

**To:**

Committee Secretariat  
Committee Secretariat  
Transport and Infrastructure Committee  
Parliament Buildings  
Wellington



## **Submission on the Building (Earthquake-Prone Buildings) Amendment Bill**

**From:**

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## Executive Summary

1. Te Tira Whakamātaki and Hono: the Māori Emergency Management Network, **do not support** the Building (Earthquake-Prone Buildings) Amendment Bill **in its current form**.
2. We support proportionate reform of Aotearoa New Zealand's earthquake-prone building regime. However, the Bill as drafted recalibrates the balance between economic efficiency and life-safety risk in a way that increases residual exposure, extends the duration of vulnerability, and reduces public transparency.
3. The accompanying Regulatory Impact Statement confirms that while remediation costs would reduce substantially under the preferred option, residual life-safety risk increases relative to the status quo. The Bill also introduces extension powers of up to 15 years and removes public-facing earthquake ratings without embedding equivalent transparency mechanisms.
4. Taken together, these changes risk embedding increased exposure duration and reduced public visibility in a seismically active country.
5. Significant amendments are required to:
  - Constrain long remediation extensions
  - Differentiate high-occupancy and vulnerable population buildings
  - Strengthen public and online risk communication
  - Ensure consistent national implementation
  - Maintain precaution as the organising principle of seismic risk governance
6. Without these amendments, this regime shifts risk onto occupants and communities rather than containing it through timely strengthening and transparency.

### 1. About Te Tira Whakamātaki

7. Te Tira Whakamātaki is an independent Māori environmental organisation committed to protecting taonga, strengthening Indigenous governance, and supporting whānau, hapū, and iwi to exercise rangatiratanga and kaitiakitanga.
8. Our work spans environmental protection, disaster risk, policy advocacy, and Māori-led responses to complex system challenges, including biodiversity loss, freshwater degradation, climate change, disaster risk, and community resilience.
9. We are the home of Hono: the Māori Emergency Management Network, Aotearoa New Zealand's Māori-led emergency management network. Hono supports iwi, hapū, marae, and Māori practitioners to prepare for, respond to, and recover from disasters.
10. Through our work at the intersection of infrastructure vulnerability, emergency response, and community resilience, we engage directly with the realities of infrastructure vulnerability, building safety, evacuation environments, and life safety

decision-making in high-risk contexts. We see, in practice, how buildings perform under stress, and how policy decisions made quietly can compound risk over time.

## **2. Context and Purpose of Reform**

11. New Zealand faces an ongoing seismic hazard. Earthquakes are probabilistic but high-consequence events. The earthquake-prone building regime exists to reduce preventable loss of life in a known hazard environment.
12. Improving proportionality in regulation is a legitimate objective. However, proportionality must be assessed against life-safety consequences and exposure duration, not solely against remediation cost.
13. The Bill proposes to:
  - Narrow the scope of buildings captured by the earthquake-prone regime.
  - Remove public-facing earthquake ratings.
  - Allow territorial authorities to grant remediation extensions of up to 15 years.
  - Reclassify certain regions, including coastal Otago, based on updated hazard assessment.
  - Limit regulation primarily to higher-risk building types in medium and high seismic zones
14. The accompanying Regulatory Impact Statement confirms that while remediation costs would reduce significantly under the preferred option, residual life-safety risk would increase relative to the status quo.
15. **This is not a risk-neutral reform. It represents an explicit recalibration of acceptable exposure in a seismically active country.**

## **3. Trade-offs Identified in the Regulatory Impact Statement**

16. The Regulatory Impact Statement estimates remediation costs under the current framework at approximately \$10.9 billion. Under the preferred option, costs reduce to approximately \$2.7 billion.
17. This reduction is achieved by narrowing the scope of buildings captured by the regime, particularly in lower seismic zones and among lower-risk building types. From an economic modelling perspective, where earthquake probability is lower, the expected benefit of costly strengthening is correspondingly lower.
18. However, the modelling also indicates a reduction in avoided losses and an increase in projected life safety risk relative to retaining the status quo.

