

APPRAISAL REPORT

File/Document ID: 2006/2663/2

Client Name: *Department of Building & Housing*

Contact: [has been removed]

Disposal Type 1 Ad hoc & 3 Schedule

Agency Coverage: Predecessor agencies which combined to form DBH:
Office of the Review of Building and Planning Control (ex Treasury)
Building Industry Commission (BIC)
Building Industry Authority (BIA)
Housing Policy files from Ministry of Economic Development
Ministry of Housing National Office (MOH)

Scope: Inherited files from above predecessor agencies and a new file classification created for the new Department

1. Executive Summary

The Department of Building and Housing was established in November 2004, bringing together various agencies involved with regulatory and compliance issues for the building sector.

At the time of its formation, DBH amalgamated the Ministry of Housing, the Building Industry Authority, and the housing policy group from the Ministry of Economic Development. The Weathertight Home Resolution Service from DIA became part of the Department in July 2005 and Electrical Workers Licensing Group from MED was added in September 2006.

With the incorporation of these agencies, their records became DBH's responsibility. DBH therefore required the development of a retention and disposal schedule for these records to:

- facilitate efficient management of current records and creation of a new file classification system
- to arrange for the legal disposal of records created in the predecessor agencies

Both the Department and the predecessor agencies' operating focus is on policy, advice, legislative and compliance development for the building sector. As such, there is a business need to retain a high percentage of records for a long period of time (50 years), which is discussed in more detail under 'Series or Class' section. These records have been tagged 'DBH' in the attached Schedules. We will seek a Deferral Deposit for these records after 25 years.

The following amounts are broad estimates only.

Quantity recommended for <u>retention as public archives</u> :	42.2 lm (29.45%)
Quantity recommended for retention in Department for 50 years*	35.3 lm (24.55%)
Quantity recommended for <u>destruction</u> :	65.4 lm (46%)

*Note: After 50 years these records will be reappraised in cooperation with Archives New Zealand.

There are two parts to this appraisal

Part 1: Ad hoc

One ad hoc appraisal was developed to deal with the records of the Office of the Review of Building and Planning Control. The Office ceased to exist in 1985 and these records can be immediately destroyed or transferred to Archives New Zealand.

Part 2: Schedules

Three schedules were developed to deal with the other records:

Schedule 1: Building Industry Authority records: BIA's work is now being done by Building Controls group within DBH. The schedule covers records from BIA and its predecessor agency Building Industry Commission.

Schedule 2: Ministry of Housing records

Schedule 3: Ministry of Economic Development, Housing policy unit records

2. Appraisal Circumstances

The Department of Building and Housing was established in November 2004. The new agency required a file classification system, as well as a way of dealing with files from inherited agencies. Three kinds of files needed attention:

- Files belonging to non-active agencies (e.g. Office of the Review of Building and Planning Control)
- Active files used by MOH and BIA (held on their premises)
- Boxed files in storage from these agencies

While the Ministry of Housing had a basic file plan, there were no file plans for BIA. BIA's filing was done by office administrative support and it was difficult to deal with the records as there was no coherent filing plan and little formal records advice available. The BIA files have various filing sequence, some overlapping while others run sequentially. Some files rely on project number, Building Code number, or case number as identifiers, depending on the type of work. This is discussed in greater detail in Section 7, Series or Class Information. The file list from this agency was created by the records team at DBH after sifting through boxes at Recall and onsite 'current' files

Boxes of files from The Office of the Review of Building and Planning Controls were found as part of BIA's papers and similarly lacked organised controls. The file list used in the appraisal was created by DBH records staff.

3. Agency Information

3.1 Department of Building and Housing (DBH)

The creation of DBH was prompted by increasing problems in the building industry when, during the early years of 2000, a number of structural problems in the housing sector came to light. The main problem was with 'leaky buildings' or insufficient weather tightness in newly constructed homes and the industry faced huge legal bills. The Government stepped in to

correct the situation by amalgamating various controlling agencies in the building sector to create the Department of Building and Housing.¹

The functions of the new Department include:

- functions of the former Ministry of Housing: housing policy, monitoring of Housing Corporation of New Zealand, Bond centre and Tenancy mediation services;
- administration of the Weathertight Homes Resolution Services Act 2002 (managed by DIA till June 30 2005), specifically set up to deal with 'leaky buildings';
- administration of the new Building Act 2004 (including absorbing the functions and personnel of the Building Industry Authority) and the occupational licensing regulation associated with the building and housing sector such as registration, accreditation, determination and certification;
- administration of the Retirement Villages legislation (currently administered by the Ministry of Social Development) and swimming pools legislation (formerly administered by DIA)
- administration of the Electrical Workers Licensing functions (previously MED's responsibility)

3.2 The Office of the Review of Building & Planning Control Building

Agency name: The Office of the Review of Building & Planning Control [Treasury]
Year established: 1982
Year dis-established: [1985]

During the 1970s and 1980s the cost of building houses in New Zealand had increased significantly and professional institutions and industry representatives considered the industry to be over-regulated and controlled. In 1980 the industry asked the Government for a review of planning and building controls. In 1982 the Government appointed Mr P G Scouler, Chief Engineer of Christchurch City Council as the Co-ordinator of a Review Committee to look at the effect of national and local building controls on costs and efficiency in the building industry. The Review's objectives were to look at:

- why buildings cost so much
- whether the regulatory environment (building controls) was inhibiting innovation
- and to recommend an auditing system to ensure cost justification for the controls and to instigate revisions to bring costs to an economic level

The review panel surveyed and consulted widely in the building sector and its final report, *Review of Planning Building Controls* was released in 1983. The report documented the strategy and process used by those responsible for building and planning controls, and recommended a programme for further action, including:

- a possible Building Industry Act
- a national building code, and
- a Building Industry Council to be formed after merging various groups within the industry

¹ From: <http://www.ssc.govt.nz/display/document.asp?docid=4028>

The Committee ceased operation in about 1985, but it's work led to the Cabinet Policy Committee recommending, in 1986, the setting up of Building Industry Commission and other changes in the industry. (P (86) 2 dated 23 January 1986).

3.3 Building Industry Authority (BIA)

Agency name:	Building Industry Authority
Year established:	Building Industry Commission – 1986 - 1990? Interim Building Industry Authority 1991/92 as part of Department of Internal Affairs Building Industry Authority – 1992 - 2004
Year dis-established:	October 2004

Note: For the purposes of this appraisal the Authority and the Commission are treated as one agency since the Commission morphed into the Authority and there was no distinct demarcation or changes in the records systems.

3.3.1 *Building Industry Commission*

The Building Industry Commission was appointed in 1986 to review the whole spectrum of building controls and to consider a new national building code. It was not a stand alone body and reported to the Minister of Internal Affairs.

In January 1990 the Commission presented a report to Government, describing its proposed reforms and containing a draft Building Bill and National Building Code. The Building Act was enacted in December 1991, the Commission was replaced by the Building Industry Authority in February 1992 and the Act was implemented in July 1992.

Under the Act, the Building Regulations 1992 were made; the First Schedule to the Regulations contains the National Building Code, commonly known as the New Zealand Building Code.

3.3.2 *Building Industry Authority*

The Building Industry Authority was established in 1992 under the Building Act 1991 (the Act) to provide advice and undertake functions relating to building control. The Act and the Building Regulations 1992 provided the legislative framework for building control in New Zealand. The Authority's functions were to:

- advise the Minister of Commerce (or the Minister of Internal Affairs prior to January 2003) on building control matters
- prepare or approve documents for use in establishing compliance with provisions of the building code (Approval or Compliance documents)
- determine matters of doubt in relation to building control (Determinations)
- review the operations of Territorial Authorities and Building Certifiers in relation to their functions under the Act
- approve Building Certifiers (Certification)
- grant accreditation of building products and processes (Certification or Accreditation)
- provide information and advice on building controls
- take all steps necessary to achieve the purposes of the Act (Legislative changes)
- educational initiatives targeted to managers and educators and building officials

In January 2003 the Government transferred responsibility for building policy and regulation, including monitoring of the Building Industry Authority, to the Minister of Commerce. This transfer followed concerns about the weather tightness of buildings in New Zealand and a perceived lack of responsiveness to these concerns.²

The following excerpt is also important in understanding BIA and its functions:

“...During the 2003/04 financial year, the Building Industry Authority was dissolved and its staff and functions transferred to the Department of Building and Housing. In the last financial year, the Authority addressed a number of long-standing sector issues relating to weather tightness, and participated in the review and upgrading of building regulations (the Hunn Review). The Authority now operates as the Building Controls section within the new Department of Building and Housing. The major focus for the newly constituted Department in the next financial year is to prepare for the implementation of the Building Act 2004 while continuing to manage its current work programme effectively³.”

