

# Hon Poto Williams

MP for Christchurch East

Minister for Building and Construction  
Minister of Police

Associate Minister for Children  
Associate Minister of Housing (Public Housing)



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Geraldine Murphy  
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Tēnā koe Ms Murphy

Thank you for your letter dated 28 February 2021, regarding your concerns about the earthquake-prone building legislation for multi-unit, multi-owner residential buildings. I have provided answers to the questions included in your letter as follows:

Question 1: *When will the report on the outcomes of the evaluation be released?*

I have asked Ministry of Business, Employment and Innovation (MBIE) officials to prioritise the early insights evaluation report. It will provide important evidence on how the earthquake-prone building system is performing. I expect to receive it soon and it will be proactively released following my receipt.

Question 2: *When are the details on the proposed remediation service being released?*

The Labour Party 2020 Election Manifesto outlined a proposed Earthquake-Prone Building Remediation Service. The proposal is subject to Budget considerations and a public announcement will be made should the proposed remediation service progress to the next stage.

Question 3: *Will you direct your officials to provide a fuller and more transparent explanation of the history of the current policy?*

The Building Act's purpose is to ensure that people can use buildings safely and without endangering their health. The earthquake-prone building system focuses on the highest risk buildings in terms of life safety in a moderate earthquake.

The earthquake-prone building policy settings were substantially reviewed as part of the Royal Commission of Inquiry into the Canterbury Earthquake and through the Building (Earthquake-prone Buildings) Amendment Act 2016. As part of this process there was substantial opportunity for public consultation between 2013 and 2016. It is my understanding that InnerCity Wellington actively participated and made submissions throughout the process.

I am satisfied with the consultation approach that was undertaken during the most recent legislative process to introduce the Building (Earthquake-prone Buildings) Amendment Act 2016.

All relevant information regarding the development of the policy, Cabinet consideration of policy proposals, select committee reports and external advice on elements of the system is publicly available.

Question 4: *Is the earthquake-prone threshold (ie. the one third) tied to the standard in place as at 1 July 2017?*

Yes. The definition of a moderate earthquake is set out in the Regulations and is based on the building standards that were in place in 2017. If Cabinet decided to amend the definition of a moderate earthquake in the Regulations, this would be subject to public consultation.

Question 5: *If it isn't, what does this mean for owners of buildings:*

- a) that have been strengthened and removed from the earthquake prone list?*
- b) deemed potentially earthquake prone and subsequently removed from the earthquake prone building list following the submission of evidence (such as a detailed seismic assessment report) that the building is not earthquake prone?*

See answer to question 4.

Question 6: *What certainty is being provided to owners who are progressing projects or have strengthened their buildings to comply with legislation?*

Owners have some certainty given that the requirements are set in law and cannot be changed without public consultation. I do not have any current plans to change these requirements. However, if new information comes to light that increases the life safety risk, Cabinet could decide that further changes are required. I cannot reasonably anticipate whether any changes would or would not apply to buildings that have previously been strengthened. If any changes were proposed, these would be subject to public consultation.

New Zealand is a very seismically active country, and preparing for the impacts of seismic events is important to keep people safe. The primary responsibility for improving buildings rests with building owners. This applies whether upgrades are required to address risks from fire, for example, or general maintenance. Earthquake strengthening costs can be considered part of the expenses of building ownership.

The earthquake-prone building system will continue to be closely monitored to ensure it is delivering the intended objectives.

Thank you for taking the time to write.

Nāku noa, nā



Hon Poto Williams  
**Minister for Building and Construction**