

TRADE LEADER.

THIS ISSUE

CARTERS gets SiteWise

- Be aware of blindspots on-site
- Who's responsible for repairs on your rental?
- Are you getting the best from ACC?
- What to do when a customer complains
- The growth of women in construction

NEW ZEALAND MADE ECOPLY® FLOORING



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In the frame

BY MIKE GUY, CARTERS CHIEF EXECUTIVE

Health and safety is, and has always been, a strong component of the material we feature in CARTERS Trade Leader every month.

The importance of remaining safe on-site, or in any area of construction and its sub-trades, is of vital importance to ensure everyone involved in our industry is protected from any harm that may come from some of the work that we all conduct.

It's important to us at CARTERS that we take as much responsibility for safety as any of our contractors or suppliers, which is why we have taken the lead and have become involved with Site Safe New Zealand's SiteWise programme.

SiteWise came into force after the Christchurch earthquake and is designed to provide a health and safety 'warrant-of-fitness' for a business, allowing others to see how that particular business meets its health and safety requirements.

The result is that business decisions can be made on the information provided, speeding up the onboarding process and, ultimately, creating a much higher safety benchmark.

Not only are we, as a nationwide organisation, undertaking a SiteWise

assessment, but we are also approaching all our major contractors to urge them to do the same, which allows a consistent approach to safety across the construction spectrum, and that's got to be good for you, our customers and yours.

To read more about SiteWise, and CARTERS commitment to it, check out our article starting on page 10.

In addition to our regular range of content in this issue, we also dig further into the responsibilities of landlords, or those of you owning residential rental properties, looking at conducting inspections and revealing who is responsible for repairs and damage.

Find out more, starting on page 18.



MIKE GUY
CARTERS Chief Executive

CARTERS
Your **Building** Partner

TRADE LEADER.

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APRIL TRADE OFFERS.
INSIDE THIS ISSUE

HardieKnife™

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10.

7. NEWS

News from around the construction industry and related areas of business.

10. HEALTH & SAFETY

CARTERS TAKES LEAD WITH SITEWISE

The SiteWise prequalification system is being adopted by CARTERS throughout New Zealand as part of a drive to ensure their contractors are meeting their health and safety requirements within construction and other related sectors.

12. HEALTH & SAFETY

BLIND SPOTS

One of the big safety challenges for those who operate construction equipment, or work around it, is maintaining constant awareness of the blind spots of this equipment. On a busy construction site, it's possible to easily wander close enough to a machine to be struck.

17. BUSINESS

KIWISAVER FOR EMPLOYERS

KiwiSaver is proving to be a great scheme for getting Kiwis to save. After a decade, we're already saving billions collectively. The success of the scheme lies in making saving automatic, with contributions paid by employers on behalf of their employees via PAYE.

18. PROPERTY

CONDUCTING INSPECTIONS, AND DAMAGE AND REPAIRS

In part two of our ongoing series for landlords and those who own residential rental properties, this month we look at conducting property inspections and responsibilities around damage and repairs.

21. INSURANCE

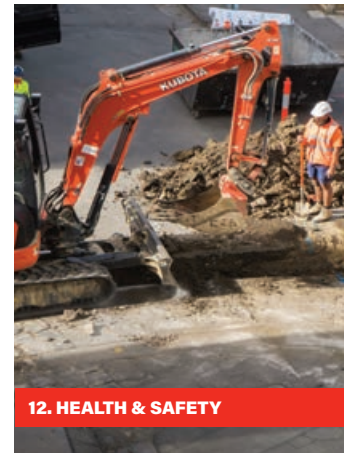
GETTING THE BEST FROM ACC

The ACC scheme only covers injury from accident, but does not cover illness. It also covers mental injuries that stem from a physical injury, as well as injuries that might arise from getting treatment.

22. ECONOMICS

HIGH BUILDING LEVELS ARE NOT THE NORM

Following a multi-year increase in building activity, many may consider the current high level the new norm. However, using recent experience to shape expectations about the future can be dangerous when it comes to assessing prospects for residential building.



12. HEALTH & SAFETY



27. EDUCATION

24. LEGAL

DEALING WITH CUSTOMER COMPLAINTS

All builders and contractors like to have happy customers but sometimes customers complain. This month, we explore the types of complaints that can be brought against builders and contractors and how one could deal with them in the most effective manner.

27. EDUCATION

WOMEN IN CONSTRUCTION

Research shows female trade apprentices are loving their career choice, but few considered a career in building or construction while they were at school. BCITO wants to attract more women to the industry, especially as the construction industry is crying out for workers.

29. APPRENTICE OF THE YEAR

ENTRIES FOR 2018 DUE TO OPEN

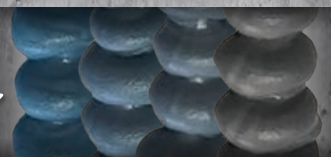
Entries for this year's Registered Master Builders CARTERS 2018 Apprentice of the Year open on April 9th, but for last year's winner, he's already looking back over a competition that he said culminated in an amazing moment.



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SIMPSON
Strong-Tie

Minimum wage rises on April 1st.

FROM APRIL 1ST THIS YEAR, THE MINIMUM WAGE ROSE FROM \$15.75 TO \$16.50 PER HOUR. HERE'S WHAT YOU'LL NEED TO KNOW FOR YOUR BUSINESS.

Minimum wage rises

When: 1 April 2018

What: The new minimum wage rates are:

- Adult — \$16.50 an hour
- Starting-out — \$13.20 an hour (up from \$12.60)
- Training — \$13.20 an hour (up from \$12.60)

Starting-out and training minimum wages are 80% of the adult minimum wage. Read our page on minimum pay rules for a summary of who can earn the different rates.

Why: Government must by law review the minimum wage rates every year.

What you'll need to do: You and your staff can agree to any wage above the minimum rate. If your employment agreements are a few years old, you can use this as a chance to update them using the easy-to-use tool, the Employment Agreement Builder on the business.govt.nz website (<https://eab.business.govt.nz/employmentagreementbuilder/startscreen/>). Note that it is a legal requirement to have a written employment agreement with all your staff.

Read the business.govt.nz page (<https://www.business.govt.nz/hiring-and-managing/deciding-to-hire/checking-the-cost-of-an-employee/>) on checking the cost of an employee to get an idea of how much the increase will cost your business. You can also use the calculator to estimate costs of hiring a new employee.

TIP:

If you pay staff minimum wages, recalculate your budget for the rest of the year — you'll be paying out more in wages.

Research shows health and safety training pays off

THE GOVERNMENT'S LATEST WORKPLACE HEALTH AND SAFETY ATTITUDES AND BEHAVIOURS SURVEY HAS CONFIRMED STRONG LINKS BETWEEN RECENT HEALTH AND SAFETY TRAINING AND THE WAY PEOPLE ACT AND FEEL AT WORK.



The survey, which was commissioned by the government's health and safety watchdog, WorkSafe, canvassed thousands of Kiwi workers and employers in high-risk industries, asking them about their experiences of workplace health and safety.

The survey found that workers who had received health and safety training in the last 12 months were more likely to feel confident in knowing how to report injuries, accidents and near misses, and to say action was taken if a new hazard was noticed.

Chief Executive of health and safety not-for-profit Site Safe, Alison Molloy, said the survey made it clear that investing in your workers made good business sense.

"People are the biggest asset in any business. And when it comes to health and safety, investing in your people can save lives.

"Health and safety training not only builds skills, confidence and empowers workers to speak up, it also contributes to a happier, safer and more productive workplace.

"The business case for health and safety training is clear – not only does training prevent injuries and accidents, it demonstrates that you care for your people and want to keep them safe. This equates to real benefits for your business."

