

TRADE LEADER

FEB - MAR 2022 ISSUE

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3 simple ways to free up your time

Industry

Proposed construction vaccination protocols

LBP

Building Licence cancellations

Economics

Building industry set up for a fall



More energy-efficient homes and buildings

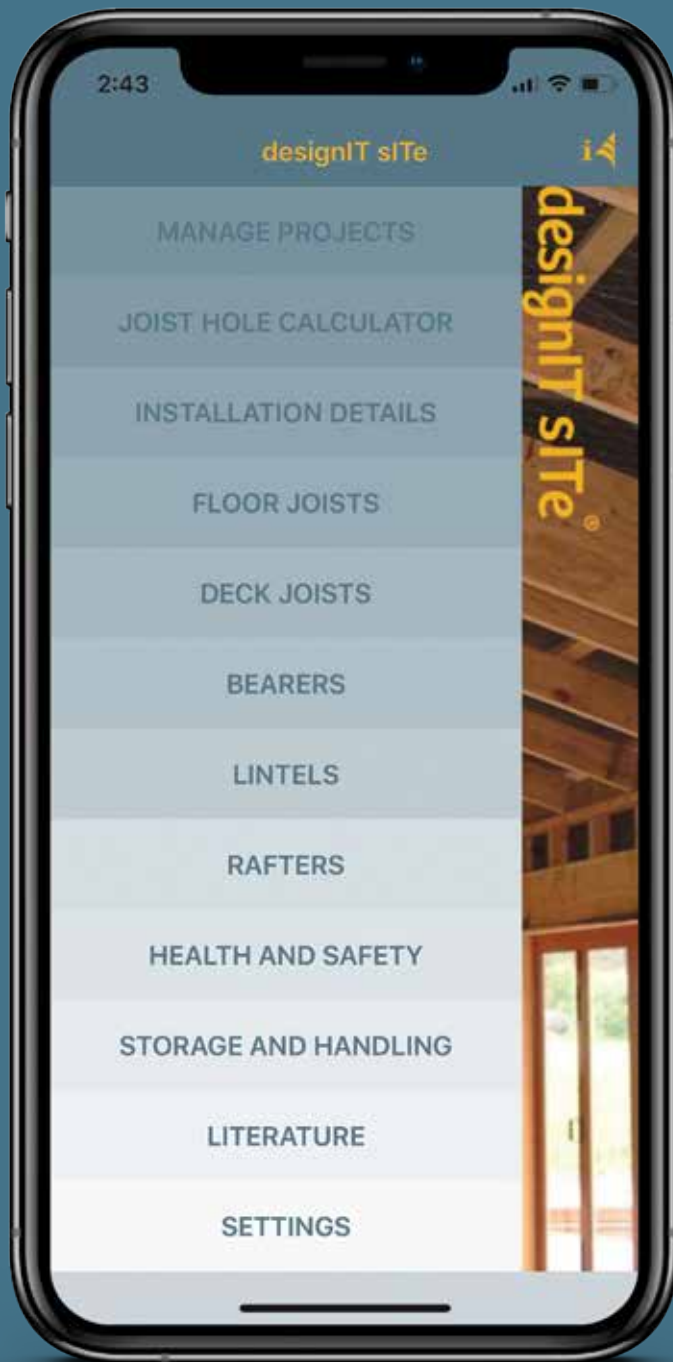


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In the frame

BY MIKE GUY
CARTERS CHIEF EXECUTIVE

Welcome to 2022 and the start of yet another year.

As everything starts to get into full swing, I'm sure the majority of us are hoping for a year that is slightly less disruptive than the past two years have been.

If nothing else, it has highlighted how adaptable people and industries can be, despite the problems caused around the globe.

However, despite a sense of COVID fatigue setting in, we've been pretty resilient and the building and construction industry hasn't only survived, it's thrived, even though there are material and some labour shortages plaguing certain sectors of the industry.

Will 2022 be any different? Well, as I write this, it's not easy to predict as we just don't know how things will unfold. But rest assured that we're aware of the difficulties that these issues cause, and we're working as hard as we can right down the length of the supply chain to try and maintain a steady source of products to keep everyone's business running efficiently.

The wellbeing of the industry is vital right across the board to ensure its continuous improvement and, in this issue, we've put together a piece with a range of information from the Construction Sector Accord around a series of industry-specific COVID-19 protocols they've put together. Designed to support information out of government, these protocols should help clear up some of the grey areas that currently exist right across the industry surrounding the COVID-19 issue and how to manage it on building sites.

We also take a good look at some of the work that's being done around changes to acceptable solutions and verification

methods in the area of energy efficiency and the environmental impact of new homes and buildings.

This has been an area of constant development and advancement in recent times and is being increasingly focussed on, so changes to the Building Code as part of an annual update was always expected. To find out more, read our article starting on page 6.

What we do hope 2022 will bring to fruition is a lot more of our favourite industry events. I encourage you and your teams to get out and head along to learn, network and engage with each other again through the trade shows and awards ceremonies this year.

To see a calendar of events to mark in your diaries, see page 28 or visit www.carters.co.nz/events.

As we advance through the year, we want to continue to work with you in your business, we look forward to a prosperous and positive year ahead.

If there's anything we can do, contact your CARTERS representative, or visit your local branch to let us know how we can help.



MIKE GUY
CARTERS Chief Executive

TRADE LEADER.

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INDUSTRY

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The building defects exclusion clause in your insurance policy is something that could have an effect on a claim. So what is it, and what does it mean for you?

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Avoiding burnout is a key to making your business successful – as well as being important for those around you. Using your time more efficiently is vital.

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BUILDING INDUSTRY UP FOR A FALL

By responding as it has to COVID-19, and a prior trade war overseas, has the Reserve Bank created an ongoing inflation issue that may become a burden for the building industry?

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USING CAVEATS AS A BUILDER

Various remedies builders may use when seeking payment from customers, which can sometimes be frustrating.

New homes and buildings will be more energy-efficient and better for the environment

The largest energy efficiency changes to the acceptable solutions and verification methods in more than 10 years were recently released by the Ministry of Business, Innovation and Employment (MBIE).

This year's Building Code update means significant changes for all parts of the sector – manufacturers, suppliers, builders and homeowners. The changes go as far and as fast as is achievable using current insulation products and construction design and practices to create better quality homes and buildings for New Zealand with less impact on the environment.

Updates to insulation requirements aim to reduce energy needed to heat and cool new buildings by 23% and to heat new homes by up to 40%. This will have positive health impacts for New Zealanders and contribute to increased energy savings allowing people to heat their homes and buildings more easily and efficiently, making them more comfortable and healthier to live and work in.

This update is being made following a consultation that received more submissions than the last five years of Building Code updates combined. MBIE received overwhelming support for the insulation changes from all parts of the sector including residential homeowners and tenants, with over 98% of all responses supporting increases over the status quo in the shortest time possible.

There will be a one-year transition period for the sector to understand and prepare for the changes before they become mandatory in 2022. However, the new window insulation requirements in the warmest climate zones will see a two-step approach with an interim increase in the next year and an additional increase in the following year.

According to Jenni Tipler, Manager of Building Performance and Engineering at the MBIE, the latest changes to the Code will make new homes and buildings warmer, drier and healthier, with less impact on the climate.

The changes focus on increases to insulation requirements and introduce six new climate zones to reflect the specific weather experienced in different parts of New Zealand.

"These are the biggest energy efficiency changes to the Building Code in over a decade and will support the building and construction sector to help New Zealand reach its goal of net zero carbon emissions by 2050", Ms Tipler says.

