

REGULATORY MANAGEMENT COMMITTEE
MATTERS UNDER ACTION – REGULATORY LEGISLATION UPDATE

FOR 5 DECEMBER 2013

Legislative Item	Parliamentary Progress as at 29 November 2013	Comment as at 29 November 2013
<p>Building Amendment Act 2013</p>	<p><u>Enacted</u>: November 2013.</p> <p><u>Effective</u>: Most clauses (see next column) came into effect on 28 November 2013. The commencement date for the remaining clauses will be set by Order in Council.</p>	<p>This Amendment Act is part of a package of changes which introduce new measures to improve the building and construction sector, ensuring that it delivers good quality, affordable homes and buildings and contributes to a prosperous economy.</p> <p>Amendments with immediate effect include:</p> <ul style="list-style-type: none"> • the type of work that does not require a building consent has changed, • higher penalties for doing building work without the appropriate consents now apply, • a number of terms and definitions have been changed, • Councils have increased authority to restrict entry to buildings that may be near to buildings that are dangerous, • MBIE has more power to hold building consent authorities to account, and • the way dams are defined and measured has changed. <p>Other changes to take effect in mid-2014 include: changes to the dam safety scheme and new consumer protection measures.</p> <p>Most of these changes relate to Territorial Authority Building functions or consumer protection. However if required, appropriate changes will be made to the KCDC Building Control Authority Quality Assurance Manual.</p>
<p>Building (Accreditation of Building Consent authorities) Amendment Regulations 2013</p>	<p><u>Enacted</u>: November 2013.</p> <p><u>Effective</u>: All regulations are in effect from 30 November 2013 with the exception of one amendment which comes into effect on 1 March 2014.</p>	<p>This amendment is essentially an update to reflect current legislation and clarify and simplify the regulations.</p> <p>Where appropriate these new requirements will be reflected in the KCDC Building Control Authority Quality Assurance Manual.</p>
<p>Sale and Supply of Alcohol Act 2012</p>	<p><u>Enacted</u>: December 2012.</p> <p><u>Effective</u>: 18 December 2013.</p>	<p>The 2013/14 Annual Plan states (Part Two page 98) that the Sale and Supply of Alcohol Act 2012 will introduce changes to alcohol management in the community, including a new cost recovery regime effective 18 December 2013.</p> <p>The Ministry of Justice has announced the new fee structure effective from 18 December 2013. This means that as of that date the fees in the Annual Plan will no longer apply.</p>

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Food Bill	<p>Since last considered by the Primary Production Select Committee in 2010, there has been a lot of public debate about the content of the Food Bill, including the powers of enforcement officers, genetic modification, and community fundraising through sausage sizzles and cake stalls. The Bill has subsequently been updated to address some of the public concerns. This has meant reviewing several versions of a large piece of legislation with many people involved.</p> <p>Supplementary Order Paper No. 278 (SOP) was introduced on 17 July 2013. The SOP which makes a large number of changes to the Food Bill was sent to the select committee for review, and public submissions on the SOP closed in August 2013. The deadline for the select committee to report back to Parliament on the SOP is 2 January 2014. However, that report will not get considered until Parliament is sitting again, sometime in February 2014. The Bill will then need to go through its second reading, committee of the whole, and its third reading.</p>	<p>If/when passed into law, the Food Bill will replace the Food Act 1981 and introduce some fundamental changes to NZ's domestic food regulatory regime. The Bill has come about through research conducted since 2003 as part of the Domestic Food Review – only the second review of the domestic food sector in over 30 years. Through a risk-based approach, it seeks to:</p> <ul style="list-style-type: none"> • clarify the role of regulators, • remove the need for local bylaws, by having a single set of rules for training, registration and other food safety aspects, and • improve compliance and enforcement. <p>The Ministry for Primary Industries website states that about 20% of the New Zealand workforce is involved in food-related work. These changes will help to manage food safety and suitability issues more effectively, improve certainty and minimise compliance costs for food businesses.</p> <p>Where appropriate these new requirements will be reflected in the yet to be developed Environmental Health quality assurance system.</p>
Resource Management Amendment Act (No 2) 2011	<p>Section 14 of the Resource Management Amendment Bill (No 2) 2011 introduced changes to the accreditation requirements of the RMA.</p> <p>Effective: from 12 September 2014.</p>	<p>The most significant changes to the accreditation requirements are:</p> <ul style="list-style-type: none"> • an extension to the range of hearings for which accreditation is required. • accreditation will be required for hearings on: <ul style="list-style-type: none"> - reviews of resource consents, - applications to change or cancel resource consent conditions, - proposed policy statements and plans, and - any hearing of an objection under section 357C of the RMA. • the requirement for all members of hearing panels to be accredited, unless there are exceptional circumstances. <p>Where appropriate these new requirements will be reflected in the yet to be developed Resource Consents and Compliance quality assurance system.</p>
Resource Management Amendment Act 2013	<p>These reforms were collectively known as the Resource Management Reform Bill 2012 (the Bill). The Bill had its first reading on 11 December 2012. It was referred to the</p>	<p>The key components of the Resource Management Amendment Act 2013 are:</p> <ul style="list-style-type: none"> • new and clearer information requirements for all resource consent applications, • a new six-month timeframe for decision-

