

Royal Commission: Roles and Responsibilities



Ministry of Business,
Innovation & Employment



Building & Housing

New Zealand Government

Obtaining regulatory approval, capability and quality assurance

- David Kelly; Director Canterbury Recovery and Rebuild, Building and Housing Group



Ensuring high quality and timely compliance documents

- There are multiple tools in the box to ensure that information of the right kind is available to designers and builders to be successful
- The Ministry has a good skillset in house and the ability to contract with providers where there are not the skills in house to do the work
- Wide consultation with appropriate groups is also used to ensure workability
- The engineering advisory group provides input to priorities for action
- The engineering advisory group may also suggest specialists for writing production and peer review prior to publication



High quality and timely compliance documents

- The Ministry has and will continue to work with Standards on the strategically important Standards requiring revision
- The Ministry has always been open to industry producing guidance and then endorsing that
- Based on risk the Ministry will be prioritising the work required as a result of the Royal Commission's recommendations
- The Ministry will need to ensure that resources are used optimally and the most cost effective option chosen.
- The Ministry is focussed on ensuring that the documents we produce or endorse meet the highest standards of usability, readability and cost effectiveness.



BCA capability to assure complex buildings

- BCAs commission others to provide technical review of complex buildings
- They then rely on this in issuing the consent
- They can and do use other indicators such as previous history and experience of the designer and producer statements
- The design of the risk based consenting scheme is in recognition of the approach currently in place but with a greater focus on fit for purpose based on risk and quality assurance end to end



National Consenting Authority

- One of the issues is lack of consistency of decision making by 67 BCAs
- There is a need for one authoritative voice on consents and consistent delivery
- Many small BCAs rarely have to consider consent for complex buildings so do not need the skills and buy in as required
- Risk based consenting changes the approach to complex buildings by requiring a risk profile and quality assurance system to be approved and this will need specific skills
- Risk based consenting is currently being piloted
- The potential benefit of the national consenting system is an overview of the quality of applications for consent and then the opportunity for remedial action
- Potentially Centres of Expertise for innovative consents



Producer Statements

- There is no requirement for producer statements in the current regulatory framework
- They are often sought by BCAs to establish the reasonable grounds to issuing a building consent
- However any Producer Statement should be a matter between the designer and the commissioning owner
- There may be a role for producer statements but would need to be clear about their extent and in what respects they can be relied on
- Need a consistent approach to content if they are to be used
- Need to be very explicit on what is being certified
- There is a perception that producer statements can be relied on
- Design work that is submitted should be code compliant and not need a producer statement



Peer review

- Peer review should be a component of any quality assurance framework
- It should be a matter of good practice for any designer to get a peer review of the design and the assumptions that they made in relation to the design
- Design Features reports with a mandatory content may be a useful tool to support peer review
- Peer review content may be a matter for the registration and membership bodies
- What is critical is that the peer reviewer will stand up for their findings
- Peer reviewers may find unacceptable work which may need reporting to the professional body
- IPENZ has issued a Practice Note 14 which could be updated and used in the context of the risk based consenting quality assurance system which will be subject of regulation



Building warrants of fitness

- There is currently a building warrant of fitness scheme for specified systems in multi storey buildings
- These are annually inspected by qualified persons
- The systems are those that have the potential impact on health and safety and have moving parts which have the potential to fail
- Systems covered are lifts, sprinklers, air conditioning and the like.
- The idea of a building structural warrant of fitness is a layer of complexity and cost which may not provide the appropriate level of benefits (previous work has been done on this)



Building warrants of fitness

- As the Building Code is updated the updates do not apply retrospectively for existing buildings except in some specified circumstances such as change of use or alteration or the building falls below the earthquake prone standard.
- Rather than a warrant of fitness it may be more appropriate to focus on the rigorous application of the earthquake prone buildings policy to the existing building stock (or any revision thereof as a result of the Royal Commission's work)
- Changes could include public notification of a seismic rating which will drive market behaviour
- There are already dangerous building provisions and these may be refined given the feedback on s 129 (there was comment that the need for a district Court approval delayed demolition)



Does the current framework impede innovation

- The Ministry has traversed this with the Commission in the new and alternative technologies hearing
- There is nothing in the regulatory framework which precludes innovation
- The Building Code is a performance based regulation to enable innovation
- However the risk averse culture of the BCA consent decisions as a result of the current liability regime has resulted in a perception that innovation is difficult
- The Sapere report revealed that 20% of consent applications were based on alternative solutions in other words innovation



Does the current framework impede innovation

- The Ministry needs to follow through the codification of frequently applied for alternative solutions or components thereof into acceptable solutions or variations to them
- The Ministry has implemented Multiproof which enables the Ministry to perform the role of BCA for designs which are to be used in multiple locations, approving the structure so the BCA only has to approve the site works and location
- There may be potential to extend this to complex construction
- Alternatively as already discussed national consenting and centres of expertise for innovative consents may be a solution