"The new requirements will reduce the energy needed to heat homes by up to 40 per cent, allowing people to heat

Updates to insulation requirements aim to reduce energy needed to heat and cool new buildings by 23% and to heat new homes by up to 40%. This will have positive health impacts for New Zealanders.



their homes more easily and efficiently, which will lead to positive health impacts and increased energy savings for New Zealanders."

"One of the simplest and most cost effective ways to boost thermal performance is to increase roof insulation. That's why we've decided to double the minimum amount of roof insulation required for new builds across the country."

"WINDOWS REPRESENT THE LARGEST SOURCE OF HEAT LOSS IN NEW HOMES, SO WE ARE INCREASING THE MINIMUM INSULATION LEVEL FOR WINDOWS ACROSS THE COUNTRY, WITH A FOCUS ON TARGETED HIGHER UPGRADES IN COLDER CLIMATE ZONES."

"We recognise that regions across New Zealand have very different climates and the six new climate zones announced today mean buildings will need to be constructed to different insulation levels to reflect this."

There was a high level of public interest in the consultation to update the Building Code, reflecting a high level of public interest in improving energy efficiency. In fact, it received more submissions than the last five years of updates combined.

"Over 98 per cent of responses supported increases over the status quo in the shortest time possible," says Ms Tipler.

"We have engaged with industry stakeholders to ensure that the changes we are making are readily achievable across the country. There will be a one year transition period for the majority of the changes and a two step approach for the

window insulation requirements which will allow the sector to prepare for the changes before they become mandatory for new builds."

Further changes in this year's update include introducing suitable daylight solutions and weathertightness testing for high density housing and the introduction of a verification method for the energy efficiency of Heating, Ventilation and Air Conditioning (HVAC) systems, making it easier to show compliance with the Building Code.

In addition to the annual Building Code update, MBIE is also publishing the first in a series of operating protocols which are being developed to provide increased transparency and certainty about the activities MBIE undertakes as stewards of the Building Code. Each protocol will provide information about rules and/or principles that will help guide MBIE's work on the Building Code.

The subject of these protocols is the role of MBIE, as the regulator, in the upkeep and referencing of building and construction standards, including a 'tier framework protocol' to identify the standards most critical for contributing to the Building Code.

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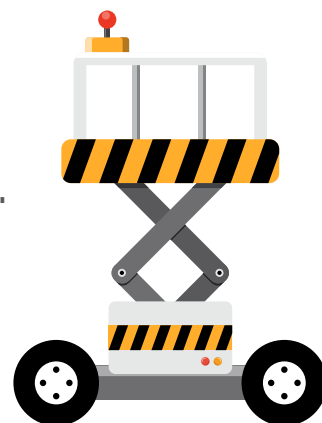


Common myths when operating a scissor lift

Don't want to fall short on working at height? Site Safe has put together some tips based on commonly-asked questions.

Myth: I don't need to wear a harness if I'm in a scissor lift, do I?

Answer: According to WorkSafe's Best Practice Guidelines for Working at Height in New Zealand, if you're using a scissor lift, a harness should be worn unless a risk assessment has proven that the work can be done safely without a harness, and there is no risk of falling.



Tips to remember:

- When using a scissor lift or other elevating work platforms, like a cherry picker, and using a harness, you should ideally be protected by a double lanyard system (of the adjustable variety) fitted with a short energy absorber or fit for purpose self-retracting lifeline (SRL), fixed to a certified anchor point.
- The worker operating the lift must be competent in its use.
- Make sure to follow any instructions given by the manufacturer.
- People must work inside guardrails and not reach or climb over the rails. Workers need to keep both feet on the work platform.
- If you often work at height, it's a good idea to regularly practise and review your rescue plan – that way if the worst does happen, everyone will know what to do and no one will hesitate.

Are you competent?

If you or your workers are wearing a harness, you'll need to be trained and competent. Only trained and competent people can install and use harness systems on-site. Untrained workers must be trained by a qualified person before they are permitted to use a harness system. They will also need to be supervised at all times by another worker who is also trained and competent. For workers completing basic work, a recommended way of showing competence is NZQA Unit Standard 23229 – Use a safety harness for personal fall prevention when working at height. If you are involved in planning, installing, operating fall arrest systems and supervising staff, NZQA Unit Standard 15757 – Use, install and disestablish temporary proprietary height safety systems when working at height is recommended.

To get these Unit Standards, check out Site Safe's Safety Harness Systems and Advanced Safety Harness Systems courses.

Working at Height checklist: Before you get started

- 1 Identify the tasks to be done
- 2 Identify the hazards for each task
- 3 Identify the risks linked to each hazard
- 4 Identify control measures
- 5 Pick the right mobile elevating work platform for the job
- 6 Develop your plan
(this could be done via a Task Analysis)
- 7 Make a plan for what to do in an emergency
- 8 Record the planning, including any rescue plan
- 9 Involve people and talk to everyone working on the job about the plan
- 10 Review the plan before the job starts and add any changes

Site Safe is a not-for-profit membership organisation established by industry for industry and is New Zealand's leading health and safety solutions provider.



To learn how to do a risk assessment, download the free guide or check out the one day training course, see:
www.sitesafe.org.nz/guides--resources/risk-guide/

Part #5

The Licensed Building Practitioners Scheme

The fifth article in the series looking at the history of LBP

The Building Act 2004 introduced the concept of Restricted Building Work (RBW), which is work that is critical to the integrity of a building. The Act also required that licensed building practitioners (LBPs) both carry out and design RBW, which meant that a new scheme would have to be developed. Following extensive work with industry, the framework on which the Licensed Building Practitioner Scheme would operate was developed and refined, and it was officially established in November 2007.

On 28 February 2008, the first building practitioner's licence was granted – BP100001. At that stage it was optional to hold a licence, RBW was not to become law for another four years – 1 March 2012. Today, we have just over 27,000 LBPs holding 31,700 licences. Almost 4400 practitioners are licensed in multiple licence classes.

MBIE is the regulator of the LBP Scheme

In 2004, the Building Industry Authority (BIA) was disestablished and its functions were transferred to the new Department of Building and Housing (DBH), which in turn was integrated into the Ministry of Business Innovation and Employment (MBIE) which began operating on 1 July 2012. The Occupational Regulation team within Te Whakatairanga Service Delivery is where a small team ensure the efficient ongoing administration of the LBP Scheme.

The Service Centre is the first point of contact for most LBPs – there are a dedicated and very knowledgeable team ready to answer queries, and they pass requests that need a decision onto the Occupational Regulation team. **The Service Centre can be reached on 0800 60 60 50.**

The Building Practitioners Board

The Building Practitioners Board is a statutory body, independent from MBIE, whose members are appointed by the Minister for Building and Construction. Their role is to hear appeals against licensing decisions made by the Registrar, to investigate and hear complaints against the conduct of LBPs, to approve the LBP Rules, and to submit an annual report to the Minister.

The wrong end of the stick...

After nine years of it being mandatory for RBW to be carried out or supervised by LBPs, there are still a few things about the Scheme that continue to cause concern amongst some practitioners:

Accountability vs liability

A number of practitioners are still under the impression that becoming an LBP has increased their liability when carrying out their work – this is not correct. When a practitioner is granted a licence, they become accountable or answerable to the Building Practitioners Board. The practitioner still operates under the same liabilities, or legal responsibilities they have always had under the Building Act and Regulations, and any other relevant laws.

To try and make this clearer, if the Board upholds a complaint against an LBP, the penalty affects no one outside the Scheme. For example, an order to undergo formal training or cancellation of a licence only impacts the practitioner. If a fine is the penalty, it can't be passed onto the complainant as compensation. This is being accountable to the Board.

Whereas, if the LBP has been found guilty in a court of law of carrying out, say, illegal work, they could be held liable to pay for any damage and/or fix the problem and/or pay compensation to the owner – this liability has not changed due to becoming an LBP.