They were also more likely to feel they made a difference to health and safety at their workplace and to feel their boss would support them in speaking up or stopping work if the job was unsafe.

Less encouragingly, three out of ten employers said none of their workers had ever had any health and safety training

Under current health and safety legislation, employers do not have to provide health and safety training but are required to engage with their workers on health and safety, and to give workers the opportunity to contribute to improving health and safety.

Ms Molloy said more could be done to make training a clear priority for employers, particularly those in high-risk industries.

"This research proves that not only does health and safety training help keep people safe, it also improves the way people feel about their workplace and their employer."

For more information on Site Safe's training courses, go to www.sitesafe.org.nz

To read the full survey, go to WorkSafe's website www.worksafe.govt.nz

Construction sector warned not to risk unlawful immigration advice

DOES YOUR BUSINESS KNOW THE RULES AROUND IMMIGRATION ADVICE FOR OVERSEAS WORKERS?

Immigration Advisers Authority (IAA) Registrar Catherine Albiston says it costs businesses time and money to hire tradespeople from overseas, a challenge made even harder if the wrong immigration advice is given and visa applications get declined.

Only a licensed or exempt immigration adviser can give immigration advice to migrants wanting to work in New Zealand.

Employers, recruiters and HR advisers can't provide New Zealand

immigration advice without a licence. They can only provide very basic assistance, such as sharing Immigration New Zealand's forms and website, and putting workers in touch with a licensed immigration adviser or exempt person.

New Zealand immigration advice includes advising a person on visa options or how best to fill out an application form. Exempt people include current New Zealand lawyers and Immigration New Zealand staff.

If a worker is unsure where to go for New Zealand immigration advice, visa information is available on Immigration New Zealand's website or they could search the IAA's free register of licensed advisers.

The IAA have also produced a simple guide about licensed immigration advisers in Samoan, Tongan, Simplified Chinese, Korean, Punjabi, Hindu and English, which can be downloaded from the IAA's website.

If there is any doubt, people in the construction industry can go to the IAA for more information at www.iaa.govt.nz.



Construction gets safer

FEWER TRADIES ARE BEING KILLED OR SERIOUSLY INJURED AT WORK, NEW RESEARCH HAS FOUND.

The government's Towards 2020 report into New Zealand's workplace death and injury rates shows the fatality rate in the construction industry has more than halved since 2011 and is now lower than the national rate.

Of the five sectors tracked by government health and safety watchdog WorkSafe, construction recorded the lowest fatality rate in 2016.

Chief Executive for not-for-profit health and safety organisation Site Safe, Alison Molloy, said the results reflected the industry's ongoing commitment to improving health and safety.

"It's heartening to see all the hard work by New Zealand businesses, workers, industry organisations and government paying off.

"In 2011, for every 100,000 workers, an average of almost seven construction workers were being killed each year.

By 2016, that number was at just under two workers."

The work-related fatality rate for construction in 2016 was 1.9 per 100,000 fulltime workers, compared to the national average of 2.1.

The report found serious injury rates in the industry are also improving, with rates steadily declining since 2013.

Ms Molloy says the improvement shows behaviours across the industry are starting to change, with many businesses and workers no longer tolerating the old "she'll be right" attitude.

"Employers – both big and small – and workers on the ground are really standing up and taking responsibility for health and safety.

"Site Safe is proud to be contributing to that change, and proud to be helping our industry as it continues to improve.

"However, there is still more work to be done and we can't afford to be complacent – two deaths is still two too many."



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CARTERS leading the way with SiteWise

The SiteWise prequalification system is being adopted by CARTERS throughout New Zealand as part of a drive to ensure their contractors are meeting their health and safety requirements within construction and other related sectors.

Initiated after the Christchurch earthquake, the SiteWise system was designed to meet the needs of contractors who wanted a faster process for tendering, especially in relation to health and safety systems and capability. Developed and managed by Site Safe New Zealand, SiteWise grades a contractor's health and safety capability and publishes that grade in a database that can be viewed by main contractors and principal organisations. These organisations can then use that SiteWise grading to make better-informed decisions about contractors, which then makes the tendering process simpler, more efficient and, effectively, much safer for everyone involved.

Bronwen Wills, CARTERS National Health and Safety Manager, says the company has started to use SiteWise for all its national contractors and plans to have as many as 300

contractors from across New Zealand signed up to the scheme by the end of June.

"We see SiteWise as a real asset and a wise investment for our business. It's a way of meeting our obligations to engage with our contractors and ensure they are meeting their health and safety requirements," she says.

"The assessment is completed by SiteWise, so we will be reviewing all our contractors and asking them to join SiteWise.

"CARTERS will also be undertaking the SiteWise assessment in order to reassure our customers that we have a robust health and safety system across our business nationwide." Nigel Palmer, the SiteWise Manager for Site Safe New Zealand, says SiteWise is a very good option for companies wanting to outsource the prequalification stage of their contractor management process

because of its functionality, ease of use and cost effectiveness.

"A growing number of principal companies like CARTERS are making the decision to use SiteWise to help their health and safety teams through the initial stage of carrying out due diligence on contractors they engage so they can focus their resources more towards onsite health and safety activity and doing everything they can to ensure their workers go home safe"

How does SiteWise work?

By completing the SiteWise assessment, the usually complex process of evaluating a tendering contractor's health and safety practices can be vastly sped up because it has already been completed. This saves money and time for both the principals and the contractors alike.

Businesses (contractors or subcontractors) wishing to be considered for tenders complete a 12-question assessment on their health and safety systems. The assessment is evidence-based and includes information on:

- Health and safety accreditation programs
- Site Specific Safety Plans or health and safety policies and procedures
- Safety meetings or briefings
- Accident/incident reporting and investigation
- Hazard and Risk Management
- Training
- Employee and subcontractor engagement
- Hazardous substances management
- Monitoring and performance.

The questionnaires are assessed by Site Safe's qualified health and safety professionals and a detailed report is provided privately to the contractor, along with suggestions for improvement if required.

Gradings are displayed as red, orange or green, with a green rating meaning a score of 75% or above has been achieved on the annual assessment.



0 - 49%

50 - 74%

75 - 100%

Getting to a green rating means:

- You have demonstrated that you have quality health and safety systems in place.
- You'll be viewed as a green business in the database that is visible to all principal organisations using SiteWise as a prequalification tool.
- In addition to your assessment report you'll also receive an electronic certificate detailing your green grading for you to display in your business.
- You'll also receive an electronic SiteWise green certificate, with a date stamp that you can use on your promotional material such as email signatures or tender documents.

Benefits Of Sitewise Prequalification:

FOR MAIN CONTRACTORS/ PRINCIPALS

- View all tendering contractor prequalification results in one place.
- Create shortlists based on health and safety assessment results.
- View contractor health and safety performance across different worksites.
- Streamline your tendering process.
- Access insurance information (including public liability insurance) for those subcontractors who have uploaded it.
- As a new benefit, the database can

be used as a resource for finding new contractors you may not have used before.

FOR SUBCONTRACTORS

- Obtain a snapshot of your health and safety systems performance.
- Save time by creating just the one health and safety document for tendering.
- Receive feedback from professional health and safety assessors.
- Like a warrant of fitness or WOF, SiteWise acts as a framework for improving health and safety performance.

For more information, or to sign up, go to www.sitewise.co.nz

DO YOU WORK ON A CIVIL SITE OR AROUND HEAVY MACHINERY? THESE IMAGES SHOW SOME OF THE BLIND SPOTS FOR OPERATORS OF TYPICAL CONSTRUCTION EQUIPMENT AND MACHINERY YOU MAY COME ACROSS ON SITE. REMEMBER THAT LIMITED VISIBILITY APPLIES TO BOTH THE FRONT AND BACK OF PLANT.

