

building today

THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS FEDERATION

Opinion: Has the industry turned down an 'unsealed, pot-holed track?'



**Leaky buildings:
Is statutory insurance
the answer?**

**What are the
issues facing
migrant
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building today

The race for political power is hotting up, and if *Building Today's* online poll is anything to go by, most in the New Zealand construction industry — and in general, judging from many recent nationwide polls — are looking for a change in Government. *Building Today* will be bringing readers plenty of construction policy news, views and opinion in upcoming issues leading up to the election around November time this year.

In the meantime, there is plenty to ponder in this issue — the question of statutory insurance to try to help avoid leaky buildings-type legal battles, an opinion piece on how we can improve standards in the industry, and the issues facing migrant workers in New Zealand's flat construction sector. Remember also, if there is a topic you'd like to debate, go to our Forum at www.buildingtoday.co.nz, put your thoughts forward and see what discussion arises from it. We'd love to hear from you.

Andrew Darlington
Editor



cover story 12-13

Find out how you can win this
super Bosch Rockbox — for
more details see page 31



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1-year subscription: \$56.25 (GST incl). ISSN 1171-0225

chief's chat

by ceo pieter burghout

The role of the RMBF as an industry Association

I thought I would focus my second-to-last Chief's Chat on the role of the RMBF as an industry Association, both generally and more specifically.

I have had cause to reflect on this many times over the years, both as a chief executive of an industry body (Northland Federated Farmers, Contractors Federation and, latterly, RMBF), as a manager of policy formation for the Government (Ministry of Forestry, Department of Internal Affairs), and while doing some studies for my Master of Business in the late 1990s.

And through it all, the key theme has been that the role of an industry association is to help its members run their businesses profitably and sustainably. Unless an association is adding value to that particular objective for its membership, then it will disappear and die.

In the case of the RMBF, we have been doing that "value adding" for some 116 years (yep, that long!), and I am absolutely certain we will be doing that for another 100-plus years!

More specifically, what does "helping members be profitable and sustainable" mean?

- It means we work with the Government (and related agencies) to ensure the rules and regulations the construction industry operates under are fair and reasonable. And certainly, we have been doing heaps of that in the past three or so years, particularly in the areas of building practitioner licensing, the Building Code, Building Consent Authority accreditation and product certification.



And as well as the rules and regulations, we also work with the Government on the general status of the economy — on such matters as interest rates, immigration levels and housing affordability. I should also note that the mandate of the RMBF has never been to seek "unfair advantage" — just a fair and reasonable playing field so that good builders can operate with certainty and consistency.

- It means we look to generate a strong level of leverage around the Master Builder brand. Programmes such as House of the Year and Apprentice of the Year do wonders in that regard, driving consumer awareness of, and preference to, Registered Master Builder companies.

Reinforcing brand quality

Our Master Build Guarantee product also has a key role to play in reinforcing the quality of the MB brand and the workmanship of members. And as well as these formal programmes, we also do a lot of work to generate unpaid media coverage as well — worth some \$4 million annually to the RMBF.

- And it means we drive as much direct membership benefit as we can, through such things as member discounts, services, information, networking and training. We know that if members fully utilise the level of products and services available to them, their membership fees would easily be paid each year, perhaps many times over!

For the smart readers of this article and who know a little bit about the RMBF and our business strategies, you will see that the above three bullets nicely match our three core business plan objectives — Membership Advantage, Brand Strength and Industry Champion.

Through these strategies:

- we have continued to drive positive membership growth for each of the past three years, while maintaining a focus on quality and not just growth in numbers for its own sake.

The RMBF continues to represent members who are responsible for 65% of the annual construction dollar spend each year — ie, \$8 billion out of a total value of \$12 billion annually.

Looking at just two recent value adds for members — an electronic subscription service with Standards NZ, and our Master Group KiwiSaver plan with Tower —

used fully, these save members (and their staff) significant dollars per year, and are just a small part of our overall value offering to members.

- we have maintained an 80% consumer preference for using a Registered

Master Builder, which is a great push for members. House of the Year entries have risen to and been maintained at 650 to 700 entries each year, and Apprentice of the Year entries and overall exposure has similarly continued to rise.

And around half of all media mentions on the construction sector refer to Registered Master Builders in some shape or form, which is just great!

- we have had some critical policy wins with the Government, particularly in the area of building practitioner licensing. In some other areas, we estimate that the work of the RMBF has saved the construction industry millions of dollars each year.

So, I stand back from the role I play at the Federation and reflect on the value an organisation like the RMBF can add to the construction industry.

As I have noted before, we have been doing this value add for the past 100-plus years, and I know the organisation will be doing the same in another 100 years' time!

Apprentice of the Year — you've gotta be in to win!

Just a quick reminder that it's not too late to enter the Registered Master Builders Carters 2008 Apprentice of the Year, a competition that recognises excellence among young carpentry apprentices.

After all, you are the future leaders of New Zealand's construction industry, and the competition's sponsors (Carters, Registered Master Builders, BCITO and the Department of Building and Housing) want to celebrate your success.

So how can you enter?

All you need to do is go to www.masterbuilder.org.nz or www.bcito.org.nz and download an entry form. Otherwise, you can contact the BCITO, Registered Master Builders or visit your local Carters store.

The entry form is pretty simple — all that's needed is:

- your name and contact details, and your employer's too,
- a couple of reasons why you're the best apprentice in your region,
- comments from your employer and training provider about why they think you deserve to win, and
- a short description of a building project that you're proud to have worked on.

Entries close on Thursday 31 July, so get your entry in now!

What about the judging?

A regional panel of judges (some good guys from Registered Master Builders, Carters and BCITO) will read your entry form and invite you to have a chat with them to find out more about why you are the best apprentice in your region.

After the interviews, up to 10 regional finalists will be selected and the judges will visit each finalist's place of work to decide who the regional winner and place-getters are. The judges will be keeping an eye out for a few things, so here's a bit of a heads up:

- Your personal attributes (communication skills, teamwork, appearance and presentation, reliability and contribution),
- Your knowledge of the sector, the law (acts and regulations) and building materials,
- Your practical skills (presentation of projects, quality of work and attitude), and
- Endorsement by other parties (your employer, training organisation and reference reports).

The best part of all — what can you win?

As well as getting a cool trophy and being known as the best apprentice in your area, each regional winner gets to go on a specialist Outward Bound Leadership Programme tailored for Apprentice of the Year winners (valued at \$2500). They also receive a scholarship towards study in any construction course (valued at \$2000).

Regional place-getters win some awesome prize packs from Carters, including tools and products from Hitachi, Stanley and Irwin Industrial Tools, as well as merchandise from the BCITO.

And that's not all! Everyone who enters the competition also receives an apprenticeship membership to the Registered Master Builders Federation for one year, as well as a Hitachi drill/driver bit kit with the purchase of any Hitachi power tool from Carters.

Now for the fine print

The competition is open to all carpentry apprentices. You don't have to work for a Registered Master Builder or be training with the BCITO to take part.

There are just a few conditions: to enter, you must have completed a minimum of two years of your National Certificate in Carpentry employed on site, or have completed

your apprenticeship within six months of the closing date — Thursday 31 July, 2008.

You need to be aged 26 years or younger as at 31 December 2008, and be employed with a building company or individual builder at the time of judging.

What's next if you win?

Winners of each regional competition automatically become a finalist in the national competition, and will be flown to Wellington (along with three members of your family — or your best mates) in October to go head-to-head with the other top apprentices from around New Zealand. You could even win a trip for two to an Australasian trade show worth \$3500!

Expert advice from last year's winners

"Don't hold back — if you've got the talent and skills put them to good use. Just go for it, give it all you've got."

"Outward Bound is definitely the best prize. I'm really looking forward to going on the course with the other national finalists."

"Heaps of good things have happened since the competition, including being given more responsibility at work."

Still need more information?

If you need a hand with anything, phone Rebecca Kennedy on the National Project Team on 04 494 5177 or 027 407 0533, or email rkennedy@nbpr.co.nz.

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More important to reinforce credibility

By RMBF president

Brent Metrick

During June I attended both the Southern Region and Tauranga RMBA House of the Year and Commercial Project Awards events. Clearly our members are using this programme very proactively to benefit from the publicity and recognition it brings — and rightly so.

With the market in many parts of the country “bouncing along the bottom” it’s more important than ever to reinforce to our current and potential clients the credibility behind using a Registered Master Builder, and the point of difference that fine workmanship brings.

As much as I was very proud to see the immense effort put in by owners and builders, much recognition needs to go to the machine behind this competition — being the national management committee, judging panels and the regional event coordinators and their organising committees.

