

**BUILDING  
PERFORMANCE**

**QUICK GUIDE**

# Operation Magazine

**INFORMATION AND ADVICE FOR COUNCILS TO HELP IMPROVE COMPLIANCE**

SEPTEMBER 2024



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

**Te Kāwanatanga o Aotearoa**  
New Zealand Government

**Ministry of Business, Innovation and Employment (MBIE)**  
**Hīkina Whakatutuki – Lifting to make successful**

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# Contents

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<b>Background</b>	<b>2</b>
<b>Discussion of findings</b>	<b>3</b>
<b>Who is this guide for?</b>	<b>6</b>
<b>Policies and procedures</b>	<b>7</b>
<b>Building warrants of fitness (BWoFs)</b>	<b>8</b>
<b>Compliance schedules</b>	<b>15</b>
<b>Enforcement of safety provisions</b>	<b>17</b>

# Background

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## **Background to Operation Magazine**

Following the tragedy at Loafers Lodge in Wellington on 16 May 2023, the Ministry of Business, Innovation and Employment (MBIE) investigated whether there were similar buildings to Loafers Lodge vulnerable to fire, elsewhere in New Zealand.

As a result, a decision was taken to inspect properties meeting a similar profile throughout New Zealand to identify and address any immediate fire safety concerns. The inspections would also be used to inform any future work to strengthen fire safety requirements in boarding houses.

In March 2024, the *Operation Magazine Report into the Joint Operation – Boarding House Fire Safety and Landlord Compliance* was published. This document should be read in conjunction with the report.

The Operation Magazine inspections looked at the following in relation to fire safety:

- compliance schedules
- building warrants of fitness (BWoFs)
- the general level of fire safety in the building.

The *Operation Magazine Report into the Joint Operation – Boarding House Fire Safety and Landlord Compliance* identified that MBIE would publish guidance to support councils to take appropriate action, including information on the criticality of BWoF audits and enforcement of fire safety related provisions of the Building Act 2004 (the Building Act).

The findings from the Operation Magazine building inspections highlighted issues in the areas of BWoFs, compliance schedules and general fire safety compliance.

These issues are consistent with those found during MBIE's regular programme of monitoring territorial authorities (TAs) for their performance relating to compliance schedules. While the causes for the identified issues vary, the findings reinforce the need for TAs to be active in these areas of compliance. This document links the relevant findings from Operation Magazine to policy requirements and provides some recommendations to TAs to help improve compliance in this area.

## **Support for TAs**

TAs who require clarification on information in this document should contact MBIE by emailing:

 [TA\\_assessments@mbie.govt.nz](mailto:TA_assessments@mbie.govt.nz).

# Discussion of findings

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The Operation Magazine inspections looked at the following in relation to fire safety:

- Compliance schedules
- BWoFs
- The general level of fire safety in the building.

## Compliance schedules

The compliance schedules for each building were assessed to ensure they complied with the Building Act requirements and that they aligned with the specified systems that were present in the building.

The main non-compliance finding was where there was a difference between what was in the building and what was on the compliance schedule. In some cases, the compliance schedules were not specific enough. In one case there was no compliance schedule for the building. These issues accounted for 23 percent of the overall 134 distinct issues identified during Operation Magazine.

### Discussion

All specified systems in the building are required to be listed on the building's compliance schedule. Where they are not, it is less likely these systems will be subject to essential inspection and maintenance procedures, increasing the likelihood of failure which could be catastrophic in the event of a fire.

Where systems are not listed in the compliance schedule, it is generally because they were installed without a building consent. As a result, they would not have gone through the normal application process that would ensure the content of the compliance schedule is correct and captures the new systems.

The installation of access-controlled doors (a specified system) without a building consent is a common occurrence. One possible explanation for this is that installers are not aware of the requirement to obtain a building consent before carrying out the installation of these systems. Inaccuracies and a lack of detail in a compliance schedule can often result in the specified systems not being correctly and thoroughly maintained.

**Building warrants of fitness (BWofFs)**

Buildings were checked to ensure they had a current BWofF, that the BWofF was publicly displayed and that it complied with the requirements of the Building Act and Building (Forms) Regulations 2004.