IMAGE CREDIT: WORKSAFE NZ

Stay aware of blind spots

One of the big safety challenges for those who operate construction equipment, or work around it, is maintaining constant awareness of the blind spots of this equipment. For many types of machinery, these unseen areas can be quite large. On a busy construction site, it's possible to easily wander close enough to a machine to be struck.

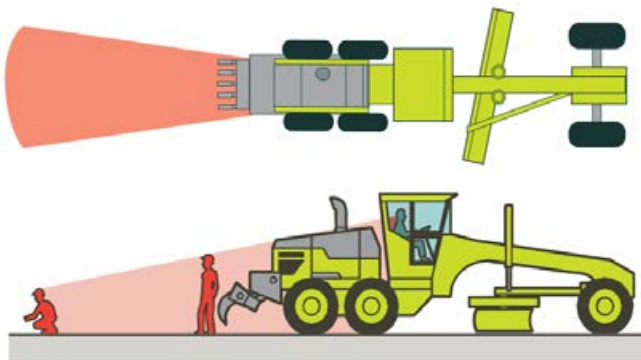
WHAT IS CONSTRUCTION EQUIPMENT?

Construction equipment can range from trucks, forklifts and mobile

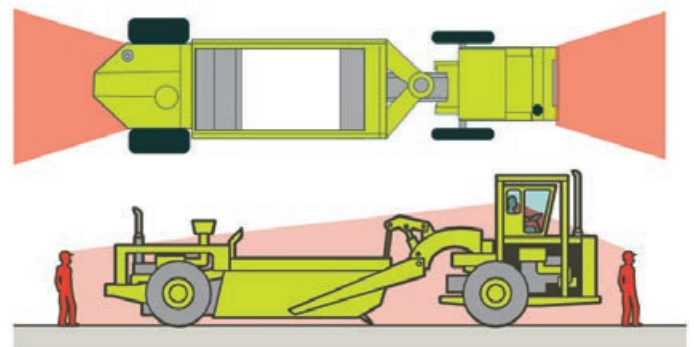
cranes through to all manner of earthmoving machinery such as excavators, loaders, bulldozers, skid steer loaders and graders.

This equipment should be operated by a licensed, competent operator in the manner in which it was designed for use.

Do you work on a civil site or around heavy machinery? These images show some of the blind spots for operators of typical construction equipment and machinery you may come across on site. Remember that limited visibility applies to both the front and back of plant.



Grader



Tractor Scraper



EXCLUSION ZONES AND SPOTTERS

Exclusion zones and separating workers from mobile plant should be the first option for managing risk. If exclusion is not possible, use spotters to control operations when workers are in the immediate area. A spotter should be in constant contact with the mobile plant operator.

BLIND SPOTS

Operators of construction equipment or machinery used on-site can often have severely restricted visibility of ground workers or nearby pedestrians, particularly when they are close to the equipment.

To alert workers to the dangers or nearby equipment, warning devices should be fitted, such as a reversing alarm or a revolving light. They can also be fitted with reversing cameras to provide extra visibility for the operators.

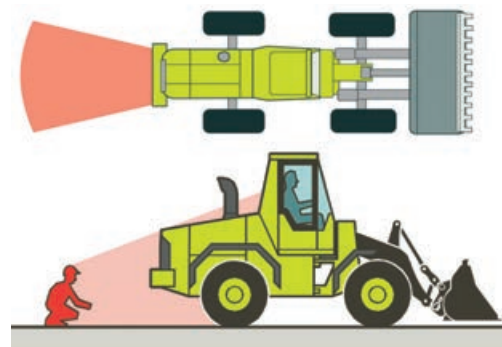
Establish an effective system of communication based on two-way acknowledgement between mobile plant operators and ground workers

before work starts. Train relevant workers in the procedures before they start work. The system should stop ground workers from approaching mobile plant until the operator has agreed to their request to approach. Similarly, the system should stop operators from moving plant closer than a set distance from ground workers until ground workers have advised the operator that they are aware of the proposed movement.

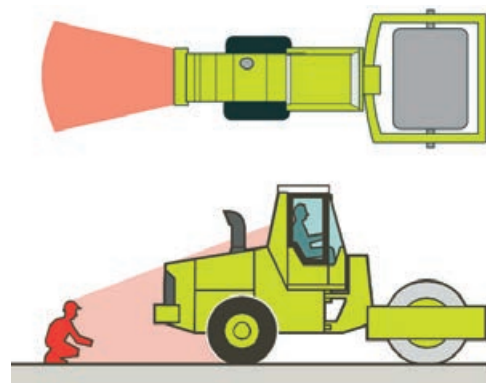
Mobile plant operators and workers should be familiar with the blind spots of the plant being used. Provide induction training programs emphasising the dangers of working in close proximity to mobile plant and provide adequate supervision.

Make sure operators and workers wear high-visibility personal protection equipment (PPE).

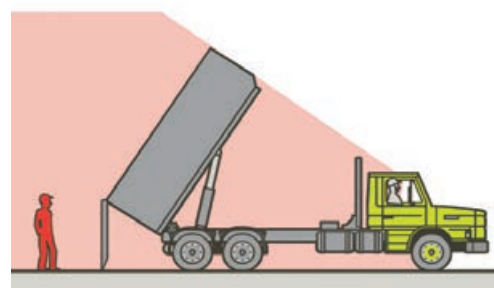
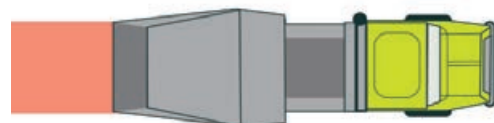
You'll find more information like this in Site Safe free passport handbook, the pocket-sized guide packed full of health and safety info. Download a copy of the handbook here: <https://goo.gl/yHxGhn>



Articulated Loader

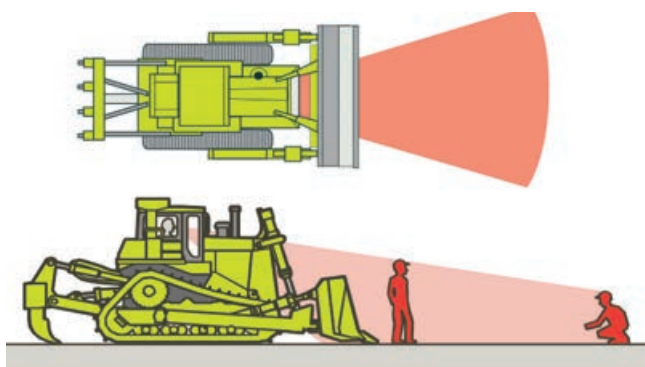


Articulated Roller

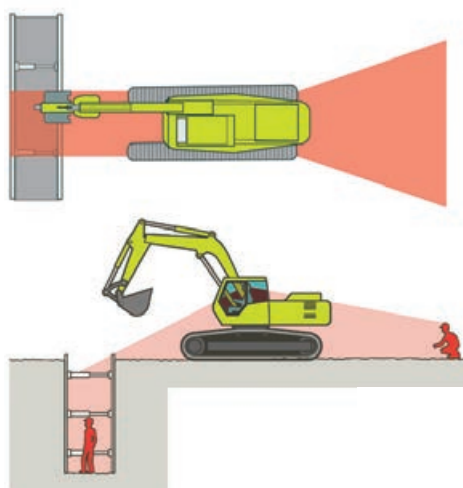


Dump Truck

NOTE:
RED indicates blind spot risk area.



Bulldozer



Excavator



Site Safe is a not-for-profit, membership-based organisation that promotes, inspires and supports a culture of health and safety in New Zealand construction.