Invercargill hosted an immaculate Southern Region event with a perfectly run plan — so well done Vicki Popham and her team. In Tauranga, I looked on with pride and awe at the level of entries and the resulting 27 Gold awards.

Never have I seen a market that exemplifies the benefits of tough competition, innovative design and creative marketing. Well done Lani Christensen and the crew from Tauranga!

By the time you read this, at least eight of the 20 regional events will have been held. I can’t say enough about the awesome work and commitment to



professionalism by all of the people behind what is the premier industry awards programme.

Also, recently at the Nelson AGM, we had the pleasure of welcoming Liz Cadogan as the new president. Liz is only our second-ever female president — with Auckland pioneering with Diane Phillips in 2004 and 2005.

I’d like to take this opportunity to thank Andrew Eggers for his steady stewardship of the Nelson RMBA for the past three years.

Finally, on a sadder note, I was honoured to attend a celebration of the life of John Sherriff who, on 14 June, lost his eight-year battle with cancer. To Paddy and family, thank you for the precious time you allowed John to share with us.

Thank you also to Blair Cranston for the eulogy on our behalf. John was a long-time advocate and well respected member of the RMBF. Those of us who had the privilege to know him will miss his grin and always timely advice.



From left: RMB Association presidents Ewan Oats, John Taylor and John Sherlock and RMBF president Brent Metrick at the Southern Region House of the Year and RMB Commercial Project Awards in association with PlaceMakers.

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Nailing it Home

News for Registered Master Builders
July 2008



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We want to see you.....at Southern Build 2008
Registered Master Builders Federation is a major sponsor of Southern Build and will be exhibiting on STAND 90, so come along and see the team! Stop by for a coffee, relax and catch up with your fellow Master Builders.

Are you entitled to a KiwiSaver member tax credit?
If you're a member of KiwiSaver or a complying fund, the Inland Revenue have some good news. Your investment may be about to receive a boost. Scheme providers are now starting to claim the member tax credit (MTC) on behalf of their members.

RMBF 2008 Apprentice of the Year

Entries are now open for Registered Master Builders 2008 Apprentice of the Year, in association with Carters. The competition is open to all carpentry apprentices who are employed with a building company or individual builder and are completing a National Certificate in Carpentry. For further information about the 2008 Apprentice of the Year competition, full criteria, and to download an entry kit please go to www.masterbuilder.org.nz



2008 Seminar Series

Registered Master Builders Federation (in conjunction with Employers and Manufacturers Association and the Department of Labour) is currently running a series of seminars throughout the North Island. The South Island seminars will be held in September. Further information is available go to www.masterbuilder.org.nz

Licensed Building Practitioners — Renewal of Licences

A reminder that members who are licensed need to update their BuildersCV (in the RMBF members' database) with all training courses etc that they have done, in order to renew their licence next year.

Benefits



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Design Construction delivers excellence

A seamless marriage of durability and style made this home, designed by Michael Idiens and built by Design Construction, the national award winner for New Homes \$600,000 - \$1 million in the Registered Master Builders 2007 House of the Year, in association with PlaceMakers.

The architecturally-designed contemporary home was built to deliver everything required for inner-city family living, and provide a functional working environment for the owners, who work from home.

Design Construction director Graham Anderson says the company was selected by the architect and recommended to the client because of its reputation for attention to detail and high quality workmanship.

Due to the predominance of concrete in the structure, the site required major foundations work, including a large amount of reinforcing steel.

But the end result is a very durable design created by the extensive use of concrete with plaster finish, metallics, louvres, Eurotray roof and solid doors. This is all complemented by the clever use of colours, fabrics, glass tiles, timber and carpet.

Light and sun have been maximised in the home, with generous use of glass on the



north-facing wall ensuring airy, warm living spaces. Bi-fold doors open to an outdoor paved area with a garden and a pool, and louvres allow light to be filtered to the outdoor living area as well as interior living spaces.

Mr Anderson says that, as with each Design Construction project, careful attention to detail was paid in order to achieve the best possible outcome for the client.

"We're all about delivering excellence in building solutions. On this property, the installation of the floor to ceiling doors, in particular, required careful attention to detail and planning in order to ensure they matched the floor, ceiling and walls perfectly."

He says the desire for excellence that his company prides itself on was something he learned from working with his father more than 30 years ago. At just 16, he completed a pre-trade carpentry course prior to his apprenticeship.

"With the guidance of a master tradesman I quickly learned that nothing less than excellence is acceptable, something I have based my career and business upon ever since."

He says Design Construction began trading about 11 years ago, and has since grown from just two staff to more than 15.

"We've had some fantastic projects, but one of the most challenging and rewarding was the alteration of a large property in Christchurch," he says.

"We supported the property with steel beams in order to install a wine cellar underneath the house, and completely renovated the interior to the absolute highest standard, including hardwood joinery, doors and finishings.

"It was one of those projects that just doesn't come along every day."

A consistent entrant in the House of the Year awards, and a winner of numerous national and regional titles, Mr Anderson is once again hoping for a good result for Design Construction's entry in the New Homes over \$1 million category in this year's competition.



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Client involvement – the key to satisfaction

The clients of this Urbo Homes property hit the jackpot with their Whangarei family home, which has all the benefits of living close to town and the luxurious serenity of rural life.

Urbo Homes was the national winner of the New Homes \$450,000-\$600,000 category in the Registered Master Builders 2007 House of the Year, in association with PlaceMakers.

The contemporary design of this expansive home satisfied the client's request for a strong sense of indoor-outdoor flow. The home incorporates an open-plan designer kitchen and living area leading on to a covered outdoor dining and fireplace area, which has a lean-to roof featuring exposed macrocarpa rafters.

Simon Crawford of Urbo Homes says the initial discussion about the home was held prior to viewing the site.

"When we got out and viewed the block we could tell immediately that the land was going to work well with the style of house our clients were wanting. Envisaging the finished product became much easier."

The home, which was inspired by the client's bach, was not exceptionally difficult to build. But ensuring all its elements were just right required a lot of teamwork from the Urbo Homes builders and their subcontractors.

"I view subcontractors as an extension of my business, which is why I only choose the best and work hard to have good relationships with them," Mr Crawford says.

"I ensure we are always organised so that everything is ready and waiting for subcontractors when they come to work on a job. That way we don't waste their time and they don't waste ours."

But Mr Crawford realises a strong team of builders and subcontractors is not enough to deliver an exceptional home. The ability of the builder to realise

their client's vision is paramount to delivering an outstanding property.

"The key is asking lots of questions in the initial briefing meeting and involving the clients as much as possible.

"I encourage clients to visit us on site, have a look around and to ask questions. The more involvement they have throughout the building process, the more satisfied they are with the finished product, and the less chance there is that something important to them is missed."



Mr Crawford, who started his career in building years ago as a joinery apprentice, established the Urbo Homes brand in Whangarei three years ago.

He says the biggest challenge for the business at the moment is keeping a good handle on costs. He says estimating and pricing in the initial stages of a job are particularly difficult, but it is important to be realistic.

Networking is another important business consideration, and Urbo Homes Whangarei has recently employed a new operations manager to ensure Mr Crawford has the time to interact with existing and prospective clients.

"For me, it's about giving clients the time they deserve and really making them a part of the process."

Winning a House of the Year national award is a highlight of his building career to date, especially as it was for the first home he built in Whangarei. He admits he was impressed by the level of interest Urbo Homes received after its success in the competition.

"We had one call from a prospective client five minutes after the 2007 House of the Year television programme aired, and three the following day!"

With that sort of attention, Urbo Homes seems to have cracked the formula to delivering award-winning homes.



Wellington registered master builders 'enjoy' Solstice swim!

Wellington Registered Master Builders leapt off Seatoun Wharf to mark the shortest day of the year recently and to raise money for the Wellington Free Ambulance.

RMB Martin Goulden and colleagues started this annual mid-winter tradition about 10 years ago for fun.

"We thought this year we'd try and make it a fundraiser and, in this case, the Wellington Free Ambulance, because it's something builders all have to call on at some point — well, hopefully not," Mr Goulden said.

The Association raised more than \$500.



