

## **Fact Sheet: Southland Museum and Art Gallery to close**

### **Relationship between Southland Museum and Art Gallery Trust Board and the Invercargill City Council:**

- The Southland Museum and Art Gallery Trust Board owns the Museum buildings and the collection within.
- In 2004 the Southland Museum and Art Gallery Trust Board entered into a contract with the Invercargill City Council to manage the Museum on its behalf.
- The Invercargill City Council Chief Executive is ultimately accountable for staff at the Museum and the iSite, which is based there.

### **Seismic assessments:**

- The 2013 seismic assessment was undertaken by Opus International Consultants. The report described the Museum as consisting of three older buildings which are enclosed by a fourth building, the pyramid. The assessment found the seismic ratings of all four of the buildings were less than 34 per cent of the New Building Standard.
- With the introduction of new health and safety legislation and amendment of the Building Act in regard to earthquake-prone buildings, the Trust Board requested a peer review of the original seismic assessment.
- This was undertaken by structural engineer Win Clark, an advisor to Heritage New Zealand. His review determined the original assessment was fair, and concluded the Museum buildings were probably “earthquake-prone”.

### **New Building Standards, the Building Act, and Earthquake Prone:**

- While the Museum buildings have received a seismic assessment of less than 34 per cent of the New Building Standard, that does not mean they are automatically assessed as “earthquake prone”.
- The determination of a building as “earthquake prone” must be undertaken by a territorial authority, and in this case is likely to be considered by Council staff by 2020.
- The process for identification of a building as “earthquake prone” is likely to be that staff assesses the engineer’s report against a check list to determine if the building is earthquake prone, however Council has not yet delegated this authority to a staff member, and the Government is still providing guidance and updates to check lists. This means Council is not yet able to classify a building as earthquake-prone.
- Nonetheless, Council seeks to role-model appropriate behaviours as a responsible organisation, and will not hide behind this technicality.
- In 2017, Invercargill City was identified as a “medium risk” seismic area. This means building owners will have 12.5 years to fix or demolish their building after receiving a notice from Council that it is earthquake-prone.

### **Health and Safety**

- The Chief Executive of Invercargill City Council must provide a safe workplace under the Health and Safety at Work Act 2015. Legal commentators have observed that if serious harm resulted from an earthquake, and the Chief Executive had not taken all practicable steps to ensure the safety of employees or people in or near the building, the Chief Executive could face enforcement under the Act.