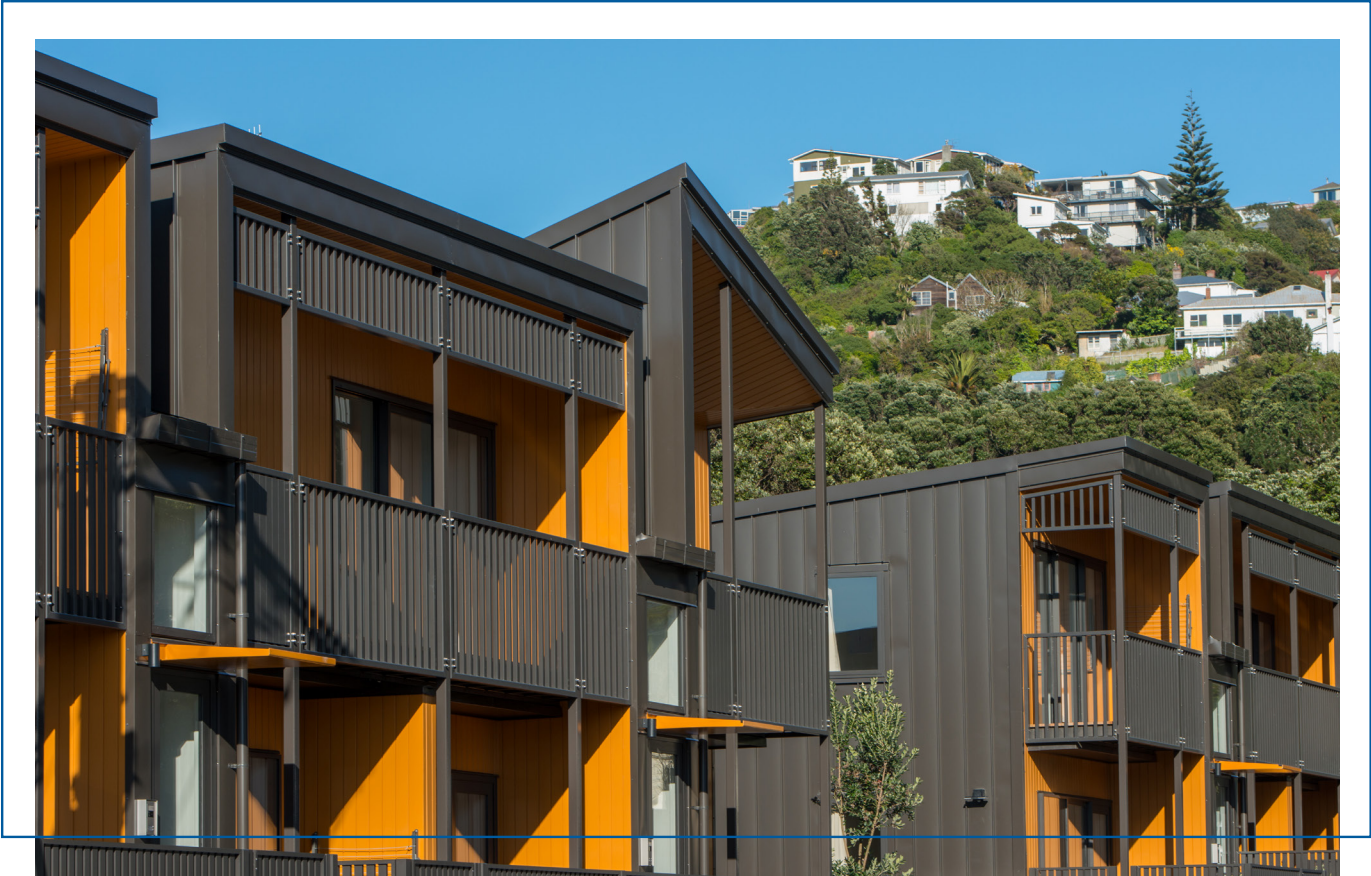
The most common breach of the BWofF requirements was where the owner (or owner’s agent) had not complied with the Building Act requirement to have a full 12 months’ worth of inspection, maintenance, and reporting (IMR) procedures. In some cases, only one out of the 12 months had been complied with.

There were also instances of the BWofF being expired or not publicly displayed.

 **Discussion**

A person cannot satisfy the BWofF requirements if IMR procedures have not been complied with for the previous 12 months. The Building Act does not provide exemptions to the BWofF requirements, even if the systems are performing as required (part of the legislative purpose of the BWofF regime). MBIE’s Building System Delivery and Assurance (BSDA) team carry out regular assessments of TAs under section 204 of the Building Act to ensure they meet the Building Act obligations.

During MBIE’s assessments of TAs, 64 percent of TAs were found to accept BWofFs with less than 12 months compliance demonstrated, or to accept BWofFs from building owners as compliant with the Building Act, despite the BWofF including documentation from independent qualified persons (IQPs) which stated that one or more of the required IMR procedures had been missed during the previous 12 months.



## Fire safety assessments

The fire safety assessments consisted of visual checks of the fire alarm, fire and smoke separations, emergency lighting, fire hydrant systems and escape routes. Documentation for these systems and features were also reviewed.

Inadequate or deficient fire safety systems and features accounted for most of the overall issues found during Operation Magazine.

Issues with fire and smoke separations included deficiencies with the fire and smoke doors, major damage to fire walls and partitions, lack of fire separation between floors and penetrations for services that were not correctly protected through fire separations.