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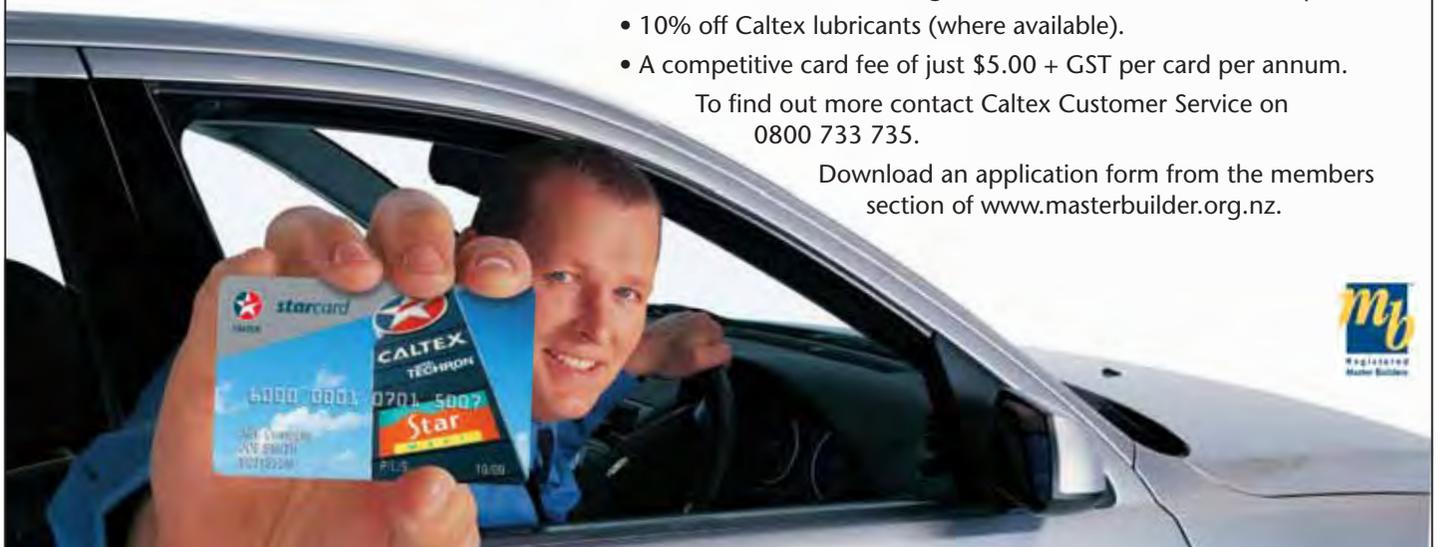
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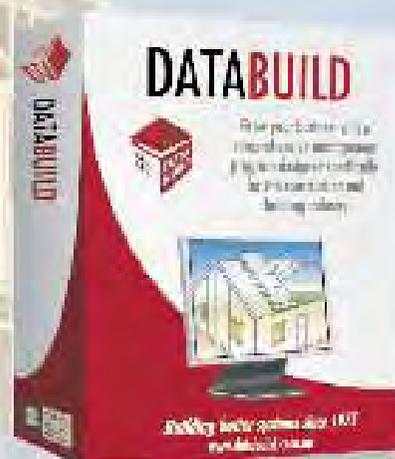
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Industry has a role to ESOL workers

New Zealand's Free Trade Agreement (FTA) with China is a win-win situation for the cooling construction sector. It adds few skilled workers to the industry, while more migrants will stimulate the economy in general, and demand for new housing in particular. But what are the issues facing our ESOL migrant workers, and how do we address them? Jenny Baker reports.

The Free Trade Agreement (FTA) with China, due for implementation on 1 October this year, makes it easier for skilled Chinese nationals to work in New Zealand on a temporary basis.

This could ease the still-tight domestic job market — but the construction industry does not share in this bounty.

In terms of one of the FTA provisions, a maximum of 1000 skilled Chinese workers at any one time may be granted temporary employment for up to three years in specified occupations where New Zealand has a skills shortage.

According to Richard Trow, press secretary for Minister of Trade Phil Goff, the 20 industries that stand to gain under the FTA exclude building and construction.

However, the FTA with China did spark renewed debate in the construction industry concerning safety issues surrounding migrant workers who speak English as a second language (ESOL).

Some experts say ESOL migrant workers often face huge challenges in industries where safety concerns are paramount. This is because many ESOL migrant workers sometimes struggle to speak and understand English, and to understand the English alphabet and numerical representation system.

Registered Master Builders Federation chief executive Pieter Burghout says in the past ESOL migrants entering the New Zealand construction industry have presented two sides.

"On the one hand, the construction industry is crying out for skilled workers. We are struggling, and finding suitably skilled workers is critical.

"On the other hand, it's a challenge to integrate workers from the Chinese training system. In some cases there are on-site integration issues — for example, our research shows ESOL staff could

complicate safety issues.

"It's also important to ensure migrant workers' qualifications match domestic Standards requirements.

"However, I know of many builders using foreign-trained skilled ESOL staff, such as tiling, painting and gib stopping teams. These teams have made an excellent contribution in the industry."

Building Trades Union national secretary David O'Connell is worried not only about safety issues, but also about a fair deal for all workers in New Zealand.

"It's a known fact that the construction industry is slowing down, and a lot of projects are stalled. There might have been a skills shortage, but we're seeing a small trickle of redundancies, and things may well go the other way.

"The problem is, often ESOL migrants work for compatriots and do not understand the New Zealand system. We have no clue of what they're paid, how they're treated and the hours they work.

Concern for unions

"We've seen that in the hospitality industry. This, as well as safety, is a concern for unions."

He says in his experience foreign-trained ESOL workers such as tilers and plasterers are highly skilled, but many ESOL migrants in the construction sector have working methods and ethics that often differ from those in New Zealand.

"Kiwis build differently, to different standards. For example, we're much more aware of the damage earthquakes and floods can do, and plan and prepare for such eventualities."

Site Safe executive director Iris Clanachan says Site Safe welcomes ESOL migrant workers entering the industry, but agrees safety issues are a concern.

"With ESOL migrant workers, understanding and

speaking English, and English literacy and numeracy issues all challenge safety on site.

"In addition, many ESOL migrant workers' safety culture is different from the one in New Zealand. We will have to educate the workers, and that will not happen overnight," she says.

But it can be done. Ms Clanachan says around 86,000 New Zealand construction workers have attained a common health and safety standard by completing Site Safe's Building Construction Passport course. A number of these workers are foreign trained. The Passport must be renewed biennially.

Many large main contractors also make the Passport a standard of tendering for contracts, and for entry to their sites. To train ESOL workers, the course material is available in eight languages.

"In the interests of safety and productivity, I believe all domestic construction companies should make the Site Safe Passport mandatory for all workers," she says.

A second way of addressing the issue would be to ensure ESOL migrant workers have an experienced supervisor who is fully capable in the migrants' language, as well as in English.

Ms Clanachan says in the recent tight job market, construction people were paid more than the minimum wage. "But now we're in a somewhat looser market many contractors and subcontractors find their businesses compromised, and there's the temptation to go back to a lowest tender mentality.

"That may mean undercutting prices and paying workers less than the going rate, something migrant workers are vulnerable to. This has a clear safety implication," she says.

She also recommends that safety inspectors step up site visits to ensure safe working practices and environments.

BCITO chief executive Ruma Karaitiana says it is true ESOL migrant workers who use different alphabets and

protect

numeral representation systems have learning difficulties with English material.

“So do some Kiwis. We’ve found material designed specifically for English-speaking learners who struggle with literacy and numeracy works just as well for ESOL people too.”

Building and Construction Minister Shane Jones, who also holds the Associate Minister for Immigration portfolio, says skilled workers face a rigorous screening process when applying for work permits.

“There’s no way we will endanger the integrity of our immigration laws,” he says. “We’re not about to open the door and take in half-baked immigrant workers, but we try to let in skilled people with minimum fuss. We must never underestimate how emotional a country’s immigration policy can make people.”

“Firms sponsoring migrants have an obligation to ensure they are up to scratch, and the employer will be held responsible if they are not. And at the same time we must ensure new workers can live here, and absorb the Kiwi culture. Everybody who works here must abide by our labour laws,” Mr Jones says.

“I’m aware of urban myths of work gangs, but people who do not abide by our rules lose their immigration status. I see many people sent out of the country for breaking our rules.

“But in this, as in everything else, there will always be a criminal element who will try to circumvent our laws — so much depends on people’s ethics.”

Alongside the FTA, New Zealand now also has a working holiday scheme with China. The scheme allows 1000 young, well-educated Chinese per year a one-year open work visa to engage in incidental, or casual employment in any sector, in New Zealand.

The youngsters may not work for any one employer for more than three months — and if the construction industry is quick, there may be something in it in this particular category.

• For more info: **Ph Building Trades Union,**
04 385 1178



On the web:
www.nzbtu.org.nz

Bright Spark(ie)s are welcome everywhere

Building Today posed the following questions to the Ministry of Trade, who passed on the answers it obtained from the Ministry of Foreign Affairs and Trade and the Department of Labour.