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ALWAYS TRUE

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- Can be used with an optional TCT blade for wood cutting
- Blade in the picture not included

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EA
EXCL GST

The rules of Kiwisaver for employers

KiwiSaver is proving to be a great scheme for getting Kiwis to save. After a decade, we're already saving billions collectively. The success of the scheme lies in making saving automatic, with contributions paid by employers on behalf of their employees via PAYE.

The way it works is an employee who is a member of KiwiSaver, gets *two* contributions to their account:

- Their own contribution, which must be at least 3% of their gross pay (employee contribution); and
- A contribution from their employer, also representing 3% of the employee's gross pay (employer contribution).

In other words, every pay day, KiwiSaver members should see at least 6% of their gross pay funneling into their accounts. It's the employer's responsibility to make those deductions and payments each time they pay their staff PAYE to Inland Revenue.

Although the vast majority of employers do meet their return filing and payment responsibilities, there are more than \$20 million in KiwiSaver payments currently outstanding and it would seem that thousands of employers either don't understand their obligations, or choose to ignore them.

Inland Revenue figures show over 11,000 employers had KiwiSaver debt totaling \$24.9m, which includes \$12.32m in contributions taken from workers' pay packets, \$9.34m in employer contributions and \$3.24m in late payment penalties and interest.

Employee contributions, not passed on to Inland Revenue by employers, are guaranteed by the Government. However, there are no guarantees of payment of the \$9.34m in unpaid employer contributions which must be chased up by Inland Revenue

and, if an employer resists paying the owed contributions, action can include an application for liquidation, bankruptcy or prosecution.

Recovering of unpaid amounts can also include placing deduction notices on other funds held by an employer, registering caveats and mortgages over properties, and obtaining personal guarantees or solicitors' undertakings.

WANT TO AVOID EMPLOYER CONTRIBUTIONS?

But what about the employer contribution? Can an employer deduct the employer contribution from the employee's gross pay as well as the employee contribution?

The default position is that they can't, and employer contributions get paid *on top* of the employee's gross earnings. Which means that, effectively, the employee gets paid 103% of their agreed payment if they are a KiwiSaver member. It's like an instant 3% pay rise when they join (even though they can't touch that 3% until they're 65). That can pose a couple of problems for employers; i.e. you'll have to account for that extra 3% on your wage bill, and comparing what different staff earn can be difficult. However, there is a way to avoid these problems and pay nothing more for employer's contributions. The fact is you

can't avoid paying the employer contribution. Every employer must pay it for KiwiSaver members, but you can avoid paying it *on top* of the employee's pay by deducting it from their gross earnings. That way it gets treated the same way as the employee contribution.

But you can only do this if the employee's employment agreement says you can. The law is clear, the employment agreement *must* account for the amount of the employer contribution and you do need to be explicit and include a clause that the employee's pay *includes* the employer contribution.

If you choose to add this clause to the agreements for those who are already your staff, you'll need to incentivise your staff to agree, perhaps by linking it to a pay rise or bonus. Any pay rise may need to be sufficient to assure the employee they're not being disadvantaged.

And the employer has an obligation that this must be done transparently and in good faith.



Inspections and repairs on your rental property



In part two of our ongoing series for landlords and those who own residential rental properties, this month we look at conducting property inspections and responsibilities around damage and repairs.

INSPECTIONS

ENTERING THE PROPERTY FOR INSPECTIONS

If you're a landlord, it's a good idea to regularly inspect your rental property. Inspections help you check everything's working well, there's no damage, and your tenants are keeping things reasonably clean and tidy. It's also a good way to stay in touch with your tenants.

Your tenant doesn't have to be present during inspections, but you should ask if they want to be. If the tenant isn't going to be present, ask them to leave a note of any specific things they want you to look at. This can help alert you to any maintenance issues.



Always take a digital camera and the property inspection report you completed at the start of the tenancy (part of the Tenancy Agreement). You can refer to the report when asking the tenant about a repair or maintenance issue. Take photos in case the matter is disputed at a later date.

If you are taking any photos during an inspection, be careful not to include the tenants' belongings if this is possible.

Be courteous during property inspections – give the right notice, choose a suitable time and day, and encourage feedback. Always thank your tenant if they're taking good care of your property.

Landlords must give tenants at least 48 hours' notice before an inspection. They can't give notice more than 14 days before the inspection. Inspections must take place between 8am and 7pm.

It's a good idea for the landlord to speak with the tenant to arrange a time that is convenient.

Landlords can inspect only once in any four-week period.

If the landlord has agreed with the tenant that they will fix something or clean something by a certain date and they need to go back to make sure they have done it, the landlord can re-inspect the property by giving the tenant the correct amount of notice (48 hours' as above).

REPAIRS AND DAMAGE

TENANTS MUST LET THE LANDLORD KNOW IF SOMETHING NEEDS FIXING

Tenants must tell the landlord straight away if they are aware something needs to be repaired or maintained, no matter how it happened or who caused the damage.

WHAT THE TENANT IS NOT RESPONSIBLE FOR

The tenant is not responsible for repairs or damage arising from burglaries, natural events (such as storms, floods and earthquakes), or fair wear and tear.

WHO'S RESPONSIBLE FOR FIXING DAMAGE DEPENDS ON WHO CAUSED IT

Tenants need to tell the landlord if they know of any



damage or need for repairs. If the tenant does not notify the landlord as soon as possible, the landlord may be able to claim some of the costs of repairing the damage from the tenant if it gets worse.

If a landlord or their property manager damages a tenant's goods, the tenant can ask them to repair those goods, or to pay the cost of replacement or repair.

If a tenant (or their invited guests) intentionally damages the landlord's property, the tenant must tell the landlord. The landlord can ask the tenant to repair the damage, or to pay the cost of replacement or repair.

If damage is caused by carelessness and the damage is covered by the landlord's insurance, the tenant will not be liable for the cost of repairs, unless it was the result of an imprisonable offence. The landlord is responsible for the insurance excess costs and cannot pass these costs on to their tenants.

Regardless of whether the landlord has insurance, tenants are not liable for damage caused by fire, flood, explosion, lightning, storm, earthquake or volcanic activity (fire, flood or explosion are not required to be catastrophic natural events), unless the damage was caused intentionally, was the result of an imprisonable offence, or if the tenant or their invited guest caused the insurance moneys that would have been payable to the landlord to be irrecoverable.

The Tenancy Tribunal has issued a practice note with effect from 1 August 2016 which

has further detailed information about tenant liability for damages and landlords insurance. A landlord can discuss these matters further with their insurer or seek expert advice.

If the landlord and tenant cannot agree whether the tenant is liable for the damage, the landlord can apply to the Tenancy Tribunal for the matter to be resolved. Copies of relevant insurance policies, photos of the damage, and receipts or quotes for repair should be included to support the application.

IF REPAIRS ARE URGENT

If the state of disrepair is likely to cause injury to people or property, a tenant can have repair work done and ask the landlord to pay them for it. A landlord must also pay

Landlords should check their insurance policy documents before discussing compensation for damage with the tenant, as their policy may cover the damage, providing it was not intentional or the result of an imprisonable offence.





the tenant back for any urgent repair work the tenant had to have done, as long as the tenant made reasonable attempts to let the landlord know first.

FAIR WEAR AND TEAR

Fair wear and tear refers to the gradual deterioration of things that are used regularly in a property when people live in it.

A tenant is not responsible for normal fair wear and tear to the property or any chattels provided by the landlord when they use them normally. The tenant is responsible for any intentional or careless damage.

An example of this would be where a stove element wears out from normal cooking. This is fair wear and tear. However, if the stove was being used to heat the kitchen and stopped working properly, this would not be considered normal use.

Examples of what is usually considered fair wear and tear are:

- flooring getting worn;
- taps and washers in the kitchen, bathroom or laundry wearing out or leaking.

