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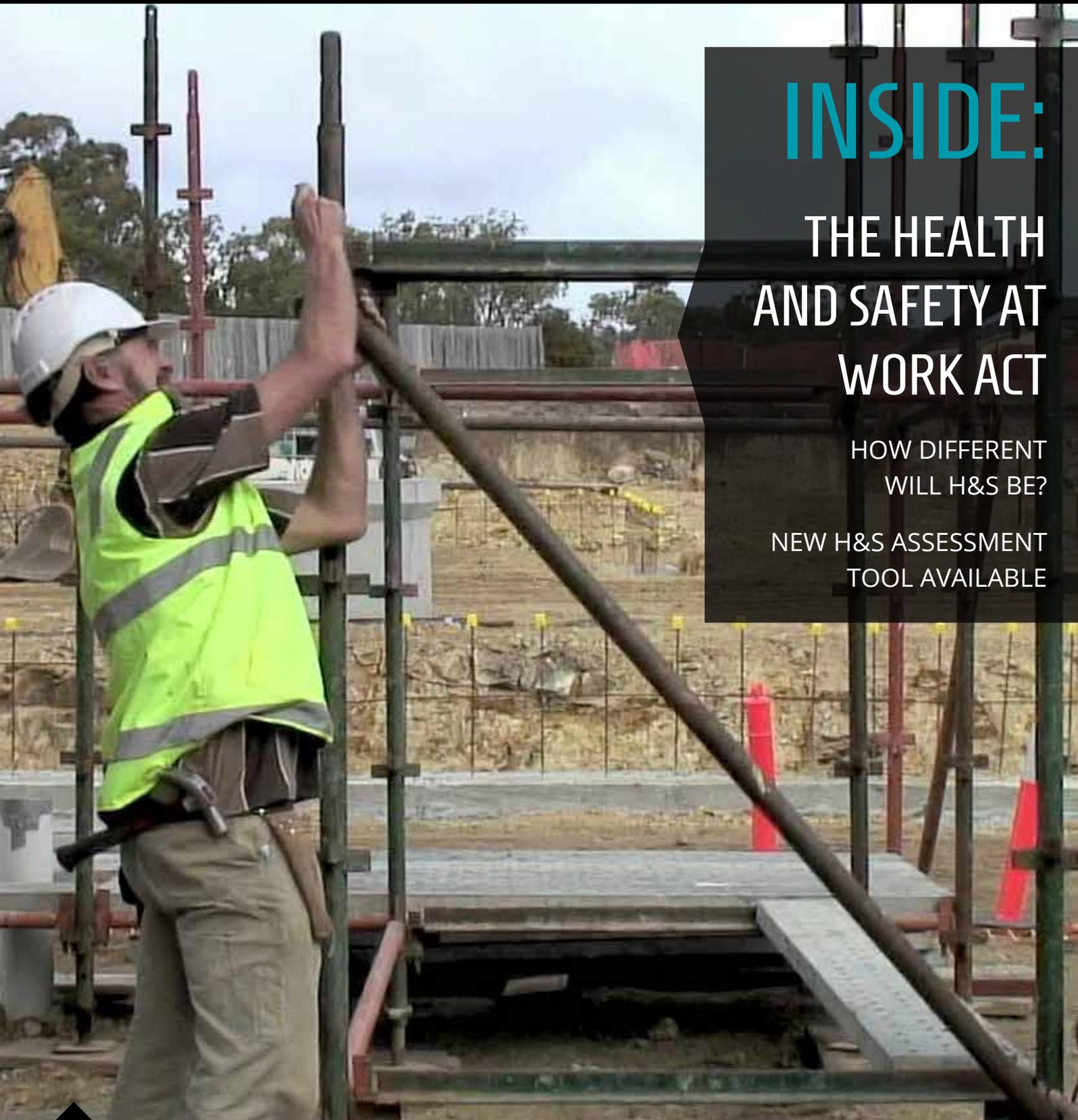
THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS ASSOCIATION



VOLUME 26 NUMBER 3

APRIL 2016

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**FROM THE EDITOR**

The Health and Safety Reform Bill has passed, and the new law — the Health and Safety at Work Act — came into force on April 4.

What will it all mean now? Has it felt any different for employers and employees turning up to work since its introduction? We outline some of the basic concepts behind the new Act in this issue.

Outspoken *Building Today* columnist Mike Fox presents his dealings with Government Ministers in his attempts to find some justification for the extra costs the Falling from Heights campaign has foisted upon builders and their clients.

Take a look at the hoops the intrepid Mr Fox has been through to extract some concrete answers. We'd certainly appreciate some reader feedback on this so let's hear from you!

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# New assessment tool for Health and Safety now available

## Chief's Chat

By CEO David Kelly

On April 4 the new Health & Safety requirements took effect, reinforcing the obligations of employers to take concrete action to ensure the health and safety of their staff.

A lot of questions have been raised about what steps need to be taken by employers, including how they know if they have the right things in place, and who can give them advice.

This has been a particular area of concern in the construction industry which does not have a good track record by international standards.

Of all the things that can be done to eliminate or reduce accidents, perhaps the most important is to ensure people working on building sites have the right competence in identifying potential hazards and then knowing what actions to take.

Registered Master Builders, along with a broad cross-section of other industry associations, has been active in developing an important new tool to assess competence in Health and Safety for the construction sector.

Known as ConstructSafe, it is an easy online test that independently checks the competence of any worker, trade specialist, supervisor or manager on site. It seeks to provide assurance that those working on the site are competent and safe.

It is the first of its kind in New Zealand. Based on international best practice frameworks, it sets a benchmark for Health and Safety competency.

Tier One of the ConstructSafe scheme is being launched on April 4, aimed at general site workers. Further tiers for specialist trades, supervisors and managers will be introduced later in the year.



Tier One has been trialled with a number of businesses, from small residential through to larger commercial, with excellent feedback on the value and easy-to-use nature of the assessment.

Test centres will be established over the next few weeks for those who want to take advantage of it. For more information, visit [www.constructionsafetycouncil.co.nz](http://www.constructionsafetycouncil.co.nz).

### See also:

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- **The Health and Safety at Work Act — from the ground up,** Page 12
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## House of the Year — an insider view

The Registered Master Builders 2016 House of the Year competition is now under way, with judges travelling around the country to find New Zealand's top quality new homes.

Judges will be assessing more than 330 homes, but what will they be looking for? Paul Williams has been judging House of the Year for nearly 10 years, and offers an insider view of the judging process.

The judging panel consists of six different teams, who will judge across 12 competition categories, ranging from new homes to renovations. Mr Williams explains that quality and consistency is paramount with this format of competition.

"We have to make sure we have robust judging systems in House of the Year. The criteria is the same for every category — with a total of 2000 points. 1300 points are based purely on the quality and workmanship of the build, and 700 points on the design and functionality," he says.

"We can't have a competition where houses are being well built, but are poorly designed. Our judging system needs to capture all aspects of the home."

Mr Williams says that for a home to have the X-Factor, it needs to have a balance between quality and functionality. He explains that a winning home is where a builder has made his mark and there are ideas that others want to copy — a smart design, or innovative material use.

"A winning home is one that stands out from the crowd — where the builder has really taken an aspect of the build to another level. That's what we look for when we're judging."

Mr Williams is looking forward to seeing what the builders bring to the competition this year. Recently, there has been a strong trend towards sustainability and building healthy homes.

"There has been a steady growth in sustainable homes. People are more conscious of environmental factors, which has been great for the building and construction industry. We're seeing healthier homes across New Zealand."



*This Bay of Plenty home was named the Registered Master Builders 2015 Supreme House of the Year.*



*This Auckland renovation was named the Registered Master Builders 2015 Supreme Renovation of the Year.*

Mr Williams says the standard of homes is always high within the competition, and so choosing a supreme winner from the category winners is often the greatest challenge for judges.

"You tend to get three to five builds where there are only a couple of points between them and they all deserve to be the category winner."

Mr Williams stresses that entrants need to have an urge to win, have to put in the hard

yards, and must be passionate about their craft. He wishes all the contestants luck for this year, and looks forward to seeing the quality homes entered.

The Awards are made possible through the support of PlaceMakers, Master Build Services, GIB, Nulook, Future-Proof Building, Carters, Plumbing World, Resene and Bunnings.

For more information about the competition, visit the Registered Master Builders web site at [www.masterbuilder.org.nz](http://www.masterbuilder.org.nz).

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# Show home scoops top award with superb finish and sustainability

**M**att Gudsell of Gudsell Designer Homes says he was delighted when he found out his Matamata home was named the national winner in the GIB Show Home Award category at the Registered Master Builders 2015 House of the Year competition.

Mr Gudsell says winning the award was a great achievement for his whole team.

"We dedicated a lot of time and effort to this project, so it's really rewarding when all your hard work pays off," he says.

Mr Gudsell explains that the team worked hard to ensure the build was finished to a high standard, with top-quality craftsmanship.

"The house required a lot of traditional carpentry skills, so attention to detail was paramount," he explains.

"There was quite a bit of tongue and groove work which was challenging, but the outcome



*This Matamata home was named the national winner in the GIB Show Home category at the Registered Master Builders 2015 House of the Year competition.*



*Matt and Juliette Gudsell at the National 2015 House of the Year Awards.*

was definitely worth it."

Judges were impressed with the range of sustainable and eco-friendly features, and said its superb finish represents the best that is available in a show home.

"The stunning home features raking ceilings and walls lined in tongue and groove timber, and a Eurotray roll cap roof covering its gable forms.

"The property includes a stunning oak and stainless kitchen and scullery that opens up onto the dining/living area and two adjoining covered decks on each side," they said.

Mr Gudsell says the House of the Year Awards were a key reason for joining the Registered Master Builders Association 12 years ago.

"The Awards are a great opportunity to measure yourself against others in the

industry. Entering the competition, and doing well, proves to yourself and prospective clients that you're doing it right," he says.