Q: Do FTA category migrants apply for jobs and the screening of their qualifications and experience, health and character, in China, or can they come here, find a job and then continue with the process?

A: Applications for entry under the China FTA skilled worker scheme need to be lodged in China with Immigration New Zealand (branches are in Beijing and Shanghai).

Q: Who checks qualifications and experience, health and character, and that job offers are genuine, including having New Zealand-standard terms and conditions?

A: Immigration New Zealand, which is part of the New Zealand Department of Labour, carries out these checks.

Q: Will the current English test be used? Does the test check if the workers can use occupational English and read and understand complex diagrams with English numbers?

A: The English level requirements depend upon the registration requirements of each occupation covered by the China FTA skilled worker scheme — where registration requirements exist — and an employer’s assessment that the worker is competent for the needs of the job.

There is no overriding English test for temporary workers (unlike permanent entrants). However, under the working holiday scheme, applicants must have functional English — which can be evidenced through an IELTS test which shows an average score of 4.5 over four components of the test.

Q: Can the FTA temporary work permit be converted to a standard work permit or work to residence permit and then to a PR permit?

A: Yes, if they meet the relevant policy requirements.

Q: Must migrant workers get another new permit if they change jobs?

A: While workers can apply to stay in New Zealand (either temporarily because they have a found another job or for residence if they meet the requirements of a residence policy), if they leave the job which enabled them to qualify under a policy arising from the China FTA, they would need to apply for a new permit, as it would be a condition of the initial permit that they remain in the job that was the basis for approval under that policy.

Q: How do you ensure once they have a job offer, they adhere to New Zealand policies in terms of wages, work hours and safety?

A: Employers offering jobs to non-New Zealand citizens and workers must comply with all relevant employment and immigration law in force in New Zealand. Additionally, to ensure that the objectives of work visa and permit policy are met, employers can be required to provide evidence that the rate of pay offered to non-New Zealand citizens or resident workers is not less than the market rate for New Zealand workers in that occupation.

Q: Must electricians and plumbers register with their Boards before they can work in New Zealand?

A: Yes, electricians and plumbers are required to have New Zealand Registration.

Q: Why only electricians and plumbers? Will the skills shortage list be updated regularly so that we do not develop a glut of skills?

A: The list of 20 sectors in which skilled workers can apply to work will be reviewed by the two countries every five years.

Q: Do employers retain the right to appoint the migrant worker of their choice?

A: Yes, there is no requirement that (for example) China FTA workers be prioritised over any other foreign worker.

Q: Explain the three-year condition?

A: Applicants under the skilled worker FTA commitments can work in New Zealand for up to three years, but are then required to be outside for three years before applying for further entry under the same policy.

Q: How does this differ from the policy for non-FTA migrants?

A: Work visas for entry into New Zealand under the general immigration policy are issued for the duration of the employment contract up to a maximum of three years, or for shorter periods of time if, for example, Immigration New Zealand thinks New Zealand workers are likely to become available in the medium term. It is also possible for further work permits to be granted for further periods of work.

Training beats caning

Mike Anticich, marketing manager of Flashman Flashing Systems Ltd, wonders how respected work ethics have been lost in an industry that has turned down an 'unsealed, pot-holed track'.

In the past, various well-trying sayings and proverbs moulded and reflected the character, attitude and work ethic of those in the construction industry.

These sayings and proverbs were passed down by experienced, knowledgeable builders who measured success in terms of reputation, not in fists full of dollars.

A tradesman was well trained by serving a long, hard apprenticeship through which he learned to be both a builder and a man of character.

Apprenticeships were as much about learning respect for the trade, the boss, fellow workers and the customer as they were about building. A high standard was taught and a high standard demanded.

Sayings repeated over and over underscored the attitude of the trades and these attitudes produced quality:

- "Do it once and do it right."
- "Measure twice and cut once."

- "The quality will be enjoyed long after the price is forgotten."
- "My reputation is on the line and don't you ever forget it!"

I spent 15 years as the owner of a private property inspection company, writing thousands of reports on a wide variety of building disputes and problems, including leaky homes.

Over these years it became very clear to me that the construction industry has turned down an unsealed, pot-holed track, and has yet to make its way back to the main road.

So often these days, it seems that there's just not enough time or money available to do the job correctly the first time. Inevitably, however, when the faecal matter hits the revolving object, time and money must be wasted in the correction of expensive mistakes.

Why has the skill level fallen to such abysmal levels? Why is service and quality so poor? Why is reputation of such little importance?

Before everyone tried to lose themselves in limited liability companies which, as we have seen, no longer provide the protection they once did, builders' signboards read "Jake Malone & Sons" or "Tim Smith, Builder".

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Doing it right first time

The names of the men who did the work were on the line. These builders didn't go broke because they did it right the first time, having been properly trained in the first place.

In those days, training to build involved learning an inter-related series of practical processes from foundations to finishing, rather than reading a small library of information.

Before the 1991 Building Act and the New Zealand Building Code (NZBC), and before NZS 3604 was introduced in 1990, the prime building design and building control document was the NZS 1900 The Model Building Bylaw — construction requirements for buildings not requiring specific design — timber and masonry.

This was a very slim booklet of approximately 32 pages. It could fit into a shirt pocket. This standard was introduced in 1964 and was rapidly adopted by councils nationwide. During this period, arguably New Zealand's best quality houses were constructed.

Why was this? It was certainly not due to an over-abundance of building control. The building permit documentation was often no more than a floor plan. Sometimes there were elevations and now and again a cross section.

Despite this apparent lack of guidance, houses were built that didn't leak, rot or blow over, and have since withstood millions of litres of rain, hundreds of thousands of sunshine hours, countless storms, hail and snow — and still they stand.

Since the introduction of the NZBC there are literally hundreds and thousands of pages of standards, NZBC clauses and manufacturers' instructions. The external moisture clause of the NZBC is currently just under 200 pages and growing!

In my view, it is in large part because of these truckloads of information that the worst building disasters ever seen in this country have occurred in recent years. That is, builders and tradesmen learned by doing, not by reading. This mountain of paper is directed at the wrong people. Educators take note.

The current pervasive philosophy is that if all details are documented within manuals, all is well with the world. This is clearly rubbish. We are now dealing with legal butt-covering at all costs.

It's all about risk management which means having the ability, in theory at least, to pass on the responsibility, the accountability and the liability to some other sucker when things go wrong. This practice clearly doesn't work. In fact, it has proved to be a disaster.

The question might be asked: "But won't licensing take care of the cowboys?" But will licensing really create an across-the-board shift from minimum standards to best practice?

I'm still talking to tradesmen and designers who don't know why or how so many buildings are leaking. Recently we were re-cladding a leaky home which has a virtually identical home at the rear that was undergoing a "targeted repair" or, more precisely, a "patch-up job." We pointed out that this was not the

way to go and were treated to a very uncomplimentary response.

Since then, a wall has been opened up in that house to reveal extensive widespread rot throughout an entire wall. All the framing has to be replaced. The remaining walls have not been investigated.

Also recently, we were asked to fit new window flashings to a leaky building that was under repair. However, the windows, the workmanship, the varying size of the reveals and the general lack of knowledge and oversight were so dreadful that we refused to fit our flashings until the issues were resolved.

The message is painfully slow to get through. When

will this bad practice stop? In my view, only when a best practice policy replaces minimum standards. This change will involve a complete character change within the industry and, unfortunately, I am not optimistic.

In the Dicks leaky homes case last year, the house was severely damaged due to a lack of window or door flashings, and the Waitakere City Council was found culpable for the repair bill to the tune of \$250,000.

The insurer, RiskPool, which covers the Waitakere City Council, vowed to track down the builder — despite the fact that his company has folded — for his share of the costs. In the meantime, ratepayers are footing the entire bill for this leaky home.

As a warning to others in the Dicks case, Justice David Baragwanath said the builder could be held personally liable because he "... did not merely direct but actually performed the construction of the house and was personally responsible for the omission of the seals."

"His carelessness is ... a breach of a duty of care owed by him to Mrs Dicks."

• Next month: Education is the only practical means of achieving best practice methodology.

• For more info: Ph Mike Anticich, 03 327 2272

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Leaky buildings and legal battles: Is statutory insurance

Open Polytechnic law tutor **Leigh Thomson** takes a look at the statutory insurance scheme that operates in Queensland that covers building defects — including what we refer to as ‘leaky buildings’.

Leaky buildings have been in the news for years now. The options for consumers generally remain litigation, arbitration (or mediation) or the Weathertight Homes Tribunal.

