

# TRADE LEADER

FEB - MARCH 2020 ISSUE ■



Health & Safety;  
preventing  
concrete burns



Records of  
Work; the legal  
requirements



How to find  
great new staff  
members



House of the  
Year winners  
announced



■ LBP Board  
releases  
**2019 annual  
report**



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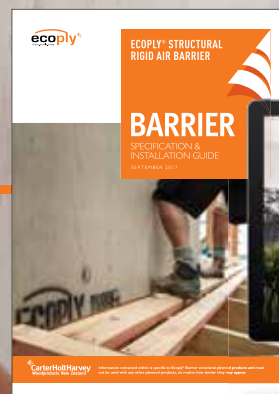
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# In the frame

BY MIKE GUY, CARTERS CHIEF EXECUTIVE

Welcome to the first issue of CARTERS Trade Leader for the new decade.

I hope that everyone had a safe and enjoyable time over the traditional summer break and that you have returned to work feeling refreshed and ready to take on the next 12 months.

The coming year shows no signs of abating as far as the demand for building and construction is concerned, which is great for the industry and its related trades. This also means that the industry continues to remain top-of-mind with the public, clients and customers, as well as industry commentators.

To start the year off on a high, I'd like to acknowledge the Registered Master Builders House of the Year awards winners, who were announced in late 2019. CARTERS has had a long-standing association with the House of the Year competition and this year it was extremely exciting to see a home in the CARTERS-sponsored \$1-1.5 million category take out not just their category, but also the Craftsmanship and overall Supreme House of the Year title. Our congratulations are extended to Central Otago's Spearhead Developments for their success, as well as all the other title winners.

For further information on the competition, check out our coverage starting on page 12.

Also in this issue, we review some of the necessary building and construction related information released by the Ministry of Business, Innovation and Employment, which includes their review of their milestone achievements throughout 2019. This leads into a number of their aims for the coming year, so we will continue to work with them to make sure that information comes to you as efficiently and quickly as possible.

We've kicked off the year with articles around keeping your LBP records in order and have highlighted some cases where LBP's were sanctioned for not correctly providing records of work, or because they thought they didn't have to. The rules are very clear and it's important to know your obligations, have a read to ensure you are heading into the new decade with the right information. More details on pages 10 & 26.

CARTERS have been working on a few solutions of our own for 2020 with the interest of making the process of building easier for our partners, including releasing our new Trade Portal, which has been re-built. This new platform allows you to do business with CARTERS online in a much more efficient way than before and ultimately saves you time. If you have a CARTERS Trade Account and are not currently a Trade Portal user, talk to your Account Manager or the team in your local branch about getting set-up.

Safety is always top of mind for CARTERS both on our own sites and yours, as we hope it is for you. After some time out and as we are looking towards the year ahead, now is a great time to evaluate safety procedures and general wellbeing of the team and start the year as we mean to go on.

We look forward to partnering with you all into 2020 and beyond.



**MIKE GUY**  
CARTERS Chief Executive

**CARTERS**  
Your Building Partner

## TRADE LEADER.

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## HOUSE OF THE YEAR

Celebrating building excellence in New Zealand, the prestigious Registered Master Builders House of the Year competition awards the best homes, builders and craftsmen across our country for 2019.



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## LEGAL RECORDS OF WORK

A review of the decisions from the Building Practitioners' Board in 2019 highlights that the mandatory requirement to provide a Record of Work on completion of restricted building work remains an issue that the Board commonly addresses.



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The 2019 fall in mortgage rates has failed to deliver the expected significant upturn in existing dwelling sales. Will it boost new dwelling consents?



L-R JOHN 'SWAMPY' MARSH AND LUKE MONAHAN

# NZCB builds on mentoring success with cross-generational 'Rusty Hammers' initiative

**NEW ZEALAND CERTIFIED BUILDERS (NZCB) HAS INTRODUCED A NEW MEMBERSHIP CATEGORY, RUSTY HAMMERS, IN RESPONSE TO BUILDING MARKET TRENDS AND INSPIRED BY THE SUCCESS OF ITS CURRENT MENTORING PROGRAMME. RUSTY HAMMERS IS DESIGNED TO ENABLE OLDER BUILDERS WHO ARE STARTING TO WIND-DOWN THEIR TIME SPENT ON THE TOOLS TO RETAIN THEIR TRADE ASSOCIATION MEMBERSHIP AT A REDUCED COST IN EXCHANGE FOR PROVIDING MENTORING TO OTHER BUILDERS AT AN EARLIER STAGE OF THEIR CAREERS.**

NZCB Chief Executive Grant Florence says with the ongoing high demand for builders and an increasingly complex regulatory and business landscape, it makes sense to find new ways to retain and continue to support highly skilled older builders while also harnessing their experience to nurture the next generation.

"With the positive response we've had to our mentoring programme, which has doubled in size since last year, this seemed like a no-brainer.

"Builders who've been on the job

for decades have built up a depth of practical experience that inherently extends well beyond what younger builders have had a chance to learn as part of their formal apprenticeship training or in their first few years on-the-job. Having access to someone who's 'been there and done that' is incredibly valuable for our younger members who are being mentored," says Mr Florence.

To be eligible for NZCB's Rusty Hammers membership category, builders need to be working for only around 20 hours per week and

to have been a full NZCB member for over 10 years. They must also commit to mentoring a younger builder they are matched with for 12 months, meeting at regular intervals as agreed between the mentor and mentee.

The mentoring focuses not only on technical trade skills but also on business skills, leveraging the mentors' decades of experience owning small-to-medium sized building businesses.

"Owning a small to medium sized business, as many of our members do, is challenging for anyone in any sector of the economy. In addition, in our sector there is ongoing regulatory change to navigate and new demands and opportunities from developments in building materials and technologies.

"Enabling early-career builders to learn from those who've run



successful building businesses for a long time, and enabling those older builders to retain their membership of NZCB is a win-win for everyone, including consumers who ultimately benefit from this sharing of best practice," says Mr Florence.

While the builders who are eligible for a Rusty Hammers membership pay a reduced membership fee, they continue to have access to all of NZCB's services. These include ongoing professional development, advisory services, member products like the industry-leading Halo 10 year Residential Builders Guarantee and Certified Plans, and a range of resources such as template contracts.

**"OUR LONGSTANDING MEMBER BUILDERS WANT TO RETAIN THEIR MEMBERSHIPS BECAUSE THEY SEE THE VALUE WE PROVIDE, AND RUSTY HAMMERS IS A DIRECT RESPONSE TO THIS. BUT WE'RE ALSO SEEING NEW MEMBERSHIP NUMBERS STEADILY INCREASE YEAR-ON-YEAR, PARTICULARLY FROM BUILDERS IN THEIR FIRST FEW YEARS ON THE JOB WHO ARE SEEKING ONGOING PROFESSIONAL SUPPORT AND GUIDANCE, AS WELL AS A VOICE ON INDUSTRY ISSUES," SAYS MR FLORENCE.**

Since January 2019, NZCB has seen membership grow by 18%. Analysis shows the key drivers for new membership are access to NZCB's services and the credibility and professionalism NZCB membership brings.

"NZCB was established specifically to raise standards in the building industry and, for this reason, it's the only building trade associations that requires builders to hold formal trade qualifications to be eligible for membership.

"It's also at the heart of our development of new initiatives like Rusty Hammers, which are all about leveraging the strengths of our membership to share best practice and build capability," says Mr Florence.

# Your rights and obligations in the building process

**WHETHER YOU'RE A BUILDER, TRADESPERSON, DESIGNER OR HOMEOWNER, THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT SAYS IT PAYS TO KNOW YOUR RIGHTS AND OBLIGATIONS IN THE BUILDING PROCESS SO YOU CAN PROTECT YOURSELF AND OTHERS WITHIN THE LAW.**

With the first changes of the building law reforms expected to come into effect in mid-2020, now is a good time to refresh your knowledge on roles and responsibilities across the building sector.

For builders, designers and tradespeople, knowing your obligations helps you to avoid disputes and reduces the likelihood of rework being required. It will also ensure you don't infringe against the Building Act or risk disciplinary action from your professional body.

For homeowners and commercial property owners, understanding your rights and obligations helps you to avoid potentially costly mistakes or delays, and will ensure your property is safe, healthy and durable.

## REFRESH YOUR KNOWLEDGE

Our Building Performance website provides a range of information to help you understand the roles and responsibilities of those involved in the building process. This includes:

- an overview of rights and obligations in the building process <https://www.building.govt.nz/getting-started/your-rights-and-obligations/>
- procedure for requesting product substitutions and variations to a building consent <https://www.building.govt.nz/projects-and-consents/build-to-the-consent/making-changes-to-your-plans/product-substitution-and-variations/>
- information to help builders and homeowners plan, consent, build, and complete a project <https://www.building.govt.nz/projects-and-consents/>
- guidance on when building work requires a building consent <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/>
- guidance on resolving problems or disputes that may arise. <https://www.building.govt.nz/resolving-problems/>

## STAY UP TO DATE ON THE BUILDING LAW REFORMS

- Read about the building law reforms <https://www.building.govt.nz/getting-started/building-law-reforms/>
- Subscribe to updates on the reforms. <https://confirmsubscription.com/h/r/DEFBF2CA344DF6DB2540EF23F30FEDED>

# Reviewing key milestones of 2019

The Ministry of Business, Innovation and Employment says 2019 was a productive year for the Building System Performance branch, with a record number of public consultations and a far-reaching legislative reform programme kicking off. The key achievements include:

- **Government and industry have developed a genuine partnership through the Construction Sector Accord launched in April to transform the sector through improved behaviours and culture. The Transformation Plan, expected to be announced shortly, outlines how the vision of a high-performing construction sector for a better New Zealand will be achieved.**
- All six initiatives across government in the Construction Skills Action Plan are underway to address the skills shortage by getting more people into the construction workforce and growing skills.
- The first decisions on proposed building law reforms were announced by Government in October, following public consultation in early 2019. These changes will help lift building quality so things go right the first time. They'll also support people to take responsibility for their role, and allow for people to be held accountable with higher penalties if things go wrong. The first Bill is currently being drafted, with the opportunity to engage during the Select Committee process this year. Further decisions will be made on other proposals early in 2020.
- One of the key changes in the law reforms is a new certification scheme for modern methods of construction, which will clarify the consenting process and reduce duplication of effort for both BCAs and manufacturers. By supporting increased use of prefabrication and offsite construction, the scheme will also help bring more affordable homes to the market.
- There's a regular programme of twice-yearly updates to the Building Code (every June and November). A more risk-based approach is helping to inform updates, and we're hearing more from you to inform change.
- We expect final proposals on the safety of New Zealand's large dams to go before Cabinet soon. Great consultation feedback helped shape this work.
- The Building Amendment Act came into effect on 18 December 2019. This is a new system for managing buildings after an emergency, and provides clear legislative powers for investigating building failures.
- Progress on additional exemptions under Schedule 1 is underway, meaning that this year there will be even more work that can be done without a building consent. This will reduce the cost of consenting for minor and low-risk building work and will benefit all areas of New Zealand.
- In July 2019, New Zealand building standards were made free to access and have so far been downloaded 99,000 times. This supports our core work to help remove barriers to compliance.
- Also in July 2019, changes were announced to make it easier for owners of earthquake-prone buildings in small towns to undertake modest building work, without having to do seismic strengthening at the same time. These changes came into effect before Christmas.
- A review of industry's response to the retention money provisions introduced in 2017 to protect sub-contractors was completed. The review looked at factors such as awareness of the regime, extent of compliance, signs of behaviour change in the sector, and the impact the legislation is having on firms. The Minister for Building and Construction will be releasing the report publicly in the near future.
- A significant new piece of work is underway to consider how the built environment can contribute to Government's climate change goals.

**Anna Butler, the GM of the Building System Performance unit says the Accord Transformation Plan, which was originally due to be launched in December, will build on the momentum of the Construction Sector Accord.**

"The Transformation Plan delivers on the pledge made by government and sector leaders to work together to address the challenges faced by the construction industry and transform it to a high-performing sector. It will set out initiatives that will be implemented in the short, medium and longer term to drive the right behaviours and practices among all players in the sector."





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# Keeping your records straight

**IT'S IMPORTANT TO PROVIDE YOUR RECORD OF WORK (ROW) ON COMPLETION OF RESTRICTED BUILDING WORK.**

They must be filled in on time, every time, to avoid complaints being made against you and potential disciplinary action. The Building Practitioners Board received a disappointingly high number of complaints this past year about ROWs.

## DON'T WITHHOLD RECORDS OF WORK

Some Licensed Building Practitioners (LBPs) hold back the ROW in a dispute or because the client is behind in their payment. This is done under the belief that they can use the ROW as leverage. This is bad practice, as the disgruntled client can complain to the Board that the LBP did not complete the ROW. The Board will then have to discipline the LBP for failing to provide their ROW, regardless of any commercial dispute, as this is not a valid reason to withhold a ROW according to the Building Act. The Board has no jurisdiction over contractual disputes – it only addresses the conduct of LBPs. Therefore the LBP can be fined, even if the client hasn't paid for the work.

## KNOWING WHEN WORK IS OVER

Usually it is easy to know when to complete the ROW. The job is finished, so you complete the ROW before moving on. However, sometimes a job ends unexpectedly. Perhaps there is a dispute between contractors, or the client stops paying the bills. If the job isn't finished, but you won't be returning to finish it, you should submit a ROW. On it you can detail what work you did complete, even though the overall job was unfinished. Sometimes it is uncertain if you will return or not. When in doubt, you can still submit a ROW on what you have done thus far. In the unlikely event you do return, you can add to your records.

## SUBMIT YOUR OWN ROW, DON'T PASS TO OTHERS

There is still the myth that if you're a labour-only contractor to another



## CODEWORDS QUIZ



### 1. When should you provide a ROW?

- a. When the client has paid for the work.
- b. When the job is complete.
- c. When your part of the job is complete, or you do not anticipate returning to do more work.

### 1. The Building Act requires LBPs to send ROWs to:

- a. The main contractor who engaged them.
- b. The homeowner and the territorial authority.
- c. The homeowner and/or the territorial authority, if they ask for one.

### 1. If the Board finds that you failed to provide a ROW, the likely disciplinary action will be:

- a. Cancelling your licence.
- b. A fine and payment of costs towards the enquiry.
- c. Nothing, as long as you agree to fill in the ROW.

### CHECK ANSWERS HERE

<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-93/keeping-your-records-straight/quiz-answers-keeping-your-records-straight/>

LBP, the head contractor will do the ROW. This is not the case. Each LBP who does RBW must do a ROW.

Another mistake is to provide the ROW to the head contractor who does not pass it on to the homeowner or council. The Building Act puts the responsibility on the LBP to ensure the ROW is sent to the homeowner and council. You can still be disciplined even if you did provide

the ROW to the head contractor.

## TYPICAL PENALTIES

When a complaint against an LBP for failing to provide a ROW is upheld, the Board usually issues a fine and requires a payment towards the cost of the hearing. If this was the only offence committed by the LBP, the fine is typically \$1,000–\$3,000 and costs are around \$500.



# A view from the Board

## THE 2019 ANNUAL REPORT OF THE BUILDING PRACTITIONERS BOARD SHOWS THAT THE NUMBER OF COMPLAINTS AGAINST LBPS IS LOW BUT THERE ARE TRENDS WE CAN LEARN FROM.

The Licensed Building Practitioner (LBP) scheme is overseen by the Building Practitioners Board (the Board).

The Board's functions are to hear appeals against licensing decisions of the Registrar of LBPs, investigate and hear complaints about LBPs, and approve rules for LBPs.

Every year we review our operations and report to the Minister for Building and Construction. Our 2019 Annual Report is now available on the Licensed Building Practitioners website. The report highlights trends we are seeing within the LBP scheme, and I encourage you to have a read.

The commentary on complaints may seem a bit grim, but given that there are over 25,000 LBPs, the number of complaints is very low, with around one percent of LBPs coming to the attention of the Board. This suggests a lot of good work is being undertaken, and consumers rarely feel the need to report LBPs to the Board.

This year was a busy one with the Board receiving over 250 complaints and holding 143 hearings. Many of the complaints did not proceed to a hearing. This is often because the Board believed the threshold for discipline had not been met or there was not enough evidence.

As a result of the hearings, 119 complaints (or 84%) were upheld, which means the LBP was found to have committed an offence and held to account. Of those LBPs who were disciplined, nine had their licence cancelled, five were suspended, four were ordered to undertake training, and the majority were fined and required to pay costs. The fines ranged from approximately \$5,000 to \$7,000 at the higher end and \$500 to \$1,500 at the lower end.

Of the LBPs sanctioned, 10 also had

their name published in Codewords to alert the industry of the severity of their offending. This represents a minority of cases (8%), as the Board only orders publication (over and above the inclusion in the register and in the decision documentation) when there is a perceived need for the public and/or profession to know the findings of the hearing.

One of the key themes from the complaints was LBPs starting work before the building consent had been issued. The Board understands there is often pressure to get started, but the law is clear. As an LBP, you need to be strong and refuse to start work before you have sighted the stamped copy of the building consent and any amendments. Note that building work includes demolition and preliminary work on the foundations.

Many LBPs still think that if they ignore a complaint issued by the Board, nothing will happen. In fact, the opposite is the case. No response from an LBP generally leaves the Board with no option but to proceed. LBPs who engage early with the process have a much better chance of providing credible evidence that may persuade the Board not to proceed to a hearing. If the complaint does proceed to a hearing, evidence provided much earlier in the process is seen as more genuine.

Some LBPs come to a hearing and try to excuse poor work by saying they had been ordered from the site and that the errors would have been picked up at the end of the job. While in some cases this may be correct, the Board is made up of practitioners with many years of experience who understand the job. They can tell the difference between unfinished work and snag-list items, and cases where the LBP clearly did not do the job correctly in the first place, or in sequence, and the cost to remediate would have been high.

The LBP scheme was founded on having skilled people doing the job correctly the first time. LBPs, especially those supervising unlicensed workers, need to take responsibility for the quality control

## CODEWORDS QUIZ

### 1. If you are notified that there is a complaint against you, you should:

- a. Ignore it, hopefully it will blow over.
- b. Engage with the investigation, so you can provide evidence that may exonerate you.
- c. Get legal advice, if you feel you need to.
- d. Both b. and c.

### 2. The board is NOT responsible for the following:

- a. Hearing complaints about LBP conduct.
- b. Hearing appeals against licensing decisions made by the Registrar.
- c. Hearing contractual disputes.

### 3. Some complaints do not lead to hearings, this is because:

- a. The LBP has not responded to the complaint.
- b. The Board believes the threshold for discipline has not been met or there is not enough evidence

### CHECK ANSWERS HERE

<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-93/a-view-from-the-board/quiz-answers-a-view-from-the-board/>

of their work. It is not acceptable to do poor building work and hope mistakes will be picked up later, maybe by the council, or go undetected.

The complaints process is a valuable tool to ensure consumers have confidence in the system and LBPs are held to account in a fair and timely manner. If you do the job correctly the first time, fix issues, communicate well, and take pride in your LBP status, there will be very little chance you will come before the Board.

### CHRIS PRESTON

Chairman,  
Building Practitioners Board.

## 2019 REGISTERED MASTER BUILDERS HOUSE OF THE YEAR AWARDS

# Best Kiwi homes and renovations announced

Celebrating building excellence in New Zealand, the prestigious Registered Master Builders House of the Year competition awards the best homes, builders and craftsmen across our country for 2019.

Supreme House  
of the Year and  
Craftmanship Award  
**SPEARHEAD DEVELOPMENTS**

REGISTERED MASTER BUILDERS  
**HOUSE  
OF THE  
YEAR**

**FIRST-TIME COMPETITION ENTRANT, SPEARHEAD DEVELOPMENTS OF CENTRAL OTAGO TOOK THE TOP AWARD FOR THEIR WORK ON THE HAWK HOUSE. THE NEW BUILD ALSO TOOK OUT THE CRAFTMANSHIP AND CARTERS \$1-1.5 MILLION NEW HOME AWARDS.**



Judges acknowledged this home to be a technical challenge in every respect. "The Hawk House is an architectural masterpiece that sits high in the hills between Cromwell and Wanaka. Mimicking native hawks, the unique form and use of natural material has created an

incredible home that peacefully nestles into its stunning surrounding landscape.

"This is no ordinary bach. It is a home that surprises you at every turn", said the judges.



# Supreme Renovations of the Year Award

**SPICE BUILD**



**SPICE BUILD HAS WON THE SUPREME RENOVATION AWARD WITH THE RESTORATION OF A HISTORIC 135-YEAR OLD CHURCH IN PETONE, WELLINGTON. THE PROPERTY WAS ALSO RUNNER-UP FOR THE CRAFTSMANSHIP AWARD.**

Judges said the renovation "Demonstrated a vision that is nothing short of exceptional.

"The build process saw a fantastic collaboration between the owner and builder, with a result that can only be described as a masterpiece. It has perfectly retained the original character of the building, all while breathing new life into it with a stunning apartment conversion"





## Special Award

### URBAN HOMES

#### THE SPECIAL AWARD CATEGORY WAS INTRODUCED LAST YEAR TO RECOGNISE OUTSTANDING PROJECTS OR BUILD ELEMENTS.

Highly worthy of this accolade, Urban Homes claimed this award for its home in Kaipaki, Cambridge. Tasked to create a home reminiscent of a DOC hut, hidden away on an idyllic riverside site, the judges said "The unassuming yet sophisticated home has managed to blend its beauty appropriately with the neighbouring natural environment.

"Both the consideration given to this project and the owners' dedication to preserving the natural beauty of this site are absolutely commendable, and makes this home strongly deserving of this year's Special Award."

An additional 15 category and four lifestyle awards were also announced at a gala dinner attended by over 520 people from the building and construction industry.

Registered Master Builders Chief Executive David Kelly says the organisation is proud to showcase the best of New Zealand residential buildings.

"Master Builders have been building New Zealand's homes and communities for nearly 130 years and the House of the Year competition has recognised the very best of these homes for almost 30 years.

"As the building boom continues, we must ensure our focus is on building quality homes, quickly and efficiently across all price brackets. As New Zealand's leaders in residential building it is exciting to see innovative approaches coming through in the homes showcased at this year's awards. This competition sets the standard of what is possible and is an inspiration to others across the sector.



"Master Builders congratulates our Supreme Award recipients, Spearhead Developments and Spice Build, and all the 2019 winners. It has been another year of outstanding builds."



For more information about the competition, visit [www.houseoftheyear.co.nz](http://www.houseoftheyear.co.nz).



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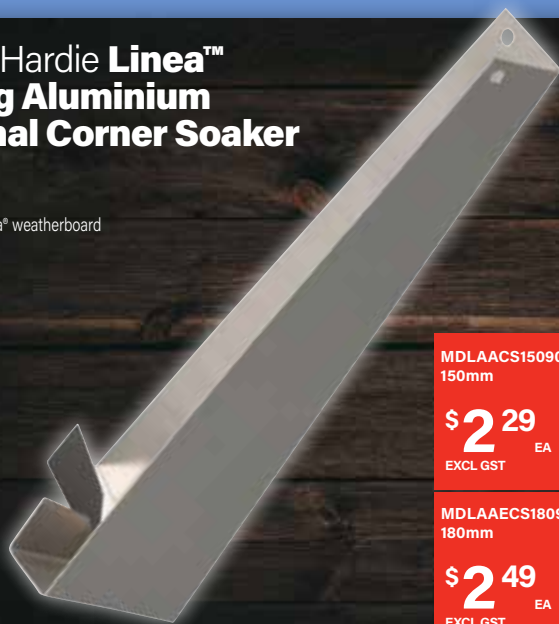


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## James Hardie 2400mm Soffit PVC Scotia Mould 2-piece Base and Cap

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- PVC Material
- Use with Eclipse™, HardieFlex™, HardieSoffit™ and HardieGlaze™ Linings



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- All-in-one sealant and adhesive
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- 3-in-1 score and snap knife
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- Ergonomic handle
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- Cuts 4.5mm to 9mm thick fibre cement like HomeRAB Pre-Cladding, RAB Board, HardieFlex Sheet, HardieSoffit Lining, Villaboard Lining, and Tile and Slate Underlay



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\*Pricing and FREE STUFF rewards valid from 1<sup>st</sup> February 2020 to 31<sup>st</sup> March 2020 unless otherwise stated. FREE STUFF rewards exclusive to CARTERS trade account holders. The actual product or reward may differ slightly from that pictured. Trade discounts do not apply to advertised pricing. All prices exclude GST. Products featured may not be available in all CARTERS branches, but can be ordered in at the advertised price. Lead time may apply. Any trademarks are the property of the respective owners.

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# Limits to liability in terms of trade

■ BY BEN RICKARD, BUILTIN INSURANCE

When explaining the liability that builders have for mistakes made by their subbies or consultants we often hear the response “but their insurance should cover that though?” It is wishful thinking in the extreme to assume that someone else’s insurance is going to protect you, even if you’re only liable because of their mistake.

## WHO IS RESPONSIBLE FOR THE ACTIONS OF SUBBIES?

In most cases a main contractor has a primary duty of care to their client for the actions of their subcontractors. In others the main contractor is “vicariously liable”. Vicarious liability is the imposition of liability on one person for the negligence of another. For example, a homeowner could be vicariously liable to the local water company if the drainlayer they engaged damaged an underground pipe.

This basically means that if you take a contract to deliver a service (eg. build a house) and you choose to subcontract out parts of that contract, you are still ultimately liable to your client for the actions of the subcontractors you use.

## LIMITED LIABILITY BY YOUR SUBBIES AND CONSULTANTS - BUILDERS CAUGHT IN THE MIDDLE

Problems arise for the main contractor where they are unable to recover the cost of a mistake from the subbie or consultant that was responsible. This could be because the subbie has gone bust, or because their terms of trade, which you accepted when you took them on, have limited their liability in the event of a mistake. This is very common and can severely limit the ability of a main contractor to recover their costs that were due to a subbie’s mistake. You’re caught in the middle – liable to your client but unable to recover from your subbie.

This sounds great, and for the subbie or consultant it is. Unfortunately,

*“In any event our liability for the services supplied is limited to two times the cost of the fee paid for such service.”*  
*“We shall be under no liability whatsoever to the Client for any indirect and/or consequential loss and/or expense (including loss of profit) suffered by the Client arising out of a breach by Us of these terms and conditions (alternatively Our liability shall be limited to damages which under no circumstances shall exceed the Price of the Goods).”*

if you’re doing residential building work the Building Act says you can’t contract out of your duty of care to residential homeowners.

## EXAMPLE ONE - FOUNDATION LAID TOO CLOSE TO BOUNDARY

A builder in Wellington subcontracted foundation work to another firm, which laid the slab in the wrong place on the property, meaning it was too close to the boundary. This was not picked up until after the final inspection and the builder was held liable for the cost of rectifying the problem. The cost of fixing this error came to \$40,000, which the builder was held liable for. The foundations subcontractor had gone bust, so the builder had to wear the full cost.

## EXAMPLE TWO - SITE MARKED OUT INCORRECTLY

An Auckland builder engaged a surveyor to identify and mark out the boundary of a property before starting work. Again, building work was substantially underway before

it was discovered that the surveyor had marked out the site wrong. The builder was liable for \$50,000 but because the surveyor’s terms of trade limited their liability to two times their fee, the builder had to wear close to \$40,000 of this cost.

## EXAMPLE THREE - REPAIR TO A TRACTOR



This claim involved a tractor where a bearing sold by the insured party damaged the tractor’s engine, costing \$15,000 to repair. The insured’s terms of trade limited their liability to the value of the goods supplied (\$150 for the bearing). Their insurer was happy to rely on these terms of trade, so were not liable to pay out any more than \$150.

## READ YOUR SUBBIES AND CONSULTANTS TERMS OF TRADE

Be aware of what you’re agreeing to when you take on their services. They may be able to contract out of their liability, but if you’re doing residential building work then it’s unlikely that you can, which means you’ll be caught in the middle if they make a mistake.

That’s why you need your own liability and professional indemnity insurance.

## IN A NUTSHELL

If you’re doing residential building work the Building Act says you can’t contract out of your duty of care to your customer. You’re liable for the actions of your subbies and consultants you engage. So, if they’ve gone bust or have limited their liability in their terms of trade then you can’t rely on recovering your costs from them if they make a mistake. This is why you need your own insurance.

**BUILTIN**  
INSURANCE

Builtin Insurance are New Zealand’s trade insurance experts. For more information visit [builtininsurance.co.nz](http://builtininsurance.co.nz) or contact Ben at [ben@builtin.co.nz](mailto:ben@builtin.co.nz) or 0800 BUILTIN.

# Five simple ways to find new staff



Most tradies say the same thing: It's hard to find good staff. The Motor Trade Association (MTA) recently said there are 1,600 jobs throughout NZ that haven't been filled in their area of trade. It's a problem.

So, if you have too much work, how do you find more skilled staff to grow your business?

Well, even in a shortage, there will always be good people who are looking around.

Take a look at your competitors and

you'll see some of them have bigger teams. If they can find good staff, so can you. So let's begin.

## 1 DON'T WAIT. THE TIME WILL NEVER BE JUST RIGHT.

The sooner you start looking, the more likely you are to find someone. And, if at first you don't succeed, try again.

One of my clients, a builder, had been actively looking for a salesman for many months. They finally found someone. Three days later, he quit! They were gutted, to say the least.

Unfortunately it was only a few weeks until Christmas, and they were heading into a quiet time. Waiting until the new year seemed logical. After talking it through however, we decided it was better to try again than it was to wait.

Then they found John, who has been a real star for them. He has consistently sold almost twice as much as any of the other reps. Sales have literally gone through the roof. If they hadn't kept advertising when they did, they wouldn't have found him.

## 2 IF YOU PAY PEANUTS, YOU GET MONKEYS.

Good staff know what they are worth. Don't worry, the good ones will always earn you back way more than they cost you.

If hiring someone at a higher rate means jobs will be done right, have less callbacks and less stress, then you will free up time to grow your business. It's worth it.

Also, consider what benefits you offer. Why would this job be more

NEXT LEVEL  
**TRADIE**



Daniel Fitzpatrick is a New Zealand based business coach and the creator of Next Level Tradie. Find him at [NextLevelTradie.co.nz](http://NextLevelTradie.co.nz)





attractive than anything else out there? Are current employees happy with benefits? Ask them for feedback and new ideas.

It might be as simple as a free breakfast once a week over a toolbox talk; the flexibility to leave early occasionally if the job is done; incentives when they meet targets. Or maybe it's a generous tool allowance, latest iPhone or Samsung work phone, uniform, company vehicle, etc.

### **3 YOUR VIBE ATTRACTS YOUR TRIBE.**

Look at the latest ads on Trade Me or Seek. Most are demanding and boring. Who wants to work for a company that has a high list of demands and no benefits?

Right now there are about 50 ads the same: "Builder wanted. Must have own tools, transport, be hardworking, experienced and able to work unsupervised. Apply now."

Here's the deal: If you want the great applicants you have to have a great ad. Right?

Visualise the best team member you have on board right now. What exact ad would attract another just like them?

Put some personality into the ad too. Make the ad friendly, talk about what you offer and how you really look after your staff. Make sure it reflects your vibe and how you operate. Mention what kind of company you want to be. How do you want your team to feel about you? What makes you unique? Are you about precision and high standards? An easygoing team that has a lot of fun? Serious about work/life balance? A growing professional level company that dominates your niche?

Also make it easy for them to apply. Some tradies are not great with paperwork, so a phone call might be better in some cases. Of course if it's an admin, sales or supervisor position, you will still want a proper CV.

### **4 THINK OUTSIDE THE BOX.**

First, ask around. Some of your best hires will come from word of mouth. One way to quickly get the word out is to set aside a couple of hours on a Friday afternoon. Shout pizza and get your team to message friends and post on social media. Use the time to reach out to your contacts and do the same.

If you're trying to reach under 40's, you'll want to list your ad online. Trade Me or Seek is a good place to start. Also post on your Facebook business page and in local groups.

What about taking on an apprentice as part of the plan? They take a bit of work in the beginning but, in a few years, they'll be fully trained in your way of doing things.

Always field test applicants. Things to check are: Are they punctual? Can they think for themselves? Are they willing to learn? Can they follow instructions? Are they honest? Attention to detail? Remember skills can be taught - hire for attitude.

### **DON'T DISCOUNT FEMALE OR MATURE AGE APPRENTICES EITHER!**

Also consider recruitment agencies. They might cost a bit more, but often

they have a pool of workers ready to start now. It could be short-term or long-term and, as long as you have good margin on jobs and can afford to pay a bit extra, this can be a good option.

Depending on your trade and what you are looking for, some immigration and recruitment agencies are sourcing highly skilled overseas workers from places like South Africa or the UK. Talk with them, see what options are available.

An engineering firm I worked with had a staff of around 20 welders. Around half of these were hired from other countries. It worked for them, it might work for you.

### **5 IF YOU CHANGE THE WAY YOU LOOK AT THINGS, THE THINGS YOU LOOK AT WILL CHANGE.**

I was speaking with a business owner recently who was looking for drivers. Their comment was "you just can't get drivers." I know there are not many around but, to say you can't find drivers ever, that's going to trip you up.

We talked it through, made the job ad more appealing, got interview questions ready, and threw the dice.

A few weeks later they'd been receiving much better quality applications. The guy they hired told them in the interview "I kept going back to your ad. I just couldn't go past it. I really want to work for a company like yours. So here I am."

The bottom line is this: If you have the right hiring process, you can still find excellent people, even in a difficult market.

Go for it. You might be surprised who you find. And it could be the next gamechanger for your business and your sanity.

Finding staff is one thing. But what if you could next level your profit?

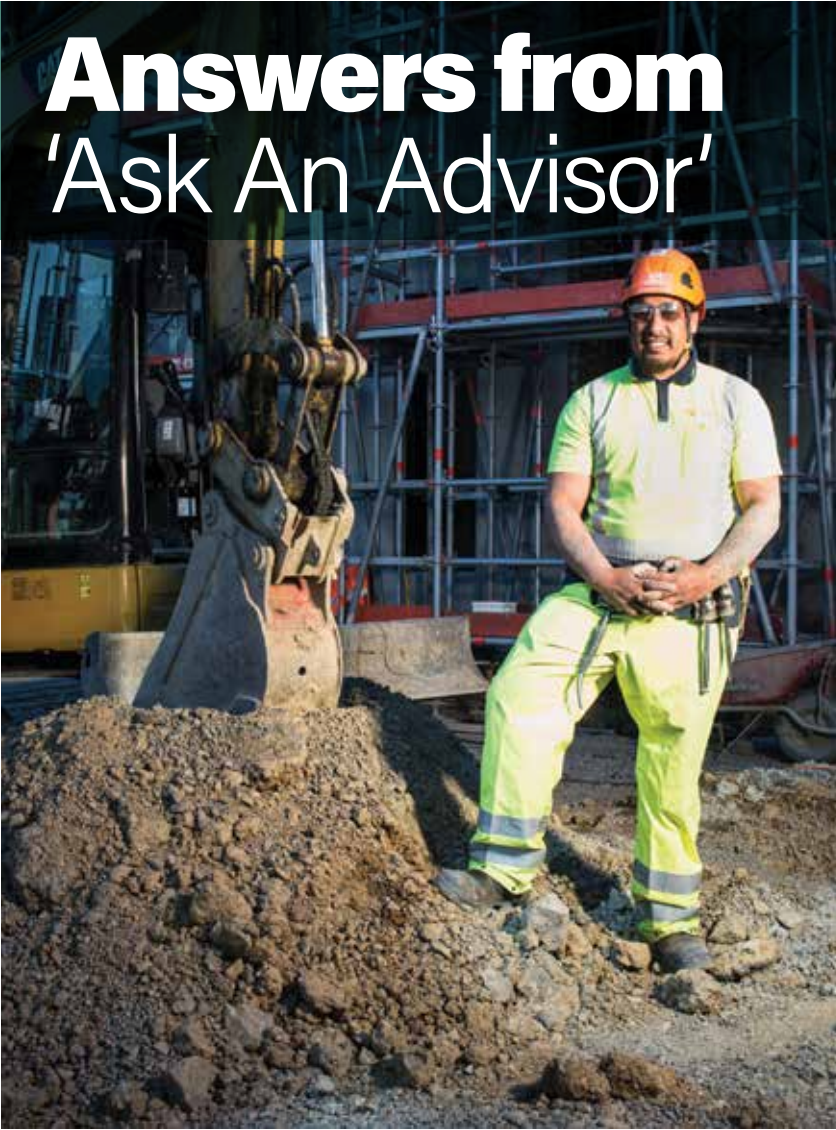
Find out the 5 simple steps to make your tradie business grow financially and get more cash in the bank.

Get your free guide here:



<https://nextleveltradie.co.nz/guide/>

# Answers from 'Ask An Advisor'



The following are answers to questions Site Safe has received via its Ask An Advisor section on its website.

## CAPS UNDER HARD HATS

**Q: An electrician who wears a baseball cap under their hard hat for personal comfort and hygiene reasons said the safety inspector on his construction site said to not wear it.**

The sparky asks: "Is it lawful to forbid wearing a baseball cap under a hard hat? The Site Safe website says" It is recommended you do not wear clothing items on your head."

Site Safe's advisor says: Your company's Safety Inspector is correct in issuing the non-compliance notice. The use of safety helmets requires the harness to be in direct contact with the skull to be most effective

and usually a baseball cap will impede performance. This is outlined in NZ Standards and will also be part of the company's safe work practices. The reason the wording on our website is "recommended" is because there are exceptions. If you read further down the information sheet on Safety Helmets you will also note the guidance to check with the manufacturer regarding advice on wearing the hard hat.

You mention the reason for the cap is comfort and hygiene. Safety helmets are designed to be comfortable – if yours is not then you should try a different design. Hard hats are a bit like shoes; there is not one design

that will suit everyone. The hygiene issues should be addressed by cleaning and the regular change of the sweatband.

There are no regulations specifically for hard hats; however regulation 18 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 require workers to wear or use the personal protective equipment in accordance with any information, training, or reasonable instruction by the Person Conducting a Business or Undertaking (PCBU).

For more on wearing hard hats, go here: <https://www.sitesafe.org.nz/guides--resources/practical-safety-advice/hard-hat-basic-safety/>

## ADDITIONAL NOTE:

Hard hat manufacturer Honeywell says there are a couple of reasons it advises against baseball caps being worn with hard hats.

- It will interfere with the suspension and shell which work together to reduce the force of an impact.
- The bill of the baseball cap worn under a hard hat won't allow the head protection to sit level on the head in the work position.

## MANDATORY PPE

**Q: Is there a mandatory Personal Protective Equipment (PPE) code for NZ construction sites?**

Site Safe's advisor says: There is no mandatory PPE requirement. Each construction site will determine its own PPE requirements based on the risks that are present on the site and the controls that have been determined in the safety plan for those risks.

## SHORTS FOR SUMMER

**Q: "As a company we supply PPE that is fit for the requirements of the role. However we are being asked by staff if we will supply them with shorts for the summer?"**

"The people asking are a team based at a port and our cold store/yard team. Both teams are exposed to full-day varying weather conditions (currently the heat) and are in and





out of forklifts (so I am concerned that some shorts are ill fitting and will catch when moving around equipment.) In the winter months we supply overalls.

Site Safe's advisor says: The choice of clothing fit for the job is a decision for the PCBU. The PCBU must engage workers and involve them in any decisions affecting their health and safety and this includes clothing.

Your question specifically relates to supplying shorts. Note that these are generally considered to be standard clothing not PPE; so the PCBU is not obligated to supply them.

You are correct in identifying any risks that might arise. Poorly fitting clothing (potential catch/snag while getting on and off plant) is potentially a risk but this applies to any ill-fitting clothing and the answer is to make sure that clothing provided fits correctly.

Other risks to consider:

- Protection (or exposure to) from UV;
- Work activities that might expose bare skin to projectiles or chemicals
- Work environments where bare skin may come into contact with sharp or abrasive surfaces
- Exposure to cold temperatures.

So unless the shorts are being supplied for safety reasons the PCBU is not obliged to provide them. However you may decide to provide them and even make them part of a uniform or dress code. Consider whether shorts are appropriate for the work activities and environment (based on risk assessment and consultation with workers).

There is more about PPE from WorkSafe refer to below right.

## QUARRY WORK

**Q: I am an electrician in the New Zealand Defence Force and need to service a generator in a quarry. I was told that to inspect the generator I needed a particular endorsement due to it being in a quarry, however I am just required to service it.**

Site Safe's advisor says: As a qualified electrician you will be able to work on the generator, the fact that it's in a quarry should be irrelevant. Ensure you have been provided a safety induction for the worksite and that you follow any lock-out, tag-out procedures included in the quarry safety procedures.

## HARNESSE USE

**Q: Is wearing a harness necessary in a scissor lift when working at a height of 5m or less and not leaning out?**

Site Safe's advisor says: Wearing a harness in a scissor lift is not required unless your risk assessment has identified circumstances where they are necessary (which may include leaning out).

From the Best Practice Guidelines for Mobile elevating work platforms (MEWPs):

"Before starting work, a hazard assessment should be completed to decide whether a harness system will be needed to complete the job safely."

The height you are working is not a consideration except for working out fall clearance for a fall arrest system.

If you would like to ask Site Safe for advice, go here to Ask An Advisor.



<https://www.sitesafe.org.nz/Portal/customer-care/ask/>





# 3 new GIB® Plasterboard sheet configurations available.

**New sheet length to better suit smaller rooms, reducing sheet wastage and costs.**

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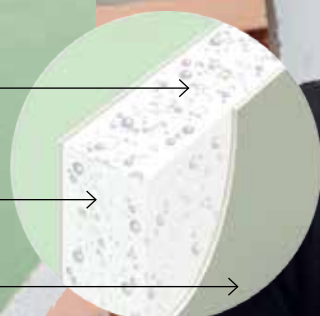
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Plaster core with moisture repellent polymers.

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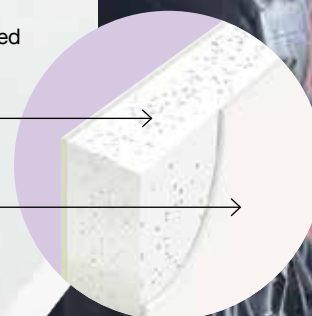
Green face paper for easy recognition.



## **GIB® Ultraline**

Dense plaster core reinforced with fibreglass for added strength.

Pearlcoat coated paper for a smooth finish.





# Cement can pack a painful punch

The dangerous thing about concrete is that it can give you serious burns but you won't feel a thing. At first.

Wet concrete and cement have about the same pH level as caustic soda and if they get in contact with your skin the first things to go are the nerve endings so you don't feel pain. And then it eats away the skin.

Most concrete burns happen when it seeps through boots and gloves and clothing and by the time people are on to it, the skin is already burned. Often through several layers. In bad cases the main treatment is skin grafts. Even without operations, these chemical burns can take weeks or months to heal.

## TO CONTROL CONCRETE RISKS, CONSIDER THE FOLLOWING EASY METHODS:

Construction safety organisation Site Safe says having the right personal protective equipment (PPE) is vital. Reduce the risk of skin contact by wearing:

- Full-length overalls with long sleeves and trouser legs that won't let dust or water in
- Waterproof boots
- Waterproof gloves
- Eye protection

Any clothing that has been contaminated by concrete should be washed and dried before it is used again. Do not allow contaminated clothing to touch skin directly.

## HYGIENE

Dermatitis can occur without skin being in contact with concrete contamination so it is vital workers wash their hands before visiting the toilet and eating.

The best solution is to provide a large sink – big enough for workers to submerge their forearms in, with warm water, soap and clean towels to get the concrete off. If running water is not an option, the next best alternative is to store clean water in your work vehicle.

Don't use abrasive cleaning products or alcohol wet wipes as they can damage the skin and increase the risk of injury, a mild soap is best.

## HEALTH MONITORING

Ensure all workers that may be exposed to concrete know what the risks are and what they must do to look after themselves.

It's recommended you get professionals to conduct regular skin exams and encourage workers to check themselves for signs and symptoms of concrete skin contact dermatitis.

## OTHER POTENTIAL RISKS FROM CEMENT CONTACT INCLUDE:

### IRRITANT CONTACT DERMATITIS

Irritant contact dermatitis is a skin condition caused by the chemicals that make up concrete. Some particles that make up cement are abrasive and can injure the skin. If the skin is not given enough time to recover, irritant dermatitis can develop. This condition is found in many concrete workers.

Symptoms include:

- Stinging
- Itching
- Redness
- Swelling
- Cracking
- Blisters
- Scaling
- Fissures
- Bleeding

Cuts or wounds heal very slowly and infections are likely.

### ALLERGIC CONTACT DERMATITIS

Allergic contact dermatitis is a skin condition caused by an allergic reaction to concrete. Cement-based concrete contains hexavalent chromium which causes allergies and, in some cases, cancer.



Daily exposure may take years to cause a reaction; but when it does, it is irreversible. Allergic contact dermatitis is a common reason for concrete workers to leave the industry.

Symptoms include:

- Swelling
- Redness
- Oozing
- Cracking
- Stinging
- Itching
- Blisters
- Scaling

## WASTEWATER

Wastewater produced when working with concrete is toxic – it takes many thousands of litres of water to dilute one litre of alkaline back to a safe pH level (between six and seven).

Use these four steps to ensure runoff doesn't pollute waterways, potentially killing fish and plants:

1. Check the weather and pick a dry day
2. Contain the wastewater by making a bunded area
3. Capture the wastewater in the bunded area
4. Clear the wastewater by pumping it into a container like a 1000 litre cube.

## EMERGENCY ACTION FOR CONCRETE BURNS

If there is any suspicion that a concrete burn has occurred, seek help from emergency services.

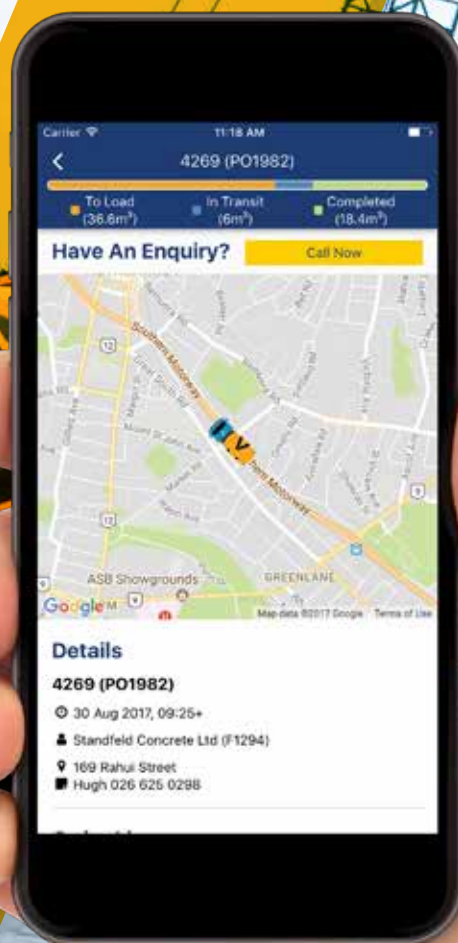


For more practical safety guides from Site Safe go here - <https://www.sitesafe.org.nz/guides--resources/practical-safety-advice/>

# WORK SMARTER NOT HARDER WITH MY CONCRETE

Manage concrete orders and track delivery in real time from your mobile, allowing you to free up time and get on with it!

- View past, current and future jobs
- Display important details for each job
- Receive notifications when trucks are dispatched
- Monitor truck location and delivery progress in real time
- Display site weather information to determine optimal pouring conditions
- Share jobs with sub contractors, placers etc







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## CARTERS & SURTEES HAVE PARTNERED UP!

With the fishing season in full swing - we know many of you will be getting out there, so during February & March CARTERS have joined forces with the Surtees team to offer you the chance to go in the draw to WIN a Surtees 540 Workmate Hardtop Boat package (includes Honda 100HP Outboard, Minn Kota Trawling Motor linked with Humminbird Helix 10" Sounder - so you can operate your Minn Kota directly from your fish finder) - all you need to do is spend \$500 on products advertised in the Site Offers mailer between 1 Feb & 31 March.\*

Every \$500 earns you an additional entry into the draw.

The boat will be cruising around to CARTERS branches on a mini road show of the North Island for Trade breakfasts and fishing competitions during Feb & March - head along to one of the events to check it out and make sure to get yourself in the draw.

\*SEE INSTORE OR AT [WWW.CARTERS.CO.NZ](http://WWW.CARTERS.CO.NZ) FOR DETAILS. PROMOTION ENDS 31 MARCH 2020.

### ROAD SHOW DATES

Feb 21	Whangarei
Feb 25	Panmure
Feb 26	Hamilton
Feb 27	Hastings
Feb 28	Palmerston North
March 5	St Lukes
March 13, 14 & 15	Coromandel Catch a Fish Event

\*Dates are subject to change, see [www.carters.co.nz](http://www.carters.co.nz) for full event details.



## APPRENTICE OF THE YEAR 2020

Registered Master Builders Apprentice of the Year is an annual event that recognises the talent of up and coming carpentry professionals.

ALL  
COMPLETED  
ENTRIES WILL  
GET A \$100  
CARTERS  
GIFT PACK!  
\*Conditions apply

### WHO CAN ENTER

- 30 y/o or younger on 31 December 2020.
- Currently employed by, or contracted to a building firm or a builder at the time of the regional competition being judged.
- You may only enter the competition a maximum of two times, provided you were not a national winner the prior year.
- You must have completed at least two years of your National Certificate in Carpentry on-site by 29 April 2020
- You must still be in your apprenticeship on the day the applications close, 29 April 2020.

### NEED MORE INFO?

Head along to a Heads-up meeting near your to get the low down on all things AOY, so you feel prepared before entering the competition.

### EVENT DATES

Head over to:  
[www.apprenticeoftheyear.co.nz/headsupmeetings](http://www.apprenticeoftheyear.co.nz/headsupmeetings) for all event dates and details.



### APPRENTICES

Show us your skills! If you're tackling your apprenticeship this competition is a chance to expand your experience and compete against the best in the country.



### EMPLOYERS

Got a star apprentice? Get them involved in this competition to boost their career and your business to the next level. There's an award up for grabs for you too!

CARTERS are proud to sponsor this event for the 16<sup>th</sup> consecutive year and value the opportunity to support our future industry leaders.

**CONZTRUCT**  
NEW ZEALAND'S LEADING CONSTRUCTION TRADE SHOW  
RESIDENTIAL • COMMERCIAL • INDUSTRIAL

## CONZTRUCT 2020

New Zealand's largest travelling construction trade show is back for 2020. Catch CARTERS at each of the events below:

### ROUND 1

Auckland Sth/East  
Tauranga  
Gisborne  
Napier

Mon 4 May  
Tues 5 May  
Wed 6 May  
Thurs 7 May

### ROUND 3

Auckland Nth/West  
Whangarei  
Hamilton

Tues 28 July  
Wed 29 July  
Thurs 30 July

### ROUND 2

Wellington  
Palmerston Nth  
New Plymouth

Tues 16 June  
Wed 17 June  
Thurs 18 June

### ROUND 4

Christchurch  
Dunedin  
Invercargill  
Queenstown

Mon 24 Aug  
Tues 25 Aug  
Wed 26 Aug  
Thurs 27 Aug

UPCOMING EVENTS 2020





# Recent decisions regarding failure to provide the Record of Work

■ BY ANDREW SKINNER

**A REVIEW OF THE DECISIONS FROM THE BUILDING PRACTITIONERS' BOARD IN 2019 HIGHLIGHTS THAT THE MANDATORY REQUIREMENT TO PROVIDE A RECORD OF WORK ON COMPLETION OF RESTRICTED BUILDING WORK REMAINS AN ISSUE THAT THE BOARD COMMONLY ADDRESSES. THE DECISIONS HIGHLIGHT THE MANDATORY OBLIGATION OF LBPS TO PROVIDE THE RECORD OF WORK UNLESS THERE IS A "GOOD REASON" NOT TO.**

The Building Act 2004 (the "Act") sets out that each LBP who carries out or supervises restricted building work must on completion of the work provide the owner and the relevant territorial authority with a record of work in the prescribed form stating what restricted building work the LBP carried out or supervised. Failure to provide the record of work is a ground for discipline under the Act. In determining whether to discipline the LBP, the Board may consider whether the LBP had "good reason" for not providing a record of work on completion of the restricted building work. The Board has made previous statements on this requirement and confirmed that provision of the record of work is a statutory requirement and not a negotiable term of the contract. The requirement to provide the record of work is not affected by the terms of the contract nor by any contractual disputes (i.e. such as payment).

The following recent Board decisions provide a useful reminder of this requirement:

## (A) LATE SUPPLY:

The LBP was engaged to carry out foundations work on a residential build. The building work was completed between 1 March 2018 and 1 May 2018. The LBP failed to provide a record of work. The LBP stated that he had provided a record of work on 11 December 2018 to the owner but had not provided a copy to the relevant territorial authority. In the Board's view, the use of the words "on completion" denotes a short time after completion. In this particular

case, the record of work was provided 7 months after completion and the record of work was therefore not provided on completion and an offence was committed. The Board also reiterated that the requirement is on the LBP to provide a record of work and not on the territorial authority to request one.

## (B) INCORRECT RECIPIENT:

The LBP was subcontracting to the main contractor and the work was carried out between May 2015 and April 2016. Evidence was provided of multiple attempts to get the LBP to engage and provide a record of work to the owner, however, the LBP refused to engage. In response to the complaint to the Board, the LBP stated that he had already sent the record of work to the main contractor. The LBP understood that the main contractor was in a payment dispute with the owner and the main contractor was in liquidation. The LBP did not have another copy of the record of work but subsequently provided a record of work on January 2019. The Board concluded that the respondent's reason for not having provided the record of work to the owner because he had provided it to the main contractor who had not passed it on was not a good reason. The requirement in the Act is to provide the record of work to the owner and the territorial authority. Provision of the record of work to the main contractor may be a pragmatic solution but it does rely on the main contractor passing it on to the owner and the territorial authority. If the main contractor does not pass it on,

then the LBP has failed to comply with the Act.

## (C) INCOMPLETE WORK:

The LBP was engaged to undertake building work on a residential dwelling. The work started in April 2017 and came to an end in December 2017 when the contractual relationship came to an end. The LBP subsequently refused to provide a record of work. The reasons for refusal were that the work was only 80% complete when the LBP left the site due to commercial reasons in December 2017 and that the LBP didn't consider the delay in providing the record had any impact for the client. The Board decided that these were not good reasons for withholding and that completion for the purposes of the record of work occurred in December 2017 when the contractual relationship came to an end. Whilst not put forward as a reason for withholding, in the background there was an ongoing payment dispute and the Board reiterated its previous position that a payment dispute is not a good reason for withholding the record of work.

These decisions highlight the strict nature of the obligation to provide a record of work and LBP's need to establish good processes to ensure the record is provided soon after completion of the work.

This article is intended to provide general guidance and does not constitute legal advice, which may vary depending on your circumstances.



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# Banks may be sedating the golden goose

■ BY RODNEY DICKENS

There used to be three certainties in life: taxes, death and that a sizeable fall in interest rates, like the one since 2018 would be followed around 12 months later by a large upturn in residential building. The first two still apply, but banks may have sedated the impact interest rates have on the housing market.

The 2019 fall in mortgage rates has failed to deliver the normal significant upturn in existing dwelling sales which brings into question how much it will boost new dwelling consents. It only takes around four months for changes in mortgage interest rates to impact on existing dwelling sales reported by REINZ versus around 12 months for new dwelling consents. Reflecting this, the green mortgage rate line in the chart (Fig. 1) has been advanced or shifted to the right by four months.

Prior to the 2019 sizeable fall in mortgage rates there have been nine falls since 1993 of similar or larger magnitude. All past nine falls were followed roughly four months later

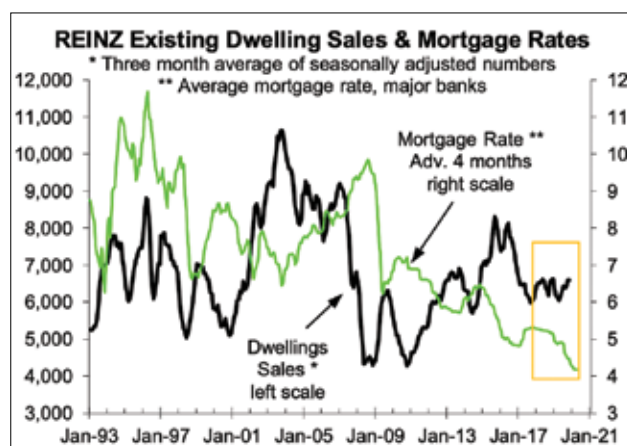


FIG. 1

by a sizeable increase in the number of existing dwelling sales as shown in the chart and by higher consents for new dwellings roughly eight months later.

Rather than having increased significantly, this time around existing dwelling sales have largely drifted sideways in response to the 2019 fall in interest rates. If existing dwelling sales haven't been boosted much by the fall in interest rates, it brings into question how much the fall will boost residential building.

A range of factors largely offset the boost to existing dwelling sales from the fall in interest rates, including: (1) the October 2018 ban on most foreign investors; (2) the government cutting residency visas for immigrants; (3)





KiwiBuild stealing a few buyers; and (4) banks tightening lending criteria.

From an investigation I conducted of these factors and a few other factors, I concluded that tighter bank lending criteria was potentially the main culprit. At my instigation interest.co.nz conducted a survey of banks and mortgage brokers to find out what was happening. Gareth Vaughan of interest.co.nz found that banks requiring extra info from would-be borrowers about expenses was the leading culprit (use the link below to access Gareth's article).

The limited upside in section sales reported by REINZ in 2019 suggest banks are doing the same to people borrowing to build which may also be the case for people borrowing to buy house and land packages. However, REINZ section sales aren't necessarily reflective of market-wide section consumption.

It isn't certain, but "prudent" behaviour by banks may mean a shortage of golden eggs for the building industry this year relative to what would normally be the case in response to a sizeable fall in mortgage interest rates in 2019.



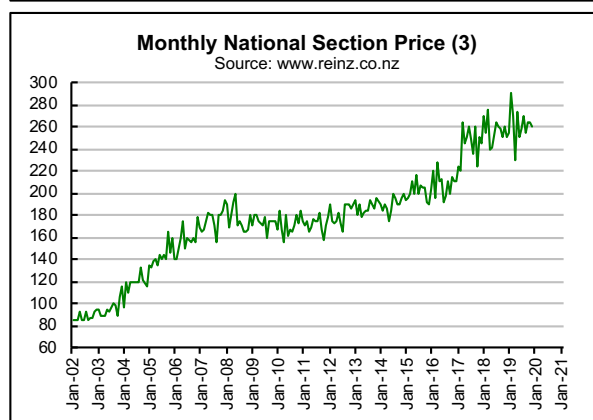
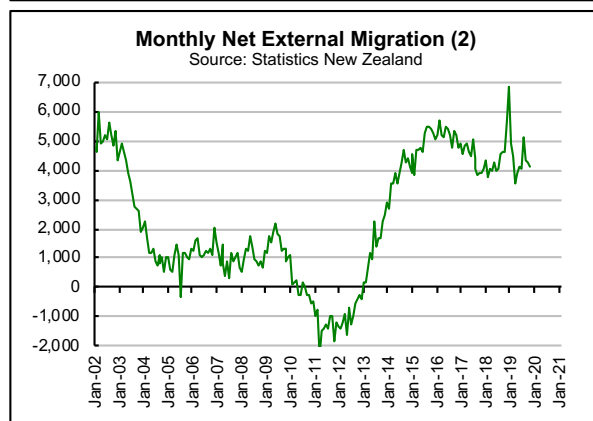
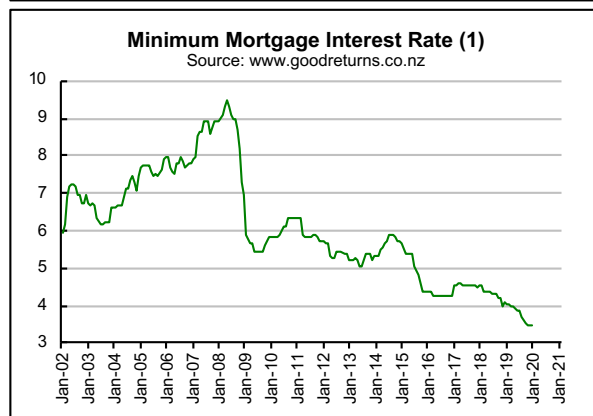
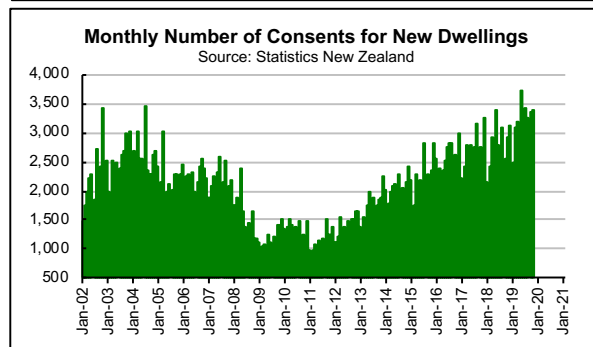
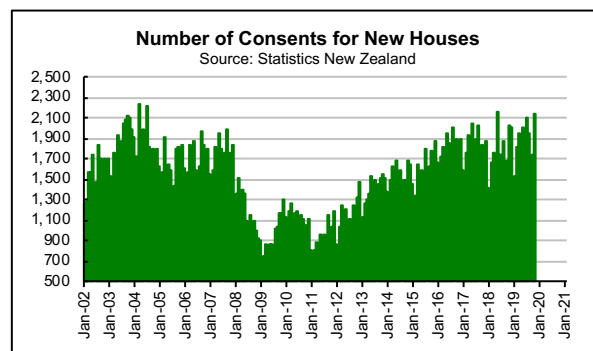
<https://www.interest.co.nz/personal-finance/103022/banks-have-reduced-interest-rates-they-use-test-mortgage-borrowers-ability>

## 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)



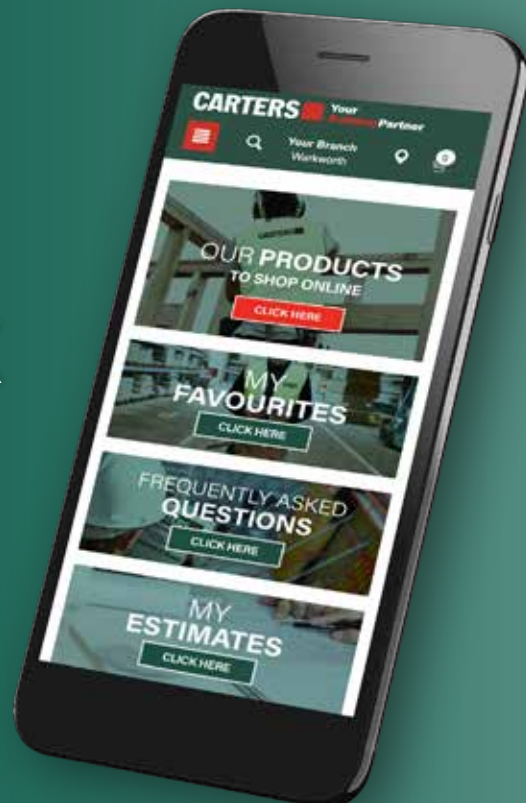
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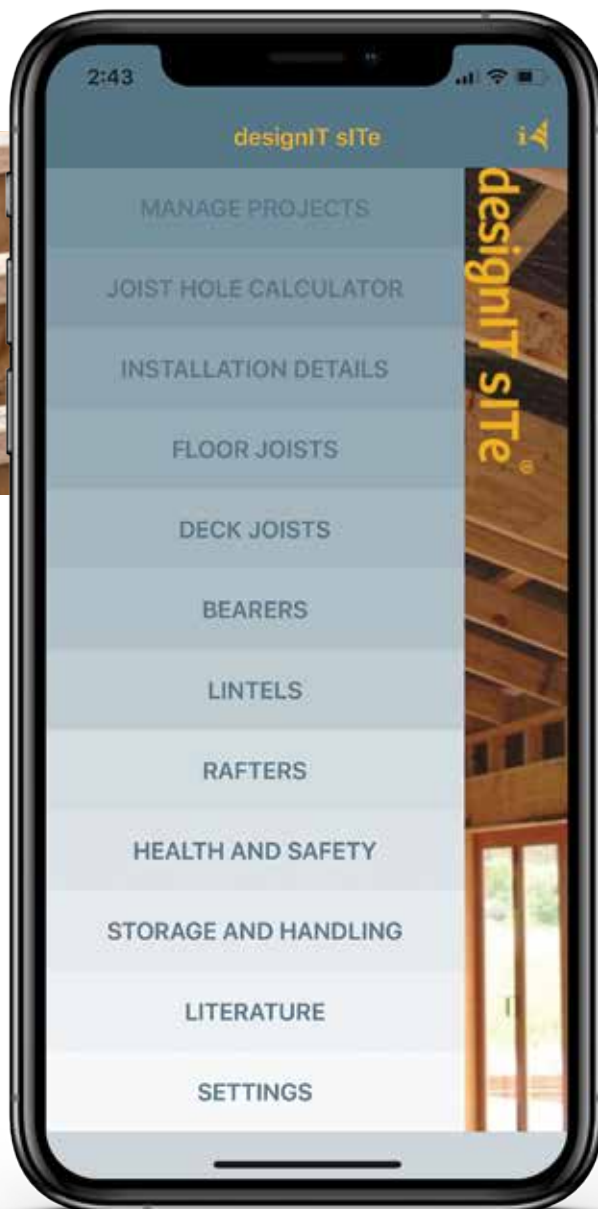


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