3.4 Ministry of Housing

Agency name: Ministry of Housing (National Office)
Year established: 1992
Year dis-established: October 2004

The Ministry of Housing was set up in 1992 as part of the Government’s restructuring of the Housing Corporation of New Zealand. It was responsible for policy advice on the housing sector and administration of the Residential Tenancies Act. The Ministry’s main functions were:

- Responsibility for the Residential Tenancies Act (RTA) which sets the regulatory framework for the rental housing sector, including the rights and obligations of landlords and tenants. The Ministry provided policy advice to the Government in relation to the Act and the rental housing market.
- Prevention and resolution of disputes between tenants and landlords that can affect the stability of tenancies.
- Administration of and advice on residential tenancy bonds.
- Bond investment: Bond lodged with the Ministry were held in the Residential Tenancies Trust Account.
- Advice on housing sector interventions and monitoring Housing New Zealand Corporation’s performance

3.5 Ministry of Economic Development - Housing Policy files

Agency name: Ministry of Economic Development [Housing policy and Building Act review files]
Year established: 2002 [This group went from DIA to MED]
Year dis-established: October 2004

The Housing Policy group was moved from the Department of Internal Affairs to the Ministry of Commerce and thence to Ministry of Economic Development. The group’s main focus was

² From The 2001/02 Financial review of the Building Industry Authority, Report of the Government Administration Committee

³ From 2003/04 Financial Review of the Building Industry Authority, Report of the Government Administration Committee

on reviewing and creating building legislation, initially reviewing the Building Act 1991 and then drafting the Building Act 2004. The files created by this group record policy decisions on Building Act and Bills, monitoring of BIA, occupational and licensing issues.

4. Methodology

The records team at DBH carried out an appraisal covering approximately 1200 boxes at [offsite storage company] and 100s of files located in the two premises used by MOH and BIA. The process covered:

- Sorting and filing loose sheets of papers stacked in boxes
- Going through [offsite storage company] boxes and listing all files on spreadsheet
- Adding opening and closing dates of files
- Assigning of retention and disposal criteria from Archive New Zealand GDAs, after examining the content of the files
- Background research for writing appraisal report by reading annual reports, statement of intent etc and reports kept in files
- Talking to senior people in the Department to understand their requirement, particularly in terms of retention period, particularly their recommendation on keeping certain class of files in the Department for 50 years
- Creating new classification system for the Department
- Transferring work done by the Department from the pre-existing files to the new system

In determining whether a file or a series should be kept long term or destroyed, we took guidance from the following sources:

- Recommendations from Archive New Zealand's GDAs 1, 2 and 3 and draft GDA 4 for Corporate Services records
- The various Acts that relate to the different agencies, in terms of their functions and roles
- Agency publications
- Recommendations from senior departmental staff

5. Relevant Precedent

MOH has had 3 previous Appraisals. These were:

- NA10 (98/98) for Tenancy Services files (expired 2005)
- OP 98/170 Appraisal of Card Indexes and Centre forms (expires 1 April 2011)
- OP 01/08 Film and Video retention and disposal schedule (expires 1 April 2011)

None of these provided useful precedent for this appraisal. No precedents exist for BIC/BIA files. We are not aware of any other precedent that exists either for the policy files from MED or the files from Treasury belonging to the Office of the Review of Building and Planning Control

6. Disposal Criteria

Department of Building and Housing has wide ranging powers to administer the building and housing sector in New Zealand. In evaluating records originating from the diverse agencies, the following disposal criteria were applied:

For records recommended for retention as public archives and/or retention in the department for 50 years:

Evidential value –

- Files that provide evidence of the statutory roles, core functions and significant relationships
- Files that provide evidence and accountability in the development of policy and the execution of management decisions
- Records of key restructuring activities such as the management of assets and the administration of financial and legal obligations

