



PARLIAMENT OF THE COOK ISLANDS

BUILDING BILL 2025

EXPLANATORY NOTE

The purpose of this Bill replaces the *Building Controls and Standards Act 1991* with a modern framework for regulating building work in the Cook Islands. It strengthens requirements for health, safety, and accessibility, ensures the use of safe and durable materials, and improves resilience to climate change and natural disasters. The Bill also updates the role of the Cook Islands Building Code (CIBC), establishes clearer permitting and certification processes, and enhances enforcement tools to deal with unsafe practices and buildings.

Clause 1 Provides that the Act is to be called the *Building Act 2025*.

Clause 2 Provides that the Act comes into force on the day after it receives the assent of the King's Representative for Rarotonga and Aitutaki. For the Pa Enea, sections 30, 31, 37 and 38 come into force on the date on which the Act receives the assent of the KR, other provisions of this Act come into force on a date or dates set by Order in Executive Council and 1 or more orders may bring this Act into force on different dates for 1 or more islands

Clause 3 Defines key terms used throughout the Act, including “building”, “building work”, “permit”, “certificate”, “Building Controller”, “Building Board”, and “Cook Islands Building Code (CIBC)”.

Clause 4 Sets out what is included in the definition of a “building” (for example, permanent and temporary structures) and what is excluded (such as small non-habitable sheds, traditional houses under 25m², umu, scaffolding, and horizontal infrastructure).

Clause 5 Provides that the Act binds the Crown.

Clause 6 Provides that the Act must be applied subject to any other Act dealing with public health, national or local emergencies, or the environment.

Clause 7 Requires both the owner and the person responsible for building work to ensure it complies with this Act, the CIBC, and permit conditions.

Clause 8 Lists the types of permits and certificates available under the Act: building, temporary building, demolition, suitability, occupancy, completion, and structural adequacy if required by the Building Controller or Building Board.

Clause 9 Sets out the process for applying for a permit or certificate, including the approved form, required plans and specifications, and payment of prescribed fees.

Clause 10 Provides that the Building Controller may issue permits for single storey residential works, demolition, occupancy and completion certificates while the Board deals with suitability certificates, and larger, more complex or major developments. Major development is defined.

Clause 11 Allows the Building Controller to delegate powers to Island Governments to process permits and carry out inspections for single-storey residential buildings. Applications that would normally go to the Building Board, must be sent to the Building Board.

Clause 12 Authorises the Building Controller or Board to require applicants to provide additional information or consents needed to assess compliance.

Clause 13 Authorises the Building Controller or Board to require materials to be tested by approved laboratories before granting a building permit.

Clause 14 Requires the applicant to be given notice and an opportunity (15 working days), if requirements are imposed by clause 12 or 13, to provide evidence or address requirements before a decision is made.

Clause 15 Allows the Building Controller or Board to seek advice from other government agencies on an application.

Clause 16 Provides that a permit or certificate must be refused if the requirements of the Act are not met and that the applicant be notified in writing outlining the reasons for refusal.

Clause 17 Provides for both standard and special conditions to be placed on permits and certificates. Conditions may be varied or removed, except for completion certificates. It can also be applied to specified systems in or for the building such as air conditioning systems to ensure those systems are maintained.

Clause 18 Allows new or varied conditions to be imposed on existing permits or certificates to address the impacts of a natural disaster.

Clause 19 Allows a refundable bond to be required from repeat offenders as a condition of issuing new permits or certificates.

Clause 20 Clarifies what a permit authorises (carrying out building work in accordance with approved plans and conditions) and what it does not authorise (for example, land access or exemptions from other laws).

Clause 21 Allows the Building Controller to suspend or revoke permits or certificates if other consents are not obtained or are withdrawn.

Clause 22 Provides that permits expire after one year if work has not started, or on a date set by the Controller or Board, but may be extended.

Clause 23 Requires a building permit for all building work (except temporary or demolition work). Sets conditions for issuing and standard conditions that apply.

Clause 24 Requires a permit for temporary structures (such as stages or temporary clinics) and allows the Controller to require removal by a specified date. A completion certificate is required if it will be used by the public.

Clause 25 Requires a permit for demolition work unless it is a minor part of a structure. Provides conditions for issuing such permits.

