

Building Amendment Bill (No 2)

30 July 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: BUILDING AMENDMENT BILL (NO 2)

1. We have considered whether the Building Amendment Bill (No 2) (the 'Bill') (PCO 13228/6.0) is consistent with the New Zealand Bill of Rights Act 1990 (the 'Bill of Rights Act'). We understand that the Bill will be considered by the Cabinet Legislation Committee on 7 August 2008.
2. The purpose of the Bill is to increase the flexibility and efficiency of the building consent process and facilitate an increased supply of affordable houses, while ensuring that quality homes and buildings are constructed.
3. Specifically, the Bill:
 - extends the Department of Building and Housing's functions and powers to allow it to issue national multiple-use approvals for dwellings and buildings that are to be replicated on a substantive scale;
 - reduces the statutory time frame for processing a building consent application from 20 working days to 10 working days where the application includes a national multiple-use approval;
 - differentiates between major and minor variations to consented building work, to support best practice in managing amendments to building consents; and
 - makes it voluntary for an owner to obtain a project information memorandum from a building consent authority that is a territorial authority.

We have concluded that the Bill does not appear to be inconsistent with the rights and freedoms affirmed by the Bill of Rights Act.

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