Holding a Building Practitioner's Licence

Applying for and being granted a building practitioner's licence is not the same as joining a club or a group where there is an expectation of 'value for money', or a membership organisation (of which there are a number in our industry) – it is more akin to having your driver's licence. The LBP Scheme is a regulatory one with two purposes:

- To ensure that building practitioners are assessed as having the necessary skills and knowledge to carry out the work, and
- To enable consumers to make informed choices.

The purpose of restricted building work is:

- To ensure that important aspects of building work are carried out or supervised by practitioners (LBPs) who have been assessed as being competent.



One of the aims of licensing is to promote, recognise, and support professional skills and knowledge in the sector. When you complete a certificate or record of work, you are stating that you carried out and/or supervised all of the work under that document, and you are stating that it was carried out correctly. Why wouldn't you want to do this if you believe you are good at your job? The only time this could possibly present a problem to you is if you carried out or allowed incompetent work to be carried out under your supervision.

When you're driving on our roads, you would like to hope and trust that that person driving towards you has been assessed as competent and holds a current driver's licence. The consumer also wants to know that the person they are trusting to carry out what is often the biggest financial outlay of their lives has been assessed as competent and holds a current licence to carry out that work.

Maintaining currency of skills and knowledge

However, just being assessed initially does not provide the certainty for the consumer that the practitioner is still competent several years later, especially considering the fast-changing environment that we work in. It seems that every time we turn around there's a new product, or an old trusted product has a whole new way of being installed, or there is a design solution that is completely new and not used before.

Undoubtedly one of the most contentious requirements of the LBP Scheme is continuing professional development, or, as we know it, skills maintenance. Some say it's too easy, for others it's too hard, and for some, it's just not relevant. To find its relevance, we need to go back to the enabling document reproduced in the previous issue – which instructed that the legislation leads to a well-informed sector that shares information and quickly identifies and corrects problems.

"A well informed sector" and skills maintenance will be the subject of the next issue of the History of LBP.

CODEWORDS QUIZ

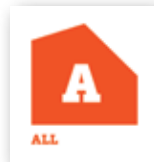
- 1 **Who is the regulator of the LBP Scheme?**
 - A. The Service Centre
 - B. MBIE
 - C. The Building Practitioners Board
- 2 **What is the role of the Building Practitioners Board?**
 - A. To hear appeals against licensing decisions made by the Registrar
 - B. To investigate and hear complaints against the conduct of LBPs
 - C. To approve the LBP Rules
 - D. To submit an annual report to the Minister
 - E. All of the above
- 3 **Has your liability increased by being an LBP?**
 - A. No
 - B. Yes
 - C. Sometimes

Answers: 1. b 2. e 3. a



For further information, see Restricted Building Work on the [building.govt.nz](https://www.building.govt.nz) website

Building Practitioners Board decisions highlight LBP requirements



Two recent decisions by the Building Practitioners Board have highlighted incidents where the conduct of a Licensed Building Practitioner has resulted in the cancellation of their license.

In the first instance, the Board made its own inquiries into the conduct of a licensed building practitioner (LBP) without receiving a complaint.

Disciplinary offences under consideration

It is a disciplinary offence if an LBP has been convicted by any Court in New Zealand or elsewhere of an offence punishable by imprisonment for a term of 6 months or more, and the commission of the offence reflects adversely on the person's fitness to carry out or supervise building work.

It is also grounds for discipline if an LBP conducts himself or herself in a manner that brings, or is likely to bring, the regime into disrepute.

In this instance, the Board decided that a formal hearing was not necessary as they considered that there was sufficient evidence before it to allow it to decide on the papers. However, the Board first provided the licensee with a draft copy of its decision and the opportunity to comment prior to making their final decision. To clarify the above, 'on the papers' means that the Board considered there was sufficient evidence before it to allow it to make a decision without the need to call witnesses.

The evidence

In February 2020, the LBP in question was convicted in the New Plymouth District Court on the charges of possession and supply of methamphetamine and amphetamine and sentenced to two years and 10 months imprisonment.

The LBP operated a local home building franchise, and, following his arrest, his business was put into liquidation, owing creditors more than \$1.2m.

Penalty, costs and publication

The Board has cancelled his licence, and he may not apply to be relicensed within a period of twelve months, and he was ordered to pay \$500 towards the costs of, and incidental to, the inquiry of the Board.

As well as recording the Board's action on the LBP register, it was decided that it will also be publically notified.

The function of disciplinary action

The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct.



The importance of upholding the profession

The second decision saw an LBP's licence cancelled, as well as being ordered to pay \$3,500 (GST included) towards the costs of the inquiry of the Board. He may not apply to be relicensed for a period of six months.

The Board has chosen to publish these details due to in a manner that was contrary to a building consent, for failing to provide a record of work, and for bringing the regime into disrepute.

UNDER SECTION 318(5) OF THE BUILDING ACT, THE BOARD IS ABLE TO NOTIFY THE PUBLIC OF ANY DISCIPLINARY ACTION IT TAKES, WHICH IT DOES SO TO UPHOLD THE INTEGRITY OF THE PROFESSION. THE FOCUS IS NOT PUNISHMENT, BUT THE PROTECTION OF THE PUBLIC, THE MAINTENANCE OF PUBLIC CONFIDENCE AND THE ENFORCEMENT OF HIGH STANDARDS OF PROPRIETY AND PROFESSIONAL CONDUCT.

The evidence

The Licensed Building Practitioner engaged to carry out or supervise an alteration and addition to a dwelling under a building consent – work which included restricted building work.

The relationship between the client and builder deteriorated to such an extent that the licensee left the site and would not return unless a new contract was signed. This came about due to the LBP putting his company into liquidation one month after the build started but continuing to invoice as if his company was still operating. These invoices contained the bank account details of another entity, indicating that a deliberate deception was being perpetrated.

The client refused to sign and terminated their agreement

Another builder was contracted to complete the works. This builder carried out a close inspection and found the following serious construction issues:

- The garage slab was laid to the incorrect level, and the location of the new building in relation to the existing house was incorrect.
- The window rebates in the slab were incorrectly positioned.
- Beams incorrectly installed and fixed.
- Trusses not landing on their support, and others cut to suit the walls which were up to 25mm out of plumb and square.
- Truss fixing hardware not installed or was modified to suit.
- Trusses installed to uneven height, and folded plastic DPC was used to pack the purlins to height – sometimes up to 25mm.
- Ceiling battens installed before the roof – the battens had to be replaced due to damage caused by exposure to the weather.

A summary of the observations made by the Engineer for the build was also provided to the Board. This highlighted at least three of the seven site visits in relation to the footings and slab had failed inspection over a 12 week period.

None of the construction staff were licensed, and the LBP only visited the site three times during the work and did not attend any BCA or Engineer inspections. Of note is that the LBP lived about 450km from the site.

In addition, he had not provided a record of work to the client or building consent authority covering the restricted building work carried out to date.

The Board's conclusion

The Board found that building work was supervised in a negligent or incompetent manner which was also contrary to the building consent, and that he failed to provide a record of work (ROW).

The Board also found that he conducted himself in a manner that brings, or is likely to bring, the regime into disrepute through managing his financial affairs in an unethical manner. He failed to account for the client's deposit and continued to operate as though his company was still operating after its liquidation.



Revision of NZS 3910 underway

A planned revision of NZS 3910 is underway, with Standards NZ currently going through an extensive process in order to keep the standard relevant for today's building and construction industry.

What is NZS 3910 and why is a revision needed?

NZS 3910:2013 Conditions of contract for building and civil engineering construction (NZS 3910) is used as the foundation for the majority of New Zealand contracts in the building, engineering, construction and infrastructure industry sectors (the construction sector).