Consumers have to factor in the price of failure and, even with success, the legal and related costs to be deducted from any award for repair costs.

For instance, in one landmark case, the claimant in the High Court was awarded \$367,356, but legal and related costs ate up \$169,000.

The option of a private building guarantee depends upon contracting with a builder member of a building organisation such as the Registered Master Builders Federation.

The original Hunn Report in 1994 briefly mentioned insurance issues for defective construction, lamenting there was none in New Zealand, and that in Australia there were doubts about its continuance given the reinsurance market.

Last year the Government was to look at the issue through its Department of Building and Housing but nothing has been produced to date.

In Australia the construction industry was generally concerned about insurance schemes in various states

that were seen as last resort cover schemes.

The exception was the statutory compulsory cover in Queensland for licensed builders.

The Queensland model

Queensland has a system for licensing builders (as New Zealand is now undertaking) and for domestic building contracts a statutory insurance scheme (akin to compulsory insurance for motor vehicles). The statutory agency reinsures a significant part of its risk.

The insurance premium is payable by the builder and, presumably, built into the construction price to the consumer. The insurance scheme relates to residential building work, and is for the benefit of the consumer rather than the builder.

Insurance premiums are paid to the local government authority as agent for the statutory agency. Premiums for a new kitchen of \$25,000 would cost \$190, for a \$100,000 renovation, \$770, and for a \$250,000 new dwelling, \$1860.

The compulsory aspect of the insurance scheme is ensured by a requirement that building approvals must not be issued unless satisfactory evidence is produced that the appropriate insurance premiums have been paid by the building contractor to QBSA or its agent

(the local government authority) before the building work begins.

The statutory scheme should provide an in-built certainty of compulsory cover.

This is an advantage over guarantee schemes run by trade groups where, if a trade member fails to provide the guarantee or fails to send it to the guarantee administrator the guarantee will likely be rejected.

Commercial or industrial premises are excluded. Some grey areas exist such as where a building is being renovated to be used for accommodation and as a private home.

In one case a policy was voided when the consumer made a claim on defects with a mixed purpose building. Surely the consumer with a statutory-based certificate of cover shouldn't find out months to years later that cover is void and valueless.

The gatekeeper needs to make a decision that's binding, even if it makes a poor judgement. There could be a default option giving the statutory insurer 14 days to reject the cover (as not being “residential” work).

The statutory insurer has a web site with advice for consumers who have a policy. If they don't know they have a policy (perhaps as a subsequent purchaser) they can request a search, but it costs money and takes

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...ance the answer?

time for the insured to advise. This aspect could be improved by allowing the public to search any property or name to find out the information.

The statutory policy covers buildings up to three storeys. It insures:

- Non-completion where the contract is for a fixed price and the building contract is properly terminated. This is likely to be the case where the builder becomes bankrupt or goes into liquidation. (If the work is not started then the insurer pays the lower of any unrefunded deposit, or 5% of the contract price (if more than \$20,000) to a maximum of \$200,000, and 10% where the contract price is less than \$20,000.

- Defective construction cover of up to \$400,000. There are two categories. Category 1 defects are those that adversely affect the structural performance of a building or adversely affect the health or safety of residents. Water penetration into a building is such a defect.

Category 2 defects are faulty or unsatisfactory work (not being a Category 1 defect) because it fails to meet reasonable standards of construction or finish, or causes a "settling in period" defect in a new building.

There are different time limits for each category for a claim to be made. The insurer pays the reasonable costs (as determined by the insurer) of remedial work.

The insurer may also pay the insured storage and accommodation costs if the building needs to be vacated for the work to be done. It may decide that, rather than having the work rectified, it will pay the loss in value if remedial work is deemed unnecessary or unreasonable.



One of the biggest leaky buildings cases to go to court — the Sacramento apartments in Botany Downs, Auckland.

- It also covers subsidence or settlement.

Unlike a standard insurance policy for event-based contingencies, when a claim is made the insurer writes to the builder and owner encouraging them to resolve the dispute without the intervention of the insurer.

If that fails the insurer issues a direction to the builder to rectify defective work. If the builder disputes the validity of the insurer's direction there can be delays.

The insured must allow the builder access to the works to rectify the works.

The advantage of the scheme is that it allows subsequent owners to be covered by the statutory warranty which is not in a contract normally available to subsequent purchasers.

This removes the difficulties in sheeting home responsibility where the builder is unwilling, or has disappeared or is insolvent. This is despite the warranties set out in the Building Act 2004 in New

Zealand which appear to allow subsequent owners to sue subcontractors under the original building contract.

Even if practicable, it would be costly and time consuming compared with insurance.

As with any type of insurance, the insured must comply with the terms and conditions of the policy.

Next month: The fine print in statutory policy.

- Mr Thomson teaches law subjects at The Open Polytechnic, and has a particular interest in construction law, having worked for the Registered Master Builders Federation some years ago.

- For more info: Ph Weathertight Homes Tribunal, 0800 777 757



On the web: www.dbh.govt.nz/leaky-buildings-and-weathertightness

Take part in our online poll: Do you think statutory insurance is the answer to avoiding "leaky buildings-type legal battles? Go to: www.buildingtoday.co.nz

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Web site to become a one-stop shop for information on wood

Wood generally regarded as one of the most sustainable raw materials

Wood used to be the timber of choice for New Zealand's homes. But in recent years there has been something of a move away from wood for the residential market as a result of greater choices of alternative materials and changing fashions.

But it's not only the timber industry that is keen for the pendulum to swing back in wood's favour.

With heightened concern about protecting the environment, wood is generally regarded as one of the most sustainable raw materials for construction.

In surveys recently undertaken on behalf of NZ Wood, 80% of people acknowledged wood's qualities of sustainability and renewability, and 50% said they would consider using wood in the future because of these properties.

Because trees absorb CO₂ from the atmosphere, use of wood has real benefits for the environment. The more wood that is used, the more trees that are planted, leading to even greater absorption of CO₂.

The NZ Wood programme was established by the timber industry to help encourage greater use of wood — often in non-traditional areas of construction.

As part of this, a "resources" web site is being designed as a one-stop shop where building industry professionals — particularly engineers and architects — can access the latest information about suppliers, new products and technical information about the use of timber.

Aimed at specifiers

Programme manager Geoff Henley says the site will be aimed at specifiers — any professionals advising clients and customers on building projects, including builders, quantity surveyors, architectural draughtspeople and serious DIYers.

"At present there is quite a bit of material available, but in many different places and of varying degrees of quality and reliability," Mr Henley says.

"The one-stop shop site will make the use of wood easier, more straightforward and therefore more attractive."

Architect Harriet Compton Richards needs no

convincing about the qualities of timber. She loves working with wood.

"People have a certain affinity with wood," she says. "It means warmth to them — it has a cosiness about it. Nobody goes up and feels aluminium, but people want to touch wood."

She is particularly enthusiastic about the ability to design truly cutting edge, environmentally-friendly houses out of wood, appropriate for all segments of the residential market.

"Wood is such a flexible material — it has the ability to contemporise itself."

But it's not only the traditional residential market where she sees potential for modern timber design. She is also working with Andy Buchanan from Canterbury University on designing and building a multi-level timber building.

Eco-hotel based on timber

She mentions the possibility of an eco-hotel, where the entire construction is based on timber.

NZ Wood is keen to encourage greater use of wood in low-rise commercial buildings. To this end, Mr Henley says, the site will provide a vehicle for taking new advances and innovation out to the marketplace, particularly for those less traditional applications of timber.

But it will also apply a level of quality control to the information so that the industry can rely on it as an authoritative source.

"All the content will be generated and reviewed by recognised professionals with expertise in their fields."

It will contain information on wood's structural properties, durability, sustainability and fire resistance, along with its thermal and acoustic properties.

As an example, Mr Henley mentions wooden window frames, which he says have fallen out of favour in comparison to aluminium in recent times. But wood is now coming back into consideration due to its superior insulative properties.

"With modern treatment and design, many of the problems with deterioration can be overcome."

Ms Compton Richards passionately believes there is scope for New Zealand to become leaders in

contemporary timber construction. She and her partners are working on a few radical innovations of their own for the use of wood by the construction industry.

Factory prefabricated approach for timber

She wants to revolutionise the way wooden residential buildings are constructed in New Zealand — adopting the factory prefabricated approach common for high-end residential construction in Europe.

Complete panels of houses are produced in a controlled factory environment complete with services and most fixtures and fittings, and then assembled on site, often in less than a week, with great advantages of time and quality.

As one of the construction industry's innovators, she believes having a forum such as the NZ Wood web site for discussion among professionals and a credible source of advice and information will be a boon for the industry, and for the greater use of wood.