Nearly half of all issues found with emergency warning system related to parts of the system (eg smoke detectors) missing. Other fire alarm systems were found to be damaged, obstructed, or not working. IQPs were typically not inspecting domestic smoke alarms, and most were found not in working condition.

Escape routes were a major concern in some buildings where egress out of the building was obstructed or where the escape route itself was not adequate, safe or structurally sound. Many signs used to aid egress from a building in the event of a fire (eg exit signs) were found to be missing, misleading or illegible.



### Discussion

While some of the issues described above may be due to the age and/or design of the building, many are issues that should either be identified and rectified under the compliance schedule IMR and BWoF requirements or, where the building has undergone a change of use or alteration, through the requirement to upgrade the fire safety system (means of escape from fire) as near as reasonably practicable to the requirements of the Building Code at the time the work, or change, was carried out.

Most of the buildings having issues with fire safety also had a BWoF. This means the IQPs responsible for oversight of the relevant systems provided a Form 12A certifying the IMR procedures had been carried out, thus allowing a BWoF to be issued by the building owner. The IMR procedures should ensure any defects are identified and fixed and ensure any required monitoring of the alarm remains in place. Providing a BWoF that is issued based on incomplete IMR procedures could mean displaying a BWoF that is false or misleading which is an offence under the Building Act.

# Who is this guide for?

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This guide is for:

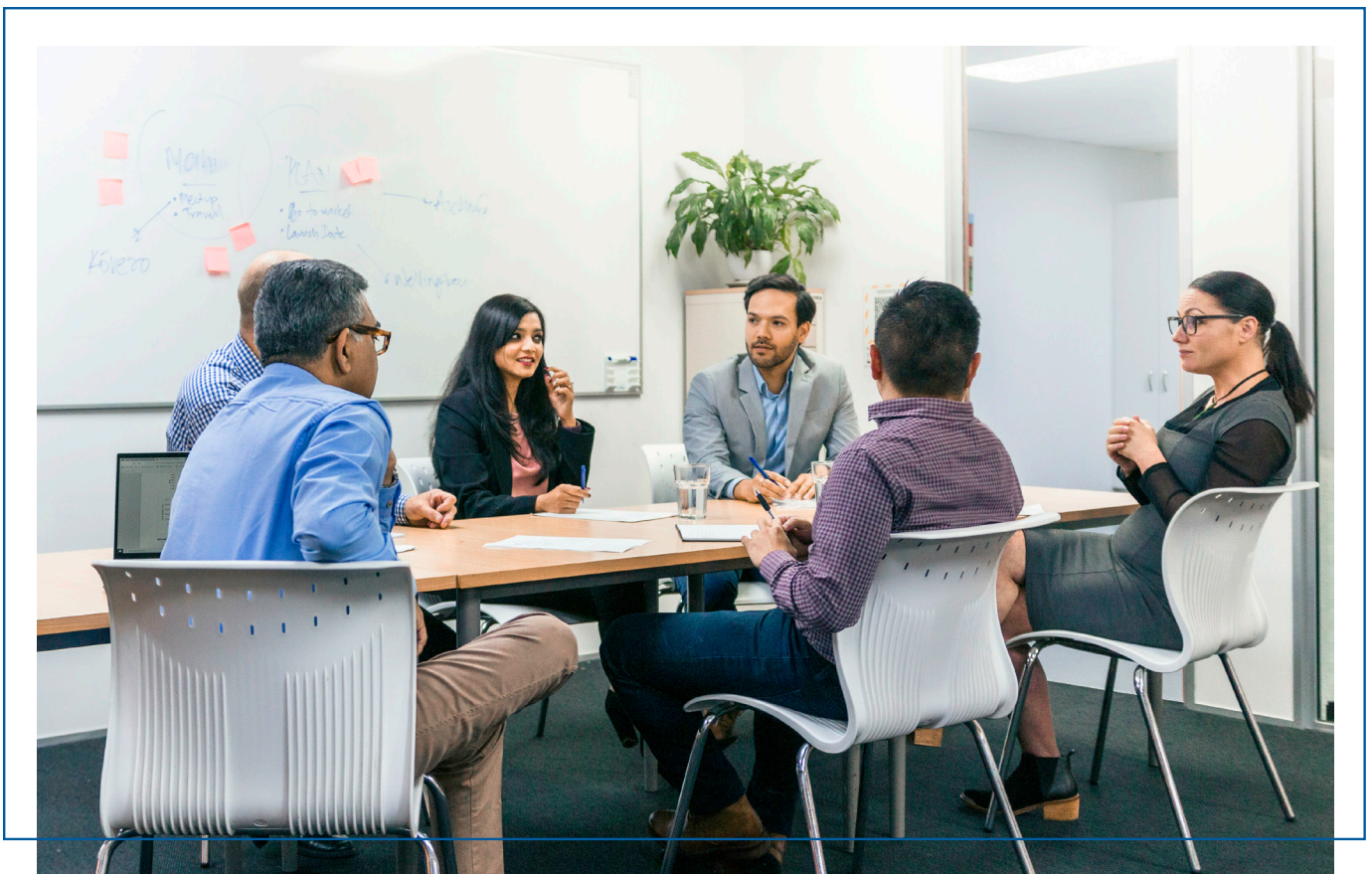
- TAs
- building consent authorities (BCAs).