Examples of what is not normally considered fair wear and tear are:

- burn marks or drink stains on the carpet;
- drawing on wallpaper.

MAINTENANCE AND REPAIR TIPS FOR LANDLORDS AND TENANTS

- Act as soon as you know something needs to be repaired or maintained.
- Talk to each other – discuss what should be done and when.
- If necessary, take steps to limit damage or loss before maintenance or repairs are done.
- Allow a reasonable amount of time for routine maintenance work to be completed.
- Complete work as soon as reasonably possible if the problem is urgent and likely to cause injury to people or

damage to property.

- Get quotes and ensure costs are reasonable, especially if the other party will end up paying.
- Keep inconvenience for others to a minimum.
- Clean up when the repairs or maintenance are finished.
- Discuss a possible rent reduction until the repairs are completed.

BOTH LANDLORDS AND TENANTS NEED INSURANCE IN CASE OF DAMAGE

Landlords should insure their rental property against any damage, either accidental or otherwise. Tenants can arrange their own insurance to protect their contents and liability for damage to the landlord's property.

BOTH LANDLORDS AND TENANTS CAN ISSUE A 14-DAY NOTICE TO REMEDY TO FIX DAMAGE

If a tenant or a landlord is required to fix something but doesn't, the other party can issue them with a 14-day notice to remedy. This gives them 14 days to get the work done.

Tenants can't refuse to pay rent while waiting for the landlord to fix something, but can try to negotiate a temporary rent reduction with their landlord.

THE TENANCY TRIBUNAL CAN HELP RESOLVE ANY PROBLEMS

If either the landlord or tenant does not comply with a 14-day notice to remedy, the other party can apply to the Tenancy Tribunal for help.

Landlords can also apply directly to the Tribunal, without serving a 14-day notice to remedy first, if damage caused by the tenant is substantial.

The Tenancy Tribunal may order the party who caused the damage to repair it or pay compensation (taking depreciation into consideration). The Tribunal may even order the tenancy to be ended, no matter whether it's a periodic or fixed-term tenancy.

To learn more about New Zealand tenancy law including landlord and tenant rights and responsibilities visit tenancy.govt.nz

Are you getting the best from your ACC levies?

■ BY BEN RICKARD

ACC DOES NOT COVER ILLNESS. IT SEEMS OBVIOUS, BUT IT'S SURPRISING HOW MANY PEOPLE DON'T KNOW THIS.

WHAT DOES ACC ACTUALLY COVER?

ACC's website states it very clearly: the scheme only covers injury from accident. They also cover mental injuries that stem from a physical injury (e.g., post traumatic stress), as well as injuries that might arise from getting treatment.

Additionally, ACC will cover some injuries or conditions that come on gradually from work, such as:

- tendonitis from overusing muscles or heavy lifting;
- deafness caused from noise at work;
- infections or diseases from exposure to certain environments.

WHAT DOESN'T ACC COVER?

Their website is also helpful in explaining this; they won't cover things like illness; conditions from aging and emotional issues. They even spell out some examples, among them:

- illness (such as cancer, diabetes, heart disease) or contagious diseases;
- stress, hurt feelings or other emotional issues (unless linked to an injury they already cover);
- conditions related to ageing, e.g., Arthritis;
- most hernias;
- injuries that happen over time, unless an activity at work is causing it;
- you have unexplained back pain that gets worse over time.

According to Sovereign, NZ's largest life insurer, more than 30% of income protection claims are for

"OUT OF EVERY 100 BUILDERS BETWEEN AGES 30-55, 40 WILL MISS AT LEAST 6 MONTHS WORK BECAUSE OF ILLNESS OR INJURY AT SOME TIME IN THEIR WORKING LIFE."

mental health conditions, such as depression, anxiety, stress etc. These are not covered by ACC, but are serious issues that may require time off the tools, or out of the business. While you may not consider mental illness to be an issue for blokes in our industry, there are many men who do struggle to cope with the stresses of running a business, with mouths to feed and families relying on a continuous pipeline of work. Not to mention cashflow, profitability, liability or dealing with the one job that's gone pear-shaped with legal bills starting to add up.

For builders, particularly those who are at the older end of the spectrum, back pain can also be a real bone of contention, as can other conditions that may be age related, but are also linked to the hard physical yards put in over many years on the building site.

ACC can, and have, refused claims once they are no longer considered accidental injury. For example, ACC may stop paying compensation if a broken ankle subsequently becomes infected. You still can't work because of the infection, but you're not covered by ACC because it's no longer an accidental injury.

DID YOU KNOW...

...you're more likely to require time off work as result of some kind of illness than through accidental injury? And yet, this is precisely where your ACC cover won't help. Indeed, out of every 100 builders between ages 30-55, 40 will miss at least 6 months work because of illness or injury at some time in their working life. Compare those odds to the chance of your house burning down (1-in-250) and it puts the whole thing in perspective. That's why dialling down your ACC and combining it with private loss of earnings (income protection) insurance is a no-brainer for most people.

LOSS OF EARNINGS INSURANCE - THE HEADLINES

Also known as income protection, this replaces the income you lose because of an illness, health condition or injury that means you're off work past a chosen wait period.

The premiums for loss of earnings insurance can be offset by dialling down your ACC cover, giving you much broader cover for often a similar overall cost, depending on the options you choose.

Factors such as age may play a part in the cover you can get, and the premium you'll pay too. All illnesses and health conditions that stop you working past the wait period are covered, provided they are not specifically excluded when you take up the policy. However, ACC will still cover you for old injuries even after your ACC has been dialled down, provided you have made a claim for that condition in the past.

With loss of earnings insurance there's no wait period for certain specific injuries.

Finally, ACC has an accidental death benefit paid to the deceased's dependants that reduces when ACC is dialled down, so life or accidental death insurance is often added as a way to fill the gap.

IN A NUTSHELL

You're probably paying thousands in ACC levies every year. But are you getting the best and broadest possible cover for that money? Loss of earnings insurance in combination with dialling down your ACC cover is a smart package that is strongly recommended for all contractors.

BUILT IN

INSURANCE

Builtin are New Zealand's trade insurance experts. For more information visit <https://builtininsurance.co.nz> or contact Dave La Pere at dave.lapere@builtin.co.nz or 0800 BUILTIN.

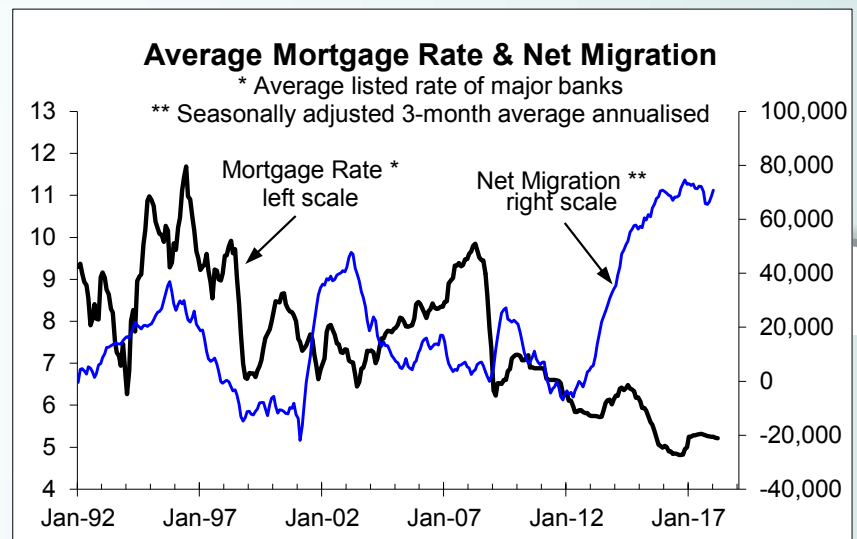
High building levels are not the norm

Recent experience often plays a major part in shaping expectations about the future. However, doing so can be dangerous when it comes to assessing prospects for residential building.