Gudsell Designer Homes is hoping for another successful outcome in the 2016 House of the Year awards, with the company entering two builds in the competition.

Mr Gudsell credits Registered Master Builders for keeping members up to date with news and information about the construction industry.

"Any new information that comes out of government is passed on in a timely manner. It's also great to be able to liaise with other members in the Association," he says.

The Awards are made possible through the support of PlaceMakers, Master Build Services, GIB, Nulook, Future-Proof Building, Carters, Plumbing World, Resene and Bunnings.



# NEW ZEALAND COMMERCIAL PROJECT AWARDS

## Record entries in NZ Commercial Project Awards

More than 60 of New Zealand's top commercial properties will vie for national awards at this year's New Zealand Commercial Project Awards — double the number of entries from 2015.

Four years into the Awards — an evolution of the Registered Master Builders Commercial Project Awards and open to all New Zealand commercial construction project partners — the competition received 63 entries across eight categories: Education, Health, Industrial, Civic and Commercial, Heritage and Restoration, Retail, Residential and Tourism and Leisure.

The Awards aim to recognise not only the building itself, but also the team behind it.

"It's fantastic to see such a huge support from the industry as the New Zealand Commercial Project Awards come of age," Awards spokesperson Greg Pritchard says.

"This year we have many first-time entrants from across the sector, including architects and engineers who have put forward some exciting new projects, while many of our previous winners are back with their latest achievements.

"It's going to be a tough year for our judges. Every project entered is an example of commercial construction excellence with its own story of challenges overcome, and the best possible outcome for the team and client."

While this year has seen significant growth across all areas, there has been a particular increase in the industrial category — up from just one entry last year to five for 2016 — while some of the larger categories such as Commercial and Civic have up to 15 entries.

Many of the projects are part of the Christchurch and Canterbury rebuild, including:

- 144 Kilmore Street, located on some of the worst ground following the earthquakes,
- the Ruataniwha Kaiapoi Civic Centre, built to replace its earthquake-damaged predecessor and incorporating a library, service centre, museum and art gallery,
- the University of Canterbury Matariki



Previous NZ Commercial Project Awards winners include the Forsyth Barr Stadium in Dunedin (above), the Lower Hatea River Crossing in Whangarei (below), and Clyde Quay Wharf in Wellington (bottom).

(Registry) Building, which looks to preserve the heritage of the original building after it sustained serious earthquake damage, and

- the St Margaret's (which lost 80% of its facilities during the earthquake) rebuild of the College Gymnasium and Chapel.



New entrants include The Buchan Group, with entries across multiple categories such as The NorthWest Shopping Centre in Auckland, and Watts & Hughes Construction, with the Eye Institute in Auckland a state-of-the-art bespoke medical centre.

Sponsored by industry heavyweights PlaceMakers, James Hardie, NALCO, GIB and Allied Concrete, entrants in the Awards vie for gold, silver and bronze awards, as well as national category wins and the coveted supreme award.

There are also four value-based awards, with categories ranging from projects under two million dollars through to over \$15 million — and a special award for an "outstanding project or element of a project worthy of recognition".

Tickets are now on sale for the Awards gala evening to be held at Auckland's SkyCity Convention Centre on Friday, May 6.



Pre-awards drinks and canapes will be served from 6pm, followed by the awards presentations and dinner.

To view this year's Awards entrants or to book your tickets, go to [www.commercialprojectawards.co.nz](http://www.commercialprojectawards.co.nz).

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## Search begins for NZ's top carpentry apprentice

Carpentry apprentices from around the country are being called to show off their talent and passion for the trades by competing in the Registered Master Builders Carters 2016 Apprentice of the Year.

Entries for the competition are now open, and apprentices can be in to win a share of more than \$100,000 in prizes, as well as the sought-after title of 2016 Apprentice of the Year.

Registered Master Builders chief executive David Kelly looks forward to seeing the talent at this year's competition, and explains that with the significant demand for building apprentices, he hopes the competition raises the profile around the value of an apprenticeship.

"We are experiencing a real shortage of builders right now, with the industry calling out for more apprentices. The demand for new houses is forecast to be more than 28,000 in 2017 alone, but the current labour market can only support 15,000.\*

"Apprentice of the Year has a strong presence in our industry. It is all about recognising quality — the key requirement for every new build or renovation carried out in New Zealand.

"For the apprentices, the competition is a great way to launch their careers. They get to showcase their skills, challenge themselves, and meet others in the construction community. Competing sends a strong message to the industry, that you are one of the best," he says.

Entries for Apprentice of the Year have been steadily increasing each year, with last year's competition seeing 145 apprentices compete for the coveted title.

2015 winner Shaun Campbell says entering the competition is a great way to make your mark in the construction industry.

"Apprentice of the Year was an opportunity to prove myself to my peers and the community. It was challenging at times, but definitely rewarding," he says.

Supporting the competition for the 12th year running will be principal sponsor Carters. National sales manager Rob Watson says the competition holds an important place in upholding the reputation of New Zealand's



2015 Apprentice of the Year finalists at the practical challenge at The Cloud, Auckland

building industry.

"Apprentice of the Year is a fundamental element of Carters' investment in partnering with and ensuring that New Zealand's apprentices are highly skilled, mentored and educated.

"The competition is a fantastic opportunity for apprentices to get their name out there and gain recognition within the industry," he says.

Carpentry apprentices can enter the competition online at [www.apprenticeoftheyear.co.nz](http://www.apprenticeoftheyear.co.nz), with entries closing on Thursday, June 9.

Apprentices, employers and young people aspiring to be part of the construction industry are also encouraged to join the Facebook page: [www.facebook.com/apprenticeoftheyear](http://www.facebook.com/apprenticeoftheyear).

The Registered Master Builders Apprentice of the Year competition is made possible thanks to principal sponsor Carters, the Building and Construction Industry Training Organisation (BCITO), and supporting sponsors the Ministry of Business, Innovation and Employment (MBIE), and APL through their Altherm, First and Vantage brands.

\* BCITO Strategic Workforce Development Framework, October 2015.



Shaun Campbell at the Registered Master Builders 2015 Apprentice of the Year.

# Health & Safety at Work Act — what is it?

The Health and Safety Reform Bill has passed and the new law — the Health and Safety at Work Act — came into force on April 4, 2016.

The Act is part of “Working Safer: a blueprint for health and safety at work”, and reforms New Zealand’s health and safety system following the recommendations of the Independent Taskforce on Workplace Health and Safety.

Working Safer is aimed at reducing New Zealand’s workplace injury and death toll by 25% by 2020. It will require leadership and

action from business, workers and Government to achieve this goal. The Act’s key emphasis is on everyone in the workplace being responsible for health and safety.

The Act works to focus effort on what matters, based on business risk, control and size:

- It reinforces proportionality — what a business needs to do depends on its level of risk and what it can control.
- It shifts from hazard spotting to managing critical risks – actions that reduce workplace harm rather than trivial hazards.
- It introduces the “reasonably practicable”

concept — focusing attention on what’s reasonable for a business to do.

- It changes the focus from the physical workplace to the conduct of work — what the business actually does and so what it can control.
- It supports more effective worker engagement and participation — promoting flexibility to suit business size and need.

The Health and Safety at Work Act will replace the Health and Safety in Employment Act 1992. The new law will be supported by regulations.

## How different will Health and Safety be?

How different will it be for employers and employees turning up to work with the introduction of the new Health and Safety at Work Act?

The Employers and Manufacturers Association (EMA) says most of its members should find that little will change overnight, but what will change over time will be the move to proactively mitigate health and safety risks which impact businesses.

“We have worked constantly with our members, the regulator and government officials on this new legislation, to ensure we move away from a compliance-only model to one of active engagement in this space,” EMA employment relations and safety manager Paul Jarvie says.

“Yes, there are changes — but this is not about catching employers out. Rather, it’s about good business. A safe and healthy workforce is more efficient and productive. Which is why it is heartening to see WorkSafe taking a modern approach as a regulator to engage, empower, educate and lead, before having to prosecute,” he says.

The main areas of difference are around director responsibilities, the place of business and employee engagement.

At a governance level, directors, chief executive officers and board members will need to be comfortable and have confidence that all is well in the health and safety space — and require positive inquiry.

“We know that this has become increasingly important for our members, with 75% of respondents to our most recent Employers



Survey saying board members were actively involved and understood their requirements under the new Act,” Mr Jarvie says.

For businesses (persons conducting a business or undertaking, PCBU) the new legislative framework is about ensuring there are robust systems in place.

“It’s like having an engine, and ensuring that it’s well maintained, oiled and running smoothly and fit for purpose,” he says. “This is about identifying the small number of high risks you have, and managing these comprehensively in the first place.

“Once this new Act settles down, I think the key area will be ensuring the health of your employees in the workplace — for example, mitigating exposure to fumes, dust and chemicals,” Mr Jarvie says.

He also recommends that employers take the time, if they have not done so already, to be proactive and check their systems against the new regulations.

One of the other key areas of difference is engaging employees to ensure there is two-way communication in relation to health and safety.

“It’s about driving a culture where risks are raised and managed before an issue arises, as opposed to dealing with a situation after the fact,” he says.

Finally, the EMA provides a range of services for employers to help them be prepared for the new Act. A two-day OH&S conference is being held on April 19-20 in Auckland, featuring 14 speakers. There is also the 0800 AdviceLine and regional consultants who can provide advice for members.



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# The Health and Safety at Work Act — from the ground up

## Outlining a few basic concepts behind the new Act

Just about the first job on any new building site is to put up a safety fence, do the foundation work and lay the slab. You've got to get that right before anything else can go up.

Once the slab is ready it can get pretty hectic on site — with any number of tradies from any number of companies on site at any one time. From the outside, and to an untrained eye, it can look chaotic. But it needs to be organised chaos. All the various parts need to work together to pull the project together.

