



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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**Submission To The Social Service Committee on the
Weather tight Homes Resolution Services Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organization representing 42 Nationally Organized Societies and national members. NCWNZ has 32 branches throughout the country attended by representatives of those societies as well as some 150 other societies.

The Councils function is to work for the well-being of women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to make this submission on behalf of our members. NCWNZ members are very interested in replying to this Amendment Bill

Policy objective of the Bill

Our members support the enhancement of the Weather-tight Homes Resolution Services (WHRS) process, ensuring it offers a more cost-effective, speedier and more flexible alternative to the courts, in order to get non-weather-tight homes repaired as early as possible. It is extremely important that the claims process is dealt with in an efficient manner and that a more investigative model of dispute resolution be introduced.

As it is already well known that certain styles of homes such as the “Mediterranean” flat roof with no eaves, monolithic cladding systems which retain moisture, a lack of drainage holes at the base of the dwelling, inadequate design or poorly constructed flashings around doors, windows or other junctions and non-compliance with the Building Code are the main offenders in leaky homes saga, NCWNZ had hoped that these would have already been addressed since the passing of the ‘Code’.

In the booklet ‘Doing it right, a property owner’s guide to developing and building in Manukau’, the Manukau City Council points to the 4D Philosophy – Deflection, Drainage, Drying and Durability in building designs assist greatly in achieving weather tightness. To ensure that buildings are robust and enduring in their construction only accredited materials for roofing, facades and cladding must be used. Only buildings using accredited materials will be issued with a Code Compliance Certificate.

Our concern with this is who is liable when it is discovered that lower quality materials have been used because the supplier as in the case of Carter Holt Harvey had claimed the wood they supplied was of better quality than it really was. This should not leave the home owner without a Code of Compliance.

The aims of the Bill

NCWNZ would support the independence of the adjudication process and that there will be an increase in the proportion of claims resolved through early negotiation. We would also support the lowering of the evidential and legal costs for all parties using the service because often young families have invested their life savings on the property and having nothing left to face a long drawn out adjudication process.





Clause 6 New sections 6A to 6N and headings inserted

NCWNZ supports the inclusion of sections that makes way for a class action approach to claims relating to multi-unit complexes, as long as it means that all people affected in a multi-unit complex are well covered in any adjudication given. We feel this must save congestion of the adjudication system and reduce overall costs to all involved.

Clause 17 New sections 27 and 27A substituted

The introduction of the new Weather-tight Homes Tribunal to strengthen adjudication services is seen as an essential necessary reform. NCWNZ agrees with the need for the tribunal and is especially interested in section 27 that ‘the Chair must assign a tribunal member or himself to act for the tribunal in relation to each claim’. Section 27A says as soon as the tribunal thinks practicable after the person has been assigned it must call a preliminary conference of the parties to consider making and if possible make, procedural and other decisions under this Act to try to ensure that the claim is dealt with in the manner best suited to-

- “(a) its particular circumstances and those of the parties;
- “(b) its speedy and cost-effective resolution.”

NCWNZ would especially endorse (b) as at present delays are causing the damage to grow into a much larger problem.

Clause 25 New Section 62A inserted

NCWNZ is pleased that consumer protection is also addressed, and that notices are going to be added to the Land Information Memorandum (LIM) report, to alert future owners to the history of the house. We are concerned that this could disadvantage the vendor of the property, especially if they have taken action to repair the leaky home.

Conclusion

NCWNZ has been very interested in all the Legislation that has been passed in the last few years and we hope that this Weather-tight Homes Resolution Services Amendment Bill will answer all the questions that have arisen. We are concerned particularly with the health effects when families through no fault of their own find themselves living in damp musty homes when they thought that having a new home would be the healthiest move they could make. We are also dealing with a family’s greatest asset and many people having just bought their home do not have money to be spending on obtaining the assistance to make their home safe again. This can put great stress on the home owners.

It is urgent that we take steps quickly to stop leaky homes being built and to repair those identified as poorly constructed.

Christine Low
National President

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Convener, Social Issues Standing Committee