

The New Zealand LIFT FAX

The New Zealand Lift Fax is produced bi-monthly for the NZ lift industry. Just send your email address to LEC to subscribe.

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WHAT'S GOING UP or DOWN THIS MONTH:

LIFT 2004 - Fiera Milano 17th to 20th November:

For those who need a boost before Xmas, here is your last opportunity to catch up with the latest European lift manufacturers and industry products. Milan in the heart of Europe will attract a wide range of products from around Europe with the latest technologies on offer. Open from 9:30am to 6pm over 4 days, will enable you ample time to sit through exhibitions, meet the suppliers, and talk to others from all points of the globe who live and breathe lifts. www.fmi.it/Lift

OTIS IN CHINA:

[ELENET 346 Article](#)

Otis World President Ari Bousbib recently interviewed with "AsiaToday" about Otis' presence in the rapidly developing construction section of China. He noted that at the current rate of development, China should need 5 to 15 million elevators over the next 25 years.

To address needs today, Otis introduced a touchless unit for the country in light of Severe Acute Respiratory Syndrome (SARS) fears. Bousbib added that he makes five to six trips a year to China. Most of the construction is due to China's urbanisation program which has a rate of 38% compared to 28% 10 years ago. In the past three years, Otis has formed three joint ventures in China and has built factories, up to seven

EDITORIAL.

WELCOME TO THE BUILDING ACT 2004:

From 30th November 2004 the Building Industry will be governed by new legislation, **the Building Act 2004**. The 1991 Act will remain in force until the 31st of March 2005, so that any Consent's issues after that will be subject to the 2004 Act. An implementation period up to 2009 allows for the Building Code to be updated. Responsibility for administration of the Act will be handed over on the 30th of Nov. when the present BIA becomes defunct. The new **Department of Building and Housing**, overseen by its newly appointed charismatic Minister John Tamahere takes over. Some might consider this a clean sweep.

As John rightly puts it, "***This Act is about all New Zealanders feeling safe about the houses and buildings they live and work in***".

Does the 80/20 rule apply? 80% about feeling safe, and 20% about being constructive toward achieving it. From my experiences in the building industry, the quality of the final product is about pride in ones skill, security through ones labour, and self-respect espousing respect for those we work for. None of this comes from expanding bureaucracies and legislating feel good scratch my back solutions that dominate this new piece of legislation. Responsibility comes as a choice from within the individual, and at present our society still believes wanton legislation engenders it. Much like war brings a final solution, or speed tickets make roads safe.

The Cynic.

currently manufacturing for the China market. The Otis president also remarked that the demand for machine-room-less units is growing and could reach two-thirds of the world market by the end of 2010.

SPACE ELEVATOR CONTEST:

[ELENET 346 Article](#)

"Elevator: 2010" announced an annual competition set up for space elevator technologies, sponsored by the California-based Spaceward Foundation.

The first competition will center around the climber prototypes, the second, around ribbon materials (nano technology) and the third, the construction of power-beaming stations. The promoters plan to offer substantial monetary rewards much like the US\$10-million Ansari X prize for private manned spacecraft.

KONE PREPARES TO DIVIDE INTO TWO CORPORATIONS:

The board of directors of KONE Corp. has decided to begin preparations for the division of the company into two separate corporations. One company would consist of the present Elevators & Escalators division and retain the name KONE Corp. The other would be Kone Cargotec Corp.

[ELENET 345 Article](#)

BYE BYE BUILDING CERTIFIERS: BUILDING ACT 2004 COMMENT

With the repeal of the Building Act 1991 that comes into effect on the 31st of March 2005, there is no recognition of Building Certifiers as such in the 2004 Act. The Government has fulfilled its desire to ensure its new administering position of the industry, by enabling it to re- vet all those independent certifiers previously assessed, reviewed, appointed and audited under the Building Industry Authority since 1993.

The old BIA worked with people to evolve a better building environment. Sure its resources were very limited and processes could have evolved much quicker with more funding similar to that now being poured into expanding the new Building bureaucracy, but evolution doesn't take a day, or 13 years for that matter.

This move back to centralism and excessive bureaucratic input and power over the building industry I believe is a regressive move.

Over the past 11 years only some 28 or so highly experienced building certifiers have taken up the challenge to offer their services in competition to the monolithic Territorial Authorities. They have taken the brunt of castigation by council officers, and have tried to build their businesses, only to have their integrity and livelihood put on hold for three months on a whim, while the new interim BIA up-skill themselves on the well established vagaries of the BIA insurance scheme.