19. The reform is therefore not risk neutral. It represents an explicit policy choice to trade cost reduction for increased residual life-safety exposure. Seismic risk is not simply a function of probability (Risk = Probability x Consequence x Exposure Duration).
20. The Bill narrows regulatory scope (reducing probability-based intervention), increases exposure duration through extension powers, and does not sufficiently differentiate consequence severity across building types.
21. Where exposure duration increases in a high seismic zone, life-safety risk compounds over time.
22. Earthquakes do not pause during regulatory extensions. Where risk exposure is knowingly recalibrated upward, extension mechanisms must not compound that exposure.

#### **4. Extension**

23. The Bill permits extensions of up to 15 years for seismic remediation.
24. This extends the period during which buildings assessed as posing elevated risk may remain unstrengthened. In medium and high seismic zones in particular, prolonged remediation timelines materially increase exposure duration.
25. A 15-year extension in a high seismic zone is not merely administrative flexibility. It is a policy choice to normalise prolonged occupancy of buildings known to pose elevated risk.
26. Building owners may wait. Occupants cannot. Where residual life-safety risk is increased under the preferred option, extension mechanisms must not compound that exposure.
27. If extension powers are retained, the statute should:
  - Define narrow and objective eligibility criteria.
  - Require transparent public, national reporting of extensions granted.
  - Mandate measurable remediation progress milestones.
  - Exclude or tightly constrain eligibility for high- occupancy and vulnerable population buildings.
28. Duration of exposure is a core component of seismic life-safety risk. It must be explicitly managed.

#### **5. High-Occupancy & Vulnerable Population Buildings**

29. The Bill does not sufficiently differentiate extension thresholds based on consequence severity. Buildings such as the following carry elevated consequence risk:
  - Schools and early childhood facilities.

- Hospitals and healthcare facilities.
  - Aged care facilities.
  - Large public venues and event spaces.
  - Buildings relied upon for emergency coordination or shelter.
30. Risk is not uniform across building types. A collapse in a lightly occupied warehouse differs fundamentally from a collapse in a primary school or aged care facility. A risk-based framework must account not only for probability and exposure duration, but for consequence magnitude.
31. Where consequence severity is high, the threshold for granting extended remediation timelines should be correspondingly higher. Without explicit differentiation, the life-safety objective of the regime is materially weakened.

## **6. Risk Communication and Public Legitimacy**

32. The removal of earthquake ratings increases the importance of clear risk communication.
33. Technical classifications alone are insufficient. Members of the public must be able to understand seismic status of buildings in plain language, particularly where they work, learn, receive care, or gather.
34. Standardised seismic status notices should be required for publicly accessible buildings. These should clearly describe:
- Seismic status.
  - Whether remediation is required.
  - Applicable deadlines or extensions.
35. Where remediation timelines are extended, public visibility becomes more important, not less.
36. A risk-based system that reduces public visibility of structural vulnerability risks undermining legitimacy and public trust.

## **7. Impact on Marae and Community Infrastructure**

37. Marae and community facilities are frequently housed in older buildings. During emergencies, the Crown relies on marae as coordination centres, evacuation hubs, and welfare distribution points.
38. If extension mechanisms allow known seismic vulnerabilities to persist without targeted support or transparency, the system risks:
- Embedding prolonged exposure in critical community infrastructure.

- Undermining emergency response reliability.
  - Failing the Crown's obligation of active protection under Te Tiriti o Waitangi.
39. Where the Crown relies operationally on marae, it must not design a regulatory regime that increases structural vulnerability without providing clear safeguards and support pathways.

## **8. National Transparency and System Accountability**

40. Seismic status information should be centrally accessible online in a searchable, publicly available online register.
41. A national register should:
- Provide current seismic status of all designated buildings.
  - Record extension decisions and revised deadlines.
  - Enable comparison across regions and building types.
42. Where remediation deadlines are extended and regulatory scope narrowed, public visibility becomes more important, not less.
43. Transparency is a structural safeguard. Without centralised reporting, extension decisions risk becoming fragmented, inconsistent, and opaque.