Clause 26 Requires a certificate before changing the use of a building. Ensures the new use complies with planning rules, other Acts or regulations such as a permit relating to food preparation, and does not endanger health or safety.

Clause 27 Requires a certificate before a building can be occupied during or after building work or the remaining part of a building after a partial demolition. Sets inspection and safety requirements.

Clause 28 Requires a certificate once building or demolition work is complete to confirm compliance and safety. Major demolition work is defined.

Clause 29 Requires a certificate from a registered engineer confirming structural soundness where directed by the Controller or Board.

Clause 30 Prohibits import, manufacture, or use of building materials without a confirmation of compliance from the Building Controller. The clause outlines requirements for information about the material such as relevant testing results as well as enabling biosecurity inspection of the material. Directs the Building Controller to issue a confirmation of compliance if the material is satisfactory.

Clause 31 Empowers the Minister, on the advice of the Board, to prohibit or restrict unsafe or unsuitable materials.

Clause 32 Clarifies that stop work and demolition powers apply whether or not a permit has been issued.

Clause 33 Authorises the Building Controller to issue notices where work is unsafe, non-compliant, or a risk to health or safety.

Clause 34 Allows a notice to require work or related business activities to cease, in full or in part.

Clause 35 Allows the Controller to require remedial actions, such as fixing defects, vacating buildings, or providing sanitation.

Clause 36 Specifies that a notice remains in effect until the matter is remedied to the satisfaction of the Controller.

Clause 37 Authorises the Board to order demolition of unsafe buildings, or to issue notices to vacate. Allows the Controller to arrange demolition if owners fail to comply.

Clause 38 Allows the Controller to disconnect utility services to buildings subject to stop work or demolition notices. Does not allow for persons to reconnect the utilities without permission from the Building Controller.

Clause 39 Continues the office of the Building Controller.

Clause 40 Sets out the functions of the Controller, including implementing and enforcing the Act.

Clause 41 Establishes the Building Board and sets out its membership.

Clause 42 Gives the Board responsibility for enforcing the Act, updating the CIBC, handling appeals, and advising the Government on building regulations. The Board can seek technical advice when needed and must provide an annual report of its activities to the Minister for tabling in Parliament.

Clause 43 Allows the Board to delegate some functions to the Controller or Island Governments (but not its core permitting functions).

Clause 44 Sets requirements for meetings, including quorum and voting procedures.

Clause 45 Requires Board members to disclose conflicts of interest and when to and what actions to take when there is a conflict of interest.

Clause 46 Provides for resignation and removal of Board members, and their remuneration.

Clause 47 Allows appeals to the Board against certain decisions of the Controller such as refusing to issue a permit or certificate, to revoke a permit or certificate, issue a notice to vacate a building or not approve a testing agency or laboratory or a requirement set by the Building Controller under clause 64 - requiring an older building to come into compliance with a new standard.

Clause 48 Allows a person to request reconsideration of a Board decision if new information or modifications are provided.

Clause 49 Provides for the designation of ministry staff as building inspectors.

Clause 50 Allows the Controller to appoint other qualified persons as authorised officers.

Clause 51 Sets out inspection and enforcement powers, including entry, suspension of permits, and taking samples.

Clause 52 Protects officials acting in good faith under the Act from civil liability.

Clause 53 Provides for approval and regulation of testing agencies and recognition of their certificates.

Clause 60 Creates offences for building without permits, using unsafe materials, ignoring notices, and other breaches. Sets out penalties.

Clause 61 Provides for infringement notices to be issued for specified breaches, with payment enforceable as a civil debt.

Clause 62 Repeals the *Building Controls and Standards Act 1991* and revokes the 2022 Building Code Order.

Clause 63 Existing permits, certificates, and approvals under the 1991 Act continue under this Bill. Permits expire 12 months after commencement and must be reviewed if still needed. Applications already submitted are decided under the old Act, but this Act applies once a decision is made.

Clause 64 Allows the Building Controller or Board to require owners of existing non-compliant buildings to undertake remedial work and obtain permits or certificates. The clause allows the Building Controller or Board to require the owner to fix the issues and get the necessary permits. Owners are given a reasonable timeframe to complete the work, which can be extended for good reason. Non-compliance here relates to health and safety risks, accessibility, or environmental risks.
