

# building today

THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS FEDERATION

## NZ construction: Regulation looms



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# building today

Minister for Building Issues Clayton Cosgrove has followed up his recent formal launch of builder licensing with another major announcement regarding the streamlining of the Weathertight Homes Resolution Service (WHRS).

The cumbersome process adopted by the WHRS four years ago has needed change badly, and Mr Cosgrove's latest announcement shows the Government is serious about the implementation of a range of regulatory reforms designed to improve delivery of quality building work in this country. RMBF chief executive Pieter Burghout also takes a closer look at the reasons behind builder licensing, and predicts an eventual swing back to greater industry self regulation once the current regulatory environment has settled down.

**Andrew Darlington**  
Editor



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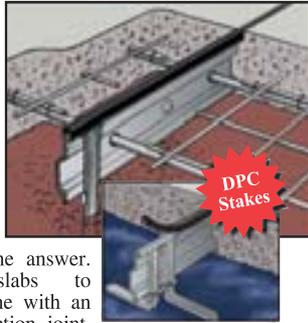
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# MARKHAM

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**CONTROL & CONSTRUCTION JOINT SYSTEM**

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AQURON is easily applied to curing concrete as soon as it is firm enough to walk on, to provide complete curing assistance, ensuring even hydration of the concrete and reducing risks of slab curl, shrinkage cracking, surface crazing and delamination. AQURON treated concrete provides an abrasion resistant, easy to clean surface that develops a "sheen" with "use". AQURON is permanent and does not require maintenance, other than regular cleaning and the "more you use it, the better it gets".

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**AQURON WAREHOUSE SYSTEM**

## Aquron control's moisture risks

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**AQURON 2000 MULTI-PURPOSE**

## Allen introduces hydro-rideon

Markham's introduce the most powerful ALLEN RAZORBACK Hydro-drive Rideon to complete the range of rideon powertrowel's proven in New Zealand since 1996.



ALLEN RAZORBACK is leading the revolution as more concrete spec's are demanding the use of Rideon machines for the superior finishing result.



## Also used equipment & concrete saws



Markham's have the SMART CONCRETE/DEMOLITION SAW, with a powerful 2 stroke petrol motor making this machine suitable for any work site, requiring no electrical source. This robust power unit and mechanical system is still light-weight and compact making the machine easy to use.

## Clear sealers for high traffic areas



AQURON Markham clear sealers have been utilised to the landscape concrete at THE BASE BULK RETAIL CENTRE in Hamilton. Markham's clear sealers are non-yellowing and suitable for high traffic areas.

AQURON Markham's clear sealers are suitable for both coloured and natural concrete surfaces including "honed", exposed aggregates, broom finish.

AQURON Markham also have clear sealers for concrete blocks / masonry and paving

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**AQURON MARKHAM MASONRY SEALERS**

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no fire hazard

Burr-free finish



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# Licensing inevitable consequence of leaky building crisis

**Registered Master Builders Federation chief executive Pieter Burghout takes a closer look at builder licensing and what it will mean for the industry.**

**T**he leaky building issue is one of those phenomenon you don't wish on any industry, but some positive consequences resulted out of it, and I count the introduction of builder practitioner licensing as one of those.

Minister for Building Issues Clayton Cosgrove confirmed the introduction of licensing at the RMBF's annual conference recently.

This will require designers, site leads/supervisors and key tradespeople to get licensed in the next five years so they can continue working in the industry.

Licensing will help ensure those doing specified work in the industry have the right skills, competency and experience to do that work, which will be better for consumers, better for the industry and better for builders.

It seems strange that the plumbing and electrical trades have been registered for some time, yet the trade that builds the "main event" — ie, the house — can be done by anyone regardless of their skill and competency to do the work.

Licensing will not be compulsory in New Zealand for some years, but the introduction of optional licensing from November 2007 will be picked up by most industry leaders right from the start.

Not all building work will need to be done by a licensed building practitioner. The Government has endeavoured to balance the implementation of licensing with work that can be done by less experienced people and/or by DIYers.

So, only work that is "substantive" will need to be done by a licensed building practitioner, such as the design/building of a new home and extensive renovations to an existing home.

Less substantial work, such as the remodelling of a kitchen or bathroom, the replacement of a wall of external cladding, or the addition of a low level deck won't need a licensed building practitioners to do the work.

If the Government wanted to ensure the best quality building work, they could have required all work related to the structural integrity of a building to have been done by a licensed builder.

But New Zealand has a DIY culture, and the Government has allowed for a measure of DIY work as an exception to the building practitioner licensing regime.

The RMBF will still encourage home owners contemplating

renovation work to use licensed builders for the work.

We believe it's the best way for people to ensure they will get the quality building work they are looking for.

As the industry works with the Government to implement the current suite of regulatory reforms, we need to think about the industry regulatory framework we want in five to 10 years' time.

As a direct result of the leaky building issue, we currently have a higher level of government involvement than what might be optimal in the longer term, and we would expect to see a swing back towards greater industry self-regulation at some point.

The industry lost the opportunity to fix its own problems, given the magnitude and pace of the leaky building issue, particularly once the Prime Minister became directly involved in 2003.

But once the current regulatory environment has settled down, I have no doubt the industry will start to encourage a debate back towards a higher level of self-regulation.

For those that have some experience in the Government/policy environment, they will be aware of the "policy pendulum" and how it can swing from side to side, despite best efforts to keep it "somewhere in the middle".

While the industry is generally strongly in support of the policy reforms the Government and officials have been working on, including licensing, there are some residual concerns.

## Risk averseness

Ask any designer and builder what is affecting them today, and most will comment on the level of risk averseness across the whole sector, saying we are in danger of squeezing out innovation and introducing too much compliance cost.

One of the positive consequences of the leaky building issue has been the renewed emphasis on builder training and qualifications.

Look at those training with the Building and Construction Industry Training Organisation (BCITO).

After hitting a disastrous low of only 800 trainees in the early 1990s, the BCITO can now boast to having nearly 9000 people in training towards a trade-related qualification.

That has been a phenomenal growth curve, and the industry can, and should, be proud of how well it is "fixing" its previous training "hole".

## Serious Scaffolding



**3.5m**  
5.5m reach

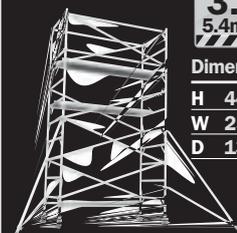
Dimensions  
H 4500mm  
W 1400mm  
D 730mm

### Kwikfold Tower

The split system design can be set up as two individual working platforms of 1790mm or a combined working platform height of 3.5mtrs.

Lightweight yet robust for industrial use with a max safe working load of 150kg per platform.

Tested to the requirements of AS/NZS 1576.



**3.4m**  
5.4m reach

Dimensions  
H 4400mm  
W 2500mm  
D 1300mm



**5.0m**  
7.0m reach

Dimensions  
H 6000mm  
W 2500mm  
D 1300mm

### AJJA3000 Tower and AJJA 5000 Tower

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## chief's chat

by ceo pieter burghout

# Lifting quality in the building industry

**T**he Registered Master Builders Federation has been advocating the introduction of builder licensing for many years.

The launch of building practitioner licensing by the Minister for Building Issues, Clayton Cosgrove, at the Federation's conference in April was a key element in the "fixing up" of the building industry.

Recently I visited our Master Builder Association counterparts in Australia to look at how they addressed the issue of builder licensing, which, for most of them, has been up-and-running for the past decade.

While there were some minor grizzles here and there about some of the bureaucracy, most of the Associations in Australia support licensing as the best way to ensure those in the industry have the required skills and competencies.

And, I am sure, the building industry will come to see the same value over here once licensing is fully in place — it will help underpin the delivery of quality



homes and buildings.

We will be encouraging members to get licensed earlier rather than later so they can provide evidence to their clients about the skills and competence within their building businesses.

And builder licensing is just the start of a raft of changes. There are many other aspects of the building industry also under review, including:

- a ground-up review of the Building Code, with the initial report due in November 2007,
- a new product certification scheme so that people can have greater confidence in the building products being used,
- the accreditation of Building Consent Authorities, which will ensure building inspections are done to a consistent, best-practice standard, and
- a policy review considering the introduction of home warranty insurance and professional indemnity insurance.

The introduction of builder licensing will mean a shake up for the construction industry — one that is well overdue, and one which is welcomed by an industry keen to get on with the job of building quality homes, offices, schools and hospitals that people work, live and sleep in every day.

The leaky building crisis in the early 2000s was a blight on an industry that, otherwise, is extremely proud of the work it does. Builders love building great houses, and licensing will help ensure a more professional and better quality industry.



Minister for Building Issues Clayton Cosgrove launched building practitioner licensing at the RMBF's annual conference in Queenstown in April.