It is a standard form that contains general conditions of contract for incorporation into building and civil engineering construction contract documents, suited to New Zealand's industry and legislative environment. It enables principals, consultants, and contractors to quickly establish well understood contractual arrangements to support the delivery of a variety of building and civil engineering projects.

NZS 3910 has not been updated since 2013. This means it has not kept pace with legislative and other changes in the construction sector, resulting in a proliferation of special conditions to the standard form for individual projects.

The revision of NZS 3910 follows the scoping review that was commissioned by the New Zealand Construction Industry Council and led by Standards New Zealand in early 2021 that determined an overwhelming consensus from the construction sector that NZS 3910 required a comprehensive review.

Expected benefits of revising NZS 3910

The purpose of the revision is to make available to the construction sector a revised standard that:

- is widely accepted and fit for purpose
- limits the need for special conditions
- improves understanding of contracts
- allocates risk fairly
- results in more contracts that embody Construction Sector Accord principles
- allows the industry to document contracts quickly and easily (improving productivity) and address common issues.

Who is commissioning the revision?

The Construction Sector Accord (through Ministry of Business, Innovation and Employment Hīkina Whakatutuki) and the New Zealand Infrastructure Commission, Te Waihangā, are the joint commissioners and have appointed Standards New Zealand to lead and manage the process for the comprehensive revision of NZS 3910.

The joint commissioners have signed up to a memorandum of understanding (MoU) which includes a number of supporting organisations from four sector groups, the Construction Sector Accord (representing the broader construction sector), and a number of organisations representing the client, consultant and contractor sectors.

The following organisations are parties to the MoU:

- Construction Sector Accord
- Te Waihangā
- Property Council New Zealand
- Auckland Council
- Department of Corrections
- Ministry of Education
- Kāinga Ora
- Ministry of Justice
- Ministry of Health
- New Zealand Defence Force
- Civil Contractors New Zealand
- Registered Master Builders
- Specialist Trade Contractors Federation
- New Zealand Construction Industry Council

Some of these organisations will be making direct financial contributions to support the review, while others will be receiving contributions from supporting entities from within the sector. These organisations and supporting entities are acknowledged for their commitment and support for the revision of NZS 3910.

NZS 3910:2013 CONDITIONS OF CONTRACT FOR BUILDING AND CIVIL ENGINEERING CONSTRUCTION (NZS 3910) IS USED AS THE FOUNDATION FOR THE MAJORITY OF NEW ZEALAND CONTRACTS IN THE BUILDING, ENGINEERING, CONSTRUCTION AND INFRASTRUCTURE INDUSTRY SECTORS (THE CONSTRUCTION SECTOR).

Progress and next steps

1. Scoping report

In July 2020 the New Zealand Construction Industry Council (NZCIC) engaged with Standards New Zealand to discuss the prospect of updating NZS 3910. Standards New Zealand and NZCIC agreed to carry out a scoping review with a wide range of stakeholders. The final outcome of the scoping review is included in the Scoping report dated March 2021 prepared by Standards New Zealand.

2. Memorandum of Understanding

The Construction Sector Accord and Te Waihangā signed the Memorandum of Understanding to act as joint commissioners for the revision of NZS 3910 on 28 October 2021.

3. Appointment of Standards New Zealand

The joint commissioners appointed Standards New Zealand for the revision of NZS 3910 on 29 October 2021.

4. Next steps

Standards New Zealand invited organisations from within a number of sector groupings identified during the scoping review to nominate a representative for the committee. The sector groupings and organisations identified represent a broad and balanced range of views of national groups with a common interest in NZS 3910.

5. Timeline and process

Further information on the timeline and project phases will be available as the process develops.



For the latest news, see:
tinyurl.com/Revision-NZS-3910


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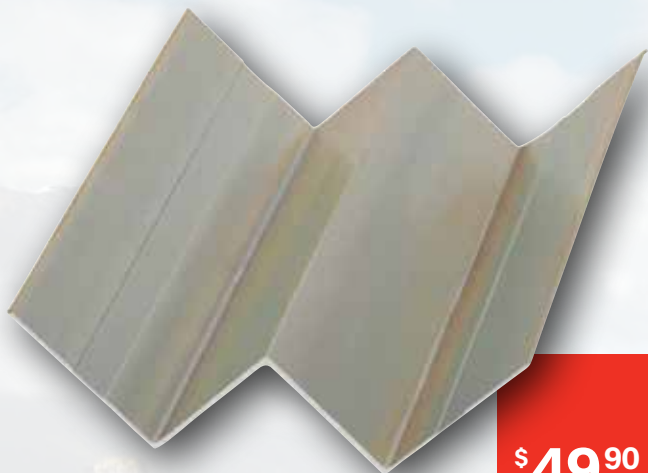
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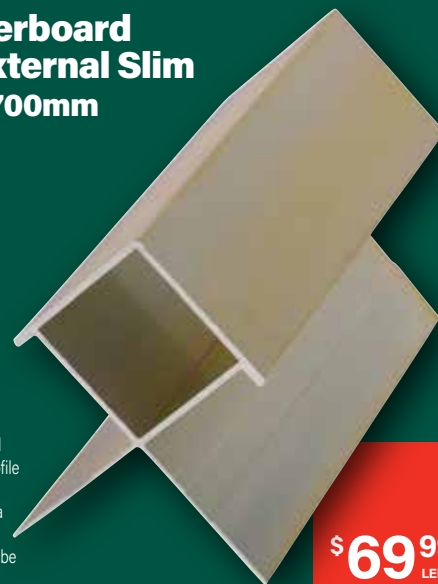
Linea™ Weatherboard Aluminium Internal Corner Mould 90° 2700mm MDLAAICM90



- Aluminium internal W corner to be used with Linea weatherboard

\$49⁹⁰
EXCL GST LENGTH

Linea™ Weatherboard Aluminium External Slim Box Corner 2700mm MDLAASBC27



- The slimline box corner is achieved using an aluminium box corner profile
- The slimmer profile gives you the traditional box corner design with a modern twist
- They come ready to paint and can be painted any colour you choose

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EXCL GST LENGTH

Linea™ 35mm PVC Cavity Closer MDHA306035



- 70mm x 35mm wide x 3000mm
- Pre-formed sloped edge that eliminates the time consuming process of installing a cant strip
- Works with all Linea weatherboard profiles
- Prevents vermin intrusion
- Dimensionally stable and can be painted any colour

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EXCL GST EA

Hardie™ Jointer 6mm 2.4m MDHA6J24

- Lightweight and durable
- Easily handled and cut
- New Zealand made



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EXCL GST LENGTH

Sikaflex-11 FC 310ml

- All-in-one sealant and adhesive
- High strength polyurethane
- Indoor and outdoor use
- Sandable and paintable

ADFOSF90410 - White
ADFOSF90408 - Grey
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Gecko Gauge HTHA305941



- Linea weatherboard installation tool
- Gauges and supports the weatherboard
- Designed for 16mm Linea™ Weatherboard by James Hardie
- Adjustable head for 150 and 180mm widths
- Made in USA

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SIKAFLEX®

CONSUMPTION GUIDE

& BEST PRACTICE TIPS



CONSUMPTION GUIDE

Joint Size (mm) w x d	Sikaflex® 300ml ctg (m/ctg)	Sikaflex® 600ml ssg (m/ssg)
10 x 10	3.00	6.00
15 x 15	1.33	2.67
20 x 10	1.50	3.00
20 x 15	1.00	2.00
20 x 20	0.75	1.50
25 x 15	0.80	1.61
25 x 25	0.48	0.96
30 x 15	0.67	1.35
30 x 30	0.33	0.66
35 x 17	0.50	1.00
40 x 20	0.37	0.75

NOTE: All coverage/yield rates are approximate only. Actual consumption rates will depend on site conditions, surface finishes and other related factors. Always refer to the specific data sheet of the Sika product you are using to confirm maximum and minimum joint dimensions for that product.