When consents fell to multi-generational lows after the financial crisis emerged in 2008, few will have envisaged the upturn that started in 2012 would culminate in national new dwelling consents more than doubling. Equally, following a multi-year increase in building activity, many may consider the current high level the new norm.

Certainly, the government plans to boost the level of state housebuilding and implement the KiwiBuild plan, which involves scaling up to building 10,000 "affordable" new dwellings per annum over the next three years, with around half of these outside of Auckland.

You have to go back to the Kirk Labour government in the early-1970s for anything similar in terms of the planned scale of government involvement in building. The government's policies are likely to make enough progress to mean a greatly reduced risk of a major downturn in building over the next few years, although they do raise issues around what is built, where it will be built and who will build it. But



adding the boost to building from the government initiatives on top of the current high level is likely to be ill-advised.

The current high level of building is mainly the product of low interest rates coinciding with high net external migration, which is adding around 70,000 people to the population per annum. The previous boom in the early-to-mid-2000s was similarly driven by the coincidence of low interest rates and high net external migration.

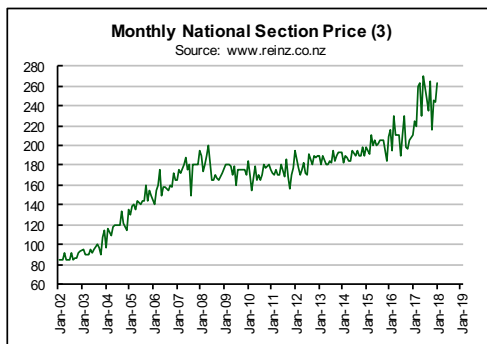
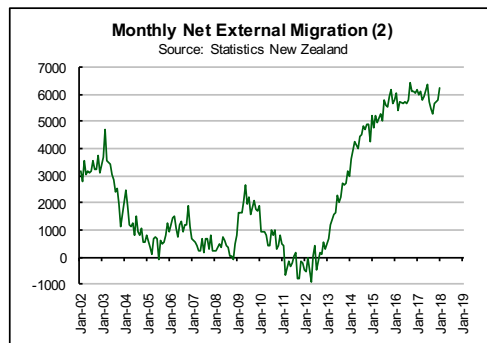
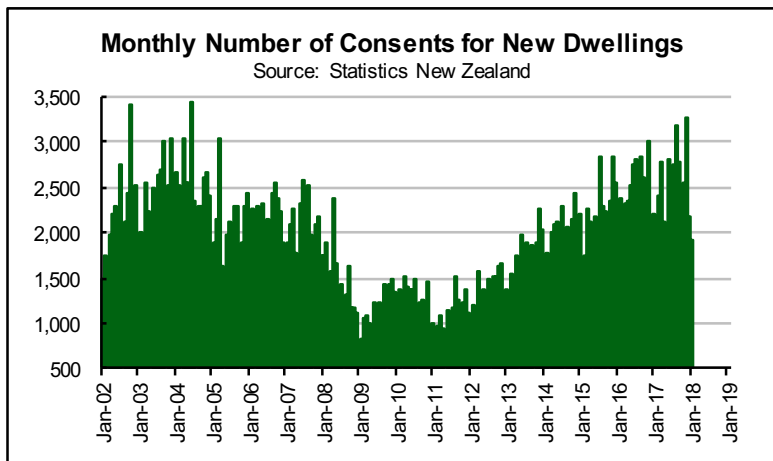
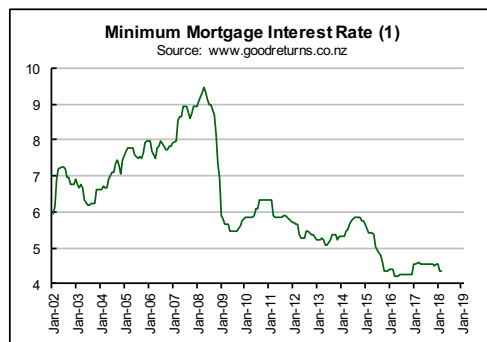
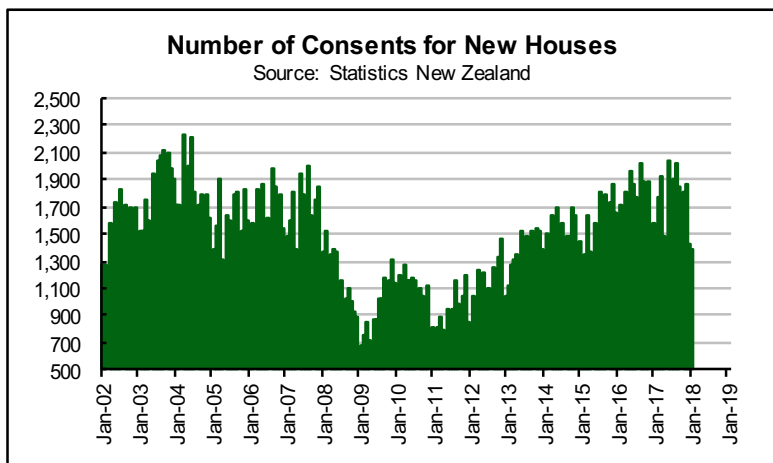
However, the chart shows that in the last 26 years there are only two periods when low interest rates coincided with high net migration; the early-to-mid-2000s and the last few years. The current situation should be viewed as unusual and not even vaguely normal.

Unfortunately, high levels of net external migration have never been maintained in the past and are often followed by significant downturns. Similarly, periods of low interest rates never last indefinitely and are often followed by sizeable increases.

The two primary drivers of cycles in residential building activity haven't turned nasty yet. But, over the three years it is supposed to take for KiwiBuild activity to be scaled up, it is quite possible these two powerful drivers of residential building at least become less favourable.

There is also the risk that the government's plans to boost residential building, infrastructure spending and wages will contribute to an inflation problem that necessitates more than just token OCR hikes at some stage in the future.

This isn't meant to ring warning bells unnecessarily, but rather to put the government's building plans in a sensible context. The historical experience provides a strong reminder that the current high level of building is unusual not normal. It is quite possible that, as government initiatives progressively make a larger contribution to the level of building over the next few years, the benefit of this will be partly offset by the traditional primary drivers becoming less favourable.



FOOTNOTES

(1) The lowest of the average floating and various fixed mortgage rates charged by the largest mortgage lenders. (2) Adjusted by Statistics New Zealand to remove the seasonal pattern. (3) Median section price reported by REINZ (\$000)

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What to do when a customer makes a **complaint** against you?

■ BY JAMES SKINNER AND CAMERON PATERSON

All builders and contractors like to have happy customers but sometimes customers complain. In this article we explore the types of complaints that can be brought against builders and contractors and how one could deal with them in the most effective manner.

TYPES OF COMPLAINTS

Generally speaking, there are three categories of complaints. The first is a complaint to the Ministry of Building Innovation and Employment (MBIE). A second complaint mechanism is a complaint to the Building Practitioners Board if you are a Licensed Building Practitioner. The third complaint mechanism is by way of a civil claim against the builder or contractor direct through the courts or disputes process under the Construction Contracts Act.

COMPLAINT TO MBIE

A complaint can be lodged with MBIE if a building contractor has not provided the client with their disclosure statement, standard checklist or a written contract and the client has asked for this, or the building work cost \$30,000 or more (including GST).

MBIE will investigate and determine whether to issue the contractor with an infringement fine. Each infringement can be subject to a fine of \$500.