It's the same with health and safety. You need strong foundations and everyone needs to work together.

Take a typical new house build. There are lots of players involved — the client, maybe an architect, a lead contractor and all the subbies. Under the new Health and Safety at Work Act they will all have a role to play in keeping not only their own workers safe on site but others as well.

It's called "overlapping duties" but, in practice, what it means is the person or business that is best placed to manage a risk that affects more than just their own workers has primary responsibility to do so — but everyone has to play their part.

So, on a house build, the company that's contracted to dig the drains has a duty to ensure the excavator is operated safely — with proper measures in place to keep workers on foot away from the digger and the like.

But if the lead builder (let's call them ABC Construction) has workers in the area too they have a duty to ensure their people are kept safe as well. So there needs to be discussion and agreement between ABC and the drainlayer about how the risks associated with the digger are being managed.

The law is designed to encourage co-operation on site. For example, all workers will need access to first aid gear. ABC Construction is going to be there for the duration of the project so it's likely they will provide first aid facilities.

The tiler that's working on the bathroom for a couple of days needs to ensure they have access to first aid as well. But they don't necessarily have to bring their own — they could do that by confirming they can use ABC's gear if needed.

Whenever a new subbie turns up there should be an induction process which includes discussion about current site hazards, as well as any new hazards they might introduce.

In fact, health and safety should be a feature of the tender process for work, and there should be an exchange of any relevant information before subbies even arrive on site.

So if you are using good fall from height safety measures today (such as scaffolding, edge protection, nets, harnesses or soft landing systems) they will still be appropriate under the new law. If you aren't — it's time to sort yourself out.

Many building sites already start the day with a tailgate or toolbox talk. Having open lines of communication between workers, supervisors and managers has always been a good idea.

The new Act specifically encourages that sort of approach by introducing a duty to engage with workers that applies to all workplaces. It doesn't set down in stone what form that engagement should take, but a quick daily chat about safety and hazards on site each day is a good place to start.

There are some new worker engagement rules for larger workplaces (with more than 20 workers) and those in high risk industries, such as construction.

For those businesses, they are required to hold an election for a Health and Safety Representative (HSR) if requested by a worker. And they must consider forming a Health and Safety Committee (HSC) if an HSR or five workers request one. Read more about the role of HSRs and HSCs at the WorkSafe web site.

Health and safety doesn't have to be difficult

and doesn't have to mean a lot of paperwork. The basics of good health and safety management didn't change on April 4. It starts with identifying risks, talking about them with anyone on site that might be affected, and finding appropriate ways to manage them.

Of course, not all risks can be eliminated — risk is part of life and will always be part of construction work.

The key is doing what is "reasonably practicable" to control and minimise risks. So identify on-site risks, the likelihood of an incident and the consequences of them. Your control measures should reflect the seriousness of the risk.

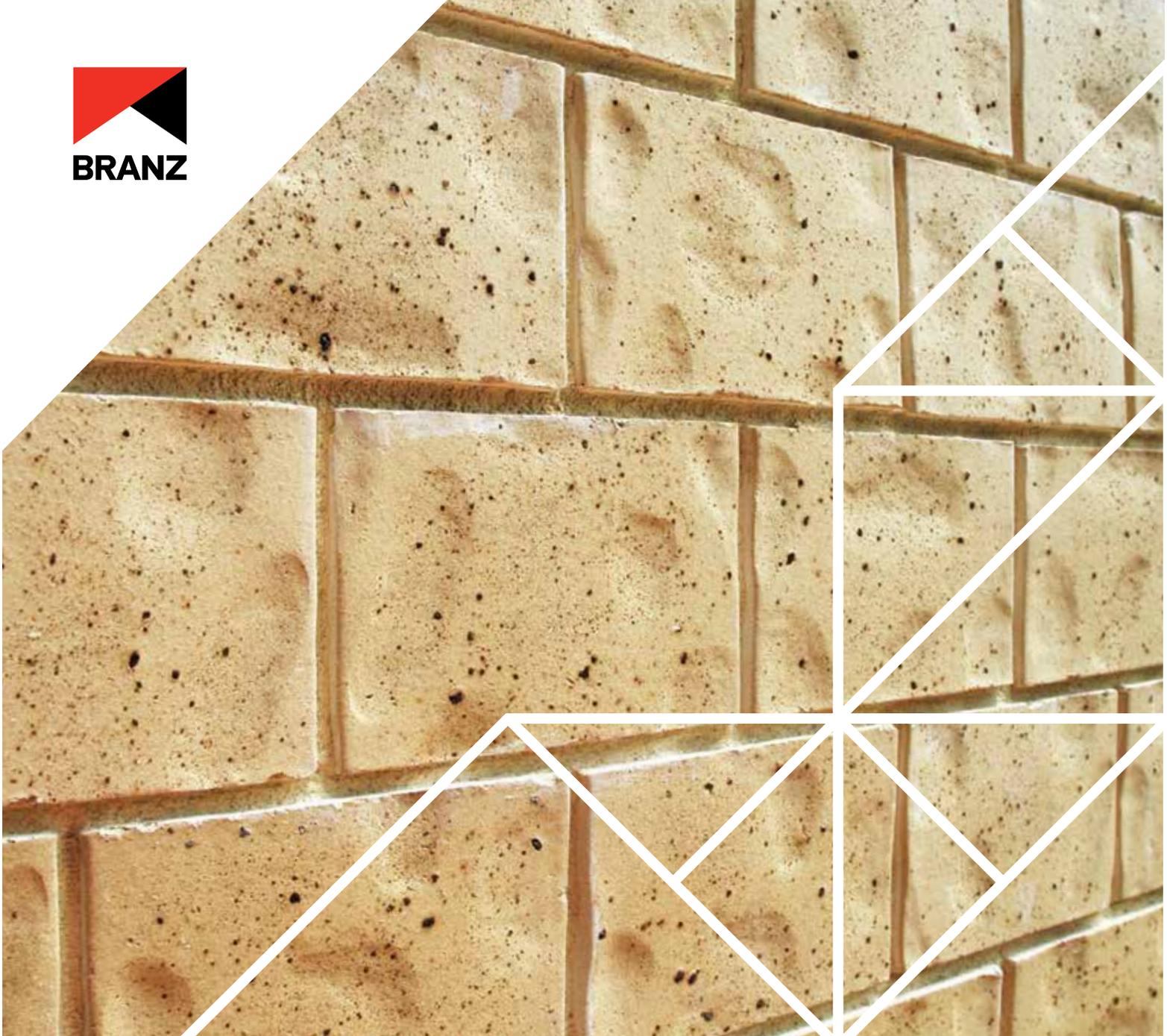
Some risks are obvious. That new house is going to need a roof, and that means working at height. We all know a fall can cause death or a life changing injury. The new law requires you to manage the risks of working at height (just as the 1992 law does).

So if you are using good fall from height safety measures today (such as scaffolding, edge protection, nets, harnesses or soft landing systems) they will still be appropriate under the new law. If you aren't — it's time to sort yourself out.

The introduction of the new law is a great opportunity to review your current approach to health and safety. Think of it as a core part of your business and any project. It's not something you do once and file away on a shelf — make sure it is part of your daily routine.

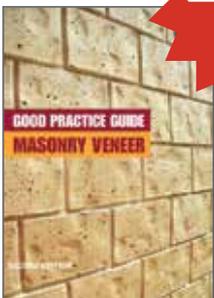
There are other changes in the Health and Safety at Work Act that businesses need to come to grips with as well, including new legal requirements for company directors and top management. To learn more visit [www.worksafe.govt.nz/hswa](http://www.worksafe.govt.nz/hswa).

Also, visit <http://construction.worksafe.govt.nz/quick-guide/> to view a checklist for health and safety problems on small construction sites.



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# Master Electricians warning over non-compliant building products

Talks with government wanted to improve certification across entire building sector

Use of non-compliant building products is a cause for concern across all trades — and, in the case of electrical goods, could pose a fire risk or risk of electric shock, Master Electricians say.

Master Electricians chief executive Neville Simpson says the “grey market” in “dodgy products”, highlighted by the National Plumbing and Pipelaying Standards Committee, and Master Plumbers, is a growing problem.

Master Electricians advises its members against installing any electrical product that does not have a provable Supplier Declaration of Conformity (SDoC) to show it meets New Zealand standards.

“Unless you use a licensed electrician and New Zealand-compliant products, then you may find that, in the event of an insurance claim, it

could be declined,” Mr Simpson says.

“Increasing amounts of these products, including some electrical items and lights, are being sold, often online or through ‘pop-up’ type shops.

“Unless a product has bonafide supporting documentation, it’s impossible to tell if it complies with New Zealand standards,” he says.

“Reputable retailers are unlikely to sell them because they recognise the implications of doing so. Problems or faults with these products may not manifest until some time after installation — by which time the ‘pop up’ vendor has long gone.”

Mr Simpson says if a home owner chooses to supply their own products for installation by an electrical contractor they must realise that

the warranty for the product is their responsibility, and provide an SDoC.

“The home owner should check with the supplier that the product has a correct SDoC and that it meets the appropriate New Zealand standard.

“The contractor and home owner should ask themselves ‘does this product comply with New Zealand standards?’ If it doesn’t, it should not be for sale here and should not be installed.”

Mr Simpson says Master Electricians supported a call by Master Plumbers chief executive Greg Wallace for urgent talks with government to begin the process of investigating how certification could be introduced and improved across the entire building sector.

# HRV acquires leading heat pump company, boosting group size

Acquisition part of plan to become total home solutions company

Home solutions company HRV has continued its dynamic growth with the purchase of two leading Auckland businesses — making it four acquisitions in two years.

The company has bought heat pump business Energy Efficient Solutions (EES) and parts manufacturer and distributor HVAC Hero, which complements HRV’s other recent acquisitions, including a windows and retrofit double glazing business.

