



13 July 2023

Ref: DOIA 2223-2981

Mr Nathan Speir

Email: [Nathan.speir@ricespeir.co.nz](mailto:Nathan.speir@ricespeir.co.nz)

Tēnā koe Mr Speir,

Thank you for your email of 21 June 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information. Please find the response to your questions in the third column of the table below:

#	Follow up question dated 21 June 2023	Response
1.1	How many applications for determination were accepted as valid and complete in each of the years 2018, 2019, 2020, 2021 and 2022?	2018: 72 2019: 82 2020: 46 2021: 56 2022: 37
1.2	How many applications were refused or declined in each of the years 2018, 2019, 2020, 2021 and 2022?	2018: 2 2019: 12 2020: 4 2021: 6 2022: 7
4.1	How many determinations were made within the statutory timeframe outlined at s 185(2) of the Building Act 2004 (60 working days after the date on which the chief executive receives the application) in each of the years 2018, 2019, 2020, 2021 and 2022?	2018: 30 2019: 13 2020: 1 2021: 0 2022: 1 (Please see contextual information below)
4.2	Does MBIE run a “clock” that it can start and stop, similar to that which councils use for issuing building consents?	Determinations runs a clock which tracks the number of days from when an application is complete and valid (Start Date) to when a determination is issued (End Date). The clock excludes non-working days and the time taken for parties to respond to requests for information.
5.1	How many determinations have been made, up to and including 21 June 2023, under the	Six determinations were issued under the pilot scheme up to and including 21 June 2023. One

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	5-month pilot scheme mentioned in your 1 June response?	<p>further determination was issued on 22 June 2023. The pilot scheme concluded at the end of June 2023.</p> <p>Furthermore, two cases that were in the pilot scheme were withdrawn by the applicants. One of those was withdrawn immediately prior to the determination being issued, and the other case was withdrawn after we worked extensively with the parties to enable them to resolve the matter.</p>
5.2	Of those determinations mentioned in 5.1 above, how many were made within the statutory timeframe provided by s 185(2) of the Building Act 2004?	<p>None of the six determinations were issued within the statutory timeframe provided by s 185(2) of the Building Act 2004. The determination issued on 22 June 2023 was issued within the statutory timeframe provided by s 185(2) of the Building Act 2004.</p> <p>(Please see contextual information below)</p>
5.3	How many of those determinations mentioned in 5.1. above considered s 177(1)(b) issues?	<p>Four determinations considered s 177(1)(b) issues. In addition, the determination issued on 22 June 2023 also considered s 177(1)(b) issues.</p>
5.4	How many, if any, of the 19 determinations that have been resolved in 2023 up until the end of May were withdrawn by the parties before a final determination was made?	<p>There have been 36 determinations resolved in 2023 up until the end of May. I believe that you have may have calculated 19 from my comment in the response to your previous OIA request (DOIA 2223-2545):</p> <p><i>Determinations entered 2023 with 98 open cases, as at the end of May this has reduced to 79 cases.</i></p> <p>While resolving cases, the team have continued to receive new applications. The number 19 is the net decrease in open cases over the period.</p> <p>The total number of applications that were withdrawn after being accepted, but before a final determination was made, in the period from 1 January 2023 to 31 May 2023 was 8.</p> <p>(Please see contextual information below)</p>
5.5	With reference to the “downward trend” in open case numbers mentioned in your 1 June response, please advise how many applications for determination have been made in 2023 up unto and including 21 June	<p>For the period 1 January 2023 to 21 June 2023, 22 applications have been received. Ten of these have been accepted as valid (one of those has subsequently been issued and one was withdrawn after being accepted). Please note that during this</p>

#	Follow up question dated 21 June 2023	Response
	2023 and how many of those applications have been accepted as valid.	period, other applications were also accepted as valid (that were received prior to this period). (Please see contextual information below)

#### Contextual information for Question 4.1

Please note that our practice for relating to 'working days' has matured over time. The data in the table above reflects the timeline calculations that we used at the time.

#### Contextual information for Question 5.2

The majority of cases that met the criteria for the pilot scheme were existing cases that had been waiting to be allocated to a Case Manager. Once identified as being suitable for the pilot they progressed quickly and were issued within 60 working days of being picked up and worked on. A review of the pilot scheme is now underway.

#### Contextual information for Question 5.4

For your interest, I have included a breakdown below of applications received and all cases resolved in this five-month period. In terms of those applications withdrawn after acceptance, I note that the withdrawal can be for a variety of reasons including that the determinations process has helped the applicant to resolve their dispute.