#1 BEST PRACTICE TIP!

USE SIKAFLEX® PEF ROD TO CONTROL THE DEPTH OF YOUR JOINT!

Sika PEF Rod is pushed into the joint to form the base of vertical and horizontal joints and allows you to have the correct width to depth joint ratio. You will need 1 metre per lineal meter of joint. The Sika PEF Rod should have a diameter of 25-30% greater than the width of the joint to ensure that it remains firmly in place during sealant application.

#2 BEST PRACTICE TIP!

ENSURE CORRECT JOINT DESIGN!

RIGHT	WRONG	PROBLEM
		The edge of the joint is a weak point and is often interspersed with gravel pockets. A chamfer or arris should be employed.
		Three-sided bonding impedes an uninterrupted even deformation of the sealant and leads to tearing of the sealant. Use Sika PEF Rod or a bond breaker tape to avoid 3 sided adhesion.
		Corner joints without backing rod or release tape lead to tearing of the sealant.

#3 BEST PRACTICE TIP!

READ THE PRODUCT DATA SHEET & SDS BEFORE USE!

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Specifications - Loose

Model No.	Size	Box Qty	Drive Size
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SSDSD50R1100		1100	
SSDSD65R250	12G x 65mm	250	T-25, 6-lobe
SSDSD65R1100		1100	
SSDSD1475R150	14G x 75mm	150	T-30, 6-lobe
SSDSD1475R400		400	
SSDSD14100R150	14G x 100mm	150	
SSDSD14100R400		400	

Type 316 stainless steel provides a level of corrosion protection suitable for severe environments, especially environments with chlorides. Bit(s) included with every box of screws.
Pre-drilling and countersink may be necessary at ends, butt joints, and on applications where denser material is used. Follow board manufacturers recommendations where applicable.



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STRONG ON DURABILITY

Did you know about the building defects exclusion in your insurance?

BY BEN RICKARD, TRADE INSURANCE EXPERT, BUILTIN INSURANCE

This is an exclusion in most construction and liability policies these days. It stemmed from the leaky homes crisis and effectively excludes any claim where water has penetrated a building through its external envelope.

This sucks for trades who are working on this envelope, such as roofers, external waterproofers and those installing cladding. It has even been extended to deny claims from people who have accidentally penetrated existing structures while doing some small job, such as installing a heat pump, TV aerial or skylight. This is a typical example of the wording:

- A. the failure or alleged failure of any building or structure to meet or conform to the requirements of the New Zealand Building Code contained in the First Schedule of the Building Regulations 1992 or any applicable New Zealand Standard (or amended or substituted Regulation or Standard) in relation to leaks, water penetration, weatherproofing, moisture, or any effective water exit or control system; or
- B. mould, fungi, mildew, rot, decay, gradual deterioration, microorganisms, bacteria, protozoa or any similar or like forms in any building or structure.

Unfortunately, insurers are unwilling to take on the risk of water penetration following the leaky homes crisis, so damage caused in this way is not insured. They take the view that any

penetration that lets water in is a breach of E2, which triggers the exclusion.

Ironically, and we think unfairly, some insurers will provide some limited cover for architects who design a building that leaks, but won't provide cover to the builder who builds to that design!

AT BUILTIN, WE HAVE ALWAYS ADVOCATED FOR THE BEST COVER POSSIBLE FOR BUILDERS AND OTHER CONSTRUCTION TRADE PROFESSIONALS, AND WE CONTINUE TO DO SO. WE WERE THE FIRST TO INTRODUCE DEFECTIVE WORKMANSHIP COVER AND ERRORS & OMISSIONS INDEMNITY FOR BUILDERS.

We work with selected insurers who, in our view, offer the best mix of policy coverage, price and claim service to the construction industry.

Disclosure: The information presented in this article is general in nature and not intended to be financial advice for individual situations. You should speak to an expert about your specific circumstances and needs.

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Three simple ways to free up your time

BY DANIEL FITZPATRICK

You can't get more time. But you can make yourself use it better. Business coach Daniel Fitzpatrick from Next Level Tradie explains how.



If you're like most tradies, you're so busy you can barely catch a breath right now. Make hay while the sun shines. I couldn't agree more.

But there's one small catch: Avoiding burnout is paramount. For you, your family, your team, and for the success of your company.

Sucking it up "to just get through the next big job"? Not the best plan. Why? Because there's always another "next big job" around the corner.

To stay on your game, handle the curveballs of this "new normal", maintain strong margins and profits (and still have family time) you're going to need tried-and-true strategies that work in the real world.

You'll need to get a better handle on managing your time.

Here are three of my favourite insights...



1 Only 20% of tasks move the needle

Heard of the 80/20 law? Here's how it works:

- 80%** of referrals come from 20% of your contacts
- 80%** of your profit comes from 20% of the jobs you do
- 80%** of the problems come from 20% of your clients
- 80%** of staff issues come from 20% of your team
(if you have 10 staff, most of the headaches are caused by the same 1 or 2) etc

Same with your time:

- 80%** of results come from 20% of the efforts.

In 8 hours at work, you'll find that less than 2 hours of your time is spent on tasks that make a real difference.

Take a look at your week. What are the things that move the needle?

Profit-generating tasks might be: speaking with key clients, negotiating deals, organising your team, staff training and keeping standards high, setting targets with your team, working on profitability, hiring, streamlining systems so things happen without you being involved every step of the way... and so on.

It's very easy to get caught up in the wrong things.

Fires and squeaky wheels distract you from what you should be doing. This can leave you shattered week after week. Chasing your tail. Frustrated there is no time left to make the business better. No time left to get the important stuff done.

Instead of reacting to the demands of the day, step back, just for a moment.

Don't let other people's priorities dominate your day.

Identify the 20% of tasks on your plate that drive results - things that move you closer to your goals.

Here's how: Grab a piece of paper. On the left, list all your daily and weekly activities. On the right, write down your recent wins. Then draw a line to connect your wins to tasks directly responsible for making them happen. Then you'll know exactly where to focus your efforts.

Start each day by jotting down your top 3 tasks. Do the most important or hardest one first. Minimise interruptions during this time.

Remember: You can't do it all anyway. So you're going to have to choose. Be strategic and intentional about how you spend your time. And you'll be way ahead.

2 Using money to save time makes you happier

As a skilled professional, you probably think it's crazy when a homeowner wants to DIY. It's stressful. It takes longer. And the quality isn't nearly as good.

But here's something really interesting:

Most of us DIY stuff inside our own business. All the time.

I'll tell you what though. Just because you can do something doesn't mean you should.

Let's be honest: The bulk of your time is probably spent on stuff you could pay someone else \$30/hour (or less) to do.

Did you know using your money to free up your time actually makes you happier?

A study by The University of British Columbia found people felt happier when they spent money on a time-saving purchase, rather than a material one.

People who invested in time-saving services (such as house cleaning, grocery/meal delivery, lawn mowing, errands, childcare) reported higher levels of satisfaction with life.

This was true regardless of income level, even when participants had very little disposable cash.

Let's apply this to business. Take another look at your to-do list. Ask: Does this task need to be done? For real? Does it need to be done by me? Who else could do this?

Could you outsource, employ an admin person, foreman, an extra pair of hands on the tools?

CONTINUED OVER...



Do you need to be: Answering the phone 24/7 (dealing with the tyre-kickers)? Wrestling paperwork, doing all the bookkeeping (invoicing, following up late payers, handling payroll)? Fiddling around sorting out IT issues, or wasting 40 minutes fixing the printer? Manning social media?