The past two years has seen rapid growth for HRV, with group wide revenues expected to exceed \$85 million this year, courtesy of customer levels hitting 150,000, increased ventilation sales, and high uptake of HRV Water and HRV Windows.

The latest acquisition is part of HRV’s move to a total home solutions company and its focus on diversifying its product range, which also

includes ventilation systems, whole home water filtration, and retrofit double glazing.

Chief executive Bruce Gordon says EES is the perfect enhancement to HRV’s existing product range, and complements plans for further diversification in the future.

“HRV may have started out as a ventilation company, but our focus now is on total home solutions which means we’re able to provide a whole range of different products to home owners,” Mr Gordon says.

“EES shares HRV’s values which makes it a great fit, and their success comes down to their committed and talented team.

“As market leaders, EES and HVAC Hero both further enhance HRV’s unique position in the market of offering solutions direct to customers’ homes.”

EES, which started four years ago and employs 65 staff, specialises in fully-ducted heat pump systems, and has grown rapidly, with more than 9000 customers across Auckland.

Mr Gordon says the two new companies will continue to run as stand-alone businesses.

However, under HRV ownership, which employs 550 staff across New Zealand, EES is set for further growth on a national level.

“Kiwis are becoming more and more aware of the importance of living in a warm and dry home, and HRV is constantly growing and refining its product range to help meet this demand,” Mr Gordon says.

“With this increasing diversification, and our plans for growing the company further, HRV is stronger than it’s ever been after 13 years serving New Zealand home owners.”

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# 'Industry Rumble' boxing fundraiser supporting Prostate Cancer Foundation

The 'Industry Rumble Fight for Life' will take place on Friday, April 29, in support of the Prostate Cancer Foundation of NZ.

And the building industry and its suppliers have been quick to rally to the prostate cancer cause. Corporate tables have already sold out, with the organisers particularly grateful to Hawkins Construction, Go Rentals and PlaceMakers Cook Street for their early support.

Building on last year's very successful event which raised more than \$9000 for the Prostate Cancer Foundation, the Industry Rumble programme features 14 fights, including the NZNBF Middleweight Title and at least one other professional fight.

Current NZNBF Middleweight champion, "The Quiet Assassin" Ivana Siao, will square off against "Iron" Mose Auimatagi in defence of his title, and "Hazardous" Tino Honey will take on Eden McGrath.

Before then, 24 novice fighters, four of whom are women, will test their mettle in 12 fights. All but two of the novice fighters will climb into the ring for the very first time.

Bruce Glozier of Glozier Boxing is overseeing the training of approximately 10 of the fighters, including at least four female fighters.

It is understood that one of women wanted to get involved following her family's experience with cancer. One of the organisers, Peter Ewing is himself a Prostate Cancer survivor.

An auction will be held on the night with all proceeds going to the Prostate Cancer Foundation.

**What: Industry Rumble Fight for Life fundraiser in support of Prostate Cancer**

**When: Friday, April 29. Doors open 6.30pm. Fights start at 7.30pm**

**Where: Auckland Boxing Association, 1 Ngahura Street, Eden Terrace, Auckland**

**Cost: Terrace tickets are available at \$45 each. Phone Peter Ewing 021 728 822**



Current NZNBF Middleweight champion "The Quiet Assassin" Ivana Siao, above, will square off against "Iron" Mose Auimatagi, below, in defence of his title.



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# Aussie tradies benefiting from the sharing economy

New way of renting gives tradies access to better value vans

DriveMyCar, Australia's first and largest peer-to-peer car rental service, and LDV Automotive are now helping tradespeople get a better deal that will nearly halve the cost of renting one-tonne vans.

The new service, launching in Western Sydney, will allow tradies to rent a G10 one-tonne van directly from the LDV dealer in Parramatta for just A\$59 per day, a major discount on the A\$102 that some van rental providers charge.

The cost will make it far easier and cheaper for people who need a van for work, and provides a great opportunity to experience the quality and performance of the G10.

The partnership between DriveMyCar and LDV Automotive now makes it possible for people to rent vehicles directly from a car dealer and avoid the high prices charged by traditional rental firms.

All vans include comprehensive insurance and 24/7 roadside assistance.

DriveMyCar now has more than 26,000 members across Australia benefiting from cheaper car rental, or renting out their vehicles to earn extra revenue.

## Company now offering light commercial vehicles

The company has traditionally focused on peer-to-peer consumer rental vehicles, but has recently moved into the light commercial space.

Since DriveMyCar does not own any vehicles, prices are up to 62% lower than traditional car rental firms.

Beyond LDV, DriveMyCar gives access to an extensive range of vehicles, including hatchbacks, sports cars, convertibles, utes, 4WDs and luxury sedans.

LDV, formerly part of the British Leyland Group, has undergone a major resurgence after significant investment from its new owners, SAIC Motor Corporation, and is challenging the incumbent brands on price and specifications.

"Tradies understand the value of a dollar, and will immediately recognise the great value renting a G10 from an LDV dealer represents," DriveMyCar chief executive Chris Noone says.

"It makes little sense for them to spend up to A\$100 per day on a clapped out van that could significantly cut into their profit margins," Mr Noone says.

"By tapping into dealer fleets such as that from LDV Automotive, we're making it far simpler and cheaper for tradies to get the van they need to get the job done."

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## BT's Back in Time

### 20 years ago:

- Carter Holt Harvey mills at Kumeu, Whangarei and Marton were being closed in the company's drive to improve international competitiveness.

Around 190 jobs were to be lost, although the company hoped to counter this with internal transfers of qualified staff.

Carter Holt Harvey says the three mills were high-cost operations that were not well equipped to meet specialised customer demands.

The company was to concentrate on efforts at its bigger mills in the central North Island and Nelson, and said new high-tech plants could be built in Helensville and Dargaville in the next three to seven years.

### 15 years ago:

- The RMBF was giving its full support to legislation being prepared by Associate Minister of Housing Laila Harre. The legislation provided protection and security of payment for construction contractors, but the RMBF stipulated that a liens provision to secure payment be part of it.

"We've recalled our working group on contracts to provide all the assistance that may be needed to ensure the legislation gets a smooth swift passage through the House," RMBF chief executive Chris Preston said.

"In the meantime, we've told our members to ensure that every contract is as watertight as they can make it, and to keep on top of their paperwork," he said.

### 10 years ago:

- A pan-industry approach to make New Zealand building sites among the safest in the world was agreed by the Construction Industry Council.

A Health and Safety strategy prepared by the CIC envisaged a zero fatality record in the construction industry workplace within five years, and an annual 10% reduction in injuries through to 2010.

"In recent years the industry has had a high number of fatalities and a high injury rate," CIC chairman John Pfahlert said.

A significant step forward was inclusion by the CIC of health and safety issues in its guidelines for best practices in procurement.

"We want developers to take into account health and safety records of contract bidders when selecting construction and building services. They can send out a strong message that quality health and safety practices are a key element for business success within the industry," Mr Pfahlert said.

### 5 years ago:

- Buildings constructed before the New Zealand Building Act 1991 and consequential Building Regulations 1992, including the Loadings Code of Practice NZS 4203: 1992 should not be regarded as "modern", according to the New Zealand Society for Earthquake Engineering.

"The Pyne Gould and the CTV buildings which collapsed in the February 22, 2011, earthquake have been routinely referred to as 'modern buildings'," NZSEE executive officer Win Clark said.

"However, if commentators or the media are referring to 'modern buildings' in terms of earthquake-resistant performance, it is important to understand the many changes that have been made to the way buildings are designed and constructed since building standards were first introduced in New Zealand following the 1931 Hawkes Bay earthquake," Mr Clark said.

# Ceiling insulation a high priority

Up to 35% of a home's heat loss is via uninsulated ceilings



Insulation for ceilings is usually the cheapest and easiest form of insulation, and will make the biggest difference to home heating bills because approximately 30% to 35% of heat loss is through the roof.

For best results, it is important to use a quality product, as well made ceiling insulation is more likely to do its job and remain effective for years to come.

There is a wide variety of ceiling insulation products available on the market that are safe to use and extremely effective.

## Different homes require different products

Different homes suit different products, so it is important to find the best appropriate product. It is also essential that the insulation is installed correctly because any gaps or folds will allow heat to escape.

**Fibreglass (Glasswool) insulation:** This is the traditional insulation that New Zealanders know and is made from spun glass fibres that are held together by glues and resins.

Greater care must be taken when handling fibreglass or glasswool as it can cause irritations to the skin, eyes, throat and nasal passages.

You need to wear goggles, gloves, overalls and a face mask during installation.

**Polyester insulation:** A more modern insulation material is polyester which is the same sort of fibre as used in clothing, pillows and duvets. It's non-itch and non-irritant, and also has no glues, resins, pesticides or formaldehyde.

The polyester fibres are heat-bonded together for a long-lasting bond to keep homes warmer.



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# New alternatives available for retrofitting wall insulation

By Safe-R Insulation (NZ) Ltd general manager Wade Maurice

It's fairly well known that the majority of New Zealand's ageing housing stock is not adequately insulated, and while an effort is being made to retrofit ceilings and floors, the absence of wall insulation dramatically reduces the benefit of this effort.

The key to good thermal performance is a completed thermal envelope — and without adequate wall insulation this is not attainable.

A variety of wall insulation systems have been retrofitted to New Zealand homes. Traditionally these were installed by small-scale operators with limited technical capabilities using products such as blown cellulose or sheep's wool.

The absence of regulated installation systems and quality moisture repellent materials put off most consumers, which resulted in very few homes being retrofitted using these techniques.

Expanding wet foam systems, installed via small holes in the linings, gained popularity during the 2000s, but clarification on the requirement for building consents, coupled with bad publicity (mainly focused on the

shrinkage of the foam), reduced the popularity of this system.

