



Temporary Works  
forum NZ

Promoting best practice in  
the construction industry.



24 January 2025

Hon Christopher Penk and Brooke Van Velden

Minister of Building and Construction and Minister of Workplace Relations and Safety

By email only: [Christopher.Penk@parliament.govt.nz](mailto:Christopher.Penk@parliament.govt.nz) and [Brooke.VanVelden@parliament.govt.nz](mailto:Brooke.VanVelden@parliament.govt.nz)

Kia Ora Ministers,

## **ENGINEERING CONTROLS IN CONSTRUCTION (TEMPORARY WORKS): PREVENTING MAJOR CONSTRUCTION EVENTS BEFORE THEY HAPPEN**

**On behalf of the Temporary Works Forum NZ**, a group within Engineering New Zealand promoting best practices and safety in the design and management of temporary works in construction, we wish to meet with you to discuss an urgent concern regarding the current framework surrounding temporary works, particularly in relation to the Health and Safety at Work Act (HSWA) and the Building Code. The following examples illustrate the current issues and discrepancies with temporary works in New Zealand:

### **Notable Recent Incidents that Highlight the Lack of Guidance and Discrepancies with Regards to Temporary Works:**

- **Auckland construction site's block wall collapse:** ['Someone could have died': Calls for change after Auckland construction site's block walls collapse – NZ Herald](#)
- **Ministry of Foreign Affairs building site damage in Wellington:** [Ministry of Foreign Affairs building site damaged in strong winds in Wellington | RNZ News](#)
- **Scaffolding collapses onto Auckland Road, hitting car:** [Watch: Scaffolding collapses onto Auckland road, hitting car | Stuff](#)
- **Worker fell at least six floors to his death at Auckland construction site:** [Worker fell at least six floors to his death at Auckland construction site | Stuff](#)

### **Major Examples Resulting in Enforceable Undertakings from WorkSafe:**

- **May 2016 – Fletcher Construction:** [WorkSafe accepts enforceable undertaking from Fletcher Construction | WorkSafe](#)
- **February 2017 – Auckland's Panmure Bridge:** [WorkSafe accepts enforceable undertaking from Opus International Consultants Limited | WorkSafe](#)

While these undertakings are documented, the lessons and actions arising from them are not widely known outside of Tier 1 contractors, and there are major discrepancies due to a lack of clarity around legal requirements and design standards.

### **Key Concerns and Impacts:**

1. **Ambiguity in Compliance:** Lack of clear pathways for temporary works compliance under HSWA and the Building Code, leading to inconsistent practices.
2. **Safety Risks:** Absence of unified safety standards for temporary structures raises risks on construction sites, especially in adverse conditions.

3. **Increased Costs:** Dual compliance requirements lead to costly conservatism in design, while the lack of guidance risks unsafe, unconservative practices.
4. **Industry Inefficiency:** Varying interpretations of codes create inefficiencies, uncertainty, and financial and legal risks for projects.
5. **Reactive Safety Improvements:** Industry remains dependent on addressing safety through incident-driven changes rather than proactive regulation.

### **Our Call to Action:**

Currently, the requirements for temporary works are unclear, creating risks for both safety and compliance. While we seek guidance and support from government in the form of resources and advice, we strongly believe that any changes to the framework should be driven by industry. We are committed to leading this process but require the government's partnership to ensure safety, consistency, and clarity in the regulatory environment.

To this end, we urge your Ministries to support industry to provide the following:

1. **Clear Guidelines:** Collaborate with industry stakeholders to establish comprehensive guidelines that align the HSWA and the Building Code for temporary works, ensuring consistent safety practices and compliance.
2. **Standardized Interpretation:** Help foster a consistent approach to the interpretation of codes and compliance requirements, reducing discrepancies and enhancing safety across the sector.
3. **Supportive Resources:** Work alongside industry groups to develop resources and training programs that assist contractors in navigating the evolving regulatory landscape surrounding temporary works.

By driving this process from within the industry, with your support, we can create a more robust framework that reduces risks, enhances safety, and ensures that construction projects are delivered more effectively. To facilitate a constructive discussion, we would like to invite you to visit a construction site where temporary works are actively being used. This will offer firsthand insight into the challenges faced by industry professionals and help inform solutions to improve safety, compliance, and clarity.

We look forward to your response and the opportunity to meet on-site to discuss these important matters further.

Thank you for considering our request.

Nga Mihi,



**Mark Hedley** - BE(Civil), CPEng, FEngNZ, IntPE

Temporary Works Forum NZ– Chair



**David Lyes** - BE(Hons-Civil), CPEng (Structural), CMEngNZ

Temporary Works Forum NZ– Treasurer