"Hopefully it will become a place where people can have conversations and share ideas because I think collaboration is going to be the way forward.

"It's a really good idea to get more of a discourse going. Other industries such as steel have a body, and it's obvious where to go to for information, and I think that's what's needed for timber."

• **The resources web site is currently being developed and will be launched in September this year.**

• **For more info: Ph NZ Wood, 0508 699 663**



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Future-Proof Building — the consumer story

Future-Proof Building is designed to educate consumers about how to create a better end result in their building project. Over the next few months *Building Today* will go into detail about each of the eight icons that make up the Future-Proof Building programme.

As a professional in the construction industry, it is important to understand how the programme reaches customers, and how important education is to achieving the required results.

Buildings are complicated and, for most people, the biggest investment they will make. Yet often they have less knowledge about how their home is constructed and the products used than they do about how a car or household appliance works.

Future-Proof Building teaches consumers how to incorporate features into their home which will improve their quality of life. The Future-Proof Building Story uses eight icons to highlight particular areas of importance throughout the home.

For instance, Resource Responsibility or sustainability highlights simple features such as grey water recycling or solar hot water heating that can have a significant effect on the household power bill while reducing the effect on the environment.

"The idea behind Future-Proof Building is to create a badge of confidence that consumers can use to identify products and professionals that are committed to better building products and practices," according to FPB national education manager Jamie Fear.

Future-Proof Building recognises the importance of budgets to all prospective home builders and seeks to incorporate Future-Proof features without blowing that budget.

"The building code, which controls all building processes, is really only a minimum, so to build something to meet building code requirements may not give someone the level of finish or quality they are



going to want. So you need to build in enhancements based on your own budget and lifestyle," Mr Fear says.

The Future-Proof Building programme is growing in influence, including the creation of New Zealand's first Future-Proofed subdivision, Anselmi Ridge, in Pukekohe.

The former farm is being transformed into 340 sections, all of which will incorporate Future-Proof Building into the homes developed on the site.

Development company McConnell Property has

restricted the builders able to develop the sections to those who show a commitment to sustainable building practices and the construction of Future-Proof homes.

Information on Future-Proof Building can be found at www.fpb.co.nz, where you will also find out who is supporting the programme, and learning about becoming a Future-Proof Builder.

• For more info: Ph CMS Group, 09 589 2050



On the web:
www.fpb.co.nz

Roadshow rolls on

The annual Future-Proof Building national roadshows have been expanded to cover the whole of New Zealand annually, with the event attracting more than 3000 people to 11 events nationally last year.

This year the focus is on Energy Efficiency, with the keynote speaker from EECA explaining the Home Energy Rating Scheme (HERS) and other initiatives that make up the Energywise consumer campaign.

In addition, there will also be an update on the effect that changes to H1 have had on the industry, and an insight into how Future-Proof Building is growing and influencing consumers' building decisions.

To ensure consumers across the country are able to access information on FPB, the National Bank is sponsoring a series of How to Future-Proof Your Home seminars at each centre the night before the industry breakfast.

The Future-Proof Building roadshow seminars are a must for anyone who wants to be competitive in a down market.

To book your place at the breakfast, email kim.forrest@cms.co.nz, or phone 0508 FUTURE, quoting which breakfast you wish to attend.

Remaining Future-Proof Building national roadshow dates are:

Tuesday 22 July: The Centre, Kerikeri

Wednesday 23 July: Forum North, Whangarei

Thursday 24 July: North Harbour Stadium, Auckland North

Tuesday 12 August: Hamilton Gardens, Hamilton

Wednesday 13 August: Tauranga Racecourse, Tauranga

Thursday 14 August: Ellerslie Convention Centre,

Auckland South

Tuesday 2 September: Rotorua Racecourse, Rotorua

Wednesday 3 September: Great Lakes Centre, Taupo

Thursday 4 September: Napier War Memorial Centre,

Napier

Tuesday 7 October: Addington Events Centre, Christchurch

**Wednesday 8 October: Scenic Circle Marlborough
Convention Centre, Blenheim**

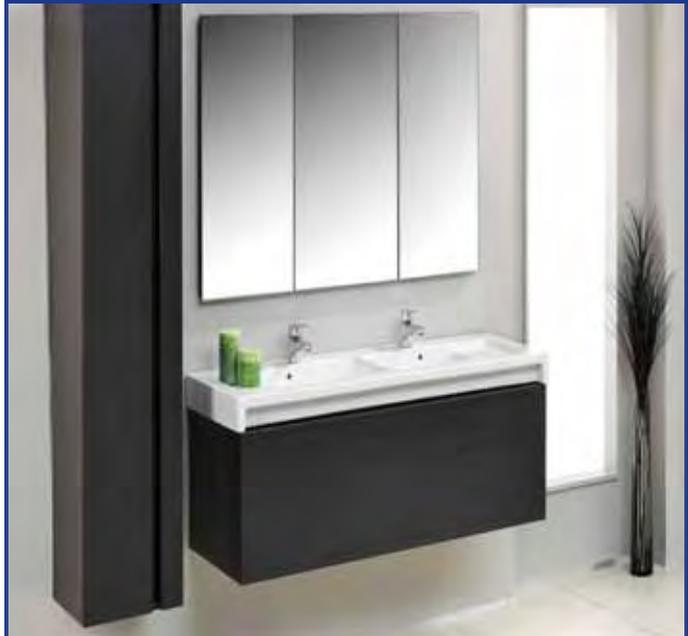
**Thursday 9 October: Annesbrook Community Centre,
Nelson**

Tuesday 4 November: Rydges Hotel Lakeland, Queenstown

Wednesday 5 November: Ascot Park Hotel, Invercargill

**Thursday 6 November: Dunedin Convention Centre,
Dunedin**

Introducing the new Stratum Range



The new Stratum Range by Clearlite is available from 1st July 2008 at Plumbing World Stores Nationwide. This design focus's on the negative detailing throughout the range, with the main feature being the no handle contemporary look which is easy to clean and very functional.

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The Basic Principle

By including a secondary heat exchanger, energy that would normally be lost is recovered and then used to heat the water. This is evident in the flue gas temperature; for a **Rinnai Efficiency**, temperatures are in the region of 60°C, compared to 200°C for standard continuous flow systems.

Financial Benefits

Increased energy efficiency = lower running costs. The same amount of energy produces many more litres of hot steaming water. For example, in an average household using about 500 litres a day at 45°, the **Rinnai Efficiency** can effectively save nearly half the running costs of an electric tank.¹

Lifestyle Benefits

As well as cost saving benefits, the **Rinnai Efficiency** also offers a number of lifestyle benefits, which include continuous hot water and space saving. The space saving benefit has been highlighted in the bungalow renovation on Kenyon Ave in Mt Eden (at left).

Environmental Benefits

Using gas as a direct source of energy — as opposed to using electricity which is generated from burning gas — contributes to a significant reduction in the manufacture of greenhouse gases. In fact, electrically heated hot water produces nearly twice the CO₂ emissions of water heated directly with gas.



The Rinnai Efficiency is available from plumbing merchants and key independents nationwide.

¹ Actual numbers may vary slightly as these are based on a number of industry sources and approximations.

For more information on Rinnai Efficiency, or to talk to the Rinnai specification service, please call **0800 RINNAI (746 624)** or visit www.rinnai-tradesmart.co.nz or phone

Carters goes rural!

This year Carters exhibited for the first time at the National Agricultural Fielddays at Mystery Creek, Hamilton, from 11-14 June.

It was the 40th anniversary for the Waikato Fielddays, and Carters was one of more than 1000 exhibitors at the show's 94ha site, with a record crowd of more than 130,000 visitors to Mystery Creek — thousands of whom went through the Carters stand.

Rural market

Carters' primary objective was to promote and educate visitors that it is involved in the rural market, and can help with building, fencing or farming projects.

Carters is serious about its positioning as "Your Building Partner", which is why it offers more than just high quality building supplies.

Everything Carters does is focused on just one essential thing — making building easier for its customers.

With a comprehensive range of quality products and services for building, fencing, rural products and home maintenance, Carters effectively caters for everyone's needs.

Carters had some great product displays at the Fielddays, with its stand being an actual pole farm shed, with a post farm and rail fence.

Other features on the stand were Graeme Sinclair from *Carters Gone Fishin'* who talked to visitors about, what else? — fishing!

Cocksy also dropped by, and showed just how easy it is to build a timber crib, and there were promotion girls giving out cookies — it was all action at the Carters pole shed!

The Carters Fielddays competition was "Win a Fishin' trip for you and a mate". This entails the winner and a mate going to the Ranfurly Banks on a three-day charter chasing gamefish.