The good news is there are now new alternatives to removing the linings or cladding when retrofitting wall insulation. Blown insulation systems are again making retrofitted wall insulation viable, and there are a number of solutions available.

When considering retrofitting wall insulation it is important to choose a company that uses an audited system. This should include assessment of the building to ensure it is suitable, and the product shouldn't introduce moisture to the cavity during installation.

It should feature some form of water repellency, a proven cladding reinstatement method and documentation showing compliance with the NZBC.

The installation of all wall insulation requires a building consent, but exemptions may apply to systems in some areas. A reputable company can help home owners through this process and ensure they get a great result from the new retrofitted wall insulation.



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# Welcome to the fold: new acoustic product launched



A new non-combustible acoustic insulation product that provides a quick and easy-to-install solution for metal frame construction has been launched by Knauf Insulation.

Earthwool glasswool is an acoustic 11kg/cu m, 2.7m long folded product which can be installed in steel framing in one go. Because it holds firmly in place it doesn't require adhesives, saving valuable installation time.

Furthermore, it is compression packed, and will recover to its intended thickness when opened, allowing for more product per pack — resulting in less transport and storage on site.

Just one pack of 11kg/m<sup>3</sup>, 50mm acoustic product will cover an area of 32.4 sq m<sup>2</sup>!

In comparison to polyester insulation, the new insulation provides higher acoustic performance.

For example, in a typical 92mm steel stud with 13mm plasterboard on both sides, the STC result from using the new product is STC 50, whereas a thicker polyester product (90mm) only achieves STC 48.

It is made using recycled glass and with ECOSE Technology, a revolutionary binder that contains no added formaldehyde or petro-based chemicals.

The natural brown colour represents a level of sustainability and handling for glasswool never before achieved.

Installing the product, will not only save you time, but will help your customers enjoy a more peaceful and comfortable environment.

To find out more information visit [www.knaufinsulation.co.nz](http://www.knaufinsulation.co.nz).



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# The Falling from Heights campaign — justifying the

*Building Today* columnist and industry stalwart Mike Fox asks the Minister for Workplace Relations and Safety the Hon Michael Woodhouse to provide factual justification for what he says is the extra \$10,000 it costs to build a single-level home as a result of the Falling from Heights campaign. The following is what ensued . . .



Mike Fox

Following the publication of my article in *Building Today* September 2015 titled *The Real Cost of the Falling From Heights Campaign*, I sent copies to the Minister responsible for WorkSafe NZ, the Hon Michael Woodhouse and the Finance Minister, the Hon Bill English for their information and comment.

I did this because I had clearly identified that the current measures were adding an extra \$10,000 dollars to the cost of a single-level build without proper due consideration or justification.

I had also identified that if we adopted the practical measures of the Australian Code of Practice for falling from heights, the extra \$10,000 could be saved without any reduction in safety measures.

Given that housing affordability and low productivity within the construction sector are massive issues facing the nation, you would think that these revelations would be welcomed with open arms, but is this the case?

To read this article go to [www.buildingtoday.co.nz/latestnews/magazine/tabid/8136/articleid/10094/default.aspx](http://www.buildingtoday.co.nz/latestnews/magazine/tabid/8136/articleid/10094/default.aspx).

Minister Woodhouse replied in October, quoting the usual WorkSafe platitudes and refuting some of the figures I had used. I appreciated the time he took to respond but his letter raised more questions than it did



**Office of Hon Michael Woodhouse**  
 Minister of Immigration  
 Minister of Police  
 Minister for Workplace Relations and Safety

**1 6 OCT 2015**

Michael Fox  
**mjfox@primesite.co.nz**

Dear Michael

Thank you for your letter of 9 September 2015 regarding building costs.

The New Zealand Initiative's report '*A Matter of Balance: Regulating Safety*' referred to in the article you attached has generated a healthy debate, and the Government welcomes feedback from those in the building and construction industry. It is useful to know how regulations and guidance are working in practice and the views of organisations in the industry.

The Government has set a target of reducing the number of workplace deaths and serious harm incidents by 25 per cent by 2020. That target can only be achieved by targeting high risk activities and industries. Working at height is one such area of risk. The *Preventing Falls from Height* programme was launched in November 2011 in response to clear data showing that falls from height were a significant cause of serious injuries and deaths in the construction industry. The New Zealand data also showed that more than 50 per cent of all serious harm fall incidents come from falls less than three metres.

WorkSafe New Zealand advises that the *Preventing Falls from Height* programme is demonstrating good results, including a 29.5 per cent reduction in notifications of serious harm caused by falling from a height between 2012 and 2014.

I am advised that scaffolding is one of the appropriate control measures, but it is not the only option. The current guidelines for working on roofs provide tradespeople with information to assist them with their fall prevention strategies. It is up to the industry itself to use that guidance and manage hazards on building sites in accordance with the law.

With regard to costs, WorkSafe disputes the costings used in the Initiative's report, as WorkSafe research indicates that it costs approximately \$2,000 to \$4,000 to install safe work systems for a single-story home to prevent falls from height. Edge protection for roof work is cheaper – typically between \$900 and \$1,500 per job.

I accept that the use of safe work systems comes at a cost. However, the Government is committed to reducing workplace death and serious injury and believes that a person who goes out to work in the morning has the right to go home safe to their family at night.

Thank you again for writing.

Yours sincerely



**Hon Michael Woodhouse**  
**Minister for Workplace Relations and Safety**

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand Telephone +64 4 817 6836 Facsimile +64 4 817 6536

answers. The Minister's reply is above.

It makes sense that measures that impact housing costs so significantly must be well thought through with a robust cost benefit analysis to back it up. Accordingly, after not

getting any substantive answers from WorkSafe I decided to respectfully request this information from Minister Woodhouse.

I sent him the following letter, again copying in Finance Minister Bill English on November 6, 2015.

Dear Minister

I refer to your response dated 16-10-2015 regarding the falling from heights regime and the justification of same. I really appreciated the time taken to respond and have a number of questions that have arisen out of your response.

It is also pleasing that you would like feedback on how regulation is actually affecting those that need to work with it.

I have attached for your information an article that was published in October regarding the recent Loopy Rules report which, I might add, singled out the falling from heights rules as vague and unworkable, needing much work.

This article will also give you valuable feedback on how the Building Act and Resource Management Act are seriously affecting construction costs and productivity. (If you would like to read this article it is available at [www.buildingtoday.co.nz/latestnews/magazine/tabid/8136/articleid/11356/default.aspx](http://www.buildingtoday.co.nz/latestnews/magazine/tabid/8136/articleid/11356/default.aspx)).

It is undeniable that housing affordability and low productivity within the construction sector are two major issues facing the nation, so any regulation that impacts on them should be seriously considered before implementation.

Accordingly, would you be so kind as to assist with providing clarity around the justifications you have made in your response to me, as they do not correspond with feedback or real life experience from the industry.

**1** Was a full cost benefit analysis carried out before the implementation of the current Falling from Heights campaign? If so, can it be supplied? If not, can reasons be given why such an all important step was overlooked?

**2** You quote in your response that incidents have been reduced by 29.5% since the introduction of this campaign. Could you supply a detailed description of what constitutes an event, the actual number of events that have been avoided, and the cost that has been spent by the consumer to attain this result?

**3** You have stated that scaffolding is only one of the measures that can be used to comply but nowhere within the guidelines does it state what complies. This goes to the very heart of the problem and is further backed up by the Loopy Rules task force report.

Could you please clearly set out the other options that meet the guidelines? Saying it is up to industry to tell you what complies is impossible under the current legislation.

**4** You state that WorkSafe disputes the figures

I supplied in regards to the cost to the consumer which are in excess of \$10,000 per single-level build.

The figures I supplied were actual real life figures taken from over 100 sample projects, and are fully discoverable. It would be really helpful for the industry and the consumer if WorkSafe could provide a detailed breakdown of the figures they use, along with where one might sign up for these services.

Please be sure they include builders' margins and overheads along with GST, as these are costs that the consumer pays. The builders I have corresponded with, including my own companies, cannot compete with, or locate, the rates that WorkSafe quotes.

**5** If adopted, the Australian Code of Practice for falling from heights would give clarity and remove up to 75% of the current cost, but still provide protection from falls. Can you please provide reasons why we would not adopt this proven practical document for New Zealand?

I would appreciate if my questions could be answered frankly and fully.

I realise I have asked a number of searching questions, but they are all fundamental to the validation of, or rethinking of, this particular set of regulations.

Finally, in regards to your comment about going out to work and having the right to come home safe at night, that is an admirable and worthy statement, but does ignore that work comes in many forms, some with more inherent risk than others.

Racing car drivers, professional rugby players and other high-risk professions make a choice about risk and reward every day.

I look forward to your reply.

Regards  
Mike Fox

To my surprise I had no acknowledgment or response to the above letter, so re-sent the letter to both Ministers again on February 15, 2016, with a footnote, that there was a possibility the letter would be published.

Interestingly, I got a response within two days, saying their records did not show they had received it and that I should expect a response shortly.

I realise that the questions I have asked the Minister are detailed and searching, but the effect of blindly implemented and poorly

thought through regulation that impacts costs and productivity deserves robust due diligence prior to implementation.

I don't believe this was the case at all with the Falling from Heights campaign, and I awaited answers from the Minister with keen interest.

A formal response was received on March 4, and I have shared it below (along with my comments on the Minister's answers).

I will let you be the judge as to the validity of his justification on these costly regulations.

Office of Hon Michael Woodhouse  
Minister of Immigration  
Minister of Revenue  
Minister for Workplace Relations and Safety  
4 MAR 2016

Michael Fox  
[mjfox@primesite.co.nz](mailto:mjfox@primesite.co.nz)

Dear Michael

Thank you for your email of February 15, 2016, about building costs to the construction sector. Please accept my apologies for not responding to the concerns you raised in your earlier email. This was an administrative oversight and was unintentional.

