

Hurunui / Kaikōura Earthquakes Recovery Review Panel

5 February 2018

Hon Jenny Salesa
Minister for Building and Construction
Executive Wing
Parliament Buildings
WELLINGTON 6011

Hon Kris Faafoi
Minister of Civil Defence
Executive Wing
Parliament Buildings
WELLINGTON 6011

via email

Dear Ministers

HURUNUI / KAIKŌURA EARTHQUAKES RECOVERY (UNREINFORCED MASONRY BUILDINGS) AMENDMENT ORDER 2018

On 5 February the Hurunui / Kaikōura Earthquakes Recovery Review Panel (the Review Panel) considered the above draft Order.

As required under section 14 of the Hurunui / Kaikōura Earthquakes Recovery Act 2016, please find attached the Review Panel's report on this draft Order, including our recommendations and brief comments.

As noted in our Report some members expressed concern with clause 4(4). The Chair considered the intent of the clause clear, however some members thought the word "only" should be inserted between the words "notice" and "if" on the second line to provide even greater clarity.

Yours sincerely



The Honourable Sir John Hansen

Convenor, Hurunui / Kaikōura Earthquakes Recovery Review Panel

cc Acting Chief Executive, Ministry for Business, Innovation and Employment
Director, Ministry of Civil Defence & Emergency Management

Hurunui / Kaikōura Earthquakes Recovery Review Panel

IN THE MATTER

of the Hurunui / Kaikōura Earthquakes Recovery Act 2016

AND

IN THE MATTER

of the Hurunui / Kaikōura Earthquakes Recovery Review Panel appointed under section 12 of the Hurunui / Kaikōura Earthquakes Recovery Act 2016 to provide advice for Orders in Council that may be required for the purpose of the Act

THE REVIEW PANEL

The Honourable Sir John Hansen (Convenor)

Mr James Gardner-Hopkins

Ms Yvette Couch-Lewis

Mr Basil Morrison

Mr Kelvin Coe

REPORT AND RECCOMMENDATION OF THE REVIEW PANEL

HURUNUI / KAIKŌURA EARTHQUAKES RECOVERY (UNREINFORCED MASONRY BUILDINGS) AMENDMENT ORDER 2018

1. On 5 February 2018, the Hurunui / Kaikōura Earthquakes Recovery Review Panel (Review Panel) considered the above draft Order. This draft Order amends the Hurunui / Kaikōura Earthquakes Recovery (Unreinforced Masonry Buildings) Order 2017 (principal Order), which was reviewed by the Panel in February 2017.
2. Having considered the reasons advanced by the relevant Minister and supporting documents from the Ministry of Business, Innovation and Employment, which we accept, we are well satisfied that the Order in Council is necessary to encourage building owners to continue the securing work required under the principal Order. This is particularly so

where practical constraints beyond the building owners' control have resulted in delays to the securing works being completed.

3. The Review Panel is of the view that the draft Order is necessary, expedient and meets the purpose of the Hurunui / Kaikōura Earthquakes Recovery Act 2016 (the Act).

Reasons Recommendations and Brief Comments

4. Following the Hurunui / Kaikōura earthquake sequences, there is a heightened risk of earthquakes in some areas. Falling unreinforced masonry parapets and facades (including, for example, attached components such as verandas, balconies, decorative features, chimneys and signs) present significant risks to life safety due to this heightened probability of a damaging earthquake.
5. The draft Order extends the time for building owners to complete mandatory securing work before an offence is committed. The extension enables building owners to complete work that is already in progress, but may have been delayed due to matters beyond the building owner's control.
6. The Minister has provided compelling reasons for this need in her reasons for recommending the Order.
7. There was a discussion as to whether further clarity was required in clause 4(4) by:
 - a. The insertion of the word "only" between the words "notice" and "if" on the second line of the sub-clause.
 - b. Some members also questioned as to whether the words "or is being" provided sufficient clarity. A concern was raised that some people may argue that by simply telephoning or engaging a chartered professional engineer, they had satisfied the requirements of the clause. The Panel's view was that to satisfy "or is being", it would need to be demonstrated that some proper active steps have been taken.



The Honourable Sir John Hansen

Date: 5 February 2018

Convenor, Hurunui / Kaikōura Earthquakes Recovery Review Panel