Running out to collect materials for jobs? (could you pay for delivery?)

Don't get me wrong. Delegating is not just about handing work over – but also checking in to ensure it's done to the same high standards you expect.

Letting go is easier than you think. But having the confidence to let go - staying in control - happens by putting in place standards and systems so you can trust your team will get it done right.

Don't forget to consider what you can automate. Bad systems cost you time and make your life harder. You might invest in apps so you can get paid on the spot, log timesheets, use GPS, or project management software for job tracking, and to keep clients updated/get the same information out to everyone in real time.

3 Work expands to fill the time available for its completion

Ever swore you couldn't possibly fit one more task into your busy day - then something urgent cropped up, and somehow you still got everything done?

Weird, right? When push came to shove, you did have time.

The secret is, for the most part, things get done when they need to get done.

It's Parkinson's law: **Work expands to fill the time available for its completion.**

In other words: **Time is elastic.** That's why we often get more done when we have less time to do it. We fit the task to the timeframe.

Try it: Set yourself deadlines. Shorten the allocated time.

Here's another clue: "My #1 productivity hack is understanding the difference between "doing" and "done". When you shift your focus from what you are going to be "doing" in a given time period, to what you are going to get "done", your productivity skyrockets."

Dr Sam Hazledine

By now you'll be wondering: **Can I use this idea with my team? Heck yes!**

Give your crew set targets for when you expect the job to be completed. How many hours are allocated on fixed price jobs before you start eating away at profit? Break it down to each stage to stay on track.

Sure, sometimes things take longer and delays are unavoidable. But I can almost guarantee if you adjust expectations and set targets, you'll shave significant time off each job.

A drainlayer I worked with would book inspections on jobs before they were complete. When they didn't, jobs would take 2 ½ days instead of the usual 2. Staff productivity increased when "gotta get it done because the inspector is turning up on Friday" was in play. Interesting isn't it?

Let's wrap things up

A word of caution: Ideas are useless without execution. Yet to get results you don't have to implement every idea that comes along. Just the ones that make the most difference.

You can have your nights and weekends back and a highly successful business. My clients have achieved this and so can you.



Daniel Fitzpatrick is a New Zealand based business coach and the creator of Next Level Tradie. Find him at nextleveltradie.co.nz

DANIEL FITZPATRICK
BUSINESS COACH



Like the idea of getting some support and accountability to be the best version of yourself as a business owner?

Book a free call with me. It's a zero-pressure chat to see if private 1 on 1 mentoring might be right for you. Book a time here: nextleveltradie.co.nz/nextstep/

Accord proposes construction vaccination protocols

Following the government's recent announcement regarding a vaccination assessment tool, the Construction Sector Accord has come out with a range of supporting protocols.



The industry-developed protocols are designed to assist employers to make sound legal decisions on when they can require staff to be vaccinated.

"While the construction sector has made it plain to the government that it would prefer a vaccination mandate, the Accord has worked with industry leaders to develop a standard and protocols which will give employers more of the clarity they want on this most difficult of COVID-19 issues. We have discussed these protocols with Accord Ministers, and they are supportive of the approach", said Dean Kimpton, Accord Transformation Director.

The standard and protocols include a construction-specific Vaccination Risk Assessment Tool to help employers decide assess whether work should be undertaken by a vaccinated worker or workforce and was announced by the Minister for Workplace Relations and Safety, Michael Wood.

"We note that there are various situations where construction businesses may require vaccination, for example in some circumstances under a public health order, where an occupier or client requires it under contract, or in a health or aged care facility. Where there isn't that clarity, these protocols will support employers and staff to make decisions", said Mr Kimpton.

CHASNZ Chief Executive Chris Alderson also supported the move, saying the industry had worked "intensely and collaboratively" to develop these protocols. "Workplace health and safety regulations place heavy emphasis on 'engineering controls' to be used where reasonably practicable, and vaccinations meet the definition of an engineering control in that they provide a barrier between the person and the harm", he says.

CONTINUED OVER...



"It's a very strong control supporting individuals and groups to avoid becoming seriously ill from COVID-19, and will allow construction businesses to maintain operations, protect workers and the public from the risk of serious illness."

Other potential controls in the protocols include surveillance testing, mask wearing, physical distancing on site, work bubbles, enhanced hygiene, and tracking/tracing.

The protocols include simple-to-follow decision trees and cover:

- whether specific role(s) or classes of roles should be fully vaccinated
- whether a business or business unit should be fully vaccinated
- whether a specific worksite site should only be accessed by fully vaccinated people

As background to the Accord's protocols, the announcement from Michael Wood highlighted key areas for NZ workplaces as they moved into the new COVID-19 Protection Framework in December 2021.

"Employers and employees have been asking for certainty on what roles may need to be done by vaccinated workers under the COVID-19 Protection Framework," Mr Wood said.

"Vaccine requirements in the workplace are a common tool many countries around the world are using to stop the spread of COVID and to protect their workers and customers from the virus."

"This tool provides a clear, legal framework to help businesses make decisions about vaccinations in the workplace. It builds on the guidance provided by WorkSafe and has had input from BusinessNZ and the CTU. The tool will specify four key factors, at least three of which must be met before it would be reasonable to require vaccination for particular work."

"This new process won't override risk assessments that businesses have already done under the existing health and safety guidelines. Businesses can choose which one they use, and any assessments done to date remain valid."

"We understand that businesses and workers need certainty. Legislation allowing the vaccination assessment tool to be created, as well as introducing four weeks' paid notice of termination and paid time off to get vaccinated, will be passed under urgency this week. The assessment tool will then be available for businesses to use once regulations are made under the amended law."

"It's common sense to ensure staff in workplaces that are either required to or can use the My Vaccine Pass are vaccinated. This is regardless of whether the business chooses to require My Vaccine Passes from customers or attendees. It gives confidence to the customers who are vaccinated and means the business will be less likely to be affected by cases."

"We have tested this requirement with stakeholders, and it has received broad support, including from religious

communities. Everyone wants to keep their staff, customers and congregations safe."

The requirement to be vaccinated applies to hospitality, events, close contact businesses and gyms and as of early December over 92% of New Zealanders had received their first dose of the vaccine, so for the overwhelming majority this requirement to be vaccinated isn't an issue. "It is free, safe and the most effective way to keep you, your whānau, business and customers safe. It's a simple contribution to keeping all New Zealanders safe from COVID-19", Michael Wood said.

COVID-19 Protection Framework

The Framework with a traffic light system came into force on 3 December and marked the next step in the country's response to COVID-19.

This Framework has allowed businesses to open and operate in a way that is as close to normal for vaccinated people while minimising the virus' spread and helping keep the vulnerable safe. It empowers people and businesses to take responsibility for keeping COVID-19 down. Having a highly vaccinated population that regularly uses their My Vaccine Pass means we will be better able to protect our hospitals and health system.

The interim guidance and advice will be updated once the COVID-19 Protection Framework Order is issued.



RED

Used if there's a need to protect both at-risk people and our health system from an unsustainable number of hospitalisations.

Face coverings will be mandatory on flights, public transport, in taxis, retail, public facilities, and recommended whenever leaving the house.



ORANGE

This will be when there's increasing community transmission of COVID-19.

Face coverings will be mandatory on flights, public transport, in taxis, retail, public facilities, and encouraged elsewhere.



GREEN

For when there are some COVID-19 cases in the community.

Face coverings will be mandatory on flights.

What it means for business

The requirements apply by activity. If your business carries out a number of different activities, you may need to apply different rules. For example, a mall may have a food court (food and beverage rules apply), general retail (retail rules), and a supermarket (which people must be able to access without presenting a My Vaccine Pass).

Businesses must display posters advertising if they require people entering to have a My Vaccine Pass.