I asked WorkSafe New Zealand officials to provide me with information about the issues you raised. I will answer each question in turn.

**Question 1:** Was a full cost benefit analysis carried out before the implementation of the current Falling from Heights campaign? If so can it be supplied? If not, can reasons be given why such an all important step was overlooked?

**Answer:** WorkSafe advises there was considerable research behind the development of the Preventing Falls from Height campaign. The then Department of Labour undertook a study of around 340 serious harm investigations, and analysed the data to determine causes of injury, which assisted in targeting the campaign's messaging and efforts.

You can find this report on the WorkSafe web site titled Falling Short. There was then significant engagement with a range of industry players on the formation of the guidelines.

*Continued page 24*

# The Falling from Heights campaign — justifying the costs

From page 23

**Author's comment:** From the Minister's response, the short answer is that no work was done on what the financial implications of these regulations would have on the cost of construction.

**Question 2:** You quote in your response that incidents have been reduced by 29.5% since the introduction of this campaign. Could you supply a detailed description of what constitutes an event, the actual number of events that have been avoided and the cost that has been spent by the consumer to attain this result?

**Answer:** I am advised that the calculation was based on the decrease in the number of serious harm incidents. This is a standard legal definition included in the Health and Safety in Employment Act 1992 (the Act). I have enclosed a copy of the definition of serious harm and you may also access this on WorkSafe's web site.

As can be seen from the table below, there were 21 fewer fall from height-related serious harm incidents in 2014 than in 2012. This represents a 29.5% drop from the 2012 baseline.

**Fall from height-related serious harm incidents 2012-2014 in the construction sector:**

Year	Number of falls from serious harm incidents	% change from 2012
2012	71	NIA
2013	62	-12.7%
2014	50	-29.5%

**Author's comment:** So the current measures have resulted in 21 fewer serious harm incidents per annum. The definition of serious harm is far from descriptive or clear. The most appropriate definition I could glean is that a "serious harm incident is a bone fracture or any harm that causes the person harmed to be hospitalised for a period of 48 hours or more, commencing within seven days of the harm's occurrence".

We build, at a conservative estimate, 16,000 single-level homes per annum, and the additional expense of \$10,000 per home results in an additional cost to the consumer of \$160 million per annum.

Going a step further, we are spending \$7.6 million to avoid each serious harm incident. Is that value for money? Could the consumer's money be spent more effectively elsewhere? These are questions that were never answered before this regime was implemented.

**Question 3:** You have stated that scaffolding is only one of the measures that can be used to comply, but nowhere within the guidelines does it state what complies. This goes to the very heart of the problem, and is further backed up by the Loopy Rules task force report.

Could you please clearly set out the other options that meet the guidelines? Saying it is up to the industry to tell you what complies is impossible under the current legislation.

**Answer:** It is important to point out that the Act is performance-based legislation so does not prescribe what safeguards need to be in place for each possible circumstance. The Act aims to promote the health and safety of everyone at work and of other people in or around places of work.

To achieve this, it requires people who are responsible for work (and those who do the work) to take steps to ensure their own health and safety and that of others.

Falls from height are an obvious and well known risk and, as such, employers are expected to take "all practicable steps" to manage that risk. Whether a step is reasonably practicable, takes into account:

- The nature and severity of any injury or harm that may occur,
- The degree of risk or probability of injury or harm occurring,
- How much is known about the hazard and the ways of eliminating, isolating or minimising the hazard, and
- The availability and cost of safeguards.

The cost of dealing with a hazard is only one factor in deciding if a step is reasonably practicable. Cost would have to be measured against other factors, including the risk and seriousness of harm that might occur.

If there is a risk of serious or frequent injury or harm, then spending a greater amount of money to deal with the hazard is considered reasonable.

Guidelines are produced to provide practical guidance to employers, contractors, employees and all others engaged in work associated with working at height. Particularly,

where small business might need extra support, this has led to fact sheets that provide additional support to the more general guidance.

As stated above, WorkSafe consults broadly with industry stakeholders on guidelines and fact sheets.

**Author's comment:** This answer confirms what everyone operating within the industry already knows — the Act is flawed. First, it gives no description of what taking all practical steps actually means, with the resulting default position of over provision on site to avoid prosecution.

I asked a specific question above to please give some alternative examples of what meets the guidelines outside of providing a full exterior scaffold for a single-level build, to which no specific answer was forthcoming. If the Minister responsible can't answer this, how are tradespeople on site expected to know?

**Question 4:** You state that WorkSafe disputes the figures I supplied in regards to the cost to the consumer which are in excess of \$10,000 per single-level build. The figures I supplied were actual real life figures taken from over 100 sample projects, and are fully discoverable.

It would be really helpful for the industry and the consumer if WorkSafe could provide a detailed breakdown of the figures they use along with where one might sign up for these services.

Please be sure they include builders' margins and overheads along with GST, as these are costs that the consumer pays. The builders I have corresponded with, including my own companies, cannot compete with, or locate, the rates that WorkSafe quotes.

**Answer:** WorkSafe is concerned that people keep mixing the costs of scaffolding with the costs of general health and safety requirements which would be incurred regardless of scaffolding (for example, security fencing is often included).

Its discussions with stakeholders have indicated there are a mix of costs stated, some lower than \$10,000, some higher, and for some builders who have invested in scaffolding over time the costs are considerably lower.

However, the NZIER report commissioned by BRANZ may also provide additional information around this. WorkSafe has not yet

viewed these results.

**Author's comment:** WorkSafe has now gone from saying that it costs \$2000 to \$4000 per project to a reality position of confirming that costs can vary, some exceeding \$10,000 per single-level project and some less.

However, it is a naïve pipe dream for WorkSafe to think that a builder doing any volume of work will purchase house lots of scaffold, arrange for storage, transportation and qualified staff to erect and dismantle the same.

The awaited NZIER report on the costs versus benefits associated with the Falling from Heights campaign will finally provide the missing factual information that has been so sorely absent from the beginning of this debate. It is heartening that WorkSafe is looking to view the results of this report.

**Question 5:** If adopted, the Australian code of practice for Falling from Heights would give clarity and remove up to 75% of the current cost, but still provide protection from falls. Can you please provide reasons why we would not adopt this proven practical document for New Zealand?

**Answer:** In respect of housing and construction and working safely at heights, the legislative framework in Australia and New Zealand are similar.

However, WorkSafe advises at regulation level the Australian regulations are more administratively burdensome, requiring a Safe Work Method Statement to be developed and complied with for all construction work involving the risk of a fall of two metres or more.

The approach of the Preventing Falls from Height campaign was to encourage the construction sector to apply sound hazard management methodology. In particular, it encourages industry to work through the hierarchy of controls. This is the "eliminate, isolate, and minimise" process.

The first 29 pages of the Australian Code outline legal duties and the range of control measures based on the Australian hierarchy of control. This is very similar to the New Zealand Best Practice Guide for working at height (BPG).

The BPG outlines the need to assess and plan work to be done at heights and to select the right equipment for the job. I have enclosed a copy of BPG showing the types of control



measures to consider in order of effectiveness. You can find this information on page 11 of BPG.

The Australian code is specifically about preventing falls in housing construction and also provides specific guidance on safe methods for common tasks such as floor laying, and installing fabricated roof trusses (pages 30-45).

WorkSafe's BPG is deliberately general and does not go into this detail as it is a guide for all industries. However, additional guidance has been produced:

- Best Practice Guide for Work on Roofs
- Fact sheets on:
  - Installing trusses, installing roof cladding etc,
  - Short duration work such as inspection and measuring on the roof, and
  - Roof restoration.

The above guidance were all produced with industry input. Please find fact sheets enclosed.

The Ministry of Business, Innovation and Employment has a work programme that will look at the Australian regulations, and how New Zealand should appropriately regulate hazardous work under the new Health and Safety at Work Act 2015.

At this time WorkSafe will also look at its guidance, and whether further improvements can be made.

**Author's comment:** It is great that the Minister has picked up on why I espouse the merits of the Australian code of practice. I quote from above: "The Australian Code is specifically about preventing falls in housing construction, and also provides specific guidance on safe methods for common tasks such as floor laying, and installing fabricated roof trusses (pages 30-45). WorkSafe's BPG is

deliberately general and does not go into this detail as it is a guide for all industries".

This is exactly what is missing from the New Zealand regulations, which are vague and deliberately non-specific — and that includes the additional fact sheets.

If New Zealand adopted the specific practical guidance of the Australian document, dollar savings could be made for the consumer without any appreciable loss in safety provisions.

Thank you again for writing.

Yours sincerely  
Hon Michael Woodhouse  
Minister for Workplace Relations and Safety

There is another way — if bureaucrats would only listen to those at the coal face.

Builders need certainty and cost-effective ways of keeping their sites and workers safe. The current mish mash of vague guidelines only results in a default position of costly over provision that is wasteful and, frankly, not good enough.

Expecting individual builders to come up with their own interpretation of what constitutes a safe solution and then have to prove it is misguided and never going to work.

If adopted, the practical measures as outlined in the Australian Code of Practice, could go a long way to providing those answers to safety, certainty and very significant cost savings the consumer deserves.

**• This article contains the author's opinion only, and is not necessarily the opinion of the Registered Master Builders Association, its chief executive or staff.**

# BCITO appoints new chief executive

## New CEO will be familiar to RMBA members

The Building and Construction Industry Training Organisation (BCITO) has appointed a new chief executive who will be familiar to Registered Master Builders Association members — Warwick Quinn.

Mr Quinn is a former chief executive of the Motor Traders Association (MTA) and was the chief executive of Registered Master Builders Association for seven years. He is well-known and respected in the construction industry.

BCITO board chairman Mike King is confident the organisation will continue to thrive under Mr Quinn's leadership.

"We are thrilled to welcome Warwick back into the building environment, and look forward to the broad skillset and level of knowledge he will bring to the organisation.