	January 2023	February 2023	March 2023	April 2023	May 2023	Total
Received Applications	0	5	3	3	6	<b>17</b>

Month	Determinations Issued	Withdrawn - Before acceptance	Withdrawn - After acceptance	Declined / Refused (s179 of the Building Act)	Administrative Closure	Total number of cases resolved
January 2023	3	0	1	1	0	5
February 2023	2	3	2	2	0	9
March 2023	3	2	2	2	0	9
April 2023	1	1	1	0	1	4
May 2023	5	1	2	1	0	9
<b>Total</b>	<b>14</b>	<b>7</b>	<b>8</b>	<b>6</b>	<b>1</b>	<b>36</b>

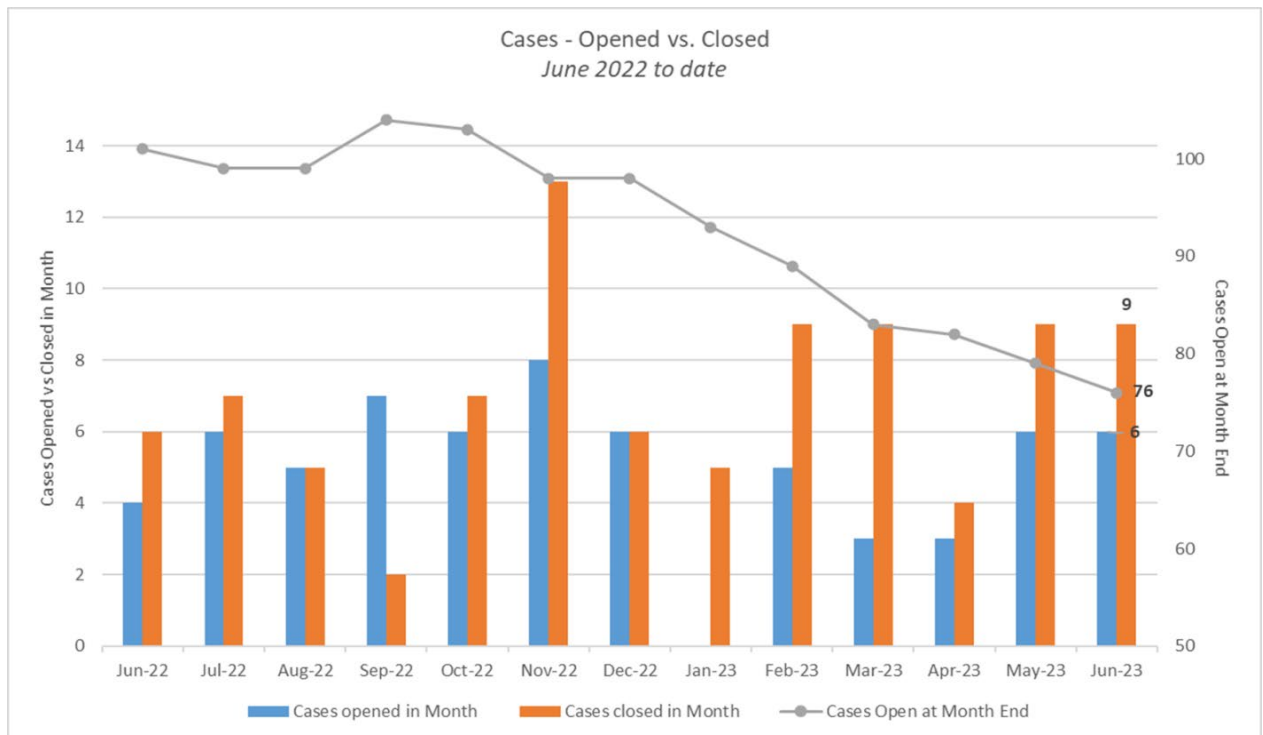
#### Contextual information for Question 5.5

Here is a breakdown of the outcome of all applications received from 1 January 2023 to 21 June 2023:

Accepted	10
Not yet accepted as valid and complete (as of 21 June 2023)	6
Withdrawn - early intervention before acceptance	5
Declined	1

### Further information

For your information I have included a graph below which is used for internal reporting and tracking of case volumes.



I understand that Katie has been in touch with you to arrange a time to meet in Auckland – I’m sure she’ll be happy to discuss any of the information here further if you wish.

I trust you find the information helpful. 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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā

Charlotte Gair  
**Manager Advisory, Determinations**  
Building and Tenancy  
Ministry of Business, Innovation and Employment