A key way to avoid such complaints being made is to make sure that your contract includes a clearly mapped out dispute resolution process. You should also make it clear to the customer that you are available to discuss any issues that they have and encourage open dialogue.

BUILDING PRACTITIONERS BOARD

If a customer is unable to resolve a problem with their LBP directly the customer can look at other options such as making a complaint. A customer can make a complaint where they believe the LBP was negligent, incompetent or in breach of the grounds for discipline in the Building Act.

The Building Practitioners Board can investigate and hear complaints about work or conduct (a disciplinary process with evidence given under oath), discipline and fine an LBP, and record any disciplinary action on the public register for LBP's for three years.

If you are facing a complaint to the Building Practitioners Board then you should seek some advice from a lawyer or other qualified representative.

This person will be able to assist you prepare your defence to the complaint. With the recent events in Christchurch and the alleged defective repairs

post-earthquake it has never been more important to make sure that the quality of workmanship is first rate. Like many other trades, builders pride themselves on having a good reputation. Therefore, it is important that every builder maintains a quality workmanship standard and communication with the customer to both avoid complaints and to assist the builder with defending a complaint that may on the face of it have no merit.

CIVIL CLAIM

Every day contractors and builders alike are involved in construction disputes that reach either court or the more informal process of an adjudication under the Construction Contracts Act.

We have explored in previous articles the pitfalls and getting into a dispute in this area but the important thing to note is that, notwithstanding receipt of a dispute of this kind, it is important for parties to continue transparent dialogue. There is always the ability to resolve disputes before they get to a judgment situation.

Disputes under the Construction Contracts Act or in Court are invariably expensive processes that can take time. The important factor in often determining the result of these disputes is accurate (or lack thereof) record keeping and good communication with the customer.

If one is served with a claim under the civil jurisdiction then it is important that advice is sought from a legal representative as soon as possible so that immediate steps can be taken to protect your legal position. To assist with that process and to give yourself the best chance of succeeding in your defence, it is important that you have all key documentation in an easy to locate place (and in order). You need to be able to provide your representative with clear outlines of what has occurred so that a good defence can be made on your behalf. Too often, contractors or builders sit on the documentation they receive from the customer and by the time it reaches the legal representative it is either too late to take any proper legal steps or quick steps must be taken that again may mean that your best legal position is not put forward in a thorough and timely way.

SUMMARY

Sometimes disputes are unavoidable. However, on receiving a complaint in any of the three scenarios above one should seek immediate advice to ensure that your legal position is best preserved. Do not take action directly against the customer by way of verbal or written 'angry' correspondence because that will only inflame the situation. It is important that in these situations your legal position is well prepared and set out in writing with all supporting documentation to give yourself the best chance of defending a complaint or claim against you. Throughout this time there are no reasons why you cannot continue to try and reach an amicable solution with the customer.

FOR MORE INFORMATION

James is an experienced construction and civil litigator who has represented a wide range of clients large and small, including builders, building companies, waterproofers, roofers, window joinery suppliers, designers, engineers, homeowners and councils across New Zealand.

Cameron is a lawyer who works alongside James in the construction arena. www.skinnerlaw.com.

This publication is intended only to provide a summary of the subject covered and is of a general nature. You should not act in reliance on any statement contained in this publication without first obtaining specific professional advice from your lawyer.



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Women nailing careers in the trades

FEMALE TRADE APPRENTICES ARE LOVING THEIR CAREER CHOICE, BUT FEW CONSIDERED A CAREER IN BUILDING OR CONSTRUCTION WHILE THEY WERE AT SCHOOL, RESEARCH SHOWS.

International Women's Day was celebrated recently and the Building and Construction Industry Training Organisation (BCITO) want to attract more women to the industry. It surveyed its female apprentices and found that 96% of them had strong job satisfaction.

The construction industry is crying out for workers. But, a career in the trades is rarely suggested to girls while they're at school. Nearly three-quarters (72%) of BCITO's female apprentices said they had never participated in construction-related courses while at school and two-thirds (67%) were working elsewhere before starting their apprenticeship. Apprentice Nerida Laws worked in retail for seven years before she picked up the tools. She enrolled in BCITO's National Certificate in Plaster Board Fixing & Finishing and is now employed by JFS Interiors. "Working in the trades gives you a fantastic work-life balance and

a steady income. I love the team environment of working on-site and the sense of accomplishment you get when you complete a job," says Laws.

MORE THAN HALF (53%) OF BCITO'S FEMALE APPRENTICES SAID "SEEING THE JOB FINISHED" WAS THE BEST THING ABOUT BEING A TRADIE.

Apprentices were also pleased with the great opportunities for career progression, the secure future and the great lifestyle provided by their career choice.

Laws is currently working on a hotel site in Queenstown and says although there are at least 50 male tradies and only one other woman, she enjoys the banter and it's a very positive work place.

Laws' employer Paul Fallon says JFS Interiors had no hesitations about taking on a female apprentice. "We are seeing more and more females on site. It might have been unusual ten

or twenty years ago, but it's almost common place now. While the work can be physical, there's minimal heavy lifting. There are no ways in which women are any better or worse than the guys."

Less than three per cent of BCITO's apprentices are female. BCITO Chief Executive Warwick Quinn says the trades offer a range of careers and more women are needed if New Zealand is to meet the industry's demands.

"More than 65,000 construction workers are needed over the next five years and a little under half of these need to be trade qualified. The sector is crying out for workers and our traditional workforce pools are not meeting demand – boosting gender diversity is vital!"

"BCITO is working hard to figure out how it can boost female participation in the industry, including leading a group of organisations involved in a three-year research project by the Ministry for Women and National Centre for Tertiary Teaching Excellence," says Quinn.

"With the new fees free scheme covering student's fees for two years of industry-based training, our message to women is that there has never been a better time to consider a career in the trades."

To find out more visit bcito.org.nz

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Last year's Apprentice of the Year reflects on achievements

ENTRIES FOR THIS YEAR'S REGISTERED MASTER BUILDERS CARTERS 2018 APPRENTICE OF THE YEAR OPEN ON APRIL 9TH, BUT FOR LAST YEAR'S WINNER, HE'S ALREADY LOOKING BACK OVER A COMPETITION THAT HE SAID CULMINATED IN AN AMAZING MOMENT.

Hamilton's Vincent 'Vinnie' Hubbard's ability to focus and handle the pressure saw him take out the Registered Master Builders CARTERS 2017 Apprentice of the Year.

"It definitely was a surprise. I knew I was in with a shot based on the competition day's events, but I had never really entertained the idea that I would actually win it," says the 24-year-old, who is employed by Urban Homes.

"I had to take a minute to double check that it was actually my name and my picture on the screen when I won!"

Vinnie says he entered the competition to challenge himself and see how his skills stacked up against other apprentices in the industry.

"I wanted the opportunity to get an idea of where I was at compared to my peers. Also, I knew that entering the competition would only make me a better apprentice by putting me to the test and making me work and study harder," he says.

As part of the national competition, the 10 finalists were tasked with a six-



hour practical challenge where they built 'puppy palaces' to be donated to the SPCA.

"There was definitely a lot of pressure – with TV cameras and judges watching your every move and your family and employers on the side line. The giant clock on the wall also added to the intensity!" Vinnie says.

"It challenged me to stay in a good headspace and really focus. It was such an awesome experience and very rewarding all around, especially getting to meet the other contestants and hear about their experiences in the trades."

Judges were impressed with Vinnie's all-round knowledge of the industry and excellence in all competencies.

"Vincent had a very solid submission and spoke well about his project in the interview. His passion for his project and the industry really shone through."

"He had a calm temperament throughout the entire competition and handled the pressure extremely well. This was evident in being the

only apprentice to complete the puppy palace on time."

"His puppy palace was completed to a very high standard of craftsmanship – a worthy winner of the 2017 Apprentice of the Year."