Building owners and IQPs are responsible for most of the compliance obligations around compliance schedules, BWoFs, and general fire safety compliance.

However, there is a strong reliance on TAs and BCAs exercising their role to administer and enforce these functions so that the BWoF scheme can operate as intended. Specifically, the role of the BCA and TA to issue and amend compliance schedules and the TA to administer and enforce the BWoF provisions of the Building Act.

There are key areas that TAs can focus on to help contribute to minimising the types of issues that were identified during Operation Magazine:

- policies and procedures
- BWoFs
- compliance schedules
- enforcement of fire safety provisions.





# Policies and procedures

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Each TA should develop a document which outlines both policies and procedures to ensure effective TA operations.

In relation to **compliance schedules**, the document should cover:

- the purpose of and issuing of compliance schedule statements
- issuing compliance schedules under section 102 and identifying relevant buildings (including those with cable cars) requiring compliance schedules
- council-initiated amendments to compliance schedules, including when to initiate, why and consultation with the owner
- receiving and processing an application to amend a compliance schedule (eg vetting, trigger an audit) and including receiving and processing IQP recommendations to amend compliance schedules
- the management of vacant/unoccupied buildings which have a compliance schedule
- how to manage the IMR procedures of specified systems when a certificate for public use (CPU) is issued (including what conditions are placed on the CPU).

In relation to **BWoFs**, the document should cover:

- reminding building owners to supply their BWoF and procedures for following-up overdue BWoFs
- receipt and review of BWoFs and Form 12As (certifying compliance with IMR procedures)
- requesting and reviewing annual reports (section 110) under section 111 of the Building Act
- carrying out enforcement action for breaches of the compliance schedule, BWoF and general fire safety requirements, including actions to be taken for:
  - false or misleading BWoFs
  - overdue BWoFs
  - failure to publicly display BWoFs
  - ‘reports in lieu of Form 12A’ supplied with the BWoF
  - ‘reduced-period’ BWoFs (ie for less than the required 12 months)
  - breaches of section 116B requirements
- auditing buildings requiring a BWoF (see the ‘On-site BWoF audits’ section below for aspects to cover).

In relation to **IQPs**, the document should cover:

- accepting IQPs, including the criteria for IQP registration for the various specified systems
- revoking acceptance of IQPs
- copying in the owner when corresponding with the IQP/owner’s agent.

In relation to **means of escape from fire**, the document should cover:

- determining when the means of escape from fire is considered inadequate under section 116B and the action the TA will take to ensure it is rectified
- taking enforcement action under section 116B, issuing a notice to fix (NTF) under section 164 or issuing a section 124 notice.

It is good practice for the procedures to be written at a level of detail that enables a person who has not worked in the job before to follow and adequately achieve the objective/task.

# Building warrants of fitness (BWoFs)

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A BWoF is a building owner's annual statement confirming the specified systems in the compliance schedule for their building have been inspected, maintained and reported on for the previous 12 months, in accordance with the compliance schedule.

Some important requirements include:

- the building owner must provide the TAs with copies of Form 12A certificates, including any IQPs' recommendations they make
- the TA must consider any recommendation to amend a compliance schedule made by an IQP and where necessary make any changes to the compliance schedule after giving the owner an opportunity to provide comments
- the TA must retain copies of the Form 12A certificates
- the TAs are required to administer and enforce the BWoF system and can charge a fee for undertaking a BWoF inspection/audit.

## **What the law says:**

The following sections of the Building Act 2004 are particularly relevant to TAs:

- [Section 100 – Requirement for compliance schedule](#)
- [Section 101 – Owner must comply with requirement for the compliance schedule](#)
- [Section 102 – When compliance schedule must be issued](#)
- [Section 102A – Procedure for obtaining compliance schedule where building consent is not required](#)
- [Section 103 – Content of compliance schedule](#)
- [Section 104 – Building consent authority must notify territorial authority of issue of compliance schedule](#)
- [Section 104A – Territorial authority must issue statement in relation to compliance schedule](#)
- [Section 105 – Obligations of owner if compliance schedule is issued](#)
- [Section 106 – Application by owner for amendment to compliance schedule](#)
- [Section 107 – Territorial authority may amend compliance schedule on own initiative](#)
- [Section 108 – Annual building warrant of fitness](#)
- [Section 109 – Territorial authority must consider recommendation to amend compliance schedule](#)
- [Section 110 – Owner must obtain reports on compliance schedule BWoF and Form 12A documentation](#)

