



COVERSHEET

Minister	Hon Dr Megan Woods	Portfolio	Building and Construction
Title of Cabinet paper	Update on the response to the Loafers Lodge fire and new and enhanced offences in the Building Warrant of Fitness regime	Date to be published	By 18 September 2023

List of documents that have been proactively released		
Date	Title	Author
August 2023	Update on the response to the Loafers Lodge fire and new and enhanced offences in the Building Warrant of Fitness regime	Office of the Minister for Building and Construction
7 August 2023	Response to the Loafers Lodge fire and new and enhanced offences in the Building Warrant of Fitness regime: Update CAB-23-MIN-0350 Minute	Cabinet Office

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of maintenance of the law.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Response to the Loafers Lodge Fire and New and Enhanced Offences in the Building Warrant of Fitness Regime: Update

Portfolio **Building and Construction**

On 7 August 2023, Cabinet:

- 1 **noted** that investigations into the Loafers Lodge fire are ongoing;
- 2 **noted** that a range of actions are underway on a ‘no regrets’ basis to respond to the Loafers Lodge fire, including:
 - 2.1 gathering information on boarding houses in New Zealand, to build a more complete picture of this type of housing;
 - 2.2 the launch of a joint Ministry of Business, Innovation and Employment (MBIE) and council boarding house operation, using boarding house data supplied by councils;
 - 2.3 changes to strengthen the regulation of independent qualified persons, which will see MBIE work with councils to agree a nationally consistent approach to the operation of the regime;
- 3 **noted** that these initial actions will help inform any further changes required to building and tenancy laws, as will the investigation reports currently being prepared by the New Zealand Police and Fire and Emergency New Zealand;
- 4 **noted** that MBIE is investigating potential legislative changes to the building warrant of fitness regime and obligations of independent qualified persons;
- 5 **agreed** to increase the fine for building owners for failing to supply the territorial authority with a building warrant of fitness from \$250 to \$1,000;
- 6 **agreed** to increase the fine for building owners for failing to display a building warrant of fitness required to be displayed from \$250 to \$1,000;
- 7 **agreed** to amend the Building Act 2004 to clarify the obligations of Independent Qualified Persons in issuing 12A forms;
- 8 **agreed** to introduce a new standard offence for Independent Qualified Persons who negligently issue a 12A form for a specified system where the inspection, maintenance, and reporting procedures of the compliance schedule have not been fully complied with in the last 12 months for that system;

- 9 **agreed** that the penalty for this offence be a fine not exceeding \$50,000 for an individual and \$150,000 for a body corporate;
- 10 **invited** the Minister for Building and Construction to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 11 **authorised** the Minister for Building and Construction to further clarify and develop policy matters relating to the above paragraphs in a manner not inconsistent with Cabinet's decisions;
- 12 **authorised** the Minister for Building and Construction, in consultation with the Minister of Justice, to make changes to the offence outlined above.

Rachel Hayward
Secretary of the Cabinet