Legal value –

- Files that document decisions that impacts on the building process and can be used as evidence in legal proceedings, or could serve to explain how or why the Act, the Code, or the Approved Documents were written as they were, or altered over time.
- Records documenting core BIA functions of building control, building product certification, building inspection certifiers approval (or certified) documents produced by BIA.
- Records documenting the legal implications of building issues, known as Determinations

Informational value –

- Files that record the building industry's history and process

For records recommended for destruction:

- Files containing information of a transitory, facilitative nature, i.e. documents dealing with low level procedural matters or routine administrative activities
- Files recommended for destruction by the published GDAs, for example, personnel files, minutes of meetings, financial and administrative records etc.
- Records containing duplicated information or information captured better elsewhere.
- Records containing information that is available elsewhere in concise summary form.
- Unsorted and unregistered records from staff members no longer part of the Department

7. Series or Class Information

7.1 The Office of Building and Planning Controls file. Ad Hoc Appraisal.

Since this organisation ceased to exist almost 20 years ago, we are treating this section as an ad hoc appraisal. A complete list of files from this organisation is attached and we have indicated destruction and retention decisions.

Quantity recommended for <u>retention as public archives</u> :	2 lm (66%)
Quantity recommended for <u>destruction</u> :	1.2 lm (34%)

Recommended for retention as public archives

- Review of Building and Planning Controls – 1st formal review undertaken of the building industry in NZ
- Policy papers leading to the Review and survey of the industry, including papers belonging to the Reviewer
- Submissions from the public/industry

Recommended for destruction

- Background papers from Local Authorities, Government departments, industry bodies, overseas jurisdiction: Mostly published material available elsewhere

7.2 Building Industry Authority files: Schedule 1

BIA senior staff identified certain file classes to be retained in the Department for 50 years, the requirement for ‘durability’ of a building under the Act. According to the ex-CE of BIA, these series could become “...evidence in legal proceedings, or they could serve to explain how or why the Act, the Code, or the Approved Documents were written as they were, or altered over time. In BIA’s history, such information has been used to demonstrate to complainants that they were in fact consulted about matters they later claim not to have been consulted about. On one occasion the archive proved that a measure the BIA had included in its compliance documents for fire safety had been explicitly sought by a sector that later bitterly criticised the same measure...”

This group of records deal with legal issues, creation of building standards and codes, certification of building products and trades people and/or can be used as precedents. Most of these documents are of technical nature connected with the building industry and are not of permanent archival value.

Quantity recommended for <u>retention as public archives</u>	12 lm (17.64%)
Quantity to be kept at the Department for 50 years*	33 lm (48.53%)
Quantity recommended for <u>destruction</u>	23 lm (33.83%)

*Note: After 50 years these records will be reappraised in cooperation with Archives New Zealand

Class Title: **Building Products Certification (previously Accreditation) / Building Certifiers:**
(See Schedule 1, pages 29-36; 84-)

Class Description: Building Product Certification is a system of confirming that propriety building products, systems or methods comply with the Building Code. Prior to Building Act 2004, products were Accredited by Building Industry Authority,

Value: This sequence of file is important in view of the fact that a lot of homes were built and passed on the basis of products and/or methods in compliance with accreditation. We recommend that files pertaining to certification be retained for at least 50 years after the certification has been withdrawn or lapsed.

Recommended for 50 years Departmental retention

- All records relating to building products certification retain value for the ‘durability’ lifetime of a building.

- After 50 years these records will be reappraised in cooperation with Archives New Zealand

- e.g. 87/12/12 Work Tasks – building controls – approved certifiers
 e.g. (no number) Building Certifiers Assessment
 e.g. 87/12/9 Work Tasks – Accreditation
 e.g. 8037 Building Certifiers