## BWoF and Form 12A documentation review

The TA should review the BWoF and Form 12As (from IQPs certifying compliance with IMR procedures) provided by the building owner/owner's agent. This includes making sure that:

- the BWoF complies with Form 12 of the Building (Forms) Regulations 2004
- all the Form 12As comply with the Building (Forms) Regulations 2004 and have been completed correctly
- the provided Form 12As collectively cover the IMR procedures for all the specified systems on the compliance schedule and that those forms cover the full 12 months of IMR procedures; and
- each IQP who has signed a Form 12A is registered for the specified system they are covering.

Where any recommendations have been made by an IQP, the TA must determine whether the compliance schedule requires amendment, based on those recommendations.

## On-site BWoF audits

For a TA to effectively perform its role, a TA should go on site to the relevant buildings to determine whether there are breaches of requirements that need to be enforced. It is unlikely a TA would be able to ascertain whether BWoFs are displayed appropriately in a building without being on site.

### Regular MBIE assessment findings

Based on MBIE's assessments of TAs, almost all on-site inspections highlighted at least one inconsistency between the systems in the building versus the compliance schedule and/or BWoF.

In most cases, this was because a specified system was in the building but not on the compliance schedule and therefore is typically not being inspected and maintained by an IQP.

Specified systems include life safety systems, and their ongoing inspection and maintenance is critical to the health and life safety of building occupants.

## Purpose of on-site audits

TAs undertake BWoF audits to help ensure the purpose of the BWoF (per [section 108](#)) is met. That is, to ensure the specified systems are performing, and will continue to perform, to the performance standards for those systems that are set out in the relevant building consent. This does not mean that the TA is required to test the systems on site or confirm that they are working.

TAs help ensure the purpose of the BWoF is being met by ensuring the building owner and IQP are meeting their legislative BWoF obligations. To achieve this, TAs when on site should aim to check three main things:

1. alignment between the specified systems in the building, on the compliance schedule and on the BWoF
2. that the on-site paperwork and records show that the IMR procedures have been carried out in accordance with the compliance schedule
3. that the BWoF is current, complies with the requirements of section 108, and is publicly displayed.

Some TAs may not have undertaken BWoF audits as they were of the understanding that on-site BWoF audits required staff to have the equivalent technical skills as that of an IQP. TA staff undertaking such audits are not expected to physically carry out tests on systems or have detailed knowledge of the various performance standards that relate to specified systems.

## What the law says:

The following sections of the Building Act 2004 are particularly relevant to TAs:

### Section 12 – Role of building consent authority and territorial authority

- (2) Under this Act, a territorial authority—
  - (g) administers annual building warrants of fitness; and
  - (h) enforces the provisions relating to annual building warrants of fitness;

### Section 111 – Inspections by territorial authority

- (1) An agent of a territorial authority authorised for the purposes of this section is entitled, at all times during normal working hours, to inspect—
  - (a) a building for which a compliance schedule has been issued; and
  - (b) the specified systems in the building.
- (2) [Repealed]
- (3) In this section, inspection means the taking of all reasonable steps to ensure that—
  - (a) an annual building warrant of fitness supplied under section 108 is correct; and
  - (b) every report under section 110 is correct.

### Section 222 – Inspections by territorial authority

- (1) An authorised officer is entitled, at all times during normal working hours or while building work is being carried out, —
  - (a) to inspect—
    - (i) land on which building work is or is proposed to be carried out; and
    - (ii) building work that has been or is being carried out on or off the building site; and
    - (iii) any building; and
    - (iv) any residential pool (or the immediate pool area); and
  - (b) to enter premises for—
    - (i) the purpose of inspecting the building; or
    - (ii) the purpose of determining whether the building is dangerous or insanitary within the meaning of subpart 6 of Part 2; or
    - (iii) the purpose of determining whether the building or a part of the building is earthquake prone or potentially earthquake prone within the meaning of subpart 6A of Part 2; and
  - (c) to enter premises for the purpose of determining whether section 162C is being complied with.

## Trigger and frequency of audits

A TA should adopt a policy to proactively audit a percentage of buildings with BWoFs per year.

TAs should as a minimum have a three to five-year audit cycle (20-33 percent of buildings per annum) and the audit frequency of a building should reflect the perceived risk for the use of that building. For instance, it might be appropriate to have annual audits for budget accommodation (eg backpackers' hostel) and five-yearly audits for low-occupancy industrial buildings.

The need for a BWoF audit may also be triggered:

- where a BWoF is overdue or where there is a history of BWoFs being supplied late
- where a building has had no building work done for an extended period of time
- where the BWoF and compliance schedule have not been reviewed for an extended period; and
- during investigations of dangerous buildings.