## **9. Implementation and Local Government Context**

44. Territorial authorities carry operational responsibility for identifying, monitoring, and enforcing earthquake-prone building requirements.
45. While narrowing the designation scope may reduce some administrative burden, expanded extension discretion introduces complex judgment and consistency challenges across regions.
46. These reforms occur amid ongoing fiscal pressure and structural reform discussions affecting local government. In this context, statutory clarity and national consistency are essential.
47. Where residual life safety risk increases under the preferred option, implementation design must ensure that discretionary extension powers do not lead to uneven application, regional inconsistency, or inadvertent escalation of exposure across regions and in particular communities.
48. A system that relies heavily on local discretion must include strong national oversight and reporting to maintain coherence and equity.

## **10. Tiriti o Waitangi Considerations**

49. Although this is building legislation, it engages core obligations under Te Tiriti o Waitangi. These include:
- Rangatiratanga: authority over lands and community infrastructure.
  - Active protection: safeguarding the life and wellbeing of Māori communities.
  - Partnership in risk governance.
50. Marae, papakāinga, and community facilities are often housed in older buildings and are relied upon during emergencies. Where the Crown depends operationally on such infrastructure, it must ensure that regulatory reform does not prolong structural vulnerability without safeguards.
51. The duty of active protection requires that reforms do not disproportionately extend life-safety exposure in communities already facing structural and socioeconomic vulnerability.
52. Where reform increases exposure duration, additional safeguards and support pathways are required to uphold that obligation.

## **11. Systemic Coherence: Emergency Management Alignment**

53. Emergency planning assumes certain buildings will remain structurally reliable during and after seismic events.
54. If buildings assessed as posing elevated risk remain operational for extended periods without measurable strengthening progress, emergency management strategy becomes internally inconsistent.
55. Coordination centres, welfare hubs, and community shelters must not themselves be prolonged nodes of structural vulnerability.
56. Resilience policy cannot sit atop deferred structural obligations.
57. A modern emergency management framework requires alignment between seismic regulation and operational response planning.

## **12. Recommendations**

58. To align reform with precaution and life-safety objectives, Te Tira Whakamātaki and Hono recommend that the Bill be amended to:
1. Cap remediation extensions at five years in high seismic zones unless exceptional hardship is clearly demonstrated.

2. Prohibit or strictly limit long extensions for high-occupancy and vulnerable population buildings, including schools, early childhood centres, hospitals, aged care facilities, and buildings relied upon for emergency coordination or shelter.
  3. Require independent engineering review for any extension exceeding five years.
  4. Mandate national public reporting of all extension decisions.
  5. Require standardised, plain-language seismic status notices for all publicly accessible buildings.
  6. Establish a centralised, publicly searchable seismic status register.
  7. Require cumulative national life-safety exposure reporting to Parliament at regular intervals.
  8. Develop a targeted support pathway for marae and community facilities relied upon in emergency response.
59. Reform should improve proportionality without eroding precaution.
60. Without these amendments, the Bill embeds increased exposure duration without equivalent structural safeguards.

### **13. Conclusion**

61. Te Tira Whakamātaki and Hono **do not support the Building (Earthquake-Prone Buildings) Amendment Bill in its current form.**
62. We support reform that aligns regulatory burden with seismic hazard. However, proportionality must not become a vehicle for prolonged exposure to known life-safety risks.
63. As drafted, the Bill narrows regulatory scope, increases residual life-safety risk relative to the status quo, and introduces long extension powers without embedding equivalent transparency, differentiation, and constraint.
64. These changes represent a structural recalibration of the balance between cost and safety.
65. In a seismically active country, life-safety regulation must remain anchored in precaution, transparency, and public accountability.
66. With significant amendment, this Bill could deliver proportionate reform. Without those amendments, it shifts risk in ways that are neither precautionary nor equitable.

Ngā mihi nui,

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