<i>Class Title:</i>	Approved or Compliance Documents (includes work on elements of the Building Code) (See Schedule 1, pages 39-50)
<i>Class Description:</i>	<p>Compliance Documents (previously known as Approved Documents) are published by the Department of Building & Housing and provide a means of complying with the clauses of the Building Code, that is, buildings built to the method described in a Compliance Document are automatically deemed to comply with the Code. There are 35 Compliance Documents (and a New Zealand Building Code Handbook). Each document contains step-by-step building methods called 'Acceptable Solutions'. Alternative building methods must meet the performance standards in the Building Code and are known as 'alternative solutions'. A Building Consent Authority then assesses the solution against the Building Code</p> <p>The following codes are used: B1 Structure; B2 Durability; C Fire safety (amalgamation of C1 to C4); C1 Outbreak of fire; C2 Means of escape; C3 Spread of fire; C4 Structural stability during fire; D1 Access routes; D2 Mechanical installations for access; E1 Surface water; E2 External moisture; E3 Internal moisture; F1 Hazardous agents on site; F2 Hazardous building material; F3 Hazardous substances and processes; F4 Safety from falling; F5 Construction and demolition hazard; F6 Lighting for emergency; F7 Warning systems; F8 Signs; G1 Personal Hygiene; G2 Laundering; G3 Food preparation and prevention of contamination; G4 Ventilation; G5 Interior environment; G6 Airborne and impact sound; G7 Natural light; G8 Artificial light; G9 Electricity; G10 Piped services; G11 Gas as an energy source; G12 Water supplies; G13 Foul water; G14 Industrial liquid waste; G15 Solid waste; H1 Energy efficiency</p>
<i>Value:</i>	Since all the work evolved around preparation of Approved (or Compliance) documents files have ongoing value.

Recommended for 50 years Departmental retention

- All Approved or Compliance documents retain value for the 'durability' lifetime of a building.
- After 50 years these records will be reappraised in cooperation with Archives New Zealand

<i>Class Title:</i>	Determinations (see Schedule 1, pages 70-84)
<i>Class Description:</i>	<p>A 'determination' is a binding decision on technical matters of doubt or dispute about compliance with the New Zealand Building Code made by the DBH</p> <p>Each determination is specific to a particular building but can provide guidelines for the interpretation of the New Zealand Building Code and the Approved Documents.</p>

Value: All papers that go towards reaching a Determination have ongoing business and precedent value.

Recommended for 50 years Departmental retention

- All Determinations and associated records retain value for the ‘durability’ lifetime of a building.
- After 50 years these records will be reappraised in cooperation with Archives New Zealand

Class Title: **Joint work with Standards New Zealand & Fire Service Commission**
(See Schedule 1, pages 17-18; 52-54)

Class Description: Work on Standards for Disability sector, emergency lighting, acoustics, fire suppression systems

Value: Creation of Standards is a key responsibility area and developmental work has ongoing business relevance.

Recommended for 50 years Departmental retention

- All records relating to joint work on Standards.
- After 50 years these records will be reappraised in cooperation with Archives New Zealand

e.g. 4006/2 Standards New Zealand – Comments, Committees
 e.g. 4009 Fire alarm committee
 e.g. NZS3604 New Zealand Standard Timber Framed buildings

Class Title: **Territorial Authorities** (See Schedule 1, pages 36-39)

Class Description: Work with all TAs around the country regarding granting building consent and building certification and subsequent audits

Value: These authorities are responsible for translating and applying building standards, so records have ongoing business and legal value, as well as providing evidence of significant relationships.

Recommended for 50 years Departmental retention

- All records relating to work to compliance audits and certifications of buildings in the TA’s territories.
- After 50 years these records will be reappraised in cooperation with Archives New Zealand

e.g. 13/0 : 13/86 Territorial Authorities

Recommended for permanent retention as public archives

All of these records provide evidence of the operation of core organisational functions and how responsibilities have been discharged over time.

- All Legal & Legislation records, including those documenting work on various Building Bills and Acts and certain case files e.g. 7000:7011; 87/10/..
- High level administration/management information such as management meetings, Board member and senior management files, budgets and estimates, policy and establishment unit, speech notes, publication and press releases e.g. 1003, 1004, 1012, 1035, 1038, 1103-, 4200, 1203
- All records on ministerial reporting, particularly to the Minister of Internal Affairs, Ministry of Commerce e.g. 1030, 2023

Recommended for destruction

All low level records that are identified as destruction classes under the current GDA's. For example:

- Low level administrative and operational records such as finance, accommodation, regular staff meetings, computing, telephone contracts, publication contracts, education and training
- Parliamentary questions, Ministerial and OIAs once all legislative and accountability requirements have been met
- Material received from other government departments and agencies, industry and professional groups, including general information and advice
- Material documenting overseas practices particularly material from Australia, Canada and the UK
- Levies and related material

7.3 Files from MOH- Schedule 2

Schedule of files originating from MOH has been annotated with Retention or Destruction decisions and is attached herewith.

