

**ACCEPTANCE AND MANAGEMENT
OF PRODUCER STATEMENTS
POLICY**

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Producer statements have been widely used by the building industry in the past and were provided for under the Building Act 1991. Although no specific provision has been made for producer statements in the 2004 Act, the Department of Building and Housing (DBH) have advised that the use of producer statements may continue. However, their use will be controlled by processes approved as part of the accreditation process of Building Control Authorities (BCAs).

Being a document with no legal status, and is only one means of verifying or supporting compliance with the Building Code or building consent, BCAs have no legal grounds to demand a producer statement from any person.

ESTABLISHING COMPLIANCE

In order to issue a building consent the BCA must establish on reasonable grounds that the provisions of the Building Code would be met if the building work was built in accordance with the building consent. Similarly, in order to issue a Code Compliance Certificate (CCC) the BCA must establish on reasonable grounds that the building work complies with the building consent. To determine whether the BCA has reasonable grounds to issue a building consent or CCC by relying on a producer statement, the following criteria shall be considered:

1. Is the person adequately qualified and experienced to design or construct, the work described in the producer statement?
2. Does the person have a vested financial interest in the building work?
3. Is the building work to which the producer statement relates specifically described?
4. Have the compliance documents and/or standards to which the building work has been designed or built been specifically identified?
5. Does the author of the producer statement have an appropriate level of professional indemnity insurance?
6. Has the project to which the producer statement relates been specifically identified?
7. Has the property and/or owner of the project been specifically identified?

PRODUCER STATEMENTS**Description**

Producer statements are formal statements issued by any person, certifying that the building work design or construction complies with specific standards, codes or documents in order to comply with the provision of the Building Code or building consent.

The statement will be in the form of a certificate or statement signed by the author of the producer statement. Where competence within the building industry is reasonably high, a producer statement system, used with integrity, can put that competence to good use.

Purpose

A producer statement system allows a BCA to recognise the assurance of building professionals that building work design or construction is, or will be, technically acceptable and will satisfy the provisions of the building consent or Building Code.

The BCA may rely on a producer statement enabling it to be satisfied on reasonable grounds that the building work design or construction will satisfy the provisions of the building consent or Building Code.

Benefits

Producer statements may reduce the BCA's input into specific aspects of design or construction review, thereby providing an efficient and cost effective service to clients.

In addition, a producer statement may augment and expedite the issue of a building consent, certificate of acceptance, or CCC.

Limitations

The acceptance of producer statements is only limited as specified in this process. Producer statements may be accepted for any type of building design, review or constructions as described in this process.

Types

It is accepted practice that there are two categories and four types of producer statements.

Table 1: Categories, Types and Intended Purposes of Producer Statements

Design	PS1 Producer Statement Design	Used by designers to certify specific design elements. Comply with specified standards or codes in order to comply with the provisions of the Building Code
	PS2 Producer Statement Design Review	Used by people undertaking a peer review of all or part of a design to say that the design or the specified part of the design complies with specified standards or codes in order to comply with the provisions of the Building Code.
Construction	PS3 Producer Statement Construction	Used by constructors or trades people to certify that the specified building work that they have undertaken complies with the building consent.
	PS4 Producer Statement Construction Review	Used by people undertaking a peer review of specified building work undertaken by constructors or trades people to certify that the building work that has been undertaken complies with the building consent.

Acceptance and Requests

The BCA may accept, at its discretion, but cannot insist on a producer statement. However, the BCA may choose to enter into a special agreement with the building consent applicant that due to the nature of the building work a producer statement should be provided from a specified author for a specific portion of the building work.

Each producer statement received will be reviewed and assessed on a case by case basis in accordance with this policy.

Attributes and Features

The essential attributes of a producer statement are:

- The statement must be an original or certified copy signed;
- The category of the producer statement must be shown;
- The statement must be project specific clearly identifying the specific location and owner of the building work;
- The statement must state clearly what standards or codes the design or building work complies with in order to comply with the Building Code or building consent;
- The statement must describe the basis on which the statement is issued;
- The statement must show the name, address, and qualifications of the author and be signed by the author;
- Any special limitations or conditions must be clearly shown;
- Design or construction assumptions.

Optional attributes that should be considered are:

- Other verifications taken into account or assumed;
- Any references to building consent or other documents;
- Documents signed to verify acceptability;
- Quality assurance reviews;
- Risk assessment.

CRITERIA FOR ASSESSING PRODUCER STATEMENTS

In order for the BCA to accept a producer statement, each producer statement shall be considered on a case basis and on its own merits using the following criteria. It will not be necessary for a producer statement to meet all the criteria but should meet sufficient criteria, based on the risk level, to satisfy the BCA that on reasonable grounds the design or construction will satisfy the provisions of the Building Code or building consent.

Table 2: Criteria for Accepting a Producer Statement

Criteria	Explanation
Registration or Membership of a Professional Organisation	Is the author a member or a recognised professional organisation?
Qualifications and Experience	Does the author have adequate qualifications and experience relevant to the work specified in the producer statement?
Reputation	Is the author reputable or from a reputable organisation and possess a good work history?
Insurance	Is the author's insurance cover appropriate and adequate?
Quality Assurance	Does the author operate within a quality assurance system? Operating within a quality assurance system may add more rigour and robustness to the way in which the author issued the statement.
Financial Interest	Authors shall not have any vested financial interest in the building work or project.
Risk Assessment	Consideration must be given to the level of risk before accepting any producer statement.
The Statement	Does the statement clearly show all the essential attributes and features deemed necessary for a producer statement?
Content	Is the statement complete and clearly describes the essential attributes and features?

PEER REVIEWS

As part of the BCA's internal technical audit procedure Council may initiate an internal or external peer review of the building work or design certified by a producer statement. The peer review may not be limited to the building work or design covered by the producer statement; but may cover a larger part or the entire project.

Peer reviews shall be undertaken by people with equal or better qualifications and experience of the producer statement author, and do not have a vested financial interest in the project.

Peer reviews shall be managed and controlled by the BCA to ensure that the review is appropriate for the given situation. The scope of the review will be determined by the BCA.

The reviewer may be asked to review any or all of the following:

- Validity of assumptions;
- Suitability of the methods and/or systems used;
- Is the use of any computer modelling appropriate;
- Is the input data correct;
- Construct a sensitivity analysis;
- Has a worse case scenario been used;
- Is the outcome within the expected range of outcomes;
- Are any special site inspections or investigations required.

The review report should include all the information requested and any assumptions made with clear conclusions.

The Building Control Authority may accept at its discretion, producer statements for any work within the scope of the author but may impose special conditions and/or limitations on that author.

All authors of producer statements must carry adequate insurance to the satisfaction of Council.