"We believe he will be an excellent leader not only in our organisation, but the building and construction industry as a whole, particularly across education and to our apprentices."

Current BCITO chief executive Ruma Karaitiana is to retire after nearly 10 years of service to the BCITO. Mr King says the organisation was fortunate to have had such a talented industry leader as Ruma.

"We take our hats off to Ruma. We thank him for his leadership and dedication to the BCITO, and wish him all the best as he embarks on his new adventure."

Mr Quinn says he is looking forward to building on the success of the industry training organisation — the largest provider of construction trade apprenticeships in New Zealand.

"Ruma is leaving the BCITO in a fantastic position, and I'm confident that we will continue to serve the construction industry well in the future," Mr Quinn says.

"The building and construction industry is one that I'm passionate about, and I'm excited to work alongside the leaders, apprentices and the next generation in this sector."

Mr Quinn will take up the role in June 2016.



New BCITO chief executive Warwick Quinn will take up his new position in June 2016.

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# Dame Zaha Mohammad Hadid : 1950-2016

Dr Kerry Rodgers ruminates upon obituaries for one of the world's more challenging architects.

Architect Dame Zaha Hadid died on March 31, aged 65. Her subsequent obituaries have generated as much controversy as did her life works.

Royal Institute of British Architects president Jane Duncan positively gushed: "Dame Zaha Hadid was an inspirational woman, and the kind of architect one can only dream of being. Visionary and highly experimental, her legacy despite her young age, is formidable. She leaves behind a body of work from buildings to furniture, footwear and cars, that delight and astound people all around the world ... The world of architecture has lost a star today."

In contrast, her obituary in *The New York Times* wryly described her designs as "sometimes deeply impractical, colossally expensive and seemingly indifferent to the programme at hand".

These words were subsequently deleted from the on-line edition.

It is impossible to put controversy aside when discussing Dame Zaha. Her first commission in 1994 for a fire station in Germany produced the first storm. She created a winged composition, all sharp angles and protrusions. Architects were rapt. Her international reputation was confirmed. The firefighters, however, moved out.

From that point she went from strength to strength. Her body of work is immense. Only a small sample is offered here by way of example:

Bergisel Ski Jump, Austria, 2002; Rosenthal Centre for Contemporary Art, Cincinnati, 2003; Phaeno Science Centre, Germany, 2005; BMW Central Building, Germany, 2005; Bridge Pavilion, Zaragoza, Spain, 2008; Guangzhou Opera House, China, 2010; Sheikh Zayed Bridge, UAE, 2007-2010; London's Aquatics Centre, 2012 Olympics; King Abdullah Petroleum Studies and Research Centre, Saudi Arabia, 2010-15.

And Dame Zaha never took any prisoners. When projects were met with protests or

criticism these were batted away or trumped with a lawsuit. In at least two instances she crossed swords with human rights advocates and won — the 2007-12 Heydar Aliyev Cultural Centre in Azerbaijan, and the 2022 World Cup Stadium in Qatar.

Argument would follow her to the end. In 2012, Zaha Hadid Architects won the international competition for the design of a new Japanese National Stadium.

The estimated costs mounted rapidly. When they passed 300 billion yen, or more than three times the cost of the 2012 London Olympic Stadium and more than five times that for Beijing 2008, the Japanese Prime Minister stepped in.

In July 2015 he ditched Hadid Architects' design and initiated a new bidding process to find a less expensive alternative. Although Hadid planned to enter the new competition they had to withdraw.

The firm was unable to meet a new requirement that a designer must find a construction company prepared to build their design.

As an aside, the new National Stadium will not be complete until 2020, and a new venue has had to be found for the 2019 Rugby World Cup.

Dame Zaha Hadid's list of awards and honours is not unexpectedly impressive. She was the first woman and the first muslim to receive the Pritzker Architecture Prize, winning it in 2004.

She received the Stirling Prize in 2010 and 2011. In 2012, she was created a Dame Commander of the Order of the British Empire and, in 2015, became the first woman to be awarded Britain's top architectural award, the RIBA Gold Medal, in her own right.

For those who knew Dame Zaha or her works the debate will no doubt continue. For the rest of us her death will leave the world of architecture a far less interesting place.



Vitra Fire Station by Zaha Hadid in Weil, Germany.

Image: Andreas Schwarzkopf, Wikimedia Commons.



Library and Learning Centre, Economics and Business, Vienna University, by Zaha Hadid.

Image: Böhlinger, Wikimedia Commons

# Leaky building claim against council fails for being out of time

Timothy Bates, principal of Auckland law firm Legal Vision, summarises the findings in the decision of *Lee v Whangarei District Council & Another*.



The case was brought by the council exercising the summary judgment procedure (available to defendants) on the grounds that Ms Lee's proceeding was statute barred pursuant to section 4(1)(a) of the Limitation Act 1950.

The facts can be summarised as follows:

- The house concerned was a property in Ruakaka.
- In August 2006 Ms Lee applied for a building consent which was issued on October 26, 2006.
- Building commenced in January 2007. The contractor was Rob Littlejohn working under a labour-only contract.
- In October 2007, Ms Lee observed leaking at the top of the internal staircase which was drawn to the attention of the builder.
- Ms Lee moved into the house in December 2007, despite no CCC having been issued.
- By January 2008, Ms Lee was in dispute with Mr Littlejohn. He wanted payment yet she was unhappy with the quality of the workmanship.
- The council carried out a final inspection on March 26, 2008, which it failed. A long list of defects was identified by council requiring rectification.
- Ms Lee thereafter was involved in a series of dispute proceedings as against the construction parties, some of which she brought (the Arbitration proceeding/WHT proceeding), and others she defended.
- She was only successful in the Arbitration

proceeding as against the builder for the sum of \$700,000. However, she could not recover on this judgment.

- In March 2011, building surveyor Barry Gill carried out a full report for Ms Lee. Mr Gill was able to identify other weathertightness defects that had previously not been discovered in earlier reports.

The argument the court had to determine was whether, in fact, the claim brought as against council was statute barred by way of section 4(1)(a) of the Limitation Act 1950 which prevents claims in negligence being brought more than six years from the date the cause of action accrues.

For a cause of action in negligence to accrue, the following elements need to be in existence:

- A duty of care to exercise reasonable care is owed.
- The said duty has been breached.
- Loss/damages have been suffered.

Typically with construction defects claim, it is the last element (damage) that takes time to manifest. Many construction defects such as leaky building symptoms can remain latent for a considerable period of time.

The courts (at the highest level) have generally ruled that damage is not considered to have been present until the defects/damage could be discovered, or could with reasonable diligence be discovered.

The key argument presented by Ms Lee to the court was that the new defects only discovered by Mr Gill in 2011 were the trigger for the six-year limitation period running in respect of those defects, rather than the earlier date of May 21, 2008.

Or, put more succinctly by the presiding High

Court Judge, can the six-year limitation be deferred because not every defect is identified at the time of discovering damage?

Ms Lee was not suing for defects previously identified in earlier reports but only the failure to seal the plywood ridged backing, and the non-taping of the joints. She claimed these defects had only been discovered for the first time in April 2011.

Typically with construction defects claim, it is the last element (damage) that takes time to manifest. Many construction defects such as leaky building symptoms can remain latent for a considerable period of time.

However, the court found that this was a case of continuous damage rather than a case where sufficiently distinct damage had been suffered by Ms Lee from the newly discovered defect.

The damage suffered, even from the newly discovered defect, was common to the defects/damage already discovered in 2008. The court held for this reason that

the limitation period ought not to be deferred.

Overall, the claim brought by Ms Lee was ruled to have been brought out of time.

At paragraph 69, A J Bell states: "It may be that by May 21, 2008, Ms Lee's knowledge of the cladding defects was not as full as it is now, but she did know enough to realise that the value of the house was adversely affected by the defects in the cladding system.

"What she found out from Mr Gill's report did not change that damage or point to fresh damage. This is a continuous damage case. Mr Gill's report did not show a new cause of action."

**Note:** This article is not intended to be legal advice (nor a substitute for legal advice). No responsibility or liability is accepted by Legal Vision or *Building Today* to anyone who relies on the information contained in this article.

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# In code

Architect Don Bunting reflects on the creation of coded information and how this led to the birth of computer technology.

When I first started in architectural practice, engineers still used punch cards to hold the codes defining their calculation data. Containing a series of blanks and holes, the cards were identical to those developed in 1804 by Joseph Jacquard for creating the complex patterns used on 19th Century weaving machines.

In the modern world they were also a key reason why George W Bush was elected President of the USA, when voting machines failed to fully punch out selected holes in voting cards.

Using punch cards to hold information codes was developed as early as 1732, but Jacquard was the first to see how you could use a binary code (blank + hole, 0 and 1, etc) to programme a machine — effectively creating the first computer.

In 1853 Samuel Morse used a similar way of coding data, and by adding electricity, developed the first effective means of instantly distributing information over distance — in a way, the first internet.

The original definition of a “computer” did not describe a machine but “a person who analysed information”.

Modern genius Alan Turing looked beyond this definition and used the same principle to develop the first analytical computer, successfully cracking the Enigma codes used by German forces during World War II.

A real breakthrough came with mathematician Claude Shannon, who wrote a paper in 1948 titled “A mathematical theory of communication” while working in the Bell Research Lab in New Jersey.

Shannon was also the person who took the words “binary digit” and created the term “bit” to describe the smallest unit of digital data.

This led to the development of electronic computers — machines that could carry out multiple tasks and functions by using a range of different coded instructions, or programmes.

## Digital disasters

It seems inevitable that whenever a government agency decides to invest in a new IT system the result is either a complete disaster or a monster budget blow-out.

The Ministry of Education’s Novopay system, introduced in 2012, was considered a disaster, but at least it only cost \$182 million.

This pales into insignificance against the latest effort by our so-called Auckland Council super city, which has managed to spend \$1.24 billion to date on what is called the New Core project.