Quantity recommended for <u>retention as public archives</u>	17 lm (29%)
Quantity recommended for <u>destruction</u>	41 lm (70.41%)
Quantity recommended for retention within Department for 15 years and then reappraisal with Archives New Zealand's cooperation	1 lm (.59%)

Recommended for retention as public archives

Those records that clearly document the functions and activities of the Ministry, the advice it gave and the operation of its major responsibilities.

- Transition files from 1992 and 2004
- Policies on Human Resources, Communications, Information Technology, Tenancy Services
- CE and general managers – personal files, correspondence, reviews, salaries
- Mediation files from Tenancy Services – standards, fees
- Legal advice to Tenancy services, housing related issues, review of acts and regulations (Residential Tenancy Act), major cases
- Ministry planning, output and reporting and Ministry reviews
- Records of Housing Corporation of NZ monitoring

Recommended for retention in the Department of Housing and Building at least for 15 years and then to be reappraised with cooperation of Archives New Zealand

- Compliance cases (Schedule 2, pages 12-13)

Recommended for destruction

- Routine matters dealing with information and records, travel, correspondence, telecommunications, postage and courier, administration, finance
- Building matters, accommodation, documentation on the refit of premises
- Routine records on computer systems and contracts, systems development where those systems are now redundant

7.4 Housing Policy files from MED - Schedule 3

This policy group worked on reviewing the Building Act 2001 and drafting the Building Act 2004. Since they are records of the creation and operation of policies in the building sector, most records should be retained as archives. A smaller amount has ongoing business but not permanent archival value. The files were in four categories:

Quantity recommended for <u>retention as public archives</u> :	11.2 lm (82.36%)
Quantity to be kept at the Department for 50 years:*	2.2 lm (16.17%)
Quantity recommended for <u>destruction</u>	.2 lm (1.47%)

*Note: After 50 years these records will be reappraised in cooperation with Archives New Zealand

Recommended for retention as public archives

All records dealing with the operation of the housing policy unit, the discharge of its major responsibilities and of its role and function in providing advice and policy input to government and the public.

BD – Business development. These files contain nominations to Boards for different professional bodies and review of board activities, scoping and fees. e.g.

- Registration Boards – Chartered Professional Engineers
- Registration Boards – Occupational Regulations and Architects – Engineering associates

LG – Local government. Records dealing with drafting or changes to legislation. eg

- Building Act 1991 – Disabled access to Buildings
- Building Controls – Building Amendment Act 1992 – 1993

POL – Monitoring & Servicing eg

- BIA – Board monitoring and appointments
- Policy Development. Building legislation access/Egress for people with disabilities

RCP – Regulatory and Competition Policy

- Branch Administration – monitoring of Crown entities and industry bodies

Recommended for 50 years Departmental retention

Files containing Official Information Requests and answers. These are all on weather tightness issues in 2002 and are needed by the relevant section of the Department. After 50 years these records will be reappraised in cooperation with Archives New Zealand

- RCP/10/1/3/1/1 vols.1 to 77

Recommended for destruction

Very few files containing printed material on building subjects from overseas jurisdictions

- POL 4680

8. Access Recommendations

[have been removed]

9. Transfer Arrangements

[have been removed]

For the Ad Hoc Appraisal

Refer to the annotated list accompanying this report for specific recommendations:

- Records recommended for transfer to Archives New Zealand are marked 'A'.
- Records recommended for destruction are marked 'D'.
- Records may be destroyed at any point once the minimum retention periods have passed. Records do not have to be destroyed; the agency may keep them for longer if still required.

This ad hoc authority is valid for a period of 5 years from date of signing, unless previously agreed with the Chief Archivist.

- Records must be kept for the minimum period specified.
- Records may be destroyed at any point once the minimum retention periods have passed. Records do not have to be destroyed; the agency may keep them for longer if required.
- A separate deferred deposit agreement will be required to cover records over 25 years old

This authority is valid for a period of 10 years from date of signing, unless previously agreed with the Chief Archivist.

Contact Details

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