



Application for registration by a private organisation or person

Use this form to make an application for registration as a building consent authority (BCA) under section 194 of the Building Act 2004 or to extend the scope of your registration in relation to what building types you can perform building control functions for.

Note: If you are already a registered BCA and using this form to apply for an extension of your current scope of registration then any evidence provided must relate to the overall building control work that will be performed (i.e. both current and future building types).

THE MINIMUM STANDARDS AND CRITERIA FOR REGISTRATION

Before completing this form, applicants should ensure that they:

- meet the requirements in the Building (Registration of Building Consent Authorities) Regulations 2007 (the registration Regulations): www.legislation.govt.nz/regulation/public/2007/0300/latest/DLM973528.html
- have read the Ministry of Business, Innovation and Employment (MBIE) regulatory guidance for the scheme: www.building.govt.nz/building-officials/bca-accreditation/registering-become-bca/
- hold a current Certificate of Accreditation issued by the accreditation body.

PAYING THE REGISTRATION FEE

A fee of NZD\$6,250 (GST inclusive) must be made before MBIE will process your application.

We will issue you with an invoice upon receipt of your application and begin processing your application when the invoice has been paid.

SUBMITTING COMPLETED APPLICATIONS

Completed applications should be sent to:

By post or courier:

**National Manager
Building System Assurance
Te Whakatairanga Service Delivery
Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6140**

By email:

consentsystem@mbie.govt.nz

Supporting documents should be scanned and attached to the email as PDFs.

CONTACTING US

Should you wish to discuss the details of your application, contact the Building System Assurance team at consentsystem@mbie.govt.nz.





PART A: APPLICATION FORM FOR REGISTRATION AS BUILDING CONSENT AUTHORITY FOR APPLICANTS OTHER THAN REGIONAL OR TERRITORIAL AUTHORITY

DETAILS OF YOUR ORGANISATION

Full legal name:

Nature of applicant (incorporated or otherwise):

If unincorporated, attach proof of identity and of New Zealand citizenship or permanent residency.

If incorporated, attach evidence of incorporation in New Zealand and provide full names and dates of birth of each member of management.

Physical address of all permanent offices in New Zealand:

STREET NAME	SUBURB
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CITY	POSTCODE
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Physical address for delivery and service of notices:

STREET NAME	SUBURB
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CITY	POSTCODE
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Mailing address (if different from physical address):

Email address:

Telephone number:

Fax number:

DETAILS OF PERSON RESPONSIBLE FOR APPLICATION

Full name:

Title:

Email address:

Telephone number:

Mobile number:

Fax number:

SCOPE LIMITATION

Provide details of any limitation on the scope that would apply to building control function work that would be undertaken if registration is granted.

SUPPORTING INFORMATION

For the applicant and each member of management provide details of:

- any prior professional misconduct, such as disciplinary proceedings initiated or action taken by a professional institute or association; and
- any civil claims made against that person in relation to contractual performance or tortious liability; and
- any New Zealand or overseas convictions, or pending proceedings, in relation to dishonesty offences (such as fraud or forgery) or offences under enactments relating to building; and

- any prior suspension, cancellation, or refusal of, or lapse in, status as:
 - a building certifier under the Building Act 1991; or
 - an accredited or registered building consent authority in New Zealand; or
 - any overseas equivalent building control authority; and
- any prior building control experience in New Zealand or overseas.

Provide evidence that the applicant holds a current accreditation from a building consent accreditation body appointed under section 248 of the Building Act 2004.

Provide evidence that the applicant has adequate means to cover any civil liabilities that may arise in the performance of the functions of a building consent authority – including insurance policies or any other arrangements that provide for effective consumer protection (for example, by giving a bond or having a guarantor).

Confirm that the applicant would have no conflicts of interest in fulfilling the role of a building consent authority and how the applicant would act to avoid such conflicts.

STATUTORY DECLARATION

I, , solemnly and sincerely declare that:

I am the applicant for which this application is being made

I am authorised to make this application on behalf of the applicant

I have made all reasonable inquiries and the information contained in this application is true and correct to the best of my knowledge and belief and is accompanied by all relevant information known to the applicant.

I make this solemn declaration conscientiously believing the same to be true by the virtue of the Oaths and Declarations Act 1957.

Signature:

Full name:

Declared at:

Declared on:

Witness signature:

Witness name:

Witness designation:

Note: The declaration must be completed by a person who has legal authority to sign on behalf of the applicant. A significant penalty, including a term of imprisonment of up to 3 years, may be imposed under the Crimes Act 1961 for making a false declaration.

When you have compiled the required information, you must take it to a Justice of the Peace, a solicitor or the Registrar or Deputy Registrar of the Court to be witnessed. Copies of any document provided must be verified as true copies by a Justice of the Peace, a solicitor or the Registrar or Deputy Registrar of the Court.

PART B: NOTES ON COMPLETING THE FORM

DETAILS OF YOUR ORGANISATION

How to demonstrate proof of identity

To demonstrate proof of identity, you must provide photo identification. If this identification is listed under the primary identification list, one piece of identification will be adequate. If you do not hold a piece of primary identification, see the requirements of secondary identification.