Congratulations to the winner Jonathan Stevenson, a sheep farmer from Mangakino.

Thanks also to all those who contributed to the Fielddays success — see you next year!

• For more info: Ph Carters, 09 272 7200



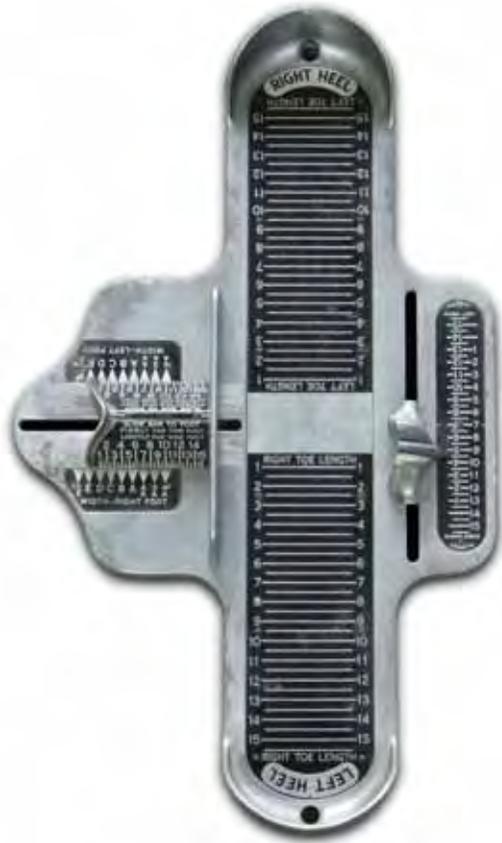
On the web:

www.carters.co.nz



The Carters stand at the National Agricultural Fielddays held at Mystery Creek, Hamilton, recently.





Find the Perfect Fit

If you're looking for the right person to help you out onsite, advertise your apprenticeship vacancy **FREE on BCITO Career Launcher**. It's the online tool that connects employers in the building and construction industry with some of the keenest aspiring apprentices in the country.

PLUS
when you register online by 31st August 2008,
you'll go in the draw to
win one of 10 pairs of John Bull boots.



Visit www.bcito.org.nz
and click on Career Launcher for details.

bcito news

Looking for someone professional to help you out on-site?



BCITO TA Greg Milne (centre) signs employer John Hamilton (left) and new apprentice Matt Withington (right) into an apprenticeship.

BCITO Career Launcher is an online tool that connects employers in the industry with potential apprentices. It's easy to use, it's free and you can tailor your apprenticeship vacancy to find the perfect fit for your business.

As Amber and John Hamilton of Christchurch building firm John Hamilton Construction found, vacancies advertised on Career Launcher reach a targeted audience of people specifically looking for apprenticeships.

Amber and John had discussed employing a BCITO apprentice when a brochure about Career Launcher arrived in their mailbox. Amber went online, loaded their apprenticeship vacancy and very quickly started fielding calls and emails from prospective apprentices.

"We were impressed with the calibre of the applicants. They weren't just people who were surfing the job sites — they seemed to already understand our industry and apprenticeships which made it much easier for us as employers," John says.

John and Amber received more than a dozen applicants and decided to employ Matt Withington, who has just signed a training agreement as an apprentice with the BCITO.

When asked about why they took on a BCITO apprentice Amber says: "It isn't just about the extra pair of hands. We know that as the business grows we need to increase our capability in terms of skills and grow our own wood, so to speak."

The interest in Career Launcher has been very positive, with more than 600 people across the country now registered to receive email updates every time a new job matching their search criteria is listed — and the BCITO regularly receives emails and calls from people looking for apprenticeships.

BCITO Career Launcher is a free service with no charge for placing an apprenticeship vacancy. If a company has not trained with the BCITO before, a BCITO staff member will visit to ensure training requirements can be met.

August is BCITO Building Careers Month, and employers who register online with Career Launcher before 31 August 2008 go in the draw to win one of 10 pairs of John Bull boots.*

* Terms and conditions apply and can be viewed online.

• For more info: Ph BCITO, 0800 4 22486



On the web:
www.bcito.org.nz

Shower steam gone forever!

An innovative Tauranga based company has invented an inexpensive shower top device that stops shower steam forming in the bathroom.

It stops mirror misting, wet dripping windows, paint damage, mould and mildew forming, moisture floating into adjacent rooms causing cold damp fabrics, bedding and other problems — sound too good to be true?

The Showerdome clear acrylic shower top fits most existing showers and eliminates steam from bathrooms. It is inexpensive, takes an approved installer around 90 minutes to fit, has no moving parts, costs nothing to run, saves you money and makes your home a warmer, drier, healthier place to live.

A Showerdome fitted to your shower stops warm and cold air colliding, stopping condensation and steam. It has many other benefits too — your towels dry faster, and there is no need to run expensive heated mirrors and fan heaters, and you can reduce heated towel rail usage.

There are lower maintenance costs as paint and wallpaper do not get the same steam damage. The shower is much warmer as cold air does not get in, and you may also save power or use less hot water.

The product costs around \$395.

• For more info: Ph 09 835 9797



On the web:

www.showerdome.co.nz

Solar concept replaces the whole metal roof

Environmental Engineering has installed its first solar energy roof in New Zealand at Mahurangi West, north of Auckland.



This solar system is very popular in Europe where it has been used for more than 25 years. The solar roof collector concept is unique in New Zealand because it replaces the whole metal roof, supplies free solar energy and is waterproof.

This European-quality certified product has a proven record and guaranteed performance.

The solar roof is completely integrated into the building and is aesthetically acceptable. It is also monitored by a Calorimeter to quantify the solar performance benefit.



The same client also installed 33 sq m of highly efficient solar absorbers for heating his swimming pool.

• For more info: Ph Eric Jansseune, Environmental Engineering, 09 431 4588



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Paralysed former builder backing scaffold safety campaign

A former builder's labourer who became a tetraplegic after falling from a building site is helping promote a Department of Labour scaffold safety campaign in Northland and Auckland.

Rhett Brown was a hammer-hand on a home construction site in Omaha in 2004 when he broke his neck after falling just 2.2 metres from a makeshift platform.

He spent six months in the Otago spinal unit and is now confined to a wheelchair, unable to sit up unsupported.

His employers were prosecuted by the Department of Labour in 2006, and were found guilty of not taking reasonable steps to protect a worker.

Since his injury, Mr Brown has become a vocal supporter of improving safety in the construction industry, particularly when it comes to the use of scaffolds.

He spoke about his experience at a scaffold safety education day run by the Department of Labour recently.

The education day was part of the Department's Safe Scaffolding Practice Project, which is targeting residential and commercial construction sites in Northland and Auckland.

Mr Brown says he agreed to put a human face to the cost of construction industry falls because he didn't want others to share his fate.

"I'd like to think that after seeing me at the education day people went back to their own building sites and thought about the safety of their site and, if necessary, obtained some proper scaffolding."

Builders and developers need to resist pressure to cut costs by cutting corners on safe scaffolding, he says.

"They need to stamp out the 'she'll be right attitude' towards safety that you see, particularly among smaller operators. Take it from me, things won't be right."

Department of Labour Manukau service manager Craig White says the Department has begun visiting construction sites as part of the project. Inspectors have provided information and, where relevant, have required that improvements be made to scaffold systems.

Mr White says the main problem found so far is

scaffolding not being erected properly.

"There is a real need in this country to improve the structural assembly of scaffolds. An incorrectly constructed scaffold is a dangerous and potentially fatal scaffold, it's that simple.

"We are looking at scaffolds that are already up on residential and commercial construction sites. This means we can work with the industry in a practical way.

"We'll also involve scaffold importers if their systems do not meet New Zealand standards. We aim to raise the awareness of acceptable standards so users have the confidence and ability to reject any sub-standard systems," Mr White says.

The Safe Scaffolding project is expected to run for at least another month or so, and also involves ACC, Site Safe, Tai Poutini Polytechnic and Scaffolding and Rigging New Zealand (SARNZ).



Right: Rhett Brown was a former builder's labourer who became a tetraplegic after falling from a building site. He is now helping to promote a Department of Labour scaffold safety campaign in Northland and Auckland.

• For more info: Ph Department of Labour senior communications advisor Frances Martin, 04 415 4090

On the web:
www.dol.govt.nz

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Safety plan includes one-on-one safety advisor support

Identifying a safety system that works for you is not always easy. Businesses have individual needs so it's fair to say that one system does not suit all.

And some systems can bog you down by their overwhelming complexity which can sometimes result in a safety plan gathering dust on the bookshelf or acting as a good doorstop.

