

Building Consent Authority and Territorial Authority Compliance Strategy

Purpose of the Strategy

The Compliance Strategy sets out MBIE's approach for enabling and ensuring the performance of building consent authorities (BCAs) and territorial authorities (TAs) under the Building Act 2004.

MBIE aims to achieve this with its compliance framework, which comprises three compliance objectives and a suite of activities that aim to efficiently meet these objectives.

The primary objectives of MBIE's compliance framework are summarised in the below diagram:



This Strategy can serve as a guide:

- In the day-to-day running of compliance activities;
- When reviewing how current activities operate; and
- When considering resourcing and capability needs.

Compliance Objective 1: Promoting compliance

1. All regulators in New Zealand are required to provide accessible, timely information and support to help regulated parties understand and meet their regulatory obligations.
2. It is important that MBIE takes a comprehensive approach to promoting compliance. To accomplish this, we use three processes - engage, educate and enable. How we approach each of these is laid out in the table below.

	Engage	Educate	Enable
Aim / Definition	<p>Consult with regulated parties, stakeholders and community on matters that may affect them.</p> <p>Maintain relationships and communication no matter what other processes or actions are underway.</p> <p>Facilitate understanding of challenges and constraints, provide support and identify opportunities to work with others.</p>	<p>Alert regulated parties to compliance requirements, and remind them of their responsibilities.</p> <p>Inform communities and stakeholders about what regulations are in place around them, so that they will better understand what is compliant and what is not.</p>	<p>Provide opportunities for regulated parties to be exposed to industry best practice and regulatory requirements.</p> <p>Link regulated parties with appropriate industry advisors.</p> <p>Promote examples of best practice.</p>
Relevant Activities	<p>BCA accreditation assessments.</p> <p>TA assessments – the national monitoring and field assessments programme.</p> <p>Conferences and industry events.</p> <p>Case management.</p> <p>Building Performance Webinars.</p> <p>Attending BCA Cluster Group meetings.</p>	<p>Answering queries from councils.</p> <p>Making information about compliance available through the Building Performance website and other channels.</p> <p>Assisting councils during BCA accreditation and TA assessments.</p> <p>Producing guidance.</p>	<p>Promoting effective cluster groups and using these as a channel rather than individual councils.</p> <p>Promoting opportunities for councils with best practice approaches to share knowledge with those that are struggling.</p>

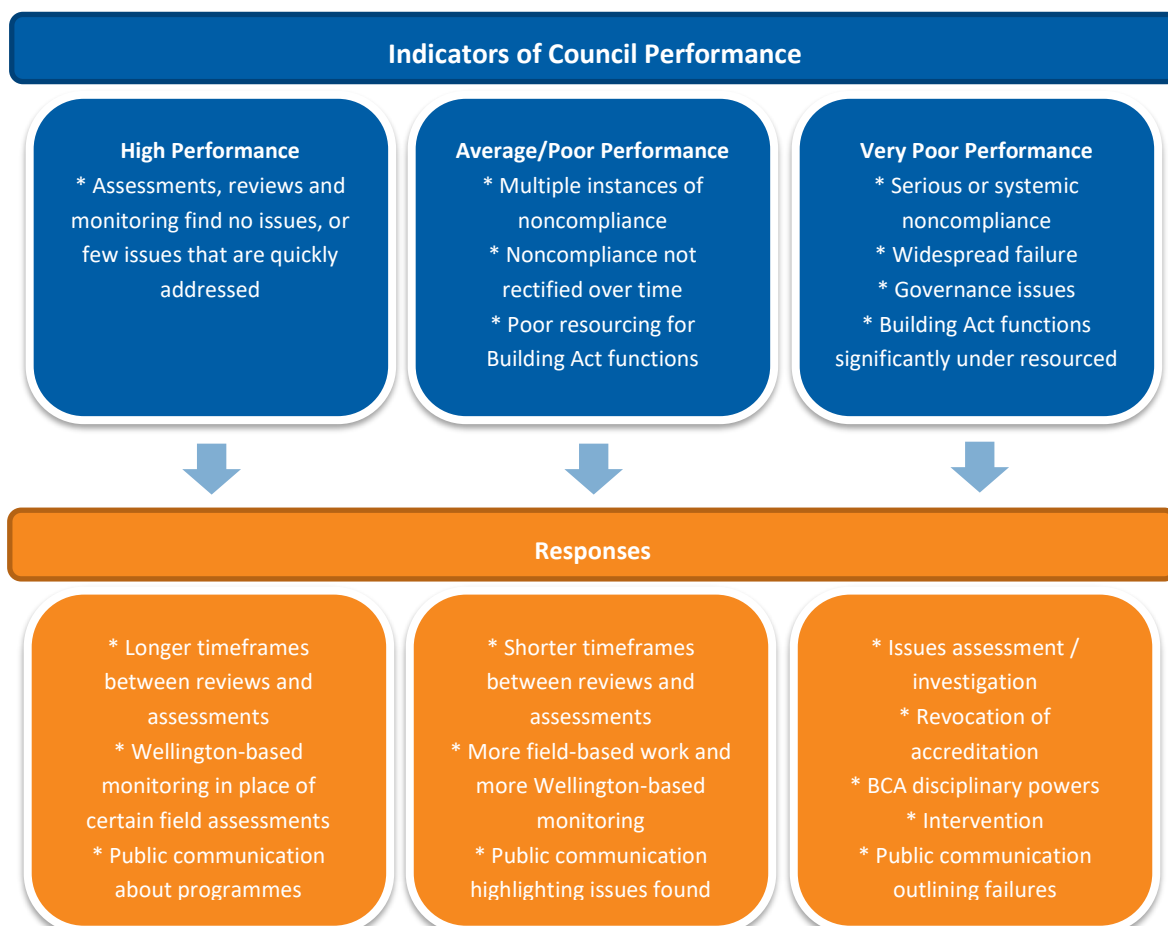
Compliance Objective 2: Developing a Picture of Risk