Primary identification

Primary identification means a certified copy of one of the following:

- New Zealand passport
- Overseas passport
- New Zealand Certificate of Identity
- New Zealand Refugee Travel Document
- National Identity Card (overseas)
- New Zealand Emergency Travel Document
- New Zealand Driver Licence
- New Zealand Firearms Licence.

Note: Passports can be current or have expired within the last two years, but cannot be cancelled, defaced or mutilated. Secondary identification

Secondary identification

Secondary identification means a certified copy of the following:

- a birth certificate, or
- citizenship certificate

AND

- HANZ 18+ Card, or
- New Zealand educational institute-issued card.

How to demonstrate New Zealand citizenship or permanent residency

To demonstrate proof of New Zealand citizenship or permanent residency one of the following pieces of identification must be supplied.

New Zealand citizenship can be demonstrated by a certified copy of one of the following:

- New Zealand passport
- New Zealand birth certificate
- New Zealand citizenship certificate

New Zealand permanent residency can be demonstrated by one of the following:

- Australian passport
- (prior to 29 November 2010) a Residence Permit and a Returning Resident Visa
- (after 29 November 2010) a Resident Visa or a Permanent Resident Visa
- Confirmation of visa status issued by immigration New Zealand

Note: Passports can be current or have expired within the last two years, but cannot be cancelled, defaced or mutilated.

DETAILS OF PERSON RESPONSIBLE FOR APPLICATION

This person should generally be the BCA's authorised representative for the purposes of the BCA accreditation scheme. This person will be the key contact for MBIE and the accreditation body.

SCOPE LIMITATION

Attach a statement of the scope of building control work your organisation is seeking registration for (ie. the types of buildings for which you are seeking to undertake building control functions).

The scope of building control work that can be undertaken by the applicant is limited by the scope of the applicant's accreditation. This will be detailed on your Certificate of Accreditation. Scope restrictions will usually be expressed in terms of the types of buildings, and/or the range of BCA functions that can be carried out.

Note that a private organisation must be accredited to process building consent applications, undertake building inspections and issue code compliance certificates for one or more types of buildings in order to be registered as a BCA.

MBIE's regulatory guidance on accreditation provides details on scopes of accreditation for the scheme: www.building.govt.nz/building-officials/bca-accreditation/key-steps-accreditation-process/.

SUPPORTING INFORMATION ABOUT PRIOR MISCONDUCT OR OFFENCES

The required information helps MBIE's Chief Executive determine the character and likely conduct of the applicants and their management team and, therefore, their suitability to undertake building control work. The Chief Executive must exercise judgement to determine if any of this information is relevant to registration. Information must be provided subject to the Criminal Records (Clean Slate) Act 2004.

Note: If you are already a registered BCA and applying for an extension to the scope of your registration, you do not need to re-supply this information unless there is new information relating to this.

SUPPORTING INFORMATION ABOUT PRIOR BUILDING CONTROL EXPERIENCE

Provide the curriculum vitae of any member of management that has experience in building control.

If you are already a registered BCA and applying for an extension to the scope of your registration, you should ensure you provide any information relevant to the new building types you are seeking registration for.

SUPPORTING INFORMATION ABOUT ADEQUATE MEANS TO COVER CIVIL LIABILITIES

Organisational structure

Provide details of how your organisation intends to structure the BCA function alongside the existing entity and operations (eg. as a standalone entity or an extension of the current operating model), such as:

- a business plan detailing proposed operations as a BCA, whether that is as a standalone entity or an extension of the current operating model.
- the regions of proposed operations and geographical resources for each region.

Note: If the BCA functions will be undertaken by a standalone entity, MBIE will need to understand how the applicant is planning on doing so, what capital structure it is putting in place for the newly established BCA entity, and what level of financial support the BCA entity has from the parent and/or other related entities. If the applicant does not plan on separating out its BCA activities, MBIE will need to understand what risks are associated with its core business and what steps are being taken to mitigate these risks in order to protect the proposed BCA function.

If you are already a registered BCA and applying for an extension to the scope of your registration, you do not need to re-supply this information unless there has been a change in the way the BCA function is structured.

Exposure to risk

Provide evidence relating to:

- the numbers of buildings to be consented / certified, including a breakdown of:
 - the categories of buildings the applicant anticipates issuing consents for (based on the types of buildings the organisation is accredited for)
 - the geographical locations in which the applicant anticipates issuing consents
- the fee the applicant proposes to charge for issuing consents, including a breakdown of key components (eg. submission fee, processing fee, inspection costs, code compliance certificate fee, levies etc.)

Note: This information is relevant to assessing exposure to risk and estimating overall potential liability. The likely liability will generally run off over a 10-year period. However, depending on when litigation begins and how long it takes to be resolved, liability could extend beyond the 10-year limitation in the Building Act 2004. It is important to keep records of each year's consents and certificates to enable an estimate of the likely liability going forward. Initially, there will be no history to consider, so projections will need to be clear (as will the assumptions that underpin them).

