



IMPORTANT INFORMATION ABOUT PAINTING

ABOUT THIS BROCHURE:

This contract is made available by the Master Painters New Zealand Association Inc (the MPA). It contains general information about painting. Nothing in this brochure is advice which applies to any particular work.

If you are using the MPA's Residential Painting Contract, this brochure forms part of that contract.

The MPA is not responsible to you for your painter's conduct. To the extent law permits, liability of the MPA for this brochure is excluded. You should seek professional advice before painting.



BEFORE YOU START

This brochure explains some important information about painting. Read it carefully.

If you are using the MPA's Residential Painting Contract, this brochure forms part of your contract with your painter.

Speak to your painter if you have any questions.

CHOOSING A PAINTER

The MPA is committed to the highest standards for its members, and recommends that you choose a painter who is a member – a Registered Master Painter.

When looking for a painter, the MPA considers that your first point of call should always be your local Master Painters Association office - they can provide you a list of registered painters in your area.

W www.masterpainters.co.nz
P 0800 PAINT NZ
E nationaloffice@masterpainters.org.nz

Ask your painter if they are an MPA member and ask to see their membership card. Also feel free to ask your painter for references.

QUOTES AND COSTS

It is a good idea to get quotes: three quotes will often be plenty, but use your common sense.

Compare prices and the scope of works carefully.

It is often true that you get what you pay for, and better painters often charge a premium for their experience and higher quality work. If you require or agree to inferior materials, you will usually get inferior results.

Compare the scopes of work and the materials being used carefully. Differences in these can often be a reason why quotes are varied. *For example, how many coats is each painter proposing? Are Premium Line products being used?*

Does your contractor offer a warranty?

If so, how is this backed up? If they are a MPA Member they should discuss the optional Master Painters Guarantee with you.

ADVICE

Your painter is generally a wealth of information about painting. Ask them questions!

The wise home owner will listen to expert advice before making the final decision.

WHAT TO PAINT?

It is up to you to tell your painter what you want done. But they can help you work out what's best.

If you have a particular purpose for which the work is required, or the result that you desire the work to achieve, it's important that this is written down in your contract.

For most jobs, painting doesn't require any Council approval, but be careful, especially if you live in an old or significant place, streets or footpaths need to be used to paint or there are electrical wires close by.

Get the right permissions before you start. Unless you agree otherwise, your painter is not responsible for approvals, and getting this aspect wrong can cause your costs to increase.

GET IT IN WRITING

Clear documentation helps all parties to the Contract.

The MPA's contract has a section where all the details of the work should be fully written. Your painter will most often complete this but always check it carefully and ask questions if you are not clear.

What's needed will vary from job to job. If you don't understand, don't sign. Get it clarified.

INSURANCE

Always ask what insurance the painter has. A good start is to ask about:

✓ Public Liability Insurance

Generally speaking, this insurance is taken out to cover related party damages as a result of the contracted work. It is a condition of MPA membership that your contractor has this.

Always speak to your own insurers and let them know what you plan, before work starts.

Consider, for example, if you have adequate cover if your possessions are stolen or damaged.

YOUR SAFETY

Paint products and the place where work is happening can be dangerous. Let your painter do the painting.

If you are handling painting products at all, read labels and follow advice.

Stay clear of work areas. Supervise children closely.

Old paint can contain lead: let the painter deal with this. Asbestos can kill: a professional will need to deal with any asbestos issues if they are suspected.

Painting often generates noise, as well as fumes and fine particles which can hang in the air. If sensitive, tell your painter in a timely way: they may change how they do a job. You are the best judge of your own circumstances. Take appropriate precautions.

This might include leaving the property for an appropriate time.

Painters will often leave their equipment on your property during the period that they work (for example, paint, ladders, tools and scaffolding). Discuss this with them upfront so you know what to expect. Don't touch, and keep children away. If you need their things moved, ask the painter. The painter's equipment always remains the property of the painter.

PAINT & COLOURS

Don't skimp. Paint is not only about colour – it's about protection.

All things being equal, a higher quality paint lasts longer. Don't cut corners by choosing an inferior paint.

Make sure your painter specifies the exact materials they are using. Call the paint company and ask them if the paint is premium quality. If you require or agree to inferior materials, you will usually get inferior results.

Painters paint. It's you that decides the colours and finishes. Your painter may offer an opinion on colours, especially on the light reflectant value of your choice, or suggest you contact a professional colour consultant, but it's your choice at the end of the day.

Sometimes a small area painted first can help you decide. Ask your painter about this. Keep in mind that small and larger painted areas can appear to be different.

Keep in mind that paint on a surface usually looks different from those small free colour cards (or chips) available from the hardware or paint shop.

Even if, for example, you hold the card up against the wall.

And lots of outside influences determine how each of us perceives colours.

For example, how you remember a wall before it was painted, the time of day, the way the sun or a light shines, the angle from which you look and what surrounds it such as other surfaces, flooring, furniture and things you hang on a wall, can all make a difference.

People perceive and describe colours and finishes differently.

For example, one person's white is often another person's cream.

Gloss, semi-gloss, vinyl and matte are all general descriptions, and they vary amongst manufacturers. Wet and dry paint appear different. Old paint often looks different from new paint, even if the same colour.

You may be able to change your mind, but expect an additional cost.

Expect to, of course, pay for work done and paint bought, but also further work and new paint.

Bigger changes of mind can require more work.

For example, more coats to cover up what's already painted, especially switching from a darker colour or shade to a lighter colour or shade.

GETTING READY FOR THE PAINTER

Generally, you must provide clear access to the place where the painter is working. That means you need to be ready for when they arrive. If you're not, and the painter needs to move things about, it can take more time and cost more. Some things the painter may not be able to move, even if you want them to.

Discuss practicalities with your painter before they arrive, such as what is happening with:

- ✓ Furniture
- ✓ Fragile, special and valuable items

- ✓ Electrical items
- ✓ Carpet and curtains
- ✓ Light fittings
- ✓ Plants and garden beds
- ✓ Items on walls

For example, will holes be filled and who is rehanging things, and what about that flat screen TV?

It is usually best that you manage fragile, special and valuable items.

If you doubt the work area to be safe in any way, you must tell the painter.

For example, if you suspect lead paint, asbestos, faulty electrical switches or loose steps.

Your painter must take reasonable care when painting.

For example, taking reasonable steps to protect property from usual painting risks, usually by using plastic sheets or drop cloths and reasonably protecting from overspray.

The painter is obliged to do the work the contract says they must do, and no more, but will do all things reasonably incidental to this which are needed for the work to be completed.

There are things a painter will not or cannot do, and they may recommend additional help.

For example, managing heavy or special items, or moving or changing electrical, lighting, TV, computer, gas and water fittings and fixtures.

Most painters will put things back as nearly as is practicable in all the circumstances, although understand that it is your home and things may not always be placed back exactly as you might have had them.

STARTING PAINTING

Many people have heard that with painting, preparation is everything. Well not quite everything, but it is very important.

Expect this to be reflected in the cost of your job.

Here are some of the reasons you ask a professional to help, and may explain some of the costs they have quoted to you:

- ✓ Holes and cracks need proper filling
Ask for good fillers, ones which are right for the job.
- ✓ Old surfaces need good preparation
Discussed below.
- ✓ Appropriate safety and access equipment is essential.
- ✓ Rotten or decaying surfaces (especially timber) may mean the surface needs work or the timber needs replacement.

Your painter may be able to help with woodwork, but often another tradesman will be needed. Also note that as a rule, newly supplied wood, which has been exposed to the weather for 4 weeks or more, is best if sanded back.

Mould, water stains, wallpapers and glue, old plaster surfaces, rust, and flaky and powdery old paint are amongst the things that pose challenges. Old or raw surfaces often need cleaning and sealing. Rust needs treating. Old putties and fillers often need removing and replacing: cleaning and resealing with an appropriate product is often the key.

Filling and sanding takes time and the right products. Grime and dust may not be obvious but surfaces almost always need cleaning.

Blistering, flaking and peeling of paint on wooden surfaces is usually caused by moisture under paint. Painting over stains (for example, caused by water) can involve special steps, as can painting surfaces previously treated with stains and oils.

Water problems need proper fixing before you paint, and often another tradesman will need to do this for you. They are often a sign of a greater problem and your painter will rely on you if you say the problem is fixed. If its not, and the paint job then fails, your ability to complain will be limited. If inside, the problem may be condensation. Painting in wet areas requires special steps to be taken.

Don't skimp on costs if it means skimping on preparation. The cheapest quote may well be because there is less preparation.

If the price is too good to be true, then it probably is.

If you do any preparation yourself, get proper advice. Irrespective, your painter won't be responsible for problems that your inadequate preparation causes. It often just doesn't make sense in the long run for you to do it.

DURING THE WORK

Painting is a skill. Don't underestimate what's involved. In addition to proper preparation, the job of painting itself can be challenging and is best left to a professional.

For example, it's important to:

✓ Choose the right paint

It's not just the colour or finish that's important. Paint generally falls into two categories: water-based latex paints; and solvent-based paints, which are called oil-based paints (or alkyds). Which to choose depends on many factors including the type of surface, its

condition and age, what was used on it before and its location. The finish of the paint, also called gloss or sheen, can have a significant impact on both the appearance and life. Primers must be appropriate and again, which is best depends on lots of factors.

✓ Do things in the right order

Often painting from the top down is a good rule, as is painting away from a light source so you are not painting in shadow. Usually, painters start with ceilings, then move to walls, doors and windows, skirting and trim.

✓ Paint at the right time

Like us, paint is sensitive to heat and cold. Hotter or colder days are not the ideal days to paint. Rainy days fill the air with water. Painting in direct sunlight or onto a hot surface is better avoided: painters often follow the shade.

✓ Use the right gear

Special paint rollers, brushes, masking tapes and tools are often needed.

✓ Always be safe

Accessing difficult areas, working off the ground, and working around electricity, gas and water, and with heavy things, all bring important safety issues which need to be managed professionally.

Don't interfere with any work the painter is doing.

For example, don't touch paint to check if it's dry or remove masking.

Be patient: but if something doesn't look right ask the painter for clarification. Better to ask than fret over something that may not be important.



If there is another of your contractors about – for example, a carpenter, electrician or plumber – remember it is not your painter who is responsible for them (even if your painter put you in contact with or recommended them). They are answerable to you. Check they are licensed and insured. Get a contract. If they damage your painter's work, you may need to pay your painter more to fix the damage. Even scrapes and scratches often mean an entire wall needs to be recoated.

The painter will generally keep the work area as tidy as is reasonable in all the circumstances. They may leave equipment on site during the work, and may, for example, leave things covered up. When they finish the job, they will do a final clean up and remove their things. But check if your quote includes removal of rubbish, or else this may be something you need to do.

You must provide reasonable access to electricity and water and, unless agreed otherwise, the cost of this is to you. Use is usually very modest.



Painters appreciate being able to use an available toilet, but if this is an issue for you, let them know in advance.

WHEN THE JOB IS DONE

There's no such thing as care-free painted surfaces.

Paint is more than just a pretty face. Its helps protect the structure beneath. So it's important that you take simple steps to look after your investment.

- ✓ **Keep painted surfaces clean**
Cleaning advice can be obtained from the manufacturer.
- ✓ **Repair damage**
If you see paint deteriorating, contact an expert.
- ✓ **Repaint early**
Before problems are visible, and we recommend within the lifetime cycles estimates by manufacturers.

But also realize that paint doesn't last forever. Many factors have an impact on how long paint looks good and acts as a protector of what's underneath. The main ones include:

- ✓ **The type and quality of the surface**

A new surface will give better results than one which is older or has been painted or treated before.

- ✓ **Wear and tear**
Paint isn't an indestructible barrier. It's actually relatively thin and can be damaged. Wear and tear is a part of life. Painted floors and higher traffic areas will usually show more wear and tear.
- ✓ **Number of coats**
Usually, for new (unpainted) work, an undercoat plus two more coats is the minimum usually recommended. For repainting, two coats is the minimum usually recommended. The fewer the coats, the poorer and the less resilient the finish. Make sure you understand how many coats are included. Sometimes once a job starts, the painter will recommend additional coats as it becomes apparent that the desired result is not achievable with what was initially thought.
- ✓ **Environment**
External factors can have a very important impact on painted surfaces. For example, all things being equal, a painted surface which is exposed to water or to sea spray will probably fade sooner than the wall of a bedroom in

the country, and a surface exposed to the sun will fade sooner than one in the shade.

THINGS DO NOT ALWAYS GO AS PLANNED

Life is uncertain and neither you nor your painter can promise things will turn out as planned. Life has a way of disrupting even the best made plans. Your painter can't predict everything.

Plans sometimes just don't work out. For example:

- ✓ **You may need to pause the job once it starts**
- ✓ **The time taken to complete the work may be extended**
Weather, poor previous work, approval requirements and unavailable of materials and people are common causes.
- ✓ **Materials may need to change**
Not being available or price increases are a common cause.
- ✓ **Your painter may not always be there when they plan**
Staff, being let down by sub-contractors, weather, breakdowns and illness are all things that happen in a painter's life.

And sometimes unexpected things happen. For example:

- ✓ **When the painter gets into a job, problems reveal themselves**
For example, a painter erects scaffolding and accesses an area, and they discover the work requires more than they thought.
- ✓ **At times, it may be difficult to determine the nature of previously painted surfaces**
For example, the surface may have had incorrect or substandard products applied previously, or the substrate (that is, underlying structure) can turn out to be poor, for example, rotted or rusted – water and pests are common culprits. Factors such as they may result in a failure of the subsequent new coating. Rectification of such issues may require a variation to the contract.

- ✓ **Water is penetrating**
Moisture sources included from poor tiling, waterproofing or plumbing, and anti mould paints are not always 100% effective.
- ✓ **Materials being painted are inferior or inappropriate**
For example, untreated pine left outside soon deteriorates, timber on or below exterior flooring often has problems, ungalvanised steel even a reasonable way from the ocean often has rust, and sealing can be poor.

IF YOU ARE NOT SATISFIED

A key step to solving most problems is good communication.

Contact the painter sooner rather than later. Explain your concerns. Stay calm and be polite. Take notes. Ask them to meet you on site if you think that would help. Lawyers and even the best meaning friends are not always the best way to sort out an issue.

Read this brochure again as well: it may provide some answers. Often painters are happy to assist, but keep in mind that not all things you think are a problem are a defect. NZ Standards cover a number of areas in this regard.

If you are using the MPA's residential Painting Contract, it contains a process to follow.





**IF YOUR WORK IS OVER \$30,000 INCLUDING GST THE
FOLLOWING MATERIAL NEEDS TO BE ADHERED TO.**

Note: Even though the MBIE documents refer to Building work, any painting work in excess of this price point in the residential sector that is directly contracted with the owner/occupier is also required to comply with these regulations.



PRESCRIBED CHECKLIST

About this checklist

A building contractor is required to provide you with this checklist and other prescribed information under the Building Act 2004 before you sign a contract for the building work if -

- (a) you request this checklist and the prescribed disclosure information; or
- (b) the building work is going to cost \$30,000 or more (including GST).

The building contractor is the person or company you have asked to do building work for you.

The building contractor may not be an actual builder. The building contractor could be a plumber, an electrician, or any other tradesperson who is doing some building work for you and whom you are dealing with directly.

Steps (See notes below)	Completed (Tick when completed)
1 Become informed	<input type="checkbox"/>
2 Agree on project structure and management	<input type="checkbox"/>
3 Hire competent building contractors	<input type="checkbox"/>
4 Agree on price and payments	<input type="checkbox"/>
5 Have a written contract	<input type="checkbox"/>
6 Take control	<input type="checkbox"/>
7 Resolving disputes	<input type="checkbox"/>

Notes

Step 1 – Become informed

All building work must comply with the provisions of the Building Act 2004. You can find a copy of the Building Act 2004 on the New Zealand Legislation website: www.legislation.govt.nz

Building work is any work done in relation to the construction or alteration of a building. This includes any work done on your home or other structure, such as a garage, retaining walls, and fences. It also includes work like painting, decorating, and landscaping if it is part of the construction or alteration of a building.

However, if the only work you are getting done is redecorating and there is no construction or alteration work involved, it is not building work. If landscaping work does not include any structures (eg, pergolas or retaining walls), it is also not building work.

All building work requires a building consent unless it is exempt under the Building Act 2004.

Generally, only simple or low-risk work is exempt from the requirement to have a building consent. Certain gas and electrical work is also exempt. For more information, go to www.mbie.govt.nz

Building work that is significant or of higher risk (such as structural alterations) requires a building consent and must be carried out or supervised by a licensed building practitioner. For more information on these requirements, go to www.mbie.govt.nz

Step 2 – Agree on project structure and management

Building projects do not run themselves. Decide how you want to manage the building project.

A few different roles are needed on a building project. You need someone to -

- manage timelines and costs:
- manage subcontractors:
- liaise with the local council:
- make decisions about the design of the work.

You can do some of this yourself, but if you are not knowledgeable about the building work process, you should get help from an architect, an independent project manager, a building company, or a licensed building practitioner who is licensed to co-ordinate the building work involved.

You should be really clear about the scope and size of the project and get detailed plans up front.

Be clear with your building contractor about who is doing the building work and who is responsible for making design and change decisions during the project.

Step 3 - Hire competent building contractors

Ensure that your building contractor has the skills and resources to carry out the project.

You should -

- ask around about the building contractor and get references for other work that the building contractor has done:
- find out if the building contractor is a licensed building practitioner or has other appropriate qualifications. For more information about licensed building practitioners, go to www.mbie.govt.nz
- determine whether the building contractor has sufficient insurance to cover the work while it is being carried out:
- ask about the building contractor's employees and what subcontractors the building contractor will use on the project:
- if the building contractor is a company, look up its company records on the Companies Office's Internet site. If your search raises concerns, ask the building contractor to explain.

Step 4- Agree on price and payments

The contract should clearly state what payments are required and when. Where possible, a fixed price is preferable. The lowest price is not always the best price.

You should -

- get detailed quotes (not estimates) for the building work:
- when comparing quotes, ensure that the scope of the building work and the materials and fixtures that you are comparing are the same across quotes so that you are "comparing apples with apples":
- make sure you have the funds to pay for the project before the work begins and that you understand the payment terms agreed with the building contractor:
- think carefully before agreeing to pay more than the cost of the work that has been completed and the costs of any materials that have been supplied at the time you make the payment.

Step 5 - Have a written contract

You should have a written contract. The contract should include items such as -

- a description of the building work:
- the start and completion dates for the building work:
- how variations to the building work will be agreed:
- the payment process, including dates or stages for payment and how payments will be invoiced, made and receipted:
- the dispute resolution processes to be followed.

You should obtain legal advice to ensure that you understand your rights and obligations and that the contract complies with all legal requirements.

Note: The Building Act 2004 requires that there must be a written contract for residential building work with a value of \$30,000 or more (including GST), and the Building (Residential Consumer Rights and Remedies) Regulations 2014 prescribe matters that

must be included in every contract for residential building work with a value of \$30,000 or more. You can find a copy of the Building Act 2004 and the Building (Residential Consumer Rights and Remedies) Regulations 2014 on the New Zealand Legislation website: www.legislation.govt.nz

Step 6 - Take control

All residential building work is covered by implied warranties prescribed by the Building Act 2004 that address matters such as workmanship and building work being fit for purpose. For more information, go to www.mbie.govt.nz

You should -

- make sure there is a clear line of communication with the building contractor through the site foreman, the project manager, or any other person who has authority to speak on behalf of the building contractor. (This person should be identified as the "key contact person" in the prescribed disclosure information that the building contractor has provided along with this checklist):
- when you are making decisions along the way, be clear as to whether those decisions will affect your contract and costs. If you do decide to make a change, keep track of the effect of that change.

Step 7 - Resolving disputes

It is in both your interests and the building contractor's interests to keep the building project running smoothly and to deal with any disputes as they arise.

If you have concerns about the building project, raise them with the building contractor (or the key contact person) as soon as possible.

Raise your concerns in good faith and use the dispute resolution processes agreed to in your contract. For information on your options, go to www.mbie.govt.nz

If you have received an invoice that you have concerns about, clearly outline your concerns to the building contractor in writing.

If you fail to make a payment when it is due, the building contractor might start dispute resolution proceedings before you have a chance to explain why you have not paid. (Simply withholding payment when there is a dispute will often make the situation worse.)

Further information

For more information, go to www.mbie.govt.nz or call the Ministry of Business, Innovation, and Employment on 0800 242 243.

Prescribed disclosure information Section 362D, Building Act 2004

Information about the building contractor

Name of building contractor (full legal name):	
Type of business: individual/partnership/limited liability company:*	
Date partnership/company* formed, if applicable:	
Postal address:	
Telephone number:	
Email address:	

*Select one.

Key contact person (if identified at the time when this information is provided)

(Information about the key contact person, being a person who will manage or supervise the building work and who is available to the client to discuss any aspect of the building project)

Name of key contact person:	
Telephone number:	
Mobile telephone number:	
Role in the building project (for example, "project manager", "site foreman"):	
Relevant qualifications, skills, and experience:	
Licensed building practitioner number (if any):	

Note: The building contractor must notify the client if the key contact person changes.

Insurance policies

(Details of every insurance policy or policies that the building contractor has, or intends to obtain, in relation to the building work)

Complete for each policy:

Type of policy: <i>[specify: eg, contract works, professional indemnity, public liability]</i>	
Amount of cover:	
Relevant exclusions on policy coverage, (if any):	

Type of policy: <i>[specify: eg, contract works, professional indemnity, public liability]</i>	
Amount of cover:	
Relevant exclusions on policy coverage, (if any):	

Type of policy: <i>[specify: eg, contract works, professional indemnity, public liability]</i>	
Amount of cover:	
Relevant exclusions on policy coverage, (if any):	

Information about any guarantees or warranties

(Information about any guarantees or warranties the building contractor offers in relation to the building work)

Complete for each guarantee or warranty:

Nature or type of guarantee or warranty: <i>[specify: eg, guarantee, product warranty, completed work warranty]</i>	
If guarantee or warranty is a product warranty, specify the product:	
Period of guarantee or warranty cover:	
Limits or exclusions on cover, (if any):	

Nature or type of guarantee or warranty: <i>[specify: eg, guarantee, product warranty, completed work warranty]</i>	
If guarantee or warranty is a product warranty, specify the product:	
Period of guarantee or warranty cover:	
Limits or exclusions on cover, (if any):	





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