

The Building Amendment Act 2019 has come into force

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The Building Amendment Act 2019 (the Act), which was passed into law in June last year, came into force on December 18, 2019. Here's a summary of the improvements the Act has introduced, and how it's a great step towards keeping New Zealanders safe.

After the major earthquakes in Canterbury and Kaikōura, some gaps were identified in the current legislation regarding how to manage buildings in an emergency.

The Act made two key improvements:

- Improved end-to-end management of buildings affected by an emergency, and
- Improved legislative powers for the Ministry of Business, Innovation and Employment (MBIE) to investigate significant building failures.

Further information about the Act

Improved end-to-end emergency management

After an emergency takes place, an affected area can now be 'designated' for the emergency management of buildings. The designation can be made by Civil Defence Emergency Management (CDEM) officials when a state of emergency or a transition period is in force for the area.

Where these are not in force, a territorial authority can designate an area with prior approval from the Minister for Building and Construction. Once the designation has been made, the new powers granted by the Act allow authorised people to:

- evacuate buildings within the area if necessary to prevent the death or injury of any person
- carry out a rapid building assessment
- place notices or placards restricting the use of buildings to remove or reduce risks
- put in place measures such as hoardings or fences to protect buildings or keep people at a safe distance
- carry out or require works to keep people safe
- protect buildings that are causing ongoing disruption to a public thoroughfare, the use of another building or critical infrastructure, and
- require works to make buildings suitable for long-term use or occupation.

The Act also includes special provisions for the management of heritage buildings and places, including a requirement to consult Heritage New Zealand before any works are carried out. Ministerial approval is required before demolition works can be carried out to Category 1 or 'wāhi tūpuna' buildings, or to National Historic Landmarks. This places an extra level of protection over buildings and places of national significance to our history.

Improved investigative powers for MBIE

Before the Act was passed in December 2019, MBIE was required to investigate building failures on an ad-hoc basis subject to the cooperation of building owners, resulting in heavy reliance on incomplete information. MBIE now has clearer legislative powers to investigate significant building failures without needing permission from a building owner first. This means the Minister for Building and Construction or the Chief Executive of MBIE can initiate a building investigation when:

- any part of a building hasn't performed as expected in light of the requirements that applied to its design and construction
- the failure resulted, or could have resulted, in the risk of serious injury or death.

Moving forward, these investigations will help build our knowledge on what aspects of building design or construction could contribute to building failures. Any findings from MBIE investigations will be published on the [building failure investigations page \(https://www.mbie.govt.nz/building-and-energy/building/investigations-and-reviews-for-safer-buildings/building-failure-investigations/\)](https://www.mbie.govt.nz/building-and-energy/building/investigations-and-reviews-for-safer-buildings/building-failure-investigations/).

In conclusion

The Building Amendment Act 2019 has been a long time in the making – it was introduced to Parliament in June 2018, given the Royal assent in

June 2019, and passed into law in December 2019.

This is a huge step towards keeping New Zealanders safe during an emergency, and arms MBIE with the ability to gather better knowledge around the causes of building failures and how to address them in future. So while the Building Amendment Act 2019 has taken a long time to become law, we believe it was worth the wait.



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
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