Risk identification and management

Provide information relating to how your organisation proposes to manage risk, including:

- a table of all likely liabilities you may face in carrying out BCA functions, the likely maximum amount and duration each of each liability, and any assumptions relating to these
- the risk management framework(s) used by your organisation to identify and manage risks.

Note: Assessment needs to be completed for all risks that could affect the applicant's ability to continue to operate. This information will also assist MBIE in assessing whether the applicant's risk management framework is effective in identifying the material risks to be funded, retained or transferred.

Transferred risks

Provide details of any arrangements your organisation has made to transfer risk, including:

- contracts or other arrangements to transfer risk including details of:
 - contracting parties
 - scope of contract
 - period of contract
 - amount of liability transferred
- evidence of insurance cover in place for the next ten years including:
 - all insurers providing support and evidence of their ability to pay claims
 - name(s) of entities insured and sharing the policy
 - Limit of Indemnity for insuring clauses and all sub-limits
 - full policy wording including all conditions/warranties/exclusions
 - excess structure and previously notified claims and allocated reserves
- all claims notifications, allocated reserves and outcomes.

Note: This information will assist MBIE in assessing the effectiveness of the applicant's risk management arrangements. The assessment of operational risk management will primarily be addressed during the accreditation process rather than the adequate means assessment part of the registration process. For the assessment of adequate means MBIE will, however, take account of operational risk management procedures that reduce liability by reducing the maximum amount and/or the average claim amount.

Retained risks

Provide details of any arrangements your organisation has made to manage retained risks, including:

- a table summarising all retained risks and the effective ongoing management of these
- details of any arrangements to fund retained liabilities (eg. self-insurance, captives and contingent capital), including:
 - the risk being funded
 - the type of arrangement for funding
 - whether there are any charges, covenants or restrictions over the assets backing the funded liability
 - any arrangements to separate the fund from day-to-day business activities
 - the extent and pace of funding – for example, whether it is fully funded or includes any additional margins
 - monitoring procedures in place
 - data and assumptions underlying the funding calculations
 - collateral data such as industry experience or insurance premiums
 - the nature of the assets or other instruments backing the fund.

Note: This information will assist MBIE in assessing the effectiveness of the applicant's risk management arrangements. The assessment of operational risk management will primarily be addressed during the accreditation process rather than the adequate means assessment part of the registration process. For the assessment of adequate means MBIE will, however, take account of operational risk management procedures that reduce liability by reducing the maximum amount and/or the average claim amount.

Financial status

Provide the following:

- the last three years' financial statements, preferably audited
- year to date management accounts
- three years financial forecasts for the BCA operations (whether as a standalone entity or an extension of the current operating model)
- details of all funding facilities, including:
 - the amount currently utilised
 - the available headroom and the ability to obtain further facilities, if required
 - details of all covenants related to the facilities.

If the applicant is proposing to establish a standalone entity, provide evidence of evidence of the proposed capital structure from 'day one', and whether there will be any related company guarantees.

Provide the last three years financial statements for any related entity providing financial support to the applicant such as a guarantee or funding.

Provide the last three years financial statements for the parent entity of the newly incorporated subsidiary that will operate as a BCA, if available.

Note: This information will assist MBIE in making an assessment of the financial strength and liquidity of the applicant (and any other relevant entity) and therefore the adequacy of available capital to demonstrate 'adequate means' to cover any civil liabilities that may arise.

Proceedings in train

Provide details of any current legal proceedings against the applicant or its related entities that have been issued and are unresolved.

Note: This could have an impact on the amount of capital available to cover any civil liabilities that may arise.

SUPPORTING INFORMATION ABOUT CONFLICTS OF INTEREST ATTACH:

- the conflict of interest policies and procedures that form part of your organisation's accredited systems
- a conflict of interest declaration for the applicant and all members of management.

Note: The applicant is required to confirm that they have no conflicts of interest in fulfilling the role of a BCA. Conflicts of interest include situations where conflict arises between a public duty and private interests that could influence the performance of duties and responsibilities. BCAs must exercise their regulatory powers impartially. Political, commercial, financial and other pressures must not compromise the integrity of their building control work. The applicant is also required to describe how they will act to avoid such conflicts in the future. This requirement enables the establishment of policies, operating procedures and systems to ensure conflicts of interest are avoided or properly managed (or at least the gathering of information confirming that such conflicts will be avoided).

ADDITIONAL INFORMATION

The Chief Executive may request further information that they consider necessary for assessing whether you have met the registration criteria, for example formal suitability checks including police and occupational licensing checks of any members of management.

This general requirement is to ensure the Chief Executive is not unduly confined in considering an applicant's suitability. Additionally, because the nature, operating characteristics and other circumstances are likely to be highly variable, there is value in ensuring the Chief Executive has reasonable discretion in determining what additional information is needed to determine each registration application.