

4 December 2024

Dear [REDACTED]

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT Request: 2024-55

Thank you for your email of Wednesday 6 November 2024 to the Carterton District Council requesting the following information:

*“The liabilities the Council has in its role as a BCA?
The total financial exposure the Council faces in its role as a BCA?
The insurance coverage, or any other form of liability cover such as insurance bonds, if any, the Council maintains for BCA-related liabilities.
The annual cost to ratepayers to maintain BCA related liability cover.
The portion of rates allocated to cover potential BCA liabilities.
The reserves maintained specifically for BCA related claims.
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.
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. For clarity this is not for the cost to administer BCA.”*

Your request has been considered under the Local Government Official Information and Meeting Act 1987 (the Act). My response to your request is provided in the order of your request.

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

Council building control can be held liable for any act or omission as it relates to our regulatory function. This liability arises from the law of tort and has been well examined by the courts.

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

As above the extent description in law and as found by the courts on a case-by-case basis or through mediation.

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

Insurance cover relates to building control functions generally not separated between the two components.

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

There is no direct cost to ratepayers, it is covered by our liability cover.

The portion of rates allocated to cover potential BCA liabilities.

None.

The reserves maintained specifically for BCA related claims.

None.

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.

None.

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 3 financial years, there have been no claims that we are aware of.

You may wish to view a similar information request made this year in our website here:

[2024-27-Response.pdf](#),

Please note, the Council proactively publishes LGOIMA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Geoff Hamilton
Chief Executive
Carterton District Council