It has just been announced that (ABC) Approved Building Certifiers have just been deregistered following a formal finding of negligence and incompetence in its operation by the interim BIA. This resulted following complaints received against ABC from Waitakere and North Shore City Councils. The pot inferring the kettle was black.

The negligence was deemed to be in the following areas:-

- Issuing code compliance certificates and interim code compliance certificates for buildings, without having the authority to conduct inspections relating to these.
- Inadequate record keeping and irregularities relating to the signature of inspection-related documents.
- Faulty inspections on which code compliance certificates were issued.
- Inspecting building work that had not received a consent.

- A failure to address management issues within the company.

All I can say is thank god they couldn't de-register their competitors the Territorial Authorities for similar misdemeanours! Although as a cynic, maybe this was the reasoning behind the singular BCA's, it justifies the crony's prediction to sort the wheat from the chaff, by requiring accreditation and controlling re-registration.

The new Act does still allow for independent certifiers, only they will be lumped in with TA's and known as BCA's, or **Building Consent Authorities**.

Interestingly the rules and regulations for the accreditation and registration of BCA's are currently in development, and it is expected that these will be in place so that applications to become BCA's could be processed by mid-late 2005. In the mean time I presume well oiled Polytech's and accreditation organisations are gearing up to churn out well dressed academics for a price, to fill the role of elite BCA officers.

In the meantime, as I contemplate where I stand from the end of March 2005 while the rules are being prepared, maybe I should be more concerned about whether or not the requirements set by the new regime will now be too over the top to bother. Especially for a non-accredited trade based individual of only 37 years experience in this facet of the building industry.

It is not overly clear how those few of us who are individual feature certifiers such as D2, who used the specific feature Form 7 Building Certificate as a means of feature compliance, fit into the new process as the term isn't recognised in the **section 7 - Interpretations**.

All will be made clear I expect over the coming years as these subtleties come into play. I'm sure there is a section that I have overlooked that makes it all clear. I close with these inspiring words from John Ryan the present BIA chief executive.

The BIA is prepared to work with certifiers to facilitate closer working relationships with TA's. Of course if some certifiers chose not to continue in business then the BIA would like to work with the certifier to assist in an orderly process for the transfer of files to TA's.
see: www.builders.govt.nz. **Building Certifier No.5**

CABLE CARS:

BUILDING ACT 2004 COMMENT

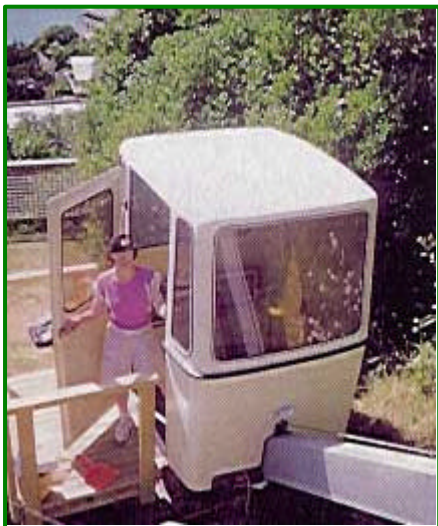
It looks like all Mark Galvin of Access Automation Ltd's good work in promoting recognition of the overlooked cable car has achieved a result under the new Building Act 2004. www.accessauto.co.nz

An interpretation in **section 7** of the new Act now states:-
Cable car -

- (a) means a vehicle-
 - (i) that carries people or goods on or along an inclined plane or a suspended cable; and
 - (ii) that operates wholly or partly outside of a building; and
 - (iii) the traction of which is supplied by a cable or other means; but
- (b) does not include a lift that carries people or goods between the floors of a building.

The Act also specifically requires the need for a consent to be installed, an inspection process and compliance schedule under **section 100** that states:-

- (1) A compliance schedule is required for a building (including a building used wholly or partly as a single household unit if the building-
 - (a) has a cable car attached to it.
 - (b) Is serviced by a cable car.



The new Act no longer calls old clause 44 building compliance schedule features (a) to (l) as features, but has allocated the new term **specified systems** to them. It also does not detail them in the compliance

schedule section 100 of the new Act, instead I presume, they will be detailed in the Building Code once reviewed, and before March 31st when the present Act is repealed. So now if I read correctly, the cable car is the only building *specified system* requiring a compliance schedule in a single or private dwelling. Interestingly, passenger lifts didn't require a compliance schedule in a single dwelling unit.

WHY THE NEW BUILDING ACT 2004 ANNOYS ME:

BUILDING ACT 2004 COMMENT

There has been a lot of time spent in this process and one would hope those involved would get it right. I admit I have only had a brief look through as yet, but it seems there is not a lot of change to the everyday user.



