



05 JUL 2021

Dear [REDACTED]

On 8 April 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information regarding a review, as commissioned by the Ministry to structural engineers, of "the portfolio to understand the impact of the revised C5 Structural Assessment Guidelines." You specifically asked for:

- *The review*
- *Any recommendations or outcomes/actions arising from it.*

On 16 April 2021, the Ministry contacted you to explain that there is no report or review as yet to release but that there is a paper being prepared on this. Of the options offered to you by the Ministry, you sought to delay and relodge your original request on 31 May 2021.

On 29 June 2021, the Ministry informed you that more time was required to respond to your request.

By way of context to your request, in November 2018, an updated revision to the 'Guidelines for Engineering Assessments' was published by Guideline Partners¹, known as the revised guidelines or the 'C5 Yellow Chapter'. The updates to the guidelines included lessons learned from university research and the 2016 Kaikoura Earthquake as well as findings from the Ministry of Business, Innovation and Employment's 'Statistics House' Investigation.

The Ministry engaged structural engineers to review the impact of the revised guidelines on the Ministry's portfolio to support future occupancy and investment decisions. The engineers' advice was that most of our buildings were not subject to the C5 provisions due to the design and construction method, however some required more intensive assessment.

As indicated to you on 16 April 2021, there is no structural report or review that looks across the Ministry's whole property portfolio the impact of the revised Structural Assessment Guidelines, therefore this part of your request is refused under section 18(g)(i) of the Act, as the information you have requested is not held by the Ministry and I have no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

Whilst the Ministry doesn't have the exact review you are requesting, our engineers have now provided recommendations for all our buildings compared against the revised guidelines. The outcome is that of the 154 buildings reviewed in this process,

¹ The Guideline Partners are MBIE, the New Zealand Society for Earthquake Engineering, the Structural Engineering Society of New Zealand and the New Zealand Geotechnical Society with support from Engineering New Zealand

one has been assessed as requiring some remedial work. The Ministry is in discussion with the landlord of that building on options for the work to occur. Of note, the engineers have advised that there is no immediate risk to the Ministry and/or the public, in occupying the affected building until remediation works are undertaken.

In its guidance, Primary Duty of Care (PCBUs) and building owners dealing with earthquake-related health and safety risks, WorkSafe advises, *"If you're a PCBU who owns or occupies a building, and you're meeting the requirements of the Building Act, we are not going to enforce to a higher standard under the Health and Safety at Work Act"*. The guidance also notes the need to stay on top of new or emerging information and where necessary, consult a professional.

I note that the actions taken by the Ministry to understand the impact of the revised guidelines is in line with WorkSafe Guidance.

The principles and purposes of the Official Information Act 1982 under which you made your request are:


- to create greater openness and transparency about the plans, work and activities of the Government
- to increase the ability of the public to participate in the making and administration of our laws and policies
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding the review the portfolio to understand the impact of the revised C5 Structural Assessment Guidelines.", you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Vaughan Crouch
General Manager
Property and Facilities