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	<p>Environment and Local Government Select Committee. Submissions closed on 28 February 2013. The Bill was reported back to the House of Representatives on 11 June 2013. A Supplementary Order Paper split the Bill into three Bills, all of which passed into law in September 2013.</p>	<p>making on resource consent applications that are notified and limited notified (130 and 100 working days respectively),</p> <ul style="list-style-type: none"> • changes to improve the accessibility of the direct referral process and to introduce an investment threshold for projects, • changes to section 32 of the RMA to improve the evaluation of effects of objectives, policies and rules, • changes to provisions relating to the blanket protection rules for trees, • changes to section 360 of the RMA to allow regulations to be made requiring local authorities, • to monitor environmental data to inform better decision-making, and • minor and technical changes to improve the workability of the RMA. <p>Where appropriate these new requirements will be reflected in (1) KPI's and (2) the yet to be developed Resource Consents and Compliance quality assurance system.</p>
<p>Fencing of Swimming Pools Act 1987</p>	<p>The Government will introduce a Bill into Parliament to amend the Fencing of Swimming Pools Act 1987.</p> <p>The timing of the changes will depend on the Government's legislative priorities and the parliamentary process. The parliamentary process will include the Bill being referred to a select committee – normally for six months.</p> <p>In the meantime, councils and pool owners must comply with the current Act.</p>	<p>The Government is changing the Fencing of Swimming Pools Act 1987 (the Act) to strike a better balance between protecting young children from drowning in home pools and making the Act more workable for pool owners and local councils. The changes take into account 392 submissions received from safety groups, the pool industry, local councils, pool owners and others during public consultation.</p> <p>The current Act provides little guidance on how councils approach inspections and exemptions and as a result there is no national uniformity. The Ministry of Business, Innovation and Employment (MBIE) website states that councils will benefit from reduced costs and uncertainty by:</p> <ul style="list-style-type: none"> • clearer requirements for restricting access to pools, • enforcement tools designed to encourage voluntary compliance, with councils having the power to issue warning notices and ultimately infringement notices, • councils being required to inspect swimming pools at least every five years, and • clarification that councils are not required to locate and inspect spa pools and portable pools – but may inspect properties they believe contain non-compliant spa pools and portable pools.

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		<p>Other changes worth noting include:</p> <ul style="list-style-type: none"> • clearer requirements for restricting access to swimming pools, • child-resistant spa pools will no longer require an additional means of restricting access, • retailers will be required to inform people who purchase spa pools and portable pools of their obligations, • portable pools will be exempt if they are shallower than 300mm – a depth of pool that is generally practical to empty after each use, and • garden ponds and other water hazards will be exempt if they are not intended for swimming. <p>Where appropriate these new requirements will be reflected in (1) KPI's and (2) the yet to be developed Compliance Monitoring quality assurance system.</p>
Criminal Procedure Act 2011	Effective: 18 October 2013	These amendments, which relate to various offence provisions in the Act, state that penalties apply on conviction.
Search and Surveillance Act 2012	Effective: 1 April 2014	<p>Dog Control Officers and relevant Environmental Health Officers, from 1 April 2014 will need to comply with Part 4 of the Search and Surveillance Act 2012, relating to search, surveillance, and inspection powers.</p> <p>Warrants to enter a dwellinghouse can also be issued by authorised people including Justices of the Peace and Registrars.</p> <p>Where appropriate these new requirements will be reflected in (1) the Animal Control quality assurance system currently being developed and (2) the yet to be developed Compliance Monitoring quality assurance system.</p>