After realising that university wasn't for him, Vinnie decided to try his hand at an apprenticeship and hasn't looked back.

"I gave it a go and I was really surprised to find it was the perfect fit for me," he says.

"I really enjoy the work, it's physically challenging, there is so much to learn and so many opportunities available for young people in the industry."

As well as the title of Registered Master Builders CARTERS 2017 Apprentice of the Year, Vinnie won the use of a brand new XLT Ford Ranger for one year, a \$5,000 CARTERS Business Tools Grant, a place on an Outward Bound course, and a range of products and tools.

Apprentices, employers and young people aspiring to be part of the construction industry are also encouraged to join the Registered Master Builders Facebook page: www.facebook.com/registeredmasterbuilders.

To find out more about the Registered Master Builders CARTERS 2018 Apprentice of the Year competition and to enter go to www.apprenticeoftheyear.co.nz

Entries open: Monday 9 April
Entries close: Monday 4th June



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*Association of Wall and Ceiling Industries will be joining our conference and expo – all AWCI members welcome to attend.
NZCB members register via the ToolShed and AWCI members register via www.nzcb.nz/conference

INDUSTRY EVENTS COMING UP

NEW ZEALAND CERTIFIED BUILDERS WORKSHOPS: PRICING FOR PROFIT

New Zealand
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CARTERS have partnered with New Zealand Certified Builders to host a series of educational workshops taking place across the country, delivering the key principles of 'Pricing for Profit'. The focus is on obtaining better profitability for your business – providing tools to ensure jobs are being costed correctly. This is a great opportunity for builders and support personnel to enhance their knowledge in this area. Head along to earn LBP points and have your questions answered by a professional quantity surveyor.



The series only has a few workshops left, so head to www.carters.co.nz/CBNZworkshop to get yourself registered now!

EVENT DATES	REGION	TIME	VENUE
Tuesday 3 rd April	AUCKLAND SOUTH	5pm Nibbles 5.30pm start	Papakura RSA, 40 Eliot St, Papakura
Wednesday 4 th April	AUCKLAND CENTRAL	5pm Nibbles 5.30pm start	Remuera Club, 27-33 Ohinerau St, Remuera, Auckland
Thursday 5 th April	AUCKLAND NORTH	5pm Nibbles 5.30pm start	Northshore Golf Club, 51 Appleby Rd, Albany, Auckland
Thursday 26 th April	WHANGAREI	5pm Nibbles 5.30pm start	North Tec, 51 Raumanga Valley Rd, Whangarei, ILC Theatre D340



APPRENTICE OF THE YEAR



CARTERS are proud to sponsor our industry's future and support the Registered Master Builders Apprentice of the Year competition again in 2018. Entries open in April for the competition with some great prizes up for grabs this year. The National winner will receive a CARTERS Business Tools Grant (to the value of \$5,000) as part of their prize package and the use of a brand new Ford Ranger ute for the year, courtesy of CARTERS.



AWARDS EVENT DATES	REGION
Thursday, 23 rd August	NORTHERN / AUCKLAND
Friday 10 th August	WAIKATO
Friday 31 st August	BOP/CENTRAL PLATEAU
Friday 24 th August	HAWKES BAY/EAST COAST
Friday 31 st August	CENTRAL NORTH ISLAND
Friday 24 th August	LOWER NORTH ISLAND
Friday 7 th September	UPPER SOUTH ISLAND
Thursday 23 rd August	CENTRAL SOUTH ISLAND
Friday 24 th August	SOUTHERN REGION
Friday 9 th November	NATIONAL AWARDS

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EVENT DATES	REGION	VENUE
Wednesday 18 th April	TAUPO	GREAT LAKE CENTRE
Thursday 19 th April	ROTORUA	ENERGY EVENTS CENTRE
Wednesday 16 th May	KAITAIA	R.S.A KAITAIA
Thursday 17 th May	KERIKERI	TURNER CENTRE
Wednesday 15 th August	NELSON	ANNESBROOK CHURCH
Thursday 16 th August	BLENHEIM	MARLBOROUGH CONVENTION CENTRE
Tuesday 11 th September	GISBORNE	WAR MEMORIAL THEATRE
Thursday 25 th October	TIMARU	CAROLINE BAY HALL

The CONZTRACT Mini series kicks off this month in Rotorua and Taupo. These expo style tradeshows take the CONZTRACT event concept into the regions - enabling those working in building and construction trades to meet with key industry suppliers to check out new products and solutions, as well as offering a great chance to network. CARTERS invite you and your colleagues to come along to a regional event near you.

CONZTRACT

NEW ZEALAND'S LEADING CONSTRUCTION TRADE SHOW

RESIDENTIAL • COMMERCIAL • INDUSTRIAL

FREE EVENT

TRADE ONLY

4PM - 7PM

CONZTRACT IS BACK FOR 2018!

The CONZTRACT tradeshow series is on again this year, running from May – August in main centres across the country. The event will feature the popular CARTERS CONZSTRUCTION Zone which is even bigger and better than last year, with even more suppliers teaming up to showcase their wares for builders and construction trades.

The exciting expo forum also includes various workshop seminars to assist with LBP continuing education, as well as a free-flow trade display hall for you to wander around while enjoying the complimentary drinks and nibbles.

These events are always enjoyable and beneficial for those who attend, so we encourage you to down tools a bit earlier when the expo is in your town to ensure you stay up with the play! While you're there, stop by the CARTERS CONZSTRUCTION Zone - chat to the suppliers directly and our CARTERS team about new products, services we can offer and check out the great expo deals on offer.

For more information and to register online now, go to www.carters.co.nz/CONZTRACT

CONZTRACT: MAY

HAMILTON	Claudlands Events Centre	Tuesday 1 May
AUCKLAND SOUTH	Vodafone Events Centre	Wednesday 2 May
WHANGAREI	ASB Sports House	Thursday 3 May

CONZTRACT: JUNE

WELLINGTON	Westpac Stadium	Tuesday 19 June
PALMERSTON NORTH	Arena Manawatu	Wednesday 20 June
NEW PLYMOUTH	TSB Stadium	Thursday 21 June

CONZTRACT: JULY

AUCKLAND NORTH	North Shore Events Centre	Tuesday 24 July
TAURANGA	Queen Elizabeth Youth Centre	Wednesday 25 July
NAPIER	Rodney Green Centennial Event Centre	Thursday 26 July

CONZTRACT: AUGUST

CHRISTCHURCH	Air Force Museum	Tuesday 28 August
DUNEDIN	Edgar Stadium	Wednesday 29 August
INVERCARGILL	ILT Stadium	Thursday 30 August

EXPO
DEALS*

PLUS
LBP
WORKSHOPS

REGISTER
NOW
to attend at
[www.carters.co.nz/
conzcontract](http://www.carters.co.nz/conztract)

CARTERS

CONZSTRUCTION
ZONE

ESTWING G-MAN JOHNSON

Amelite
makes light work!

EXPOL
Experienced Performance

EUROSTEEL

James Hardie
a smarter way™

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HITACHI
HIGH PERFORMANCE POWER TOOLS

CarterHoltHarvey
Woodproducts New Zealand

Thermakraft

NURALITE
THE FLAT ROOF EXPERTS

Paslode

Bostik
smart adhesives

SIMPSON
Strong-Tie

CLEARLITE
Bathrooms

Prolam
Engineered Laminated Timber

SPP
SOUTHERN PINE PRODUCTS

KOPINE

GIB

SNELL
PACKAGING & SAFETY

pink batts
Always.

DYNEX
BUILD

SCHLAGE
Open possibilities.

MASONS
Designed Smart, Built Tough.

MARLEY

Sika
BUILDING TRUST