

COOK ISLANDS BUILDING BILL

Briefing to the Select Committee on Bills, Petitions & Papers

Infrastructure Cook Islands
Presented by: Acting Secretary, Vaipo Mataora



THE FRAMEWORK

The Bill establishes a framework consisting of:

Legislation

- Building Act (this Bill)

Regulations

- Administration & permitting
- Building Code and standards application
- Registration of trades and practitioners
- Compliance and enforcement
- Fees and charges

Standards

- 2019 Building Code
- Ability to add other technical standards and codes of practice

Regulator

- Building Controller (Infrastructure Cook Islands)
- Building Board
- Island Governments
- Inspectors

WHY REFORM IS NEEDED

The current building framework:

- Is based on legislation from 1991
- Missing compliance and enforcement processes and powers
- Does not include a formal trades registration system
- No control of building materials
- Does not apply to the whole of the Cook Islands

PURPOSE

Establish a modern, fit for purpose regulatory building system for the Cook Islands

WHAT THE BILL DOES

1. New requirements and enforcement measures
2. Increase regulatory role of the Building Board
3. Creates a formal registration system for building practitioners
4. Provides stronger oversight of building materials and products
5. Introduces infringement notices for certain offences
6. Expands cover to the Pa Enuā

REGISTRATION OF BUILDING PRACTITIONERS – s54(j)

- Registration requirements for specified building trades and companies
- Assessment of qualifications and experience according to a tiered system (4 tiers)
- Opportunity to build the sector e.g., the electrical workers example
- NB: registration doesn't mean that builders with no formal qualification cannot work. Experience contributes to the tier level of registration.

CONFIRMATION OF COMPLIANCE - s30

(Materials certification)

- *Most defects cannot be detected on-site.
- Specified building materials (in a Schedule in the regulations) must be certified before import, sale, or use
- Requires proof of certification, test results and biosecurity clearance
- Prevents unsuitable and substandard materials and biohazards from entering the country
- Confirmation of Compliance + onsite inspections = A safer system

PA ENUA

- s2: Only sections 30, 31, 37 and 38 will apply from enactment
- s2: The rest of the Act – Order in Executive Council
- s11, s42: Board and Building Controller can delegate responsibilities including inspection responsibilities

INFRINGEMENT NOTICES - s61

(Instant fines)

For low level offences.

This allows regulators to:

- Address minor breaches of the Act
- Issue fixed penalties (\$) for specified offences
- Resolve matters without court proceedings

WHO IS AFFECTED & HOW

Who	How
Building owners, the community	Better protections from substandard materials and workmanship Improved understanding and planning with new forms
Builders & tradespeople (incl architects)	Requirement to register Subject to a regulatory system
Importers & sellers of materials	Requirement to have specified materials prove certification Testing where and when required
Building Control	New process Clearer process
Island Governments	Four sections apply (30, 31, 37, 38), rest by Order and delegation of responsibilities

IMPLEMENTATION

Implementation will occur through:

- Development of supporting regulations
- Establishment of the Building Board
- Development of administrative systems
- Industry engagement and guidance

ISSUES THAT MAY AFFECT IMPLEMENTATION

- Resourcing of Building Control
 - Contract inspectors
 - Administrator
 - GCF EDA Project based staff - readiness
- Industry readiness
 - Workshops with the industry members
 - Communications
 - Transitional phase
- Board establishment
 - Donor support
- Pa Enea readiness
 - 4 sections apply from enactment
 - Delegated responsibilities
 - Remote inspections

QUESTIONS /
COMMENTS