3. All regulators need to target their activities so that they make the most of their limited resources. MBIE's responsibility as the central regulator of the building system is to maintain its understanding of the environment on an ongoing basis to proactively identify systemic risks.

4. MBIE has a range of information at hand that can be utilised for this purpose. Monitoring and assessment programmes are essential tools for developing a picture of risk and can be redesigned as required to better capture information that meets MBIE’s needs.
5. A rich understanding of council risk is needed to:
 - a) Manage the most serious risks and make the most of the greatest opportunities;
 - b) Understand and anticipate the particular needs of councils and respond accordingly; and
 - c) Develop a picture of performance across the sector, be intelligence-led and respond to emerging trends and areas of concern.

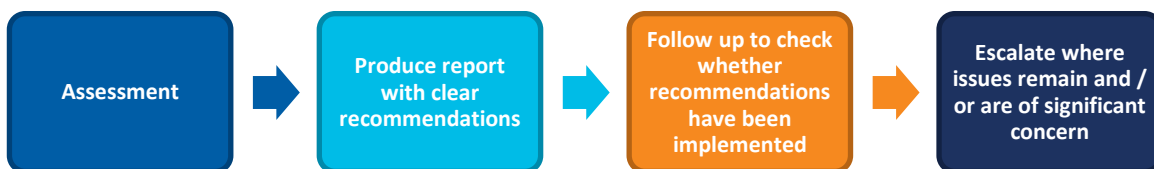
Compliance Objective 3: Identify and Respond to Noncompliance

6. All regulators need to target their activities so that they make the most of their limited resources. MBIE’s responsibility as the central regulator of the building system is to maintain its understanding of the environment on an ongoing basis to proactively identify systemic risks.



Monitoring and Assessment Programmes

7. The BSA team runs monitoring and assessment programmes to identify noncompliance, and undertakes follow-up work to ensure that it has been addressed.
8. MBIE publishes reports to encourage councils to make changes, and to lay the groundwork for communicating with the public if noncompliance is not addressed. Where noncompliance is not addressed, MBIE can choose to escalate its response, as outlined below.
9. The process for identifying noncompliance through monitoring and assessment programmes is set out below:



Communication as an Essential Compliance Tool

10. We use clear, deliberate and authoritative communication to ensure that councils perform.
11. Once noncompliance has been identified, MBIE needs to communicate clearly and carefully to ensure that councils are best placed to respond. Through our communication we need to:
 - a) Clearly communicate the need for improvement, and its importance;
 - b) Be clear what will occur if improvements are not implemented;
 - c) Communicate in a way that reinforces the importance of building regulation, and takes the opportunity to drive improvements in the system.
12. Where more serious issues are identified, MBIE needs to consider the public interest, and communicate in a way that enables stakeholders to hold councils to account.

13. Sometimes councils may be identified as having serious issues. This may be revealed through the routine monitoring and assessment programmes, analysis of data, the determinations process, or via a complaint from a third external party (formally or informally). In particularly serious cases, concerns may be raised through the media.
14. In these cases, MBIE will deploy a range of responses to ensure the issue is rectified. Where issues are not rectified, MBIE will escalate its response.