



Building (Infringement Offences, Fees, and Forms) Amendment Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 1st day of December 2014

Present:
The Right Hon John Key presiding in Council

Pursuant to section 402 of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building and Housing, makes the following regulations.

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Regulations

1 Title

These regulations are the Building (Infringement Offences, Fees, and Forms) Amendment Regulations 2014.

2 Commencement

These regulations come into force on 1 January 2015.

3 Principal regulations

These regulations amend the Building (Infringement Offences, Fees, and Forms) Regulations 2007 (the **principal regulations**).

4 Schedule 1 replaced

Replace Schedule 1 with the Schedule 1 set out in the Schedule of these regulations.

Schedule

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Schedule 1 replaced

Schedule 1

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Infringement offences and fees

Provision of Building Act 2004	Description of offence	Fee (\$)
<i>General building offences</i>		
s 40	Failing to comply with the requirement that building work must be carried out in accordance with a building consent	1,000
s 42	Failing to apply for a certificate of acceptance for urgent building work as soon as practicable after completion of building work	500
s 85(1)	Person who is not licensed building practitioner carrying out restricted building work without supervision of licensed building practitioner with appropriate licence	750
s 85(2)(a)	Licensed building practitioner carrying out restricted building work without appropriate licence	500

Schedule 1—continued

Provision of Building Act 2004	Description of offence	Fee (\$)
s 85(2)(b)	Licensed building practitioner supervising restricted building work without appropriate licence	500
s 101	Failing to comply with the requirement to obtain a compliance schedule	250
s 108(5)(aa)	Failing to supply territorial authority with a building warrant of fitness	250
s 108(5)(a)	Failing to display a building warrant of fitness required to be displayed	250
s 108(5)(b)	Displaying a false or misleading building warrant of fitness	1,000
s 108(5)(c)	Displaying a building warrant of fitness other than in accordance with section 108	1,000
s 116B(1)(a)	Using, or knowingly permitting the use of, a building for a use for which it is not safe or not sanitary	1,500
s 116B(1)(b)	Using, or knowingly permitting the use of, a building that has inadequate means of escape from fire	2,000
s 124	Failing to comply with a notice, within the time stated in the notice, requiring work to be carried out on a dangerous, earthquake-prone, or insanitary building	1,000
s 128A(2)	Using or occupying a building, or permitting another person to do so, contrary to a territorial authority's hoarding, fence, or notice	2,000
s 168	Failing to comply with a notice to fix	1,000
s 314(1)	Person holding himself or herself out as being licensed to do or supervise building work or building inspection work while not being so licensed	500
s 362D(4)	Failing to provide prescribed disclosure information	500
	Failing to provide prescribed checklist	500
s 362F(4)	Failing to have a written contract as prescribed	500
s 362T(4)	Failing to provide prescribed information or documentation to specified persons	500
s 363	Using, or permitting use of, building having no consent or code compliance certificate or certificate for public use for premises for public use	1,500
s 367	Wilfully obstructing, hindering, or resisting a person executing powers conferred under the Act or its regulations	500

Schedule 1—*continued*

Provision of Building Act 2004	Description of offence	Fee (\$)
s 368	Wilfully removing or defacing a notice published under the Act or inciting another person to do so	500
	<i>Dam safety offences</i>	
s 134C	Dam owner failing to classify a dam	500
s 138	Dam owner failing to comply with a direction from a regional authority to have a classification re-audited and submitted	250
s 140	Dam owner failing to prepare, or to arrange the preparation of, a dam safety assurance programme and submit it for audit	500
s 145	Dam owner failing to comply with a direction from a regional authority to have a dam safety assurance programme re-audited and submitted	250
s 150(4)(a)	Dam owner knowingly failing to display a dam compliance certificate required to be displayed	250
s 150(4)(b)	Dam owner displaying a false or misleading dam compliance certificate	1,000
s 150(4)(c)	Dam owner displaying a dam compliance certificate otherwise than in accordance with section 150	1,000
s 154	Dam owner failing to comply with a notice, within the time stated in the notice, requiring work to be carried out on a dangerous dam	2,000

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 2015, amend the Building (Infringement Offences, Fees, and Forms) Regulations 2007 (the **principal regulations**) to update the infringement offences and fees prescribed in Schedule 1.

The regulations prescribe 4 new infringement offences in relation to—

- section 108(5)(aa) of the Building Act 2004 (the **Act**) for failing to supply a territorial authority with a building warrant of fitness as required by that section;
- section 362D of the Act for failing to provide a prescribed checklist or the prescribed disclosure information to a client before entering into a contract for residential building work;
- section 362F of the Act for failing to have a written contract for residential building work where the price is \$30,000 or more;
- section 362T of the Act for failing to provide information or documentation that is required to be provided to a client and a territorial authority on completion of residential building work.

In addition, the regulations make 2 consequential changes as a result of the Building Amendment Act 2013. The offences previously prescribed in sections 128 and 134 of the Act are now prescribed in sections 128A(2) and 134C respectively. These regulations update the principal regulations to reflect those changes.

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced regulatory impact statements in July and November 2010 to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of these regulatory impact statements can be found at—

- <http://www.dbh.govt.nz/ris-building-act-review>
- <http://www.dbh.govt.nz/ris-bar-consumer-protection>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 4 December 2014.

These regulations are administered by the Ministry of Business, Innovation, and Employment.