## First audit

For new-build compliance schedules, an on-site inspection should be undertaken as early as possible and no later than six months after issuance. This will help to ensure owners understand their responsibilities and obligations regarding the compliance schedule and BWoF requirements. Taking this early proactive step is likely to minimise compliance issues for the owner and avoid the need to resolve issues retrospectively.



# Procedures

## Before going on site

Before going on site, the TA should do the following:

- formally advise the building owner and/or lead IQP when the on-site audit will take place
- review any existing council-held documentation (eg current BWoF, associated Form 12As, annual report(s), compliance schedule, consent application and/or fire report) and pre-populate the on-site audit check sheet prior to the visit and note any discrepancies and/or matters that should be looked at further while on site
- in instances where the inspection and maintenance logbook(s), section 110 annual report(s) and compliance schedule are kept online, the TA should review these prior to the on-site audit; and
- prepare a copy of the compliance schedule to take on site. Refer to this copy rather than one on site as some IQPs create their own version of the compliance schedule and this could potentially be the version which is held on site.

It may be advantageous for the TA to ask the owner for as-built floor plans or print a copy of council-held floor plans which can be marked-up with the location of specified systems when carrying out the on-site BWoF audit. These plans can then be attached to the compliance schedule. Marked-up plans help to easily identify the locations of specified systems within a building and are especially useful for back-flow preventers which are often difficult to locate.

## On site

When on site, the TA should do the following:

- meet on site with the owner and/or lead IQP and do introductions, then explain the purpose of the audit and how it will be conducted
- check that the current BWoF is publicly displayed in a location where it can be easily read
- check that all the IQP and owner inspections have been carried out for each specified system and recorded in the logbook for the previous 12 months
- check that the section 110 annual report(s) for the past two years and compliance schedule are being kept in the location stated on the BWoF
- undertake a 'walk-through' of the building, as well as around the exterior of the building, to visually confirm that all installed specified systems are on the compliance schedule
- record any discrepancies (ie installed specified systems that are not currently captured by the compliance schedule and/or non-existent specified systems that are required to be removed from the compliance schedule) on the on-site audit check sheet
- take photo evidence throughout the building to help verify findings and to refer to at a later date if needed; and
- briefly summarise the findings of the audit to the owner and/or lead IQP (which will be confirmed via a written report) and explain what follow-up action (if any) is required.

## Inadequate means of escape from fire

### What the law says:

Section 116B of the Building Act specifies that no person may use a building, or knowingly permit another person to use a building, that has inadequate means of escape from fire. Means of escape from fire includes all active and passive fire safety systems including the escape route from the building.

### Operation Magazine findings

Findings from Operation Magazine show that nearly all buildings had issues with the means of escape from fire.

Many issues should have been picked up by the IQP during their inspection under a compliance schedule. However, the procedures under a compliance schedule are limited to ensuring that the specified systems continue to perform to what was required when it was installed/constructed. For many buildings, especially older buildings, this may be a particularly low threshold and performance to the performance standard may still result in a means of escape from fire that is less than adequate. Additionally, some parts of the means of escape from fire are not a specified system so will not be getting checked by an IQP (eg the escape route).

An on-site BWoF audit may be a good time for TAs to check that there are no breaches of section 116B. To do this, the TA when conducting an on-site BWoF audit, should walk the escape route from the building and check the following:

- egress routes to the safe place are clear and unobstructed
- egress signs are in place, visible and legible
- fire and smoke doors are in good condition and not wedged open
- that all doors on the escape route have free egress in the direction of egress and are not locked, barred or blocked; and
- note any defects/holes in walls or other construction elements that may be part of fire separations.

The following additional checks could be made if time allows:

- that the fire alarm panel shows in 'normal'
- that manual call points are visible and accessible
- note any detectors that are obstructed or missing from their base; and
- note any sprinkler heads or hydrant outlets that are obstructed.

TAs should have a policy and procedures in place for determining when the means of escape from fire is inadequate and the action they will take to ensure it is rectified, including if necessary, taking enforcement action under section 116B, section 164 or issuing a section 124 notice.

## **After being on site**

After the audit is finished, the TA should do the following:

- write up the findings of the on-site audit and next steps into a report and send this to the building owner and lead IQP
- write up any NTFs or infringement notices and send these to the building owner; and
- initiate any amendments required to the compliance schedule as a result of the on-site audit.

### **Note:**

- if the completed TA check sheet contains the findings and the next steps, this could be provided to the building owner and lead IQP instead of a separate report
- where an IQP agent is acting on behalf of the owner, it is recommended that any correspondence related to the audit (including council's completed audit report/audit check sheet) is sent to the building owner to keep them fully informed. This is good practice for all council correspondence pertaining to compliance schedule and BWoF matters
- in the case of council-initiated compliance schedule amendments, this must be done in consultation with the building owner; and
- the TA can charge for this inspection.

