



Purpose

The purpose of this document is to describe the policy for producer statements.

Scope

This document is to be used in conjunction with all aspects of processing a producer statement.

References

BLD-8.1-FLOW, Producer statement

BLD-8.2-PROC, Producer statement

BLD-8.3-FORM, Producer statement checklist

Information on the use of Producer Statements – Building Act 1991: Revised in accordance with the Building Act 2004.

Background

Section 33(5) of the 1991 Building Act made provision for a territorial authority (at its discretion) to accept a producer statement with a building consent application as a method of establishing compliance with all or any parts of the Building Code.

Section 34(3) of the 1991 Building Act required that the territorial authority be satisfied on reasonable grounds that the provisions of the building code would be met if the building were constructed in accordance with the approved plans and specifications.

Producer statements are formal statements supplied by or on behalf of:

- (i) an applicant for building consent, or
- (ii) a person who has carried out building work.

Producer statements confirm that certain work will be, or has been carried out in accordance with nominated performance requirements of the building code or conditions of building consent.

A producer statement should be in the form of a certificate or written statement, signed by a design professional or constructor. For example, a recognised engineer who has the experience, qualifications and competence to carry out the work in question and has been assessed and approved as being someone that the building consent authority will accept a producer statement from.

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There are two types of producer statements - **design** and **construction**, which are generally produced in the following four forms:

1. Producer statement for design

These statements are issued by design professionals stating in their view that part or all of the building work as described on nominated plans and specifications has been designed in accordance with certain performance requirements of the building code.

2. Producer statement for design review

These statements are issued by design professionals confirming that a peer review has been carried out on the work undertaken by the designer.

3. Producer statement for construction

These statements are usually issued by contractors stating their view that part or all of the building work as described on nominated plans and specifications has been constructed and meets certain performance requirements of the building code and/or conditions of building consent.

4. Producer statement for construction review

These statements are usually issued by consulting engineers who have been engaged to inspect part or all of the building and confirms that the building work in question has been constructed and meets certain performance requirements of the building code and/or conditions of building consent.

Peer review

A peer review is where the work of the design professional or constructor is reviewed by another design professional with equal or better qualifications and experience. Generally these statements are provided where the design is more complex.

Additional information

Other than applying the test of being satisfied on reasonable grounds (refer sections 49 and 94), the Building Act 2004 makes no reference to the use of producer statements. However, as an established industry practice it is envisaged that producer statements will continue to be submitted with building consent applications as a mechanism for establishing compliance with all or any part of the building code.

Fundamental to the acceptance of producer statements will be that the building consent authority will have an approved and accredited system for the acceptance and management of producer statements. This is likely to include criteria, policy, procedures, etc for an author's acceptance and clear guidelines as to the author's scope of approval and level of competence. A register recording this information should also be utilised.

The Department of Building and Housing is in the process of developing guidelines on the management and acceptance of producer statements, which should be referenced. These guidelines provide information on the management and assessment of producer statements, conflicts of interest, reference material and checklists that will provide valuable tools for development of the building consent authority's policy and procedures.