



NEW PRODUCER STATEMENTS LAUNCHED

One of the Risk Management doctrines NZACS has long promoted is the use of standard documentation as produced by the professional bodies, such as NZIA, or by Standards New Zealand. NZACS advises strongly against the use by Members of “Client Generated” documents, and continues to do so.

Therefore NZACS Directors support the use of the Producer Statements jointly agreed and published by NZIA, ACENZ and IPENZ, which provide forms for professionals offering consistency and reduce the possibility of error. NZACS was pleased to have had direct involvement in assisting in the preparation of these new documents.

The three Producer Statements outline minimum requirements for design (PS1), design review (PS2), and construction review (PS3). Completed Producer Statements show that either part of all of a structure complies with the Building Code and that construction complies with the approved design.

The Building Act 2004 does not specifically name Producer Statements, but it does require that a suitably qualified person verify that design or construction complies with the Building Code.

These forms have been modified to reflect the amendments to the New Zealand Building Code and to meet the requirements of professionals and their clients. The use of these statements assures the owner and the Building Consent Authority that architects are familiar with current codes and practices.

There are some changes to the PS forms that Members should be aware of, and the reasons behind making these changes. Some local authorities may challenge some of these changes.

- These forms have been changed to reflect current practice;
- These forms are specifically for architects and professional engineers and this is reinforced by the professional registrations and memberships mentioned. They have the backing of the three professional associations;
- The forms are to be completed and signed *on behalf of* the firm, and this is clearly marked;
- Some BCAs have allocated firms a reference number when they “register” as a pre-approved supplier. The professional bodies do not support this practice as registration as a Registered Architect or CPEng is covered by legislation, and therefore already does the job. However, if those councils wish their own reference to be included, it is suggested that you put “Provided By: Doe & Citizen Architects Ltd, reference 12345” or something similar;
- The forms contain a limitation on the liability to the BCA named. There is a limitation of liability to the client, as specified by the contract with that client, except where the *client* is a home owner;
- After considerable debate among parties, it was agreed to leave the minimum at \$200,000 on these forms. The reason that the lower level was retained was that it is

appropriate for the many small jobs done for small clients, for which these forms apply. There is a note to the effect that the sum may be changed should the nature of the work undertaken, justify this.

- Note in particular: This is a statement that your Design or Review complies with the Building Code; or that your Construction Monitoring has shown compliance with the Building Consent – it is *not* a guarantee.

It is stressed that designers should advise their clients that a level of construction monitoring is advisable. Most local authorities are insisting on this, and it should therefore be included in the Building Consent, but it is to your and your client's advantage if you can secure such work as part of the overall project.

As with any new forms introduced constructive feed back is important. Any comments members may have, or have received from clients or BCAs will be appreciated and should be passed directly to the NZIA.

Communique April 2007 Reviewed June 2009