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LGOIMA

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Information requested by the media, lobby groups, public sector organisations and MPs will always be published, while information specific to an individual or their property will not generally be published.

Request from:	Dray Mark – ACT
Information requested:	Building Consent Authority liability information
Response by:	Barbara Phillips, Chief Executive

05 December 2024

Dray Mark
ACT

Via Email: dray.mark@parliament.govt.nz

Dear Dray

Official information request for Building Consent Authority (BCA) liability information

I refer to your official information request dated 06 November 2024 for Building Consent Authority (BCA) liability information.

You have asked for the following information:

1. The liabilities the Council has in its role as a BCA?

As per section 391 – 393 of the NZ Building Act 2004.

2. The total financial exposure the Council faces in its role as a BCA?

This cannot be quantified.

3. The insurance coverage, or any other form of liability cover such as insurance bonds, if any, the Council maintains for BCA related liabilities?

No separate cover for building related liabilities.

4. The annual cost to ratepayers to maintain BCA related liability cover?

Council does not hold separate cover for building related liabilities.

5. The portion of rates allocated to cover potential BCA liabilities?

Rates are not allocated for potential building related liabilities.

6. The reserves maintained specifically for BCA related claims?

None.

7. The details of any excess or similar that is required to be covered by the Council before any insurance or other liability cover is paid out?

We are refusing this part of your request under section 7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

8. The amount the Council has spent on BCA liability related claims in the past 3 financial years, including but not limited to legal fees, settlements, negligence costs etc.

In the past three years council has had one claim against it. The amount paid in legal fees were equal to council's insurance deductible.

There is no charge in supplying this information to you.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Council has adopted a Proactive Release Policy and accordingly may publish LGOIMA responses on the Council Website at <https://www.westlanddc.govt.nz/lgoima-responses>. The collection and use of personal information by the Westland District Council is regulated by the Privacy Act 2020. Westland District Council's Privacy Statement is available on our website [here](#)

If you wish to discuss this decision with us, please feel free to contact Mary-anne Bell, Business Analyst at LGOIMA@westlanddc.govt.nz, 03 756 9091.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Barbara Phillips', is positioned below the 'Sincerely,' text.

Barbara Phillips | Chief Executive

BP/MB