This was an attempt to provide a single source of data and information supply for the newly amalgamated councils and associated COOs (Council Owned Organisations).

The new system goes online in June 2016, and time will tell if this will “increase the ability of Aucklanders to engage with council online”.

Incidentally, \$1.24 billion would have covered Auckland Council’s share of the inner city rail link project. It’s difficult not to be pessimistic about how accurate those estimates finally prove to be.

In Australia, the disastrous eHealth programme has so far burned through more than A\$1 billion with, effectively, nothing to show for it.

The grandly named “Learning Management and Business Reform” IT system for New South Wales state schools has so far eaten up some A\$578 million and still doesn’t work.

Why do public IT systems go so wrong? The first mistake made is the level of capability and experience of the people devising these projects.

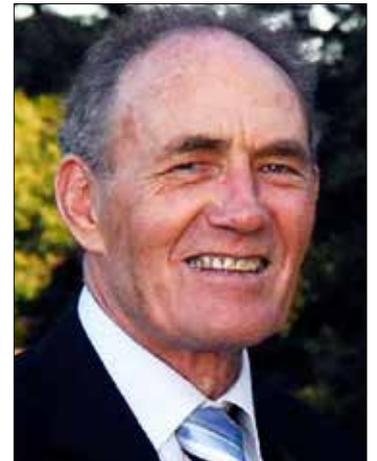
Often there is insufficient understanding of what an IT solution can and cannot achieve.

There can also be a lack of appreciation of whether the underlying information can be effectively digitised, as the data for analysis may not allow simple classification.

## The key

A clear, precise and achievable brief is the key to gaining a timely result within an approved budget — assuming that you choose an organisation with the necessary skills, bound by a contract that rewards and demands the required result.

A real concern in the public sector is the complete lack of accountability by heads of departments and their political bosses. In the private sector, if you fail to this extent you get fired.



## Competition

Free-to-air television companies are becoming aware of two indisputable facts of modern entertainment — streaming is a growing option for watching films and recent drama series, while potential advertisers no longer see television as their most effective selling medium. The mute button rules, okay?

In Australia, there is a tacit agreement with government that if free-to-air channels develop drama and current affairs programming, in exchange they gain assured coverage of top sporting events which provide valuable advertising dollars.

Now Australian television is looking to government for further legislation to help them compete with new and growing entertainment sources.

However, legislation will only provide a short-term answer. Television channels should look to their own strengths rather than relying on anti-competitive rules and regulations. Competition should be seen as an opportunity to become better at what you do.

Television has a number of clear advantages over streaming, especially while streaming is focused on movies, old TV drama and some niche sports coverage.

Advantages include few problems with interference, high picture quality, and immediacy of coverage of news and current events.

The key is offering watchers more control over programming, coupled with a wider choice of what to watch and when.

Partnered with internet coverage yes, but only in parallel with a better, more responsive and less advertising-driven service.

## Idiot internet

Someone, who perhaps chooses to remain anonymous, has said: You can find anything on the internet, but only some of it is true.

# Putting up with second or third best?

Terry Sage of Trades Coaching New Zealand asks how many of you have had to take whatever is available when it comes to employing staff or using contractors?

I am going to digress from business to start this article. It's not supposed to be a rant, but I will say I was not pleased with the scenario.

It was not until after I related the story to a group at an NRG networking breakfast that I saw similarities with many businesses, clients and non-clients.

Recently I was invited to be a parent helper at my kid's school camp trip. My kids are aged eight and 10 and, being the super hero dad, there are expectations that the answer will be, "of course, book me in".

Now, an important point to clarify here is that I do not camp. Hate it with a passion. If I wanted to live that close to hundreds of other people (mostly unwashed other people) for a couple of weeks at a time, I would join a hippy commune somewhere.

Give me a door and a solid wall for some privacy any day — actually every day.

If I am sharing my secrets with you, I should also add the reason I was invited — they needed my large covered trailer. But, hey, an invite's an invite, and I felt wanted.

Off we go with 64 kids for three days, and the weather is typical camping weather. It persisted down with hurricane-force (sort of) winds for the whole three days. The kids had a blast — did everything they were meant to do, got wet constantly, swam in big surf and came home shattered. A successful camp by anybody's standards.

So what is my rant? It was with another parent helper — they could not drive more than 30 minutes without having to stop, they could not walk more than 200 metres without sitting down, didn't know how to put a plaster on a cut and was needier than the kids.

Why oh why were they even asked — after all, they didn't own a trailer!

I asked, sort of diplomatically, why this person, who had turned into a liability, was with us. The answer was that nobody else had come forward, and a certain number of adults were needed to make up the required parent-student ratio, or the camp was off.

So back to business. How many of you have had to take whatever is available when it comes to employing staff or using contractors? How many of you settle for second or even third best because that's all there is?

Well, it's happening more and more, especially within trade-based industries. And I could write a dozen pages on how much these sorts of employees actually cost your business.

Is there an answer? Well, not a simple one or a quick-fix one unfortunately.

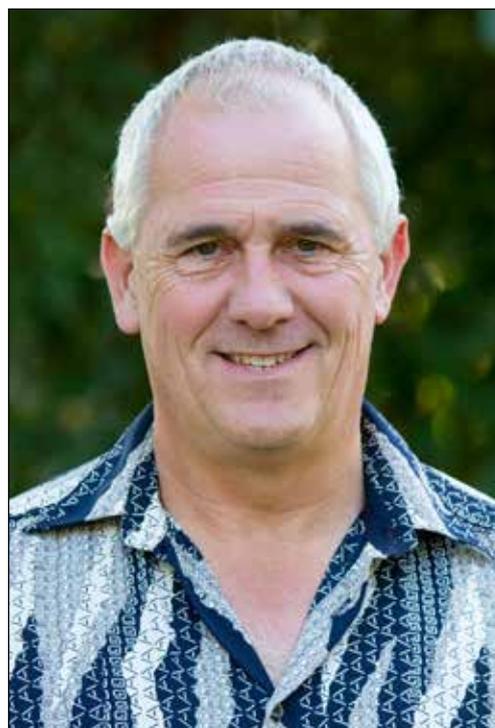
Just before the end of last year we went through this issue with a trade-based client from the automotive industry. They are now training two apprentices for the first time in six years.

They also went through an immigration company, and now employ two tradesmen from overseas. Is this ideal? No, not exactly, but it means they can continue to operate.

Will this problem get any easier in the near future? Probably not.

The training organisations are doing a great job with their respective apprenticeship programmes, but if kids want other cooler jobs you can't force them onto a building site.

But let me ask you this: How many skateboarders or gaming programmers can this world support?



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# Building Consents Information

For All Authorisations, February 2016

Dwellings	\$1,061,772,000
Domestic Outbuildings	\$15,139,000
<b>Total Residential</b>	<b>\$1,076,912,000</b>
Non-residential	\$371,513,000
<b>Total All Buildings</b>	<b>\$1,448,425,000</b>
Non-building Construction	\$142,034,000
<b>Total Authorisations</b>	<b>\$1,590,458,000</b>

## Number of new dwellings consented

	Feb 2016	Jan 2016	Feb 2015		Feb 2016	Jan 2016	Feb 2015
Far North District	14	14	19	Horowhenua District	9	16	5
Whangarei District	44	44	32	Kapiti Coast District	12	6	8
Kaipara District	22	12	10	Porirua City	25	11	18
Rodney District	80	60	57	Upper Hutt City	9	9	6
North Shore/Albany Wards	201	136	143	Lower Hutt City	12	6	11
Waitakere Ward	44	46	35	Wellington City	39	58	48
Auckland Wards	236	148	151	Masterton District	10	4	4
Manukau/Howick Wards	102	53	37	Carterton District	3	1	2
Manurewa-Papakura Ward	67	37	50	South Wairarapa District	3	1	5
Franklin Ward	57	26	55	Tasman District	42	29	21
Thames-Coromandel District	21	17	15	Nelson City	13	10	15
Hauraki District	8	4	7	Marlborough District	14	8	16
Waikato District	82	78	28	Kaikoura District	1	0	5
Matamata-Piako District	15	15	7	Buller District	3	1	2
Hamilton City	91	102	84	Grey District	3	1	2
Waipa District	33	25	40	Westland District	2	2	5
Otorohanga District	1	0	2	Hurunui District	7	4	9
South Waikato District	3	4	0	Waimakariri District	73	37	55
Waitomo District	0	0	2	Christchurch City	264	153	333
Taupo District	20	15	9	Selwyn District	125	64	81
Western Bay of Plenty District	41	32	15	Ashburton District	31	14	16
Tauranga City	141	145	77	Timaru District	12	11	8
Rotorua District	8	8	6	Mackenzie District	6	3	6
Whakatane District	5	8	4	Waimate District	3	2	2
Kawerau District	0	0	0	Chatham Islands Territory	0	0	0
Opotiki District	5	2	0	Waitaki District	11	13	4
Gisborne District	5	4	6	Central Otago District	19	12	9
Wairoa District	0	1	1	Queenstown-Lakes District	90	65	40
Hastings District	18	24	21	Dunedin City	50	12	18
Napier City	11	11	8	Clutha District	5	1	4
Central Hawke's Bay District	1	4	5	Southland District	3	4	7
New Plymouth District	47	19	22	Gore District	0	0	2
Stratford District	4	1	1	Invercargill City	9	5	5
South Taranaki District	4	2	2	Area Outside TA	0	0	0
Ruapehu District	1	2	3				
Wanganui District	7	4	2	<b>Total</b>	<b>2379</b>	<b>1695</b>	<b>1758</b>
Rangitikei District	2	0	2				
Manawatu District	14	7	6				
Palmerston North City	16	12	22				
Taranaki District	0	2	0				

- Based on 2006 census areas
- Each dwelling unit in a housing project is counted separately
- Figures in these tables may differ from published statistics

Source: Statistics New Zealand

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