

BILLS DIGEST

BUILDING AMENDMENT BILL 2007 (2007 No 128-2)

As reported from the Social Services Committee: 30 October 2007

Bills Digest No. 1570



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BUILDING AMENDMENT BILL 2007 (2007 No 128-2)

Date of introduction:	18 July 2007
Portfolio:	Building and Construction
Select Committee:	Social Services
Date report presented:	30 October 2007

PURPOSE

This Bill contains some minor adjustments to improve the workability of the Building Act 2004 (the Act). The public policy objective is to amend the Act to improve the clarity and effectiveness of the regulatory framework¹.

The Bill as introduced is described in [Bills Digest No 1529](#).

MAIN CHANGES TO THE BILL**Restricted building work**

The Bill as introduced makes it clear that a licensed building practitioner is licensed to carry out or supervise certain types of work corresponding to a licensing class or licensing classes, in respect of which the building practitioner is licensed.

The Bill also provides that a licensed building practitioner who carries out or supervises restricted building work under a building consent is required to provide a memorandum as to what restricted building work the licensed building practitioner carried out or supervised.

The Bill also provides a definition of "restricted building work" as follows:

"restricted building work" means: " ... building work that ... requires a building consent,; and ... is part of a significant building project; and ... is of a kind declared by the Governor-general by Order in Council to be building work that must be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise that work".

The Select Committee has recommended that this definition be amended so that it means (with additions underlined):

" ... building work that is ... critical to the integrity of a building, for example, its envelope and structure; and ... of a kind declared by the Governor-General by Order in Council to be building work that must be carried out or supervised by a licensed building practitioner who is licensed to

¹ Building Amendment Bill, 2007 No 128-1, Explanatory note, General policy statement, p.1.

carry out or supervise that work; and that Order in Council may relate, without limitation, to certain types or categories of buildings, or parts of buildings specified in the Order in Council; and ... includes design work (relating to building work) that is design work of a kind declared by the Governor-General by Order in Council to be restricted building work for the purposes of this Act; and ... does not include any building work for which, in accordance with Section 41, a building consent is not required" (*Part 1, Clause 6, amended definition of "restricted building work"; cf. Part 1, Clause 16 (amending Sections 84 and 85 of the Act) and Clause 19 (amending Section 88 of the Act)*).

Comment

The intention of the amendment seems to be to make the definition more precise. The restricted building work must be building work "critical to the integrity of the building". The words "critical" and "integrity" are however not defined. They may have a clear trade meaning. If so, perhaps an attempt should be made to define them. In recommending this redrafting, the Select Committee has recommended the removal of the concept of "significant building project" from the definition and therefore also recommended the removal of the definition of that term from the Bill (*Part 1, Clause 6, deletion of the definition of "significant building project" from the Bill*).