Building Act 2004

Public Act 2004 No 72
Date of assent 24 August 2004

Maybe there is more opportunity for a continuing of the evolution of the Act as far as TA's are concerned, by having their responsibilities more specifically detailed under it. Although it still seems to want the TA to focus on site inspections rather than competent administration of the process, when the industry is quite able to provide responsible accountable inspection if encouraged, which has been a weakness under the 1991 Act.

Yes it is much more verbose, yes it tidies up some processes, and yes the bureaucrats and politicians are happy, but is it any more efficient to those who use it? From my point of view no.

A bureaucrat is an expert at bureaucracy, and not building, and these changes reflect good example of their confusion. It has taken some 13 years to get us to here under the 1991 Act, and now it seems every bit of terminology and acronym has been changed to look different but achieve little difference. Is the result clarity? No, just more confusion!

From my experience, bureaucrats love voluminous prescriptive tomes. This means a high scrutiny is warranted of this now verbose document to find the subtle changes amongst the rampant prescription

This new Act seems to have been written for those who didn't take the time to understand the original. Millions of dollars have been spent, thousands of hours of people associated with the building industries time has been wasted, to create an interpretation of pretty well the same thing. Three paces back, maybe one forward.

We start again

BARRIER FREE REFRESHER 2004: BUILDING ACT 2004 COMMENT

Other than for four hours of my day wishing I had brought my latest book due to delayed flights at both Christchurch and Wellington airports; "who needs a book on a 30 minute flight over the snow covered South Island," I in fact had a very relaxing and interesting day.



The seminar put on by the Barrier Free NZ Trust was a refresher and a good chance to catch up with Alexia Pickering - *Access Options*, and

Rosemary Killip - *Building Networks* (now Ms Hazelwood) presenting the refresher.

The seminar was open to Barrier Free advisors and to LEC because I had previously completed the 2-day seminar some years back. It was an opportunity for discussion and also for Rosemary and Architect Ron Pynenburg - *Pynenburg & Collins Ltd*, to give us a barrier free update on the new Building Act 2004.

For the lift industry, this is all about the old section 47A (now Schedule 2) defining accessible buildings for the disabled community, and section 117 thru 120, defining the provisions, compliance documents and disabled access signage requirements for the building.

The removal from the new Act of seemingly all definition relating to an *Alternative Solution* enabling innovation, can only be seen as a deliberate intent to continue the confusion of the status of NZS 4121 as the only solution. Although possibly with good intent, the uninformed desire to see it as the only means of mechanical access for disabled persons, in fact does the opposite, and discourages suitable cost effective access solutions. Admittedly the new Acts section 3 still defines the performance purposes of the Act, the Building Code still retains the performance requirements, and the new section 18 still confirms that *Building work is not required to achieve performance criteria additional to or more restrictive than the Building Code*.

But then most will look at section 19 thru 21 to see how to establish compliance, and the same situation exists as in the 1991 Act, only probably with additional emphasis on conformance to stagnant past prescribed solutions.

The addition of the power of the Government to specify single solutions where it deems them necessary in section 20, seems to only give political power to vested interests who seem to prefer either the ease of interpreting only singular prescribed solutions or controlling the market. Once again leaning back to restrictive centralised governance, rather than engendering a partnership of responsible decision making and building practice in an innovative industry. Although the seminar was mainly focused on specific disabled access issues, the discussions regarding the new Act with participants seemed to agree that this restructuring of the Act would mainly result in further confusion and higher overheads for minimal difference at the work-face.

Remembering the 1991 Act was about efficiently governing the building industry, not about being the prescriber of all solutions. One wonders if 13 years of Rosemary's and many others seminars, instigated to gradually achieve understanding and consensus on best practice, will be undermined by this Act, having to start again under this new regime.

One consideration I gave to the Barrier Free group was that their focus should not be only on the solutions, but on widening access to all those disabled. This means recognising that all buildings with levels above ground are an obstacle to a disabled person, and so D1 should reflect this by removing D1.3.4 (c) and encouraging a means of mechanical access for all non-accessible levels of a building.



The coming together of past attendees was only one part of this seminar, the main aim was to expose new disabled inductees to the experiences gained over the interim years as preparation for their course in becoming future Disabled Access auditors.

The Trust recognises the relevance of having auditors and advisors that don't need to learn and understand the access obstacles in our society, because they live them every day. Their focus is therefore on solutions and understanding the Building Act as the vehicle to providing **transparent disabled access**. www.barrierfreenz.org.nz