Site Safe's Safety by Steps *Building Safer Systems* is exactly what it says — a system that allows you to work through it step-by-step — a safety plan that is structured specifically for small-to-medium sized businesses.

It is set out in a practical format to establish a safety plan for your company that is easy to implement and maintain.

Safety by Steps *Building Safer Systems* is not simply a safety plan that you purchase and work your way through alone.

One of its key features is that you have the dedicated consultancy services of a Site Safe safety advisor for up to four hours to work with you on developing and implementing your plan.

This allows the safety plan to be customised and specifically developed to suit the business' operation.

Safety by Steps consists of a two file system — one file specifically manages office administration and operational issues while the second file is a site folder for retaining in the site office or vehicle (you can purchase additional site/vehicle folders so that you have one for each job that you have on the go).

This allows easy access to information that is relevant to the particular project.

Implementation

In most circumstances an initial working session of three hours, followed up a few weeks later with a further one hour session is recommended.

Naturally, if you require additional advice and support this can be organised with the safety advisor who will help establish your system in a way that best suits your individual business needs.

Investment

Safety by Steps *Building Safer Systems* costs \$850 + GST for which you receive four hours of one-on-one support from a safety advisor, along with a set of comprehensive safety information.

Also included in the pack is a CD containing all templates for your future use.

Contact your local Site Safe safety advisor for more information. Go to www.sitesafe.org.nz for full contact details and to view other safety resources developed specifically for the construction industry.

• For more info: Ph Site Safe, 04 499 2509

 On the web:
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Scotland's stately bridges celebrated on bank notes

Dr Kerry Rodgers contemplates new issues of the Bank of Scotland

It was no mere script writer's fancy that Captain James T Kirk's chief engineer on the SS Enterprise spoke with a phoney Scottish burr. The Scots have long enjoyed reputations as serious engineers, whether of a mechanical or civil bent.

And it is highly appropriate that the backs of an entire new note issue from the Bank of Scotland pays homage to some of the more notable engineering achievements of the Land of the Mountain and the Flood.



The new series starts with historic Brig o' Doon on the £5 note. This elegant, single arch, stone bridge was built back in the 14th Century. It spans the Doon near Alloway in South Ayrshire.

The note's design also features that archetypal Scots poet, Rabbie Burns, who sang

the bridge's praises in his epic poem Tam O'Shanter. Burns claims a literary connection with the Bank of Scotland. In 1786 he penned his poetic social commentary *Lines on a Banknote* on the reverse of their one guinea issues. Words from his original hand-written poem appear as an underprint on the new note's back.



Harry Potter fanatics will be delighted with the new £10 note. They will immediately recognise the quarter mile long Glenfinnan Viaduct, part of the West Highland Railway line.

At the time of its construction between 1897 and 1901, the viaduct was one of the largest concrete projects ever undertaken, standing over 100 feet at its highest point.

To its right, on the £10 vignette, is the tower at the head of Lock Shiel that commemorates the Jacobite rebellion of 1745. It was at Glenfinnan that Bonnie Prince Charlie launched his unsuccessful campaign to win back the Scottish throne.



The Forth Bridge on the new £20 note demands instant recognition. It was built between 1883 and 1890 to carry the North British Railway one and half miles across the Firth of Forth from North to South Queensferry.

Three iconic, 340 feet high cantilever towers bear the tracks 150 feet above the Forth. More than 50,000 tons of steel were used in its monumental construction that cost 57 lives.



But bridges are little more than ways across a gap. The back of the £50 note features something very special — The Falkirk Wheel, the world's only rotating boat lift.

It represents the culmination of several hundred years of Scots engineering genius. *Building Today* devoted an entire story to its opening five years back.



A more recent structure, the Kessock Bridge, appears on the £100 note. This cable-stayed road bridge spans the Moray and Beaulie Firths. Built between 1976 and 1982, its four towers support 64 spiral strand steel cables.

The design was deliberately chosen as best able to cope with not just savage seas and strong winds, but also earthquakes. The bridge straddles Scotland's massive Great Glen Fault.

'Long stop' provisions: Making sense of the 10-year limitation period in leaky building claims

Tim Bates and Francesca Collins of Auckland law firm Legal Vision focuses on the recent case involving limitation periods in a leaky homes proceeding.



The very recent Auckland High Court decision of *Kells and Kells v Auckland City Council & Others* (CIV-2008-404-1812) had to consider whether the Weathertight Homes Tribunal (the "Tribunal") was correct when it refused to strike out two respondents joined to the substantive leaky home proceedings based on limitation periods specified in the Building Act 2004, and the Weathertight Homes Act 2006.

The two respondents seeking to be struck out were allegedly involved in the building of a townhouse, now suffering water ingress issues, through the developer company, KCM Ltd (in liquidation).

Through KCM Ltd, both Martin and Craig Kells allegedly developed 10 townhouses at Monteith Crescent, Remuera, seeking the original building consent for the development on 29 November 1995.

The claimants, the current owners of the townhouse now suffering water ingress issues, bought the home in September 2004. In December 2004 they became aware of problems with the home, and on 2 March 2005 they had applied to have the property assessed for weathertightness.

The assessor's report was issued on 19 May 2005, and it concluded that there were design and construction problems in the building which led to water ingress and consequent damage.

On 21 November 2005, the claimants filed a notice of adjudication, and a statement of claim with the Tribunal.

On 19 November 2007, the first respondent, the council, applied for Martin and Craig Kells to be joined as respondents. The council claimed that given the control the Kells had over the development, they were likely to owe the claimants, as subsequent owners of the home, a non-delegable duty of care to ensure that the construction was carried out properly and complied with the Building Code.

On 4 March 2008 the Kells applied to be struck out from the claim on the basis that the 10-year "long stop" limitation period imposed by s 393(2) of the Building Act 2004 (the "Act") prevented either of them being joined to the proceeding.

The Kells' allegation was that the application to join them was not made until 19 November 2007, some 10 years and six months after the date the limitation period is alleged to have started to run — that is, since the date when the code compliance certificate was issued by the council.

In essence, Justice Asher had to consider whether commencing a claim within the 10-year limitation period in s 393(2) of the Act meant there were no further limitations on the joinder of parties at a later date.

Section 393 (2) of the Act provides that proceedings relating to building work shall not be brought after 10 years from the date of the act or omission on which the proceedings are based. It therefore acts as a "long-stop" provision.

The council submitted to the court that by s 37, the Weathertight Homes Act (the "WHA") creates its own limitation period. Under s 37 of the WHA, "the making of an application . . . has effect as if it were the filing of proceedings in a court", and only once an application is made for an assessor's report, does it stop the running of the 10-year limitation period specified in s393 of the Building Act 2004.

Section 37 of the WHA then essentially gives a claim filed under the Act the status of a "civil proceeding" for limitation purposes.

In the Tribunal, it was held that the date of the commencement of the initial proceedings in the Tribunal, rather than the date of joinder of any additional parties, was the relevant date for measuring compliance with the limitation requirement.

On appeal, the High Court agreed that the relevant date is the date that the claim is initiated — in the Tribunal a claim is initiated on the date an informal request for an assessor's report is made. Once a request for an assessor's report is made, the statutory limitation timer stops.

So, in this case it was on 2 March 2005 that the claimants requested a report into the weathertightness of their home. Time therefore stopped on that date, which was well within 10 years of the date that the Kells (through KCM Ltd) sought a building consent for the development, that the council issued the consent, the development of the townhouses, and the issue of a code compliance certificate.

It follows then that the date that the joinder application was made against the Kells is irrelevant with respect to limitation. The position of the joinder of parties in respect of claims under the WHA is entirely different from that which applies in civil proceedings in court. The WHA clearly contemplates that the necessary parties to a weathertight claim in the Tribunal will not be identified at the time an assessor's report is requested.

No parties are, in fact, joined at this initiating step, and so it is apparent that it is only the making of an application for an assessor's report that is the critical time for limitation purposes.

Conclusion

Justice Asher determined in this case that the relevant limitation period for the filing of claims under the WHA is 10 years, and that the filing of a claim by requesting an assessor's report stops time running as against all parties.

Provided the claimants request an assessor's report within 10 years of the cause of action, further parties can be joined at a later date without any limitation concerns.

• For more info: Ph Tim Bates, 09 360 2415



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Take part in this month's poll: We're asking our web visitors:

Do you think statutory insurance is the answer to avoiding "leaky buildings-type legal battles? (See story, pages 16 - 17)

Last month's poll result: Based on building industry policy you have heard thus far, will you be voting for a new Government? Yes: 95% No: 5%

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