## **Follow-up confirmation and audits**

If an on-site BWoF audit results in remedial work needing to be made to the building or the specified systems, the TA should set a reasonable timeframe within which the building owner must complete that work.

To ensure remedial work is carried out as required, the TA should conduct a follow-up audit or seek confirmation of remedies being made. Depending on the severity of the issues needing to be addressed, the building owner's willingness to comply, and any other circumstances pertaining to the building, the follow-up audit could simply involve obtaining written confirmation from the building owner or relevant IQP that the issues have been resolved. In other cases, a second on-site audit may be required.



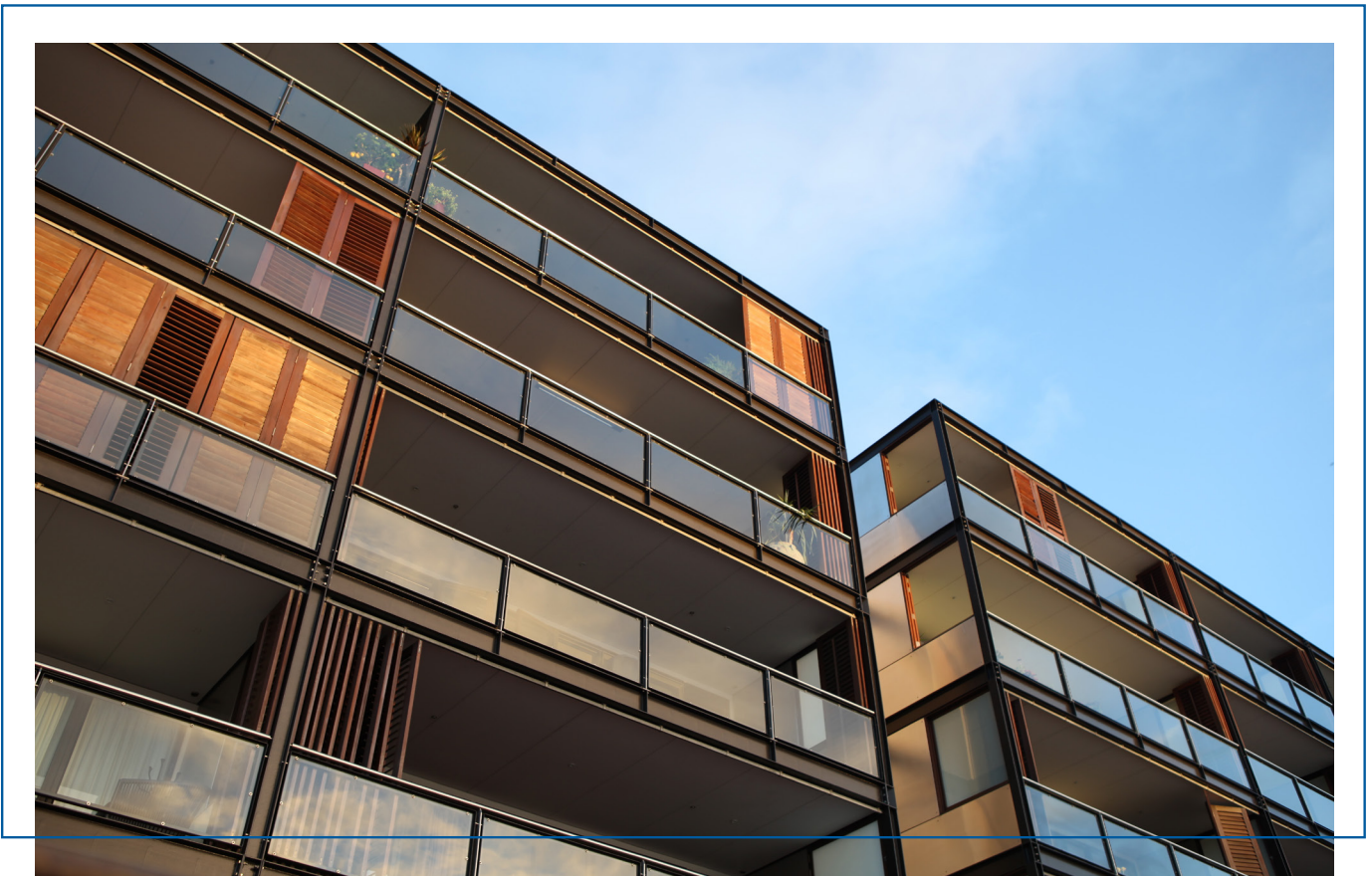
# Compliance schedules

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A compliance schedule lists the specified systems within a building and the IMR procedures required to keep them in good working order, helping to ensure the building is safe and healthy for people to enter, occupy or work in.

A compliance schedule is required for a building that:

- is not wholly a single household unit (for example, includes commercial and industrial buildings but not stand-alone houses) AND contains one or more specified systems (including cable cars)
- is wholly a single household unit AND has a cable car attached to it or servicing it.



## Compliance schedule amendments

### What the law says:

The Building Amendment Act 2012 amended section 103 of the Building Act to require that a compliance schedule must:

- (a) state and describe each of the specified systems covered by the compliance schedule, including a statement of the type and (if known) make of each specified system; and

Further, section 106 was also amended to include the requirement that:

- (2) However, the owner must apply to the territorial authority for an amendment to a compliance schedule for the building if—
  - (a) the owner considers that the amendment is required to ensure that the specified systems are performing, and will continue to perform, to the performance standards for those systems; or
  - (b) as a result of an amendment to this Act or any regulation made under it, the compliance schedule—
    - (i) no longer complies with the requirements of this Act or any regulations made under it; or
    - (ii) contains information that is no longer required under this Act or any regulations made under it.
- (2A) An application under subsection (2)(b) must be made before the next anniversary of the issue of the compliance schedule following the amendment of the Act or regulation that results in the compliance schedule becoming non-compliant or containing information that is no longer required.

All building owners that did not have a compliance schedule that complied with section 103 of the Building Act should have applied to the TA for an amendment to their compliance schedule by 13 March 2013. The TA should have then processed that amendment as soon as practicable.

### Regular MBIE assessment findings

During MBIE's assessments of TAs for BWof functions which were completed in December 2022, only 34 percent of TAs were found to have updated all their compliance schedules to comply with section 103.

All TAs who have not updated all compliance schedules should do a scoping exercise to establish exactly how many of its compliance schedules need to be amended to comply with section 103 of the Building Act and then resource as necessary to clear the backlog as early as possible.

For those that need updating, the TA should actively seek this information from building owners. This could be achieved by contacting or visiting owners and advising them of their obligations, or by undertaking on-site audits (as above). TAs can charge for the time.

If owners or their agents do not provide the required information in a timely manner, the TA should consider issuing an NTF. If this NTF is not complied with, TAs should consider issuing an infringement notice. An infringement fee of \$1,000 for ignoring the NTF may provide an incentive for non-compliant owners to comply, and if compliance is achieved promptly the TA may choose to waive the payment of the infringement fee.

# Enforcement of safety provisions

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## Offences

### What the law says:

The Building Act has several offences relating to compliance schedules, BWoFs, and general fire safety provisions. These detail instances where a person may breach the requirements of these provisions of the Building Act, which the Chief Executive or a territorial authority may act on.

- [Section 108 Annual building warrant of fitness](#)
- [Section 116B Offence to use building for use for which it is not safe or not sanitary, or if it has inadequate means of escape from fire](#)
- [Section 128A Offences in relation to dangerous, affected, or insanitary buildings](#)
- [Section 369 Offence to make false or misleading statement](#)
- [Section 164 Issue of notice to fix](#)
- [Section 168 Offence not to comply with notice to fix](#)

## Infringement offences and NTFs

Infringement notices are intended to be used as a deterrent, to encourage rectification and to reduce persistent re-offending. In addition, the Building Act requires an NTF to be issued whenever there is a breach of the Building Act or regulations made pursuant to the Building Act.



### Regular MBIE assessment findings

During MBIE's assessments of TAs, many TAs were found to not be issuing infringement notices or NTFs and many who were issuing notices were found to only be issuing relatively low numbers. Some TAs cited their 'customer-friendly' approach to ensuring compliance as a reason for low or no notices being issued.

Enforcement is not only the legislative role of the TA, but a necessary action that TAs must take to achieve compliance. TAs should review and establish a robust system of auditing and enforcement that achieves both legislative requirements and public expectations in relation to BWoFs and fire safety.

**Example of the appropriate use of an infringement notice:**

A TA officer, while undertaking an on-site BWoF audit, identifies that the BWoF is not on display. The officer contacts the building owner via a message on voicemail about the issue. The officer follows up the message with a letter explaining the need to display the BWoF, the offences prescribed in the Building Act and the possible issuing of an infringement notice.

One week later, having received no response, the TA enforcement officer visits the building to determine if the BWoF has been displayed. The BWoF is not visible so the officer issues an NTF.

The TA enforcement officer revisits the building 10 days later. The BWoF is still not displayed, at which point the officer issues an infringement notice, with the previous correspondence attached. The officer hand delivers the infringement notice to the registered office of the building owner.

*In this situation the building owner was well-informed of the need to display a BWoF. Failure to display the BWoF prompts an NTF. The infringement notice was then issued to further encourage compliance. The infringement is for not complying with section 108(5)(a) of the Building Act.*



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