

**CARTERS**   
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DECEMBER 2018/ JANUARY 2019

# TRADE LEADER.

**We investigate BIM  
and how it impacts  
the way we build.**

## THIS ISSUE

What's the current state of the  
LBP scheme?

Ensuring sustainably  
harvested tropical timber

Enforcing a decision under the  
Construction Contracts Act

Section prices key to  
affordable housing

Managing fatigue on the  
building site

Christchurch apprentice  
wins AOY title



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# In the frame

BY MIKE GUY, CARTERS CHIEF EXECUTIVE

As we head towards the end of another year, the same can be said of our industry this year as many before – it has been an extremely busy year. Now as we start to wind down, it is a good time to reflect on achievements in the past 12 months as we set our sights on a great kiwi summer and what is instore for the year to come.

Last year in our final issue we touched on how the KiwiBuild Scheme was set to have immense impact in 2018 and it has certainly lived up to that expectation. The high demand for housing and housing affordability is still very much top of mind, which will at least mean continuous growth for the building industry and its members through 2019 and beyond. You can read more about the current KiwiBuild scheme on page 24.

As part of the content in this issue of CARTERS Trade Leader, we've looked at the MBIE report on the current state of the Licensed Building Practitioner scheme. Although this is only a discussion document and not government policy, MBIE has suggested it will reflect on the feedback before coming back to the industry with more detail. More on this report starting on page 12 of this issue.

Building Information Modelling (BIM) also comes into focus as part of the developing technology that is starting to become prevalent in New Zealand construction. Our article, beginning on page 8, provides an overview of what BIM is and what it can do.

We also look back on the finals of the Registered Master Builders CARTERS

2018 Apprentice of the Year which were held in Auckland recently.

Our great group of apprentices went head-to-head in the final practical challenge to wrap up the competition, and I would like to extend my sincere congratulations to Christchurch's Peter Ravn, who was crowned overall champion with Corbin Mills and Kyle Tonks taking out second and third respectively.

As in past years, the high level of skill and talent showed by these three – and every other competitor – proved that the New Zealand building industry has a great future.

Finally, looking to the sunny season ahead, please take care out on site, make sure your team is in top shape for working in the warmer weather and take precautions where necessary.

On behalf of everyone at CARTERS National Support Office and throughout our branches around the country, I would like to wish everyone a very Merry Christmas and an enjoyable, well-deserved break.

We have very much appreciated your business throughout 2018 and look forward to continuing that in 2019.



MIKE GUY  
CARTERS Chief Executive

**CARTERS**  
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## TRADE LEADER.

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### LBP SCHEME REPORT

The Ministry of Business, Innovation and Employment has recently completed research into the current state of the LBP scheme. We look at the report released by the Ministry to get a picture of where the scheme currently sits.

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Women make up just 2.6 percent of workers 'on the tools' in New Zealand's construction sector and the Building Construction Industry Training Organisation says correcting this imbalance is vital to addressing ongoing skills shortages.

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As many will know from past experience, obtaining an adjudicated judgment under the Construction Contracts Act ("the Act") process is only the first step in enforcing a debt now owed. This article explains some of the methods of enforcing an adjudicated debt.

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It's easy to forget things when you're thinking about Christmas and the holidays, as well as rushing to finish off projects for demanding customers. This article looks at six things you should remember.

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### FOCUS ON AFFORDABLE HOUSING

Despite teething problems, KiwiBuild should, in time, make considerable progress. But it will do little - if anything - to get down section prices that are at the heart of the housing affordability problem.

## 26. APPRENTICE OF THE YEAR

Peter Ravn from Christchurch has been named the country's top carpentry apprentice, taking out the title of Registered Master Builders CARTERS 2018 Apprentice of the Year at this year's national competition.

## 29. HEALTH & SAFETY

### MANAGING FATIGUE

If you've got lots on the go, it can be tempting to work much longer hours. But ignoring the signs of fatigue in yourself and your workers can be a real hazard.

# Spike in injuries cause for concern

**THE CONSTRUCTION INDUSTRY MUST TAKE HEED OF AN UNEXPECTED SPIKE IN SERIOUS INJURIES, SAYS SITE SAFE CHIEF EXECUTIVE BRETT MURRAY.**

Figures released by Statistics NZ recently revealed there were 72 serious work-related injuries in construction last year, up from just 45 in 2016.

Site Safe Chief Executive Brett Murray said while the figures were raw numbers, rather than a rate, any rise was a cause for concern.

**"ANY SERIOUS INJURY AT WORK MEANS A MASSIVE IMPACT ON THE WORKER, THEIR FAMILY AND THEIR EMPLOYER."**

The spike bucks the general trend of recent years, Mr Murray said.

"Fatalities and serious injury rates in construction have been falling since 2013 and we hope that these statistics are not signalling a reversal of that overall trend. Site Safe is committed to working with the industry to make sure that the good progress we've been making is not lost."

**"THESE ARE TOUGH TIMES FOR THE INDUSTRY, BUT THIS IS EXACTLY WHEN WE CAN'T AFFORD TO TAKE OUR EYE OFF THE BALL."**

"As we've seen lately, some of our biggest builders are facing significant challenges and those pressures are reflected throughout the supply chain. There has also been a big boom in the residential sector, which is not going to change any time soon. These issues – combined with more new workers entering the industry – could well be reducing the focus on health and safety.

"Site Safe is committed to supporting the industry and government to ensure performance improves – we can't afford to be complacent about the safety of our people.

"Health and safety is not something that can simply be 'sorted out' once and then forgotten about – it's a constant effort to improve processes and find better, safer ways of working."

Mr Murray encouraged any construction businesses with health and safety concerns to get in touch with Site Safe.

**"We offer a free 'ask an advisor' service and are happy to answer health and safety-related questions and provide guidance on tricky situations."**

# Industry-led quality assurance scheme raises the bar – again

**INDUSTRY-LED QUALITY ASSURANCE INITIATIVE STEEL FABRICATION CERTIFICATION (SFC) HAS BEEN EXTENDED TO INCLUDE A SITE ERECTION MODULE. THIS ADDITION FURTHER BROADENS THE SCHEME BY CAPTURING ACTIVITIES INCLUDING ON-SITE BOLTING, WELDING AND ERECTION.**

Steel Construction New Zealand (SCNZ) manager Darren O'Riley says: "This is a natural progression for the development of SFC. New Zealand's structural steel contractors typically provide complete project management, from shop drawings and fabrication to site erection. This latest SFC module is formal recognition of this end-to-end approach."

**MR O'RILEY SAYS THAT NEW ZEALAND'S STRUCTURAL STEEL CONTRACTORS HAVE ALWAYS BEEN ABOUT COMPLETE PROJECT MANAGEMENT - FROM START TO FINISH.**

"This latest enhancement of SFC makes us even more accountable for the final execution and delivery of a completed, compliant structure. This approach sets our local industry apart from suppliers of imported structural steel, who don't erect the steel or manage the process and, as such, aren't accountable for the final outcome," says Mr O'Riley.

Importantly, the New Zealand-based workshop fabrication module of SFC is a prerequisite to achieve the erection module.

Recognising experience and training is central to the SFC scheme and is based on the competency requirements of the personnel involved. SCNZ and the Heavy Engineering Research Association (HERA) have partnered to develop training modules to support the success of SFC.

Participating structural steel contractors are certified by an independent auditing authority, HERA Certifications Ltd.

Certification for both the fabrication and the erection modules is valid for five years but is subject to an annual surveillance audit to ensure the integrity of the scheme.

SFC provides procurers and specifiers with certainty of product quality and significantly reduced compliance risk.

Current SFC-qualified structural steel contractors have until July 2019 to prepare for their first audit to achieve erection module certification.

This SFC compliance milestone follows the 2017 announcement to make SFC a compulsory condition of SCNZ membership from 2020.



# First micro-credential a big step forward in construction

A Whitianga-based kitchen installer has become the first New Zealander to achieve a micro-credential.

The shorter bite-sized learning achievements, which the Building Construction Industry Training Organisation (BCITO) refers to as Managed Traineeships, became a recognised part of New Zealand's qualifications system in August.

BCITO's Managed Traineeship in Kitchen Installation was the first micro-credential to be registered on the NZQA Framework. And, David Hall, a kitchen installer at Mastercraft Kitchens Whitianga, who participated in BCITO's market-testing, has become the first person to achieve one.

Hall says it's great to be formally recognised for his skills. "The construction sector is becoming more specialised and these

qualifications reflect the way the world is going. I'm in my 50's and already have experience in both carpentry and civil engineering. This course took into account my previous experience while helping me refine the relevant specialist skills needed in my new career."

Tony Wilson, Director at Mastercraft Kitchens Whitianga is pleased to have the opportunity to provide more specialised training.

"David has been working for us for two years now. He was able to draw on his past experiences and further hone his skills for our particular craft."

BCITO CEO Warwick Quinn is making a presentation to congratulate the team at Mastercraft Whitianga for coming on board and

pioneering this new type of learning.

"These smaller, bite-sized qualifications are responding to the sectors changing demands. We're working hard to make training more attractive and relevant and these courses are a part of that. The success of this managed traineeship means we're now ready to start developing more specialised courses and rolling them out across the country."

**"EMPLOYMENT FORECASTS FOR THE CONSTRUCTION SECTOR, WHICH BCITO COVERS, SUGGEST THERE WILL BE MORE THAN 80,000 NEW AND REPLACEMENT JOB OPENINGS IN THE NEXT FIVE YEARS. WE NEED MORE SKILLED WORKERS. MANAGED TRAINEESHIPS EQUIP LEARNERS WITH SPECIFIC SKILLS FOR THE NICHE JOBS OUR INDUSTRY REQUIRES," SAYS QUINN.**



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Minister of Education, Hon Chris Hipkins, announced that qualifications smaller than the traditional limit of 40 credits would be recognised in August.

He says BCITO's Managed Traineeship in kitchen installation is an excellent example of how these courses can recognise specific skills.

**"IT'S GREAT TO SEE PEOPLE GETTING INVOLVED IN THIS NEW FLEXIBLE AND INNOVATIVE APPROACH TO LEARNING."**

"The Government is committed to creating life-long learning opportunities and this is a great example of how specialised packages of learning can help workers gain formal recognition for their skills, as they progress in their careers," says Hipkins.



**To find out more visit [bcito.org.nz](http://bcito.org.nz)**



# The benefits of BIM

Building Information Modelling, or BIM, is a process that is becoming more and more commonplace within the construction industry in New Zealand.



## But, what is BIM? How does it work? And what benefits does it have for the building industry?

Building Information Modelling (BIM) is showing the construction industry the way of the future. In a very broad sense, BIM is when a building project is entirely designed in a digital 3D model before construction has even started...a type of 'digital twin'. But it's the extra value of BIM where it really stands out.

BIM is much more than 3D modelling; it's a process of sharing and managing all the information contained in a building project before, during and after construction for everyone involved in the project, reducing the information loss that can occur, especially on larger projects. And, with modern buildings becoming increasingly more complex, BIM provides an information management solution right across a building's life-cycle, right from design through to handover, and beyond.

The secret to BIM lies in the 'I'; the Information. Using the BIM process, all of the critical information about the building is stored on one collaborative model where all

of those working on the project – designers, architects, engineers, contractors and sub-contractors – can work together on one common digital platform. This allows for immediate, real-time, on-the-job 'fluid' changes to be made and solutions to be found. Design alterations can then be undertaken and that information projected to all the parties on one model, so cohesive and informed design decisions can be made and simultaneously shared across all parties. However, because it's a collaborative process, communication between all parties is vital, and having the correct data from the outset is crucial.

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**THE ADVANTAGES OF A BIM-DESIGNED MODEL ALSO RESULT IN MORE EFFICIENT TIME ADMINISTRATION, MORE EFFECTIVE COST MANAGEMENT AND LESS WASTE.**

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The basics of the BIM process are designed around a series of common building blocks that are relevant to every project, but are then changed to suit specific designs or project focus.