Information on My Vaccine Pass and the verifier app.

You may switch between operating under My Vaccine Pass is required and not required, as long as your premises are cleaned between groups. For example, a conference venue can host a conference for a small group of people under the unvaccinated rules, clean, and they can then do a larger gathering for vaccinated. You must clearly communicate what settings you are operating under and display any required signage.

This Framework empowers people and businesses to take responsibility for keeping COVID-19 down.



The capacity limits apply to the premises or defined space.

Limits include all attendees, but not workers.

A defined space is an indoor area that has no direct airflow to another indoor area that is being used; or an outdoor area that is separated from other outdoor areas by 2 metres. Separate spaces must be managed so that, so far as is reasonably practicable, groups do not mix entering, leaving, or using the premises.

Some capacity limits are based on 1 metre distancing. This means the maximum number of people who could occupy the space if each person was 1 metre apart. People do not need to stand 1 metre apart.

There is one exception to how capacity limits are applied. If you are holding a gathering at a private dwelling or house you only need to adhere to the maximum number limit, regardless of the size of the house.

For some types of businesses, there are lower capacity limits for if they do not require a My Vaccine Pass, than if they do. If you have a group of people that has both people with My Vaccine Pass, and people without (excluding children), you must adhere to the lower capacity limit.

Workers include anyone required to operate the business or service, and therefore includes paid and unpaid.



The COVID-19 Resource Toolkit has resources and signage you can easily download and use depending on what level of the COVID-19 Protection Framework your business is in.



For more information and to download the Toolkit, see tinyurl.com/Building-Sector-Framework



UPCOMING EVENTS 2022

With the new year ahead of us, lots of events across the country are already planned. It's a great chance to connect with industry peers and keep your learning up to date. CARTERS are proud to partner and support many of these events and look forward to seeing you there.

Date	Event	Location
10 January - 25 February	Registered Master Builders House of the Year - Entries Open	
18 March - 14 April	Registered Master Builders CARTERS Apprentice of the Year - Entries Open	Online
19 - 21 May	Master Joinery Conference	Blenheim
20 - 21 May	NZ Certified Builders Conference	Hamilton
20 May	Registered Master Builders NZ Commercial Projects Awards	Christchurch
28 May	Asian Construction Expo	Auckland South
11 June	Registered Master Builders CARTERS Apprentice of the Year - Regional Practical	Nationwide
17 June	Property Council NZ Property Industry Awards	Auckland
6-8 July	NZIQS Conference	Christchurch
8 July - 13 August	Registered Master Builders House of the Year - Regional Awards	Nationwide
25 - 26 August	Registered Master Builders NZ Constructive Forum	TBD
2 September	NZIOB NZ Building Industry Awards	Auckland
24 September	Asian Construction Expo	Auckland North
26 November	RMB House of the Year - National Awards	TBD

Follow us today to keep updated with the latest events, offers & news

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APPRENTICE OF THE YEAR 2022

Registered Master Builders CARTERS Apprentice of the Year is an annual event that recognises the talent of up and coming carpentry professionals.

WHO CAN ENTER

- Open to apprentices of all ages.
- Currently employed by or contracted to a building firm or a builder at the time of the regional competition being judged.
- You may only enter the competition a maximum of two times, provided you were not a national winner the prior year.
- You must have completed at least two years of your National Certificate in Carpentry on-site and still be an apprentice at the time the entries close on 14 April 2022.

EMPLOYERS

Got a star apprentice? Get them involved in this competition to boost their career and your business to the next level. There's an award up for grabs for you too!

APPRENTICES

Show us your skills! If you're tackling your apprenticeship this competition is a chance to expand your experience and compete against the best in the country.

NEED MORE INFO?

Head along to a Heads-up meeting near you to get the low down on all things Apprentice of the Year, so you feel prepared before entering the competition.



Registrations open 18 March 2022. For more details see www.apprenticeoftheyear.co.nz



CARTERS are proud to sponsor this event for the 18th consecutive year and value the opportunity to support our future industry leaders.

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This series of events is aimed at bringing together builders, architects and electricians from all areas of the building industry, whether you're in the residential or commercial sector there is something for everyone!

ROUND 1

Whangarei	Mon 2 May
Auckland South	Tue 3 May
Hamilton	Wed 4 May
Taupo	Thu 5 May

ROUND 3

Christchurch	Mon 5 Sep
Dunedin	Tue 6 Sep
Invercargill	Wed 7 Sep
Queenstown	Thu 8 Sep

ROUND 2

Wellington	Mon 13 June
Masterton	Tue 14 June
Palmerston North	Wed 15 June
New Plymouth	Thu 16 June

ROUND 4

Auckland North	Mon 14 Nov
Tauranga	Tue 15 Nov
Rotorua	Tue 16 Nov
Napier	Tue 17 Nov



Register today at www.conztract.co.nz

UNFORTUNATELY, THE RESERVE BANK HAS A TRACK RECORD OF RESPONDING EXCESSIVELY TO GLOBAL THREATS AND, IN THE PROCESS, CREATING AN OVERLY TIGHT LABOUR MARKET, A PROBLEM FOR EMPLOYERS, AND AN INFLATION PROBLEM.

The Reserve Bank has set the building industry up for a fall

BY RODNEY DICKENS

By being too enthusiastic about saving us from COVID-19 fallout last year and from US-China trade war fallout in 2019, the Reserve Bank has set the residential building industry up for a fall. The Reserve Bank has repeated the mistake it last made in the mid-2000s.

The Reserve Bank responded to fallout from the US-China trade war in 2019 by cutting the OCR from 1.75% to 1% and then fronted up to the fallout from COVID-19 last year by cutting it to 0.25%. This contributed to the average mortgage interest rate charged by the major banks falling from 5.2% to a low of 3.2% - a 38% fall in interest costs.

The fall in interest rates was the most important - although not only - factor behind annual consents for new dwellings increasing from 33,000 in 2018 to almost 48,000 in the last 12 months. However, the fall in interest rates also contributed to an overcooked economy and the need for multiple OCR hikes.

The mistake can be seen in the chart that shows the inverse relationship between the Reserve Bank's preferred measure of core consumer price inflation (black line, left scale) and the unemployed rate (green line, right scale). At 2.7%, core CPI inflation is above the Reserve Bank's 2% target and, at 3.4%, the unemployment rate is below the level consistent with full employment.

Unfortunately, the Reserve Bank has a track record of responding excessively to global threats and, in the process, creating an overly tight labour market, a problem for employers, and an inflation problem. It last did it in the 2000s when it allowed the unemployment rate to fall to 3.4%, below the level consistent with keeping inflation under control. And core CPI inflation peaked at 3.5%, well above the Reserve Bank's target.

Actual consumer price inflation has reached 4.9% but this is partly due to temporary factors like the surge in petrol prices. The Reserve Bank's core CPI measure removes such volatile components, making it a better indicator of underlying price inflation.

Having played a major part in creating the building boom that has its own headaches for builders, the Reserve Bank will spend the next few years leaning against the resulting inflation problem. Basically, the Reserve Bank needs to hike the OCR until it hurts economic growth enough that the unemployment rate rises to at least 4.5%; my estimate of the rate consistent with the Reserve Bank's inflation target. However, just as it overdid the OCR cuts, it has a track record of overdoing battles against inflation because of the same sort of poor decision making that culminated in the unfolding inflation problem.

Core CPI Inflation & Unemployment Rate

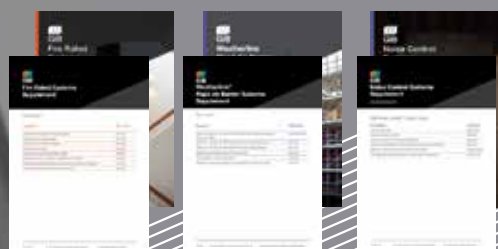




Systems

Technical updates

Overview Technical Literature System Sheets CAD Files Archive



What a wild ride 2021 has been! Just in case you might have missed it, here's some updates of what's happened and what we have planned for the year ahead.

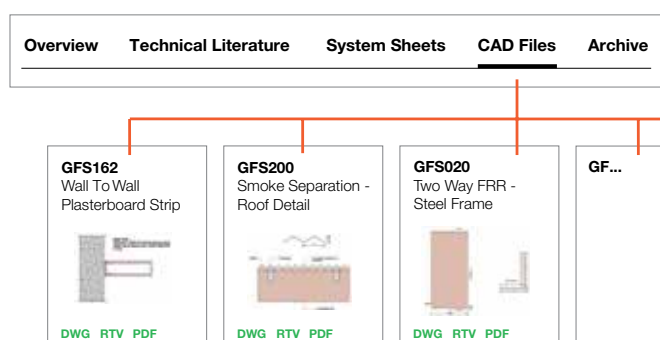
In February we released the revised GIB® Wet Area Systems literature. Due to improvements of our GIB Aqualine® boards, and the inclusion of our new GIB Weatherline® boards, the literature now includes allowances for tiling on GIB Toughline® Aqua and GIB Weatherline®. Key changes are new tile weights (10mm now up to 26kg/m² and 13mm now up to 40kg/m²) and screw centres increased to 150mm centres. We've also added and updated the CAD details. Literature can be downloaded from gib.co.nz.

Since their release in 2016, our GIB Barrierline® systems have taken the market by storm. But, as with any new release, we've continued to test and develop products and systems, all the while updating and adding to the details and information we provide. This also means we're at the stage where we are preparing to release the 'GIB Barrierline® 2.0' literature very soon. This will include a 30 min system and 13mm GIB Weatherline® option in place of 16mm GIB Fyrelite® where this is laminated to the 25mm GIB Barrierline® in the roof space. Watch this space in February/March 2022!

As our literature is widely referenced, we endeavour to keep the key publications up to date. Currently we are working on updates for the GIB® Site Guide (last version 2018). The changes to AS/NZS2785:2020 'Suspended Ceilings – Design and Installation' (released in 2020) has had an impact on the industry, from the way ceilings are designed and tested, through to how they are installed and lastly, how they should be maintained. We recognised it was time for us to also update and review our GIB® Rondo® Metal Batten Systems manual. Both books are currently being worked on with the expected release date of early 2022.

As an industry, we're working online more than ever before, which means the most up-to-date and current information has never been more accessible. However, we're finding that although we are continually updating and adding to our online Supplements portfolio, not everyone is aware of the additions - or even where to find them! For easy access, please select your desired system under the 'Systems' tab, then click on the 'Technical Literature' tab. You will find the Supplements page in PDF format.

We are also continually adding to our library of CAD details, these are being updated (sometimes on a daily basis!) on our website.



With 2021 suffering even more disruption than 2020, many of our scheduled regional training sessions were either postponed or cancelled. In light of this, we are still planning training sessions for 2022. But as we book them, we'll include an 'Option B' for virtual sessions, just in case things 'go south'. We are looking forward to seeing you in 2022!



Russel Perderson
Technical Support &
Training Manager

Using caveats as a builder

BY ANDREW SKINNER



ANDREW SKINNER
PARTNER Martelli McKegg

Retrieving payment from customers as a builder can sometimes be a frustrating affair. There are various remedies that builders may have when seeking payment from customers. One method that may be able to be utilised by a builder to obtain payment is to register a caveat against the customer's land. There are strict requirements to be able to do this which are explained in this article.

What are caveats and how do they work?

A caveat is a document that is registered against a title to land that prevents the customer from dealing with their land, including registering a transfer, lease or another similar dealing until the caveat has been removed. If a landowner has no immediate plans to deal with the title, the caveat sits on the title until such time as the underlying issue is resolved.

Before lodging a caveat, the builder needs to establish what's called a "caveatable interest" in the customer's land. For builders, caveatable interests can be established by including express provisions in their building contracts. In particular, an agreement to mortgage clause can provide that the customer who owns the land acknowledges that the builder has an entitlement to demand a registrable mortgage in circumstances of non-payment. This agreement to mortgage clause, while not creating a formal estate or interest in the land, is sufficient to create a caveatable interest and will builder to lodge a caveat.

It is important that any clause in the building contract does refer to an estate or interest in the land, and is not merely giving the builder a right to register the caveat. This is because any caveat registered must be made with reasonable cause. Any builder that registers a caveat without reasonable cause and no underlying interest in the land will be liable to pay compensation to the landowner.

Removing a caveat

If you are planning to utilise caveats, it is important to understand the circumstances under which caveats can be removed from titles of land. There are three ways that a caveat can be removed from a title:

1. Withdrawing the caveat

A caveat can be voluntarily withdrawn. This may be appropriate where the builder no longer thinks the caveat is necessary or potentially as a result of negotiations with the landowner and payment satisfied.

2. Applying to get a caveat lapsed

An application by the landowner or another person with an interest in the land can apply to the Registrar-General of Land in order to get the caveat lapsed. Notice will be given to the builder who has lodged the caveat and the caveat will lapse unless the builder commences proceedings in the High Court to uphold the caveat. The builder will need to prove that the caveatable interest exists and is legitimate. If they cannot prove the legitimacy or a decision is made not to defend their position, the caveat will lapse and the builder will not be able to register the same caveat again without a court order.

3. By a Court order

An application to the High Court can be made to remove a caveat. This is potentially an expensive process and there should be careful consideration of each side's position before commencing any proceedings. An application will only succeed if there are solid grounds for removing the caveat.

Summary

Ultimately, caveats can be a useful tool for builders to protect their interests and potentially recover payments from landowners. Builders should ensure, before registering a caveat, that they have reasonable cause to register the caveat and have included clauses in their building contracts that create a caveatable interest.

Andrew Skinner, Partner
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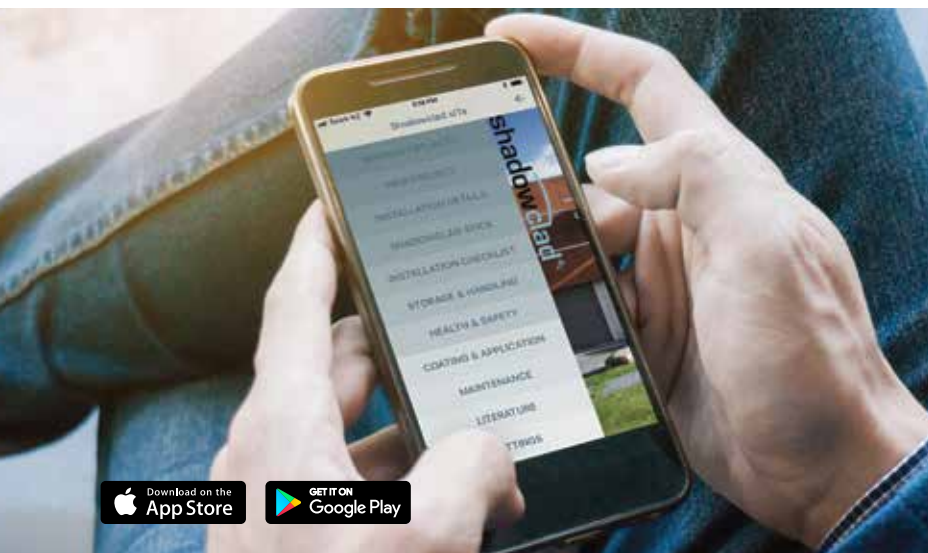
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