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/15-keeping-organisational-records/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/15-keeping-organisational-records/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 16

Regulation 16 requires BCAs to have a system for ensuring all information relevant to a building consent application is filed, readily accessible, retrievable and stored securely.

[Regulation 16: Filing applications for building consents](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/16-filing-applications-building-consents/) (<https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/16-filing-applications-building-consents/>) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 17

Regulation 17 specifies requirements for a BCA's quality assurance system.

[Regulation 17: Assuring quality \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/17-assuring-quality/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/17-assuring-quality/) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 18

Regulation 18 requires building control officials who perform building control functions by doing a technical job to have a specified New Zealand qualification. It also provides that a BCA may have a system for determining where it is unreasonable and impractical to implement the system.

[Regulation 18: Requiring appropriate technical qualifications \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/18-appropriate-technical-qualifications/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/18-appropriate-technical-qualifications/) contains MBIE's guidance on meeting the accreditation requirement.

Regulation 19

[Regulation 19 \(https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/19-fees-schedule/\)](https://www.building.govt.nz/building-officials/bca-accreditation/detailed-regulatory-guidance/19-fees-schedule/) refers to Schedule 2 of the Regulations, which sets out the fees payable for an accreditation assessment.

Schedule 1

Schedule 1 includes a transitional provision for the provision of the fees payable for an accreditation assessment. It is necessary to ensure the appropriate charging of the ongoing accreditation fee that covers the administration of the scheme. This fee is payable in arrears and will be charged based on the months that have passed since an accredited organisation or BCA's last assessment.

Schedule 2

Schedule 2 sets out the fee for service regime for initial applications for accreditation and regular accreditation assessments (referred to as audits).

The following can be found on the Legislation website:

- [The Building \(Accreditation of Building Consent Authorities\) Regulations 2006 \(http://www.legislation.govt.nz/regulation/public/2006/0399/latest/DLM424665.html\)](http://www.legislation.govt.nz/regulation/public/2006/0399/latest/DLM424665.html)
- [The Building Act 2004 \(http://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html\)](http://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html)

The Building (Registration of Building Consent Authorities) Regulations 2007

Summary of regulatory requirements

The Building (Registration of Building Consent Authorities) Regulations 2007 (the registration Regulations) set out the criteria and standards for an accredited BCA to become a registered BCA, the details that must be provided on the application form and the required fee.

Regulation 1

Regulation 1 confirms the title of the registration Regulations.

Regulation 2

Regulation 2 confirms that the registration Regulations came into force on 1 November 2007.

Regulation 3

Regulation 3 defines the following words or phrases used in the registration Regulations:

- Act, the Building Act 2004 (the Act)
- applicant, a person who is applying for BCA accreditation under section 250 of the Act
- building control function, a function of a BCA under the Act
- management, a chief executive or a manager or director responsible for a BCA.

It is important to understand that the registration Regulations only apply to BCA functions even where a BCA is a part of a territorial or regional authority that may undertake other functions. Territorial and regional authority functions are out of scope for the scheme.

Regulation 4

Regulation 4 specifies the criteria and standards a person must meet to be registered as a BCA, including the requirement to be a fit and proper person and a New Zealand citizen, permanent resident or body incorporated in New Zealand.

Regulation 5

Regulation 5 requires applications for registration to be in the required form and provides the Ministry of Business, Innovation and Employment's Chief Executive with the ability to request further information in addition to the form.

Regulation 6

Regulation 6 specifies a registration application fee of \$6,250 for applicants that are not a territorial or regional authority.

Schedule

The schedule contains registration application forms for private organisations and people, and for territorial and regional authorities, and requires applications to contain specified information including:

- the details of the applicant
- the details of the person responsible for the application
- any scope limitations the applicant wishes to have applied to their consenting functions
- a statutory declaration.

The Building (Registration of Building Consent Authorities) Regulations 2007

(<http://www.legislation.govt.nz/regulation/public/2007/0300/latest/DLM973528.html>) can be found on the Legislation website.

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