**While there are some minor grizzles here and there about some of the bureaucracy, most of the Associations in Australia support licensing as the best way to ensure those in the industry have the required skills and competencies.**

# Why should I belong to my local Registered Master Builders Association?

By RMBF president  
Ashley Hartley



New RMBF president Ashley Hartley

I became a member of the Hawke's Bay RMBA of the Registered Master Builders Federation in 1977 after completing a carpentry apprenticeship concurrently with a building cadetship for the New Zealand Certificate in Building.

Subsequently I gained a New Zealand Certificate in Quantity Surveying.

To recently be elected as national president of the RMBF at our conference in Queenstown is truly a great honour, and I look forward to the challenges of the next two years.

I wish to pay a personal tribute to fine work carried out by past president Michael Fox during his time at the helm, and I was pleased to note that Mike has been elected on to the RMBF Board for a further two-year term.

The RMBF has been in existence for more than 105 years and was instrumental in setting up key industry bodies such as Building Research Association of New Zealand (BRANZ), Building Construction Industry Training Organisation (BCITO), Construction Information Limited (CIL)/MasterSpec and Site Safe.

It is also the key advocacy body for the construction industry to the Government, and represents 65% by value of construction in New Zealand.

This being my first *Building Today* article as president, I thought it would be good to address the perennial question — "why join the RMBF?"

When I mention to a good builder that they should become a member, and the response is "Why?", I reply "Why Not?"

This is the typical banter that I became used to when my wife and I were travelling in places such as Cambodia and Vietnam, and encountered a "hawker's" attempts to sell us something.

It can be fun when on holiday, but in our busy day-to-day lives I would like to think that builders who have set up businesses would realise the importance of belonging to the leading industry organisation that represents their interests, not only locally, but also nationally.

Many years ago, I entered the residential property investment market for the first time, and I immediately joined the local Property Investors Association because it gave me:

- immediate access to all the best practice forms/letter templates required for tenancy, termination, inspections etc,
- access to insurance specific for this investment, and
- an immediate network of knowledgeable people who were willing to share experiences to assist the "new" investor from falling into the same pitfalls they may

have in the past.

I could have struggled through the first year or two thinking I was a smart cookie and that there was no way I was going to be caught out.

To me it was a no-brainer not to take advantage of what was available by joining and attending a monthly meeting.

This applies equally, or even more importantly, to the construction industry because of its complexity and the wide and varying range of knowledge required.

The industry is in a state of continuing change, and it takes an organisation such as the RMBF to co-ordinate all the relevant information, set up and provide best practice documents to members via e-mail, meetings, the web site and the like.

RMBF members have ready access via the web site to information such as:

- guarantee documents,
- residential building contract documents,
- Construction Contract Act documents,
- employment documents,
- Building Act documents,
- newsletters and other documents,
- Association documents, and
- IRD documents.

Not only this, but there is a network of experienced people available to answer questions and/or assist in what may be a simple matter which is bogging you down.

Do not forget, someone out there will have experienced your problem before. In saying this, unless you attend meetings and/or conferences to build up a network, people will be unwilling to share their knowledge freely. So don't just sit back — make contact on the numbers below.

**RMBF Head Office: PO Box 1796, Wellington**

**Ph: 04 385 8999 Fax: 04 385 8995 RMBF Helpline: 0800 269 119 BuildersCV: 0800 762 328**  
**www.masterbuilder.org.nz www.builderscv.co.nz**

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South Canterbury: Trish Harris 03 684 5005

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Tauranga: Lani Christensen 07 577 0628  
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Wairarapa: Pip Dalgliesh 06 378 8008

Wanganui: Warrick Stitchbury 06 348 8088  
Wellington: Gerald Rixon 04 381 2850  
Westland: Renee Symons 03 755 7311  
Whakatane: Martin Hygemann 07 308 4393

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Bob Bringans: Tauranga, Waikato, Rotorua, Whakatane, Taupo, 0274 961 050

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Ian Gould (Southern Regional Services Manager): South Canterbury, Otago, Gore, Southland, 0274 357 397  
Peter Winchester: Nelson, Marlborough, Westland, Canterbury, Ashburton, 0274 722 226

# CMS and RMBF cooking up a second serving

**F**uture Proof Building and builder licensing is on the menu again as Lester Haycock from Construction Marketing Services (CMS) and Registered Master Builders Federation chief executive Pieter Burghout take the CMS roadshow around the country once more.

The roadshow will visit Queenstown, Invercargill, Dunedin, Christchurch, Blenheim, Nelson, New Plymouth, Palmerston North, Wellington, and Auckland, with a full list of the proposed events being communicated to members shortly.

The roadshow includes a range of future proofed building products to present what has been hailed as one of the best educational presentations to hit the regions.

The invitation-only breakfast is open to architects, designers, builders, territorial authorities and developers in each region.

## 'Incredible results'

"The results from the first leg of the roadshow journey were incredible," Mr Haycock says.



"Architects are creating special sections in their libraries as future proof recognised icon authorised products.

"They are also requesting copies of the future proof DVD to lend to their clients prior to their design briefings, so that their clients are pre-educated on the importance of building to meet the lifestyle of the user verses the pocket of the developer or investor," he says.

"CMS has reports of many projects and housing companies now building to this new standard, as they

understand the need to build a 'better mouse trap to catch the mouse'," he says.

CMS and its partners will continue to invest in consumer education of Future Proof Building, and by the end of 2006 this investment will have exceeded \$10 million dollars.

Are you a member of the future proof professional education programme and ready to build to this standard?

Find out more by attending the roadshow (e-mail: [mailto:kris@cmsgroup.co.nz](mailto:mailto:kris@cmsgroup.co.nz) or visit [www.fpb.co.nz](http://www.fpb.co.nz)).

## Handy business guide published by RMBF

**T**he Registered Master Builders Federation recently announced the publication of a new book for its members and subcontractors entitled *Business Best Practice – Residential and Commercial Construction*.

The book, edited by former RMBF chief executive Chris Preston, draws on standard business best practice text supplied by Thomson/Brookers, and on the range of forms, templates and guidelines that Federation members are able to get off the RMBF web site and elsewhere.

The 10 key chapters cover:

- Running your Business,
- Employment,
- Health and Safety,
- Contracts and Specifications,
- Master Build Guarantee,

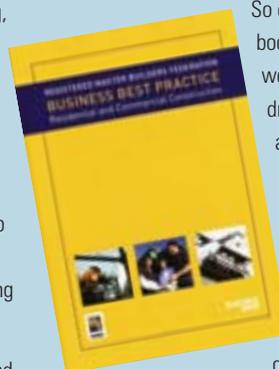
- The Building Act and Licensing,
- The Construction Contracts Act,
- Handling Disputes,
- Tax, and
- Where to get help.

The book will be of assistance to those running or involved in a residential or commercial building business.

It is written in layman's terms and provides practical commonsense advice. Above all, it will help builders run their businesses better.

Two other key innovations in the book are that:

- each chapter ends with a checklist so you can readily self-audit where you might be at against industry best practice, and
- the book references a number of web sites for further information, forms, documents etc.



So even though the forms and documents in the book might eventually become out-of-date, the web site references will ensure readers always draw on the most up-to-date recent information available.

A free copy of the book has been sent to all Master Builder members throughout the country.

Special thanks are due to the many sponsors that helped contribute to that outcome by helping underwrite the cost of the book's publication.

Further copies can be obtained for \$39.95 (excl GST and postage and handling) from Kathy Gatfield on 0800 762 328, or e-mail: [kathy.gatfield@masterbuilder.org.nz](mailto:kathy.gatfield@masterbuilder.org.nz).

The Federation intends to re-print the book every three years or so, ensuring the information stays current and relevant.

## Clever options make ingenious use of limited space

A home on a small section was recognised for its clever use of space when it took the national award for New Homes \$300,000 - \$400,000 in the Registered Master Builders 2005 House of the Year Awards, in association with PlaceMakers.

Judges felt the highlight of the Christchurch home, built by Clive Barrington Construction, lay in its usefulness.

"We were impressed at how every available space has been used to provide the owners with a clever range of storage options," they commented. "The thought that has gone into the planning and execution around the practical details of this home are quite extraordinary and demonstrate a high degree of skill."

The home enjoys ample privacy and sunshine, and was planned with the specific needs of the owners in mind. Stone, timber and concrete were used for year-round comfort and durability.

Director Clive Barrington admits the project was quite an undertaking. "The site was small and awkwardly shaped which meant we had to be innovative in the way we used the materials on site. There were also height restrictions we needed to be mindful of."



*This Clive Barrington Construction entry won the national award for New Homes \$300,000 - \$400,000 in the Registered Master Builders 2005 House of the Year Awards, in association with PlaceMakers.*

He is proud of the ingenious use of space that has added functionality for modern living.

"We enjoyed the process of creating areas for crafts and leisure pursuits, and taking time to minimise clutter. For example, there is a folding double guest bed incorporated into one room."

The home has a strong French flavour. Limestone walls, a stone fireplace, wrought iron, exposed timber beams and custom-made panelled doors, skirtings and architraves accent the home's individuality. An attic hobby room completes the property.

"When you come to this home, you think you are tucked away in rural France. It is really special to know you and your team have created a little piece of Europe in the middle of Christchurch," Mr Barrington says.

He says winning the House of the Year has been a source of pride to everyone in the team.

"The best thing is our success gives past, present and future clients confidence that they are choosing to work with one of the best in the business. That assurance is invaluable."

## Period renovation restores character

A period restoration of a Taihape home helped Richards Construction take a National Gold Reserve Award in the Registered Master Builders 2005 House of the Year, in association with PlaceMakers.

Richards Construction director Richard Ellery says the house had an understated elegance that had been compromised by previous alterations and additions over many decades.

A key consideration in the redesign and renovation of

the property was to ensure that the integrity of this original, almost historic home was enhanced, he says.

"It was exciting to look at this property, see the state it was in and know that with our input we would be able to restore its character."

The home was a labyrinth of small, dark rooms, requiring radical intervention to bring in the sunshine and increase space and flow.

"We completely stripped and rebuilt many areas of this home. The kitchen, living and dining rooms, study,

bathroom and deck areas were all modernised and enlarged," Mr Ellery says.

Light is channelled through the clever use of skylights and large glazed doors located on the sunny south side of the home. Builders installed ceiling, floor and wall insulation to ensure the home maintained warmth despite its spaciousness.

Being announced a National Gold Reserve Award recipient was an honour for the team at Richards Construction.



*This Richards Construction entry in Taihape won a National Gold Reserve Award in the Registered Master Builders 2005 House of the Year, in association with PlaceMakers.*

"We knew we had worked hard to achieve a high standard of work, and to have that recognised by your peers validates the detail in your approach," Mr Ellery says.

The team has been busy working on several interesting projects during the past few months, and have two entries in this year's House of the Year competition.

"Competing against your peers and testing the quality of your work can be nerve-wracking, but the rewards and satisfaction are worth it," he says.

# More HoY supporting sponsors

The Registered Master Builders House of the Year is made possible through the generous support of the national sponsor family.

This month we profile four supporting sponsors — GIB Living Solutions, Nulook, Pink Batts and Future-Proof Building.



Pink Batts has been insulating New Zealand buildings for almost 50 years, and is a long-time sponsor of the Registered Master Builders House of the Year Awards.

Pink Batts is the leading supplier of thermal and acoustic insulation products throughout New Zealand.

“Our involvement in House of the Year has helped to grow awareness of the importance of energy efficiency in the design process,” Pink Batts general manager Bill Smith says.

“The uncertainty and expense of power supply in colder months has led to a growing need for energy conservation and efficiency in residential homes, commercial buildings and industrial complexes.

“The awards recognise excellence in design with energy efficiency in mind, and reward those who have incorporated this into the lifestyle of the client and the building itself,” Mr Smith says.

Pink Batts is the sponsor of the Pink Batts Ultra Energy Efficiency Award in the Registered Master Builders House of the Year Awards.



Winstone Wallboards has been manufacturing plasterboard systems under the GIB brand since 1927.

Today, the company provides GIB Living Solutions to address lifestyle issues in homes and buildings. Its

products form the basis of walls, ceilings and interior details in homes nationwide.

Best design and best building practice is GIB's philosophy, which is why they have been a sponsor of the Registered Master Builders House of the Year competition for 13 years.

“The construction industry is facing many challenges, and lately labour and skills shortages and inferior product usage has led to poor standards in some parts of the industry,” according to GIB Living Solutions marketing manager Bob Batenburg.

“House of the Year is helping to address this — it's helping to lift standards and reward those who are performing through every aspect of their work.”

GIB Living Solutions is proud to support The Lifestyle Award — GIB Living Solutions Category.

“Supporting this category has increased market exposure for GIB Living Solutions, and has helped the company cement itself as the premier supplier of plasterboard systems in New Zealand,” Mr Batenburg says.



Nulook, with a national network of licensed fabricators of aluminium windows and doors, is a new sponsor of the Registered Master Builders House of the Year competition in 2006.

Nulook fabricators have had a strong association with registered master builders going back, in some cases, more than 30 years.

Nulook is pleased to have the opportunity to sponsor the Nulook Builders Own Home Category in 2006.

“The Awards are the premier event in the New Zealand building industry, and sponsoring this category gives Nulook the opportunity to contribute towards the success of Registered Master Builders,” Nulook marketing manager Mark Gilbert says.

“One of the key issues facing Nulook and the building industry is education and training to ensure quality and value for customers. The recent high demands for construction and introduction of new building legislation have meant challenges for all involved.

“House of the Year helps the industry to address this by rewarding Registered Master Builders who raise the bar, working to a higher standard than the industry.

“House of the Year also has a strong inspirational value which demonstrates what consumers can achieve through building projects, turning dreams into reality,” Mr Gilbert says.



Future-Proof Building is an initiative developed by Construction Marketing Services (CMS Group) to promote a change in the construction industry from “cost-driven construction” to “solution (lifestyle)-driven construction” so buildings are able to accommodate the demands of today's and tomorrow's lifestyles.

The initiative involves a number of industry partners, including Carters, Registered Master Builders Federation, GIB, Pink Batts, James Hardie, Plumbing World, WattyI and Norman Ellison Carpets.

CMS is a leading promotional and marketing service provider for manufacturers and distributors of building products.

This is the first year CMS has been involved in the Registered Master Builders House of the Year competition, and the company is sponsoring the Future-Proof Building Award.

“These awards encourage the use of innovative and high quality building practices,” CMS national professional education manager Jamie Fear says.

“Future-Proof Building reinforces these ideals of quality and excellence, which are of paramount importance to our industry to rebuild consumer confidence and to improve the overall quality of New Zealand's housing stock.

“It is committed to educating the building industry and the general public about the need for better buildings built to suit the lifestyle of the end user, through better energy efficiency, resource responsibility, space management, lifecycle costing, sound and quality control and attention to building health and safety.

“This competition is a great way of rewarding participating builders for their commitment to achieving this,” Mr Fear says.

# Lifetime commitment to building

**A**s the principal of one of the Registered Master Builders Federation's longest standing members, Rodger Bradford, from the Bradford Management Group, knows a thing or two about building.

When Rodger became involved in the family business in 1965, he was paid in pounds and pence, everything was measured in yards and inches, New Zealand had a rigid wage awards structure, builders applied for permits rather than consents and Sir Keith Holyoake was Prime Minister of New Zealand.

"Building was vastly different from the environment we work in today," Rodger says. "It is especially noticeable in the housing sector in rural New Zealand in the 1960s.

"When we arrived in a paddock to build a house, we were greeted with a heap of timber and shingle, and proceeded to build the whole thing from scratch. Now a house is divided into a series of packages, with someone doing the digging, another contractor laying the concrete and so on," Rodger says.

"Conventional house builders have become an industry of assemblers. The builder now manages a whole range of processes using subcontractors, most with a narrow focus of work and limited skills. There are fewer companies that have the necessary expertise and trade skills to totally manage the process today."

The Bradford Group was established in 1951, the same year as the Ashburton Registered Master Builders Association was formed. It is a South Island-based company that builds in the Canterbury region.

"We faced extremely challenging times in the mid-80s under 'Rogernomics' where we redeployed nearly 70 employees onto government contracts in and around Christchurch.

"There was literally no work available in rural mid-Canterbury. Early on, we realised we needed to restructure in order for the company to survive, so we developed a precast business," Rodger says.

"By doing precast work we were able to employ carpenters in Ashburton and keep them continuously employed. At the same time we established a branch of the building operation in Christchurch. For two-to-three years during this period our work was generated in Christchurch as nothing much was happening anywhere else," Rodger says.

"Our ability to accept and embrace change kept us going and, with our range of highly skilled and trained staff, we can turn our hand to most things," he adds.

The range of projects the Bradford Group has



Rodger Bradford

undertaken is testimony to this fact. Over the years the company has been involved in civil structures such as the Potts River Bridge, commercial structures including Ashburton College, Ashburton Public Library, the hospital, the community pool and many other contracts in Christchurch.

The company was recognised in the very first House of the Year Awards with the Acland House at Mt Somers Station, the first winner of the supreme award in the 1995 House of the Year.

"We've been lucky to undertake a large number of fulfilling projects. Ashburton College was interesting because it was the first large secondary school of its type built in New Zealand after standards were revised in 1968," he says.

In addition, this was one of the first projects in New Zealand using critical path in construction, an innovation Frank Lu, reader in engineering at

Canterbury University, adapted and brought back to New Zealand from Seattle where he had worked with General Electric building Polaris missile submarines.

"Frank was my tutor at Canterbury University at the time, and this was an invaluable exercise to put into practice during the construction of the college."

Challenges include the civil works for the new boiler house at the Clandeboye dairy factory built in 2003.

"It was well into the ground, about 11 to 12 metres below the water table in what was free running water. It was a technically challenging project," he says.

Acland house was a very satisfying project. "The owners have great respect for the tradition and history of the region, and what was particularly enjoyable was the house had a story to it.

"All the materials used in the project either came from the property or had some connection to it. It was a project I am particularly proud of."

After working on such a vast array of projects in many locations across the Canterbury region and some in challenging conditions, Rodger has sage advice to pass on.

"In order to be a builder it is important to embrace every challenge that comes your way. If you join the industry purely as a way of making money then forget about it — you won't get much pleasure out of it.

"Building is all about enjoying the people you work with, and the relationships you develop with clients and the other contractors. Building is all about people," he says.

"Building is one of those few professions you can drive past after 30 or so years and can say with pride, 'I worked on that'. That, to me, is great job satisfaction."



The Bradford Building Ashburton Ltd entry that won the QBE Insurance Commercial Award \$2 million to \$5 million category in the RMB Commercial Awards in 2004.

## Unit Titles Act review under way

**M**inister for Building Issues Clayton Cosgrove says a comprehensive review of the Unit Titles Act 1972 is being driven by big changes in the types of buildings New Zealanders live and work in.

"The fact there will be half a million people living in apartments, townhouses and high-rise buildings in Auckland in 50 years' time, shows the review's importance.

"The Act impacts on the growing number of New Zealanders who do not live in three-bedroom homes on quarter-acre sections. It is a seriously outdated piece of legislation that no longer meets the needs of users, or owners, of multi-unit residential or commercial buildings," Mr Cosgrove says.

The document's proposals include redefining the responsibilities of bodies corporate and unit owners, suggested improvements to decision-making and

dispute resolution processes, changed definitions for common property and unit entitlement, and enhanced consumer protection measures.

"These and other proposals, including possible mandatory long-term financial maintenance and repair planning by bodies corporate and mandatory information disclosure by developers, bodies corporate and unit sellers, came out of the initial public consultation early last year," Mr Cosgrove says.

## New regulations prompt **update** of thermal Standard

**C**hanging regulations and technology has prompted the Department of Building and Housing to initiate and fund a revision of the Standard for methods of determining the total thermal resistance of parts of buildings, NZS 4214:2002.

The revision updates the interim 2002 edition with new information, and now includes a method of dealing with ventilated wall cavities.

"The revised Standard sets out methods for calculating

the total thermal resistance of parts of buildings in steady-state environmental conditions, and includes information to take account of the ventilated cavities now required in many residential designs," says Martin Greenough of the Employers and Manufacturers Northern Association and chairman of the committee that reviewed the Standard.

"The Standard helps designers to determine the appropriate measures needed to insulate buildings by providing a method to calculate thermal resistance of complex building components, along with suggested

measurement methods for materials and assemblies."

The Standard is used by local government, architects and accredited laboratories to establish compliance with the New Zealand Building Code.

It includes equations, tables of resistance values and practical working examples.

Copies of the new Standard will soon be available for purchase on-line at [www.standards.co.nz](http://www.standards.co.nz) or call 0800 782 632.

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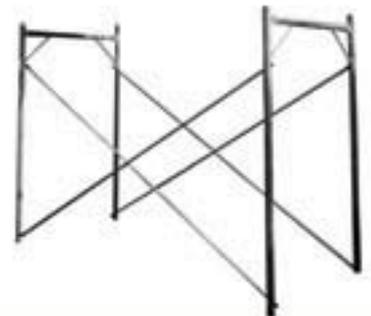
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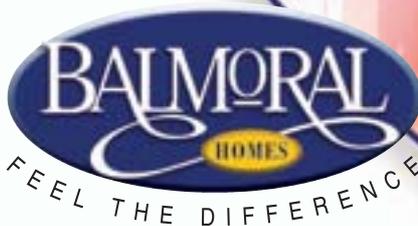
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## Shake-up for WHRS

**M**inister for Building Issues Clayton Cosgrove has announced a major shake-up of the Weathertight Homes Resolution Service (WHRS) that will stop gaming of the system, hold building industry professionals to account and get leaky homes fixed faster.

"The WHRS was set up as a 'call to arms' to deal with a major problem, and although people have gained successful settlements so far, the service is too slow and is being drawn out by the lawyers and the experts.

"To speed up dispute resolution, there will be a new streamlined process involving pre-hearing conferencing, and time limited mediation before claims automatically move to adjudication," Mr Cosgrove says.

Objectives will be clearly set for adjudicators when exercising their powers, including using their investigative powers, to identify, refine and determine the issues in dispute between the parties.

"The assessment reports provided to all WHRS claimants will be beefed up so people can claim for probable, as well as actual, weathertightness-related damage, and these reports will effectively become expert evidence, potentially saving claimants thousands of dollars by not having to get their own specialist reports."

"A new 'class-action' approach will be introduced to enable a body corporate to file a claim on behalf of multi-unit claimants, such as apartment owners.

"Better information, advice and guidance will be provided to all claimants by dedicated case managers so claimants are better prepared and more aware of the process. Consumer information will also be provided to home buyers so they enter, what for most is their biggest investment, well informed and with their eyes wide open.

"A new financial assistance scheme involving market rate loans and loan guarantees will be piloted for two years to help people in the very worst circumstances get their homes fixed first and argue liability second. Details will be announced once eligibility and other criteria are decided," Mr Cosgrove says.

The WHRS reform package will cost \$30.5 million over the next four years and, in addition, \$7.1 million will be made available for lending assistance over the two-year pilot.

"In developing these measures we have consulted widely with organisations, including the Leaky Homes Action Group, Consumers Institute, and building industry and local government representatives. These measures are part of the Labour-led government's suite of changes to transform the construction industry to ensure that homes are built right first time.

"Everyone knows this is a heart-wrenching issue for ordinary Kiwis, and I am committed to sorting it out so people can get on with their lives. New Zealanders are entitled to have confidence in the quality of their homes, and building industry professionals must be accountable for their work," Mr Cosgrove says.

Amending legislation will be introduced this year, and the changes are expected to be in place in early 2007.

# RMBF welcomes moves to streamline WHRS

**G**overnment moves to resolve issues with the Weathertight Homes Resolution Service (WHRS) by streamlining the dispute resolution process are being supported by the Registered Master Builders Federation (RMBF).

Chief executive Pieter Burghout says a number of industry concerns have been addressed in the Government's changes.

"We are particularly supportive of the Government's efforts to protect builders and consumers," Mr Burghout says.

"An example of this is that the payouts of claims will be registered on the LIM report.

"This will provide protection for owners but will also reduce risk for builders who might get called in again to fix issues that should have been fixed by the owner who received the cash payout."

As part of the changes, the Department of Building and Housing is improving the assessment process and limiting the time frame on mediation before claims automatically move to adjudication.

"This is a commonsense approach to dealing with how the programme needs to be run," Mr Burghout says.

"While the WHRS increases the potential liability for industry, builders realise that this is required to address past 'leaky building' issues that surfaced in the early 2000s," he says.

"Finally, the WHRS changes are only one of a suite of measures being worked on to lift quality outcomes in the construction sector. The RMBF continues to look forward to working with the Government to progress the full range of reforms."



Registered Master Builders Federation chief executive Pieter Burghout

# Leaky homes package contains 'good news'

**M**oves by the Government to speed up the resolution of disputes under the Weathertight Homes Resolution Service have been welcomed by the Construction Industry Council (CIC).

CIC chairman John Pfahlert says recognition that the system is too slow and that a streamlined service is needed is good news.

"While an eight-month objective for resolution by mediation will be too long for some home owners, the reality is that it is a big improvement on the average 14-month period that has become the norm," Mr Pfahlert says.

"The inclusion in the claims process of scope for claims covering probable, as well as actual, weathertightness-related damage, and the manner in which these are treated, may save claimants a good deal of money.

"The financial assistance scheme, even though at market rates, will be a help, especially as it is linked to loan guarantees for a period."

Mr Pfahlert says provision for an adjudicator to take a more investigative approach towards the situation should also be useful, as would introduction of a class action approach to body corporates taking action on behalf of multi-unit claimants.

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# Return of the GT **Falcon** FPV GT

By Building Today Motoring Correspondent



Ford's answer to King Kong — the BF version of the GT Falcon.

**W**ell, we had a car that turned you green with envy with the XR6 turbo not so long ago and, so, the good folks at Ford felt it was time to engender an element of class into these pages.

As a result, we were all set to do a nice big story on the very luxurious Fairmont for this issue. However, the best laid plans of motoring correspondents and car companies are often undone by mice — something like that anyway — and the Fairmont had to rush back to Ford before our drive could really get under way.

That's OK though, because the very helpful Ford people promised us something else in return — something a tad smaller perhaps.

I was waiting outside Ford HQ for my assumed Fiesta or Focus, when the earth started to shake, buildings trembled, parents took small children off the street, Civil Defence failed to notice a sizeable tremor and around the corner came Ford's answer to King Kong — the BF version of the GT Falcon.

"Bionic blue" in colour and bulging in the bonnet, this FFPV — that's Fabulous Ford Performance Vehicle — sidled up alongside me and made me an offer I couldn't refuse as the door opened invitingly.

The delivery driver grudgingly asked me to sign for the car and damn near had to be forcibly evicted so that Yours Truly could get the rubber on the road.

Needless to say, with the full whack of the Boss 290 powerplant driving through the six speed automatic, I did leave just a hint of rubber at the driveway. But it was only a bit and, besides, with the 245/35ZR19 tyres, you can afford to impart some of the tread to the highway.

Now it's fair to say that when the FPV GT first put in an appearance it was all about power and, some uncharitable souls would say, at the expense of everything else.

However, the FPV lads and lasses (well, I'm guessing there are some) have had some time and experience at lifting their game a little.

As a result, you now have all the advantages offered by the BF upgrades plus a little performance tweaking at FPV to give you power and refinement, and the ability to stop pedestrian foot traffic who go ga ga every time you have the engine idling.

The original Boss engine gave the impression that it was not happy about being in its box, and tended to thump a bit from side to side when not under load.

That's stopped. And if you thought Ford must have put

the 5.4L Quad Cam 32 valve V8 on Prozac to calm it down, think again. You still get all 290kW at 5500rpm and, more importantly, the 520Nm of torque at 4500rpm that you had before — it's just that it is now considerably smoother.

You still have the push button start system and the silver shot seats (very cool Ford, very cool) and the phenomenal 6-speed ZF auto that makes rush hour a breeze and the weekends away well worth the wait.

It may be a little tough justifying the FPV GT as a working vehicle, but give me another 10 seconds sitting in the right hand seat on an open stretch of highway with nary a soul in sight — least of all the boys in blue — and I'll certainly be able to come up with something.

In the meantime, you busy builders out there have a better potential of owning one of these magnificent machines than I ever will, so I feel I can tell you the price, if only to give you an inducement to keep hammering at those trusses and stopping up the gib.

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# Institute aims to promote quality buildings

## Focus on weathertightness in past few years

**T**he Claddings Institute of New Zealand is a non-profit organisation established in 1991 to focus collective resources to promote quality performance of building envelopes.

To achieve this mission, the Claddings Institute has identified and adopted a number of objectives.

These are:

- to be proactive in the education and training of the building industry in matters which relate to the technology of building envelopes,
- to provide a forum for discussion and exchange of information between interacting groups concerned with building envelopes,
- to be an industry-recognised co-ordinating body on regulations and standards that affect building envelopes,
- to encourage and recognise high standards of quality and professional competence in matters which relate to building envelopes
- to facilitate the availability of advice as appropriate on issues or disputes related to building envelopes, and
- to initiate and co-ordinate the efficient progress of appropriate research projects related to building envelopes.

The Claddings Institute undertakes a number of activities to achieve its objectives.

These include:

- the organisation of forums to profile new building developments, new products and systems, and to focus attention on specific topics of interest to the industry.
- The main areas of focus over the past couple of years have been weathertightness of the building envelope,
- participation in industry workshops and steering groups that provide co-ordinated leadership for the industry.
  - also, from time to time, participation in the development of standards and regulations that affect the building envelope,
  - development of an educational programme to provide practical construction experience to polytechnic students and/or new entrants to the building industry, and
  - the production of a regular newsletter to keep members informed of activities the institute is involved with.

The Claddings Institute of New Zealand can be contacted at 41 Eden Terrace, Kamo, Whangarei, or by e-mailing [nsscott@paradise.net.nz](mailto:nsscott@paradise.net.nz).

## ABC Detail — a back to basics approach

**B**uildings consist of simple and complicated junctions. How well they perform depends on the ability of designers and builders to understand what will impact on a particular detail — such as wind and water.

The builder needs to be aware of why a detail is as it is, and how it should be built to ensure weathertightness is not compromised. Upcoming BRANZ seminars aim to take designers, builders, students and building officials/certifiers through the processes necessary to evaluate building details.

While the emphasis will be on weathertightness, other aspects of detailing, such as aesthetics, buildability and the use of different materials will be considered.

It is essential to understand the ways in which water gets into buildings (capillary, gravity, air flow and kinetic).

The focus will be on the practical application of what we know about the ways in which water enters buildings, through an evaluation of the weathertightness performance using details from several design practices, and a sample design.

Some details likely to be covered are:

- roof/wall junction with profiled cladding,
- top of cavity walls at the soffits, parapets,
- cavity balcony/wall junction, and
- inter-storey cavity drainage/movement control joint.

The seminars will be held from July 1 to August 19. For more details, or to register, visit [www.branz.org.nz](http://www.branz.org.nz).

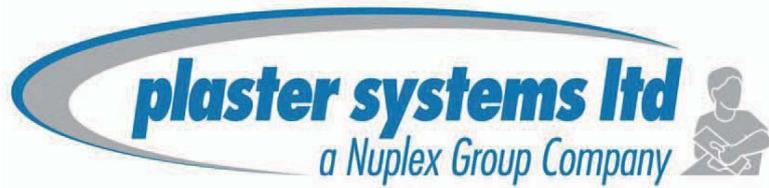
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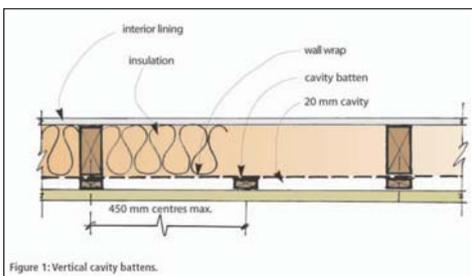
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# Cavities vital in exterior cladding

Ensure all components are **compatible**

**F**or most claddings, any drained and vented cavity is formed by fixing approximately 20mm thick battens vertically over the wall underlay to the studs to provide a free draining void or space behind the cladding (see Figure 1).



The only place where full length horizontal battens are used is at the top of the wall to block the top of the cavity to prevent air flow into the roof space, or at horizontal movement control joints to support the top of the lower sheet, provided the flashing bridges the cavity.

E2/AS1 does show a 5° sloped horizontal batten with 50mm gaps at each end which can be used on dwangs and also at the bottom of cladding for fixings etc, or where a horizontal flashing does not bridge the cavity.

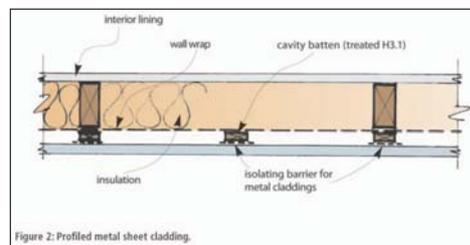
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Vertical corrugated sheet claddings have gaps behind the cladding that provide significant drainage and ventilation-giving benefits similar to a battened cavity. This

is why vertical corrugate is able to be direct-fixed.

However, horizontal profiled metal must always be fixed over a cavity. If the cavity batten treatment contains copper then the metal cladding must be isolated from it. This can be done adding a layer of paper-based wall underlay or strips of DPC (see figure 2).

Alternatively you could use pre-primed battens (see E2/AS1 9.6.9.2).



It is vital that the wall cladding, the flashings, the cavity battens and the wall underlay are all compatible.

Check with the cladding and underlay manufacturers that their requirements have been met.

Each part of a system should have the durability which matches the specified intended life of the system.

• First published in *Builders Mate*, March 2006



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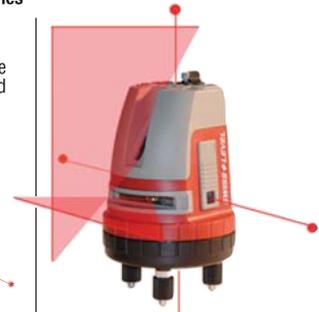


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# Strategy developed for global success

## Industry group keen for feedback

**A** group of Heavy Engineering Research Association (HERA) member representatives, complemented by members of academia and government departments, has contributed to the development of a draft New Zealand Metals Industry (NZMI) Strategy.

The aim of the strategy is to assist the New Zealand steel industry to be successful in an increasingly global market environment.

HERA director Wolfgang Scholz says this strategy is part of a wider manufacturing industry strategy development called Manufacturing+, facilitated by New Zealand Trade and Enterprise.

The vision statement adopted for the initial user-friendly draft document was that:

"By 2010 the NZMI will have significantly improved its profitability and positioned itself as a world-class competitor."

The corresponding mission statement developed by NZMI reads:

"To develop the NZ Metals Industry into a world class competitor by accelerating innovation and by strengthening its combined opportunities through the provision of management leadership, research, education, marketing, information and product development."

To realise the vision/mission statements, three strategic goals have been adopted:

- Accelerate industry innovation and competitiveness,
- Anchor the NZMI in the world market, and
- Sustainability of the NZMI.

To each goal, a series of strategies were developed and summarised. As a result, the group ended up with a vast list of potential actions which require prioritising and finding champions who are willing to engage and drive these actions.

The NZMI strategy draft was presented last month and will be further discussed at the 3rd Metals Industry Conference in Hamilton in November.

HERA is especially keen to know what actions members believe it should be taking in to assist them in making their business more successful.

A full copy of the draft strategy is available on request by phoning Mr Scholz on 09 262 4848 or by e-mailing [exec@hera.org.nz](mailto:exec@hera.org.nz).

## Steel staff hard to find

**S**teel and Tube, the country's largest distributor of steel and steel products, including roofing, pipes, wire and metal fasteners, is finding technical posts harder to fill in a tightening labour market.

The Lower Hutt company employs about 880 people nationwide in manufacturing, distribution, warehousing and sales.

Chief executive Nick Calavrias says the most difficult vacancies to fill are in the sales force. "It's more on the selling side rather than the manufacturing. But they need technical skills as well, not just straight-out selling skills."

The people looking for work are generally less

qualified than one would normally expect, Mr Calavrias says. Whereas previously the company needed to advertise a vacancy only once, "now to get the right applicants we might have to advertise two or three times".

However, despite the tighter labour market the company is still getting the staff it needs, and Mr Calavrias hasn't given much thought to what more could be done to attract potential employees. "It hasn't really got anywhere near that situation for us yet," he says.

Some roles actually attracted a great deal of interest. "We just advertised for another health and safety co-ordinator and we got 50 applicants."

Mr Calavrias expects the labour market to soften as the economy slows.

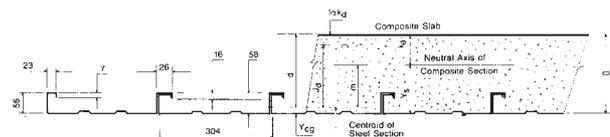


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Fig 1 TRAY-DEC 300 — NOTATION FOR COMPOSITE SLABS



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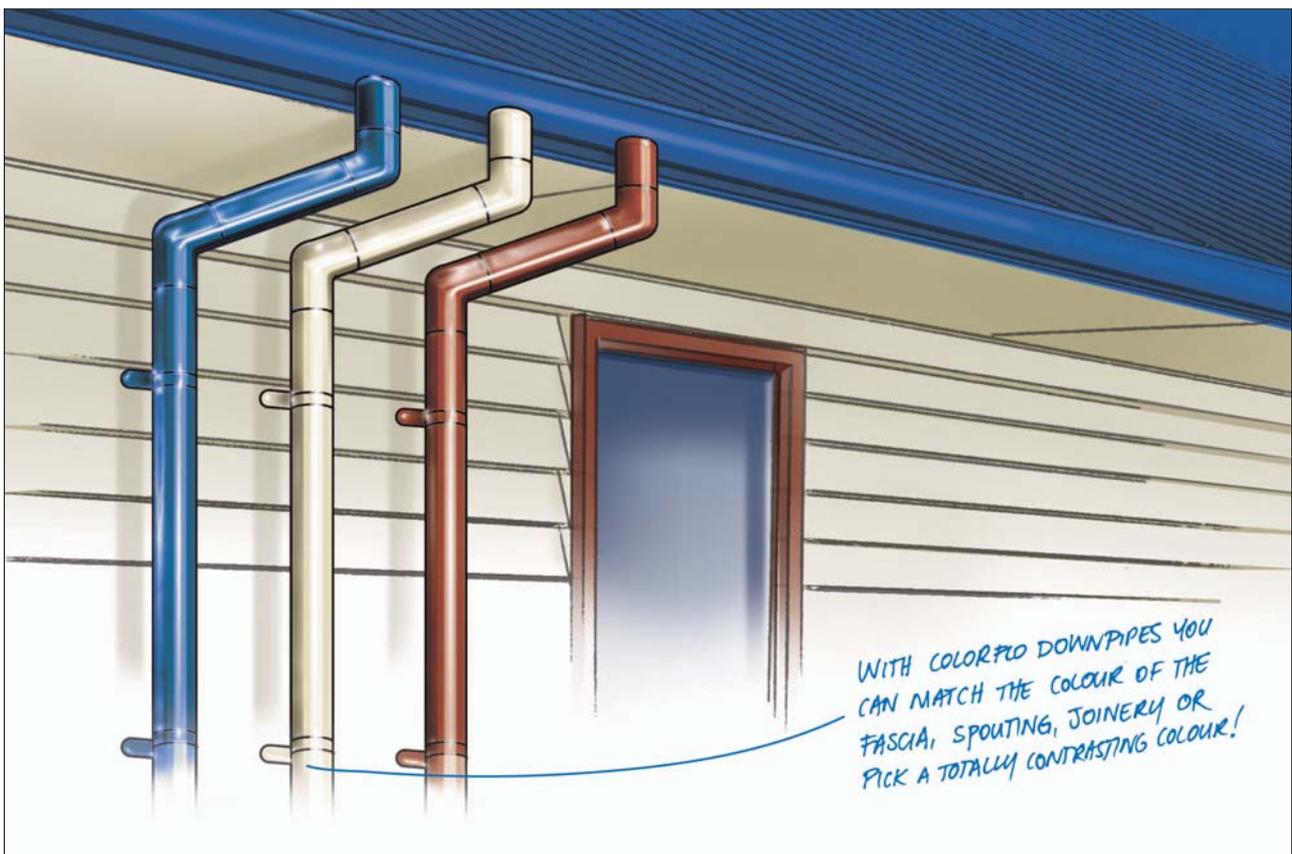
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**D**imond's Colorflo Rainwater Systems bring excellence and innovation to rainwater systems.

The Colorflo range includes internal fascia systems, external fascia systems and nine different spouting designs manufactured using pre-painted steel, pre-painted aluminium, Zinalume, copper and aluminium.

Features include overflow outlets, easy-fit swaged gutter ends, cast metal stop ends and adjustable gutter brackets.

Coming soon to the Colorflo Rainwater Systems range

will be Colorflo Downpipes which are a pre-painted downpipe system that allows you to match your fascia, gutter, roof, wall colour or even window joinery.

Suitable for new and existing homes, Colorflo Downpipes are available in a range of colours to complement any architectural style.

Made from pre-painted metal, they are designed to last, retaining their good looks for years. They are also backed by Dimond's comprehensive warranty\*.

#### No painting required

Colorflo Downpipes have a complete range of pre-

painted and pre-cast bends, clips and fittings, making installation fast and simple. Best of all, there is no painting required.

The downpipes will be available in 65mm and 80mm sizes, and fit all Dimond gutter profiles. Get the colour you want (not just white) with Colorflo Metal Downpipes.

For further details and specifications visit [www.dimond.co.nz](http://www.dimond.co.nz) or call 0800 Dimond.

**\* Refer to Dimond's Downpipe Warranty for full details.**

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# Auckland fishing competition

**T**he first Auckland Carters *Gone Fishin'* Fishing Competition was held in April on the Whangaparaoa Peninsula north of Auckland.

More than 150 builders and families registered and turned up on the day, along with 30 suppliers and 20 staff members.

Registration for the event sold out in two weeks, so it was always going to be a popular day.

The day started with dismal weather, and there was even some lightning! However, it looked calm on the water and, luckily, at around 10am the rain ceased and some sun even managed to break through.

Fishing legend Graeme Sinclair was out and about on the water visiting all the boats with spot prizes and fishing tips, and former All Black Bull Allen was on hand helping out as MC.

All in all it was a fantastic family day out, with some great fish caught.

## Prizes were:

- Largest Snapper: Kevin McKenzie (10.16kg). He won



a new PON668S Electrolux oven worth more than \$1700 plus his weight in Tui Beer.

- Largest Kahawai: George Beattie (junior) (2.82kg)

- Largest Dory: Kevin Lidyard (1.94kg)
- Largest Trevally: Phil Curtis (1.48kg)
- Largest Kingfish: Quentin Dobbs (10.96kg)
- Largest Gurnard: First equal: Matthew Beaton (junior) and Katherine Wilkinson (0.48kg)
- Ladies Prize (Snapper): Katherine Wilkinson (2.94kg)
- Kids Prize (Snapper): Billy Dellow (4kg)

Thanks to the sponsors: Athena, Clearlite, The Laminex Group, Marley, Englefield, Ingersoll Rand, Methven, Firth, Paslode, Thermokraft, Hitachi, Rheem, Expol, Electrolux, Laserlite, Mitek NZ, Robertson Agencies, Wattyl, NZ Fishing News, Century Batteries, Wattyl, Tui and especially Protecto Wrap for supplying Bull Allen on the day.

Carters would also like to thank the Hibiscus Coast Boating Club, especially the Commodore Ama.

Look out for more information about next year's event which will be even bigger!



## No need to think about flashings!

**F**lashings may well be essential and feature very prominently in E2/AS1 relating to external moisture. However they are also very boring!

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To enable designers and architects to concentrate on the more exciting aspects of design work, Quickflash has available many flashing details that can be incorporated straight into plans.

The company has prepared a detailed catalogue and CD, free copies of which can be obtained by e-mailing [info@quickflash.co.nz](mailto:info@quickflash.co.nz). Alternatively, the designs in various formats can be downloaded from [www.quickflash.co.nz](http://www.quickflash.co.nz).

Quickflash Ready-Made Flashings are also designed for purchasing off the shelf, and are available through building supplies merchants nationwide.

For a full range of flashings pick up a brochure from your building supplies merchant or visit [www.quickflash.co.nz](http://www.quickflash.co.nz).

Flashings come in 3m lengths with the exception of joiners and saddle flashings. They are available in 0.55mm Z450 galvanised steel, 0.55mm Colorsteel Maxx and 0.5mm stainless steel. Saddle flashings are only available in stainless steel because of their compatibility with treated timber.

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## Top apprentice competition extends to nine regions



*Willie Jackson (2005 Winner - Wellington Region) with BCITO Wellington regional manager Graeme Paton.*

**C**arpentry apprentices from across the country will now get the chance to be part of what is growing to be one of the industry's most coveted titles, the Registered Master Builders Carters 2006 Apprentice of the Year.

Building on the success of the Registered Master Builders Carters Carpentry Apprentice of the Year Awards held in 2005, the competition is being extended this year to nine regions, opening entries up to carpentry apprentices from Northland to Invercargill.

The awards aim to recognise excellence, foster the training and development of apprentices, and raise awareness of career opportunities in the construction industry.

In its third year, the competition is proving increasingly popular. Willie Jackson, winner of the 2005 Apprentice of the Year – Wellington Region found entering the competition was well worthwhile.

"Winning the competition made me realise what I am capable of and gave me more confidence in my work. I learnt so much by taking part in the competition, and it was great to have my skills and knowledge recognised by industry. It's a great way to kick-start my career," he says.

Building and Construction Industry Training Organisation (BCITO) chief executive Ruma Karaitiana shares his enthusiasm. "The training and development of carpentry apprentices is important for the future of the construction industry. The BCITO is proud to be part of an event that recognises and encourages this, and our entire team is behind the competition."

Entries close on July 31, and up to 10 apprentices from each of the nine regions will be chosen to progress to the final stages of the regional awards.

The competition is open to all carpentry apprentices, irrespective of whom they work for or train with.

Judging panels will be assessing personal attributes, practical skills, knowledge of the building sector and materials, and the endorsement from the apprentice's employer and educational institution.

Winners will receive a substantial prize which includes participation in an Outward Bound Leadership Programme, a scholarship towards completion of study or postgraduate study, a \$500 prize pack and apprenticeship membership of the Registered Master Builders Federation for one year. Regional winners will be announced in October.

The Registered Master Builders Carters 2006 Apprentice of the Year is supported by principal sponsor Carters and supporting sponsor the BCITO.

# Accord and Satisfaction

Tim Bates of Auckland law firm Legal Vision explains the term “Accord and Satisfaction” as illustrated by a building case in Australia.



**T**his is an Australian Court of Appeal decision whereby the issue of Accord and Satisfaction (settlement) was considered.

The builder performed residential building work for the principal pursuant to a building contract in 1994. A dispute arose. The builder said he was owed money. The principal complained about the quality of the works he had performed.

The builder, relying upon a provision in the building contract, sought to recover the monies said to be owing to him by using the arbitration procedure available under the contract.

The principal brought a cross-claim alleging that the builder’s work was defective. Both parties had legal representation.

The arbitration proceeded partially in June 1997, but after some evidence was taken the arbitrator was informed by the builder’s solicitor that the matter had settled. The terms of settlement were collated into a document entitled “Terms of Settlement”, and stated:

- 1 Each party, without admission, withdraws their respective claims and cross claims against the other party.
- 2 Each party is to bear its own costs of the arbitration.
- 3 Each party is to bear equally the costs of the arbitrator.

Both parties executed this document in June 1997. However, somewhat surprisingly, the principal made an insurance claim in respect of the builder’s allegedly defective work.

The builder relied upon the “Terms of Settlement” document to defend this claim. At the first instance, the builder succeeded in defeating the claim using the settlement as its actual defence.

District Court proceedings were then brought by the builder against the principal for monies allegedly owing under the building contract, in December 2000. A defence was filed and served, but the defence did not refer to the “Terms of Settlement”.

Eventually the builder obtained judgment against the principal for the monies owing under the building contract, despite the prior settlement. However, this

was discharged from the date when the promise is made”.

The effect of this is that the agreement for compromise is enforceable by the parties; however, the original contract is discharged. So the compromise agreement replaces the former one.

The only modification to this rule is where the compromise agreement specifically preserves the enforceability of the original agreement where there is a default on the compromise agreement.

This is often a term a solicitor will labour to have introduced into the compromise agreement.

The court went on to state that it is a question of fact for the court to decide whether there has been an Accord and Satisfaction. The question is ultimately to be resolved by a consideration of the parties’ intention in the circumstances of each case.

**The effect of this is that the agreement for compromise is enforceable by the parties; however, the original contract is discharged. So the compromise agreement replaces the former one.**

was appealed by the principal.

The key issue on appeal was, in fact, whether the “Terms of Settlement” amounted to “Accord and Satisfaction” — that is, that the issues as between the principal and the builder had been settled in their entirety.

At paragraph 48 the court stated that:

“The essence of Accord and Satisfaction is the acceptance by the plaintiff of something in place of his cause of action, the Accord is the agreement or consent to accept the Satisfaction upon provision of the Satisfaction, there is a discharge which extinguishes the cause of action . . .”

The court went on to state that where there is an agreement to accept a promise in Satisfaction of the cause of action, “the original cause of action is

At paragraph 66 the court concludes:

In this case, in my view, there is an available inference that the parties’ intention was to walk away from the arbitration and any claims they had against each other.

The court ruled that the principal had an arguable case that the “Terms of Settlement” amounted to Accord and Satisfaction.



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## Sydney's Necropolis Receiving House

Dr Kerry Rodgers ruminates upon some quaint Australian burial customs



In the mid-19th century Sydney had a grave issue. The city had run out of cemetery plots. To resolve the matter, the City Fathers purchased a property near Lidcombe, 18km from the CBD. Here they established the Rookwood Necropolis, or City of the Dead, one of the largest burial grounds in the world.

### The dead centre of Sydney

The deceased and mourners were transported to and from the cemetery by a dedicated railway, complete with two Mortuary Stations, aka Necropolis Receiving Houses.

Something more tasteful was required than the corrugated iron and timber shelters that typified New South Wales railway buildings of the day.

Colonial architect James Barnett came up with two superbly sensitive buildings at either end of the line. Only one remains today: Mortuary Station on Regent Street, central Sydney.

The stations were designed in Italian Gothic Ecclesiastic style and constructed from pale pink Pyrmont sandstone. Cherubs and floral designs adorned stonework and wooden trusses. Cumberland Pottery tiles paved the floors and platforms.

The Regent Street station was topped by an eye-catching spired bellcote — that lacked any bell. Rookwood differed in having a handsome tower — and bell.

Long before political correctness became the norm, neither building displayed anything related to any sect, denomination or creed. The Receiving Houses proved acceptable to all Christian and non-Christian beliefs. Even agnostics and atheists found it hard to take umbrage.



*The Italian Gothic Ecclesiastic Necropolis Receiving House at Rookwood, complete with train, cherubs and bell-tower.*

Image: NSW Archives

### Last train to Rookwood

Hearse carriages were attached at the rear of each train with the coffins loaded onto shelves. At Rookwood the coffins were unloaded onto wheeled litters with care being needed to ensure the correct coffin was allocated to the correct funeral party.

The funeral train also transported supplies for profligate graveside wakes that became part of the Rookwood tradition. Vast quantities of beer, spirits, pies, saveloys, oysters, crabs, prawns, sausages, cheese and bread rolls were the norm.

Spare litters transported these refreshments to the graveside where serious eating and drinking commenced the moment formal proceedings were

completed. Leftovers and empties were disposed of in the grave as a valedictory gesture.

The Rookwood bell would warn mourners of the return train's impending departure. The litters were now used to carry worse-for-wear mourners back to the platform where fracas often erupted between some of Sydney's diverse ethnic groups.

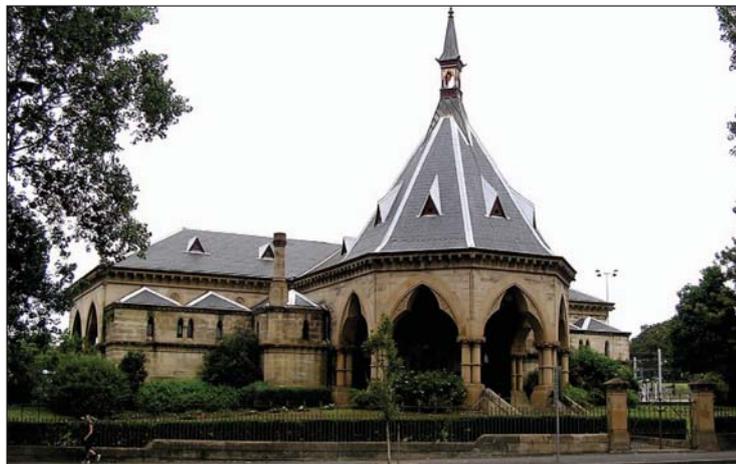
### Reincarnation, Aussie-style

Use of the Necropolis railway peaked in the 1900s. By the 1920s motor hearses had taken over, with buses chartered to carry mourners — and supplies.

The service revived during World War II when petrol rationing kicked-in but fell into disuse in post-war days. The last run was on April 3, 1948.

The Rookwood terminal was dismantled and rebuilt as an Anglican church in Canberra. For a brief period the Regent Street station became the Sydney terminal from which greyhounds and their owners could go to the dogs. In 1949 it was reborn as the centre of a rail parcel delivery network.

Today the station has been fully refurbished, and can be hired for private functions or for cultural entertainments. It comes complete with its own ghost. A woman in a black lace veil is regularly seen pushing an old Victorian pram along the platform accompanied by phantom footsteps.



*Regent Street's refurbished Mortuary Station today, complete with its eye-catching, spired, bell-free bellcote. Image courtesy of John Mulhall*

## Tip 27. Crack-resistant joints

### Paper tape or fibre tape?

Most plasterboard manufacturers around the world recommend paper tape for use in the jointing process. This is because, in general, paper joint tape has a higher resistance to cracking than self-adhesive fibreglass tape. To reduce call backs builders and contractors should be using paper joint tape in all joints.

### Why does paper tape have a higher crack resistance?

The difference is due to the way the different joint tapes are made. Because most self-adhesive fibreglass tape is woven in a “leno” method the tape will stretch a little when it is initially placed under load.

Even when made with the “overlaid” method these strands will stretch slightly under initial load. Each strand is composed of many individual fibres which will allow for some “interval give” under initial load.

It is important to note that not all paper tapes are created equal. Features such as the buffing of the paper tape, perforation and paper weight will all influence the crack resistance of the finished joint. Use paper tape that has been recommended by the plasterboard manufacturer.

### Compound choice

For paper joint tape to work well it should be used in conjunction with the right compound. Here are some guidelines to help:

- Use compounds and paper tape that have been recommended by the manufacturer as these will have been tested together to give good performance.
- Aim to have at least 0.5mm of compound applied under the paper joint tape.
- In summer, shorter set time plaster products or ready mixed taping compounds should be used. Hot, dry temperatures will cause longer set time plaster-based compounds to dry quickly, leaving insufficient water present for proper curing and strength development.
- Do not mix compounds together or mix in other additives that affect the set time as these will weaken the product.
- In winter, make sure each coat is properly dry before the next is applied. More thin coats can sometimes improve the overall time to prepare a joint.

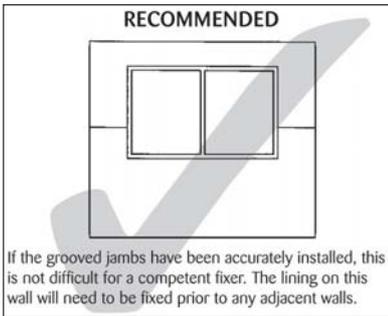
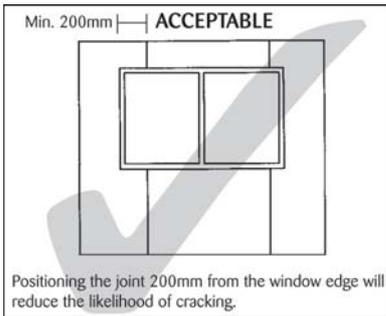
A minimum temperature of 10°C should be maintained during the application and drying of compounds. There are, of course, a multitude of other factors that can affect the performance of joint compounds. However, if you follow the above guidelines and manufacturers’ instructions on the joint compound packaging before commencing jointing operations you should achieve good performance.

### Joint placement

Of course no stopping technique or jointing material can make up for incorrectly placed joints or poor fixing practise.

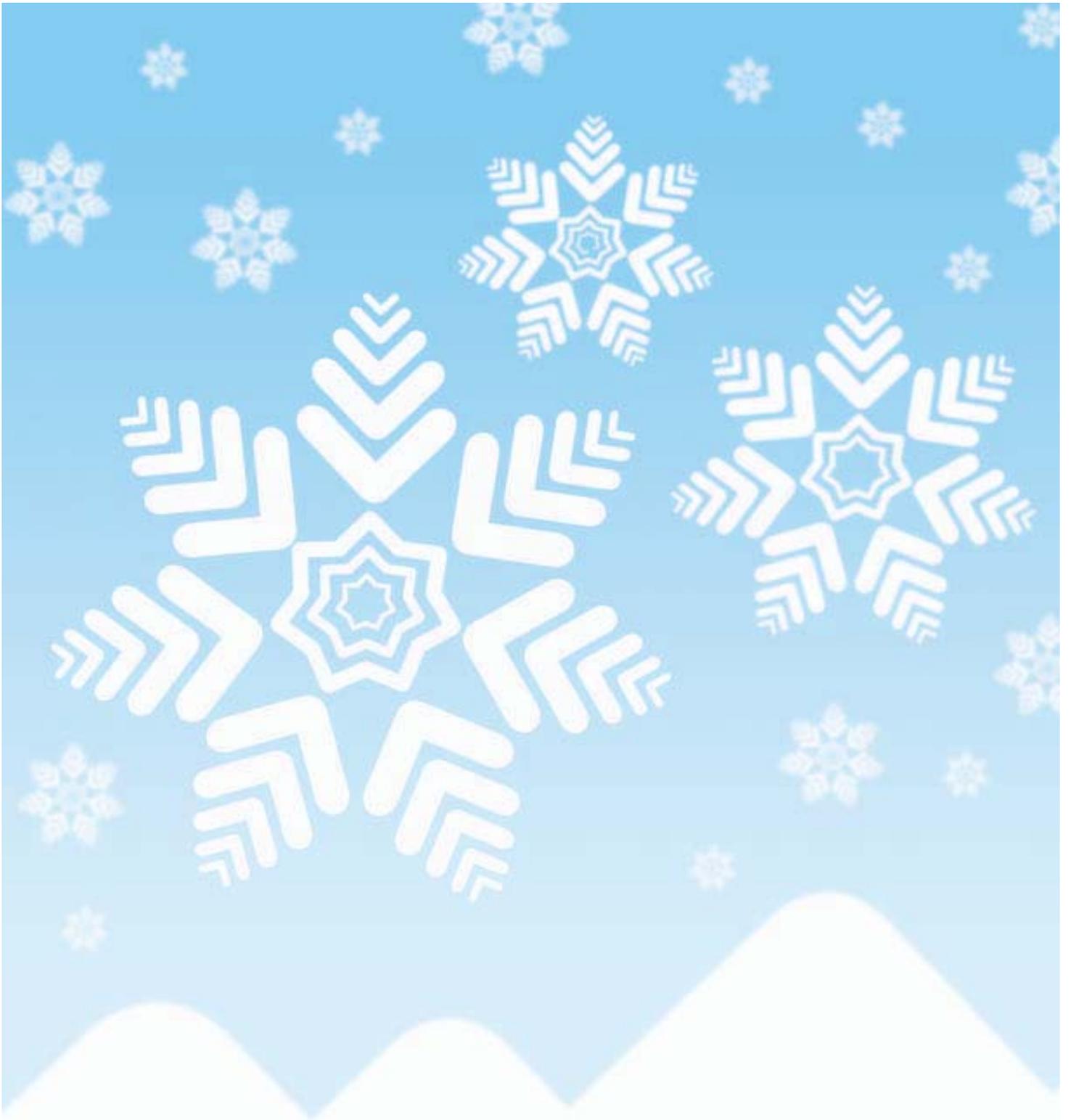
As a guide the following should be considered when fixing plasterboard:

- Check that the framing moisture content is 18% or less before lining. In areas that will be subject to air-conditioning this will need to be reduced to 12% or less.
- Do not place joints above the corners of windows or doors. If joints are required in these areas they should be offset by a minimum of 200mm.



- The use of metal ceiling battens on clips will significantly reduce the likelihood of cracking. In skillion roofs this should always be the method of fixing.
- Sheets fixed horizontally are far less susceptible to cracking resulting from timber movement, as the entire length of the joint is not formed over timber.
- Use control joints at the correct spacing in large areas.

**\* The above list is by no means exhaustive. For more information on fixing and jointing plasterboard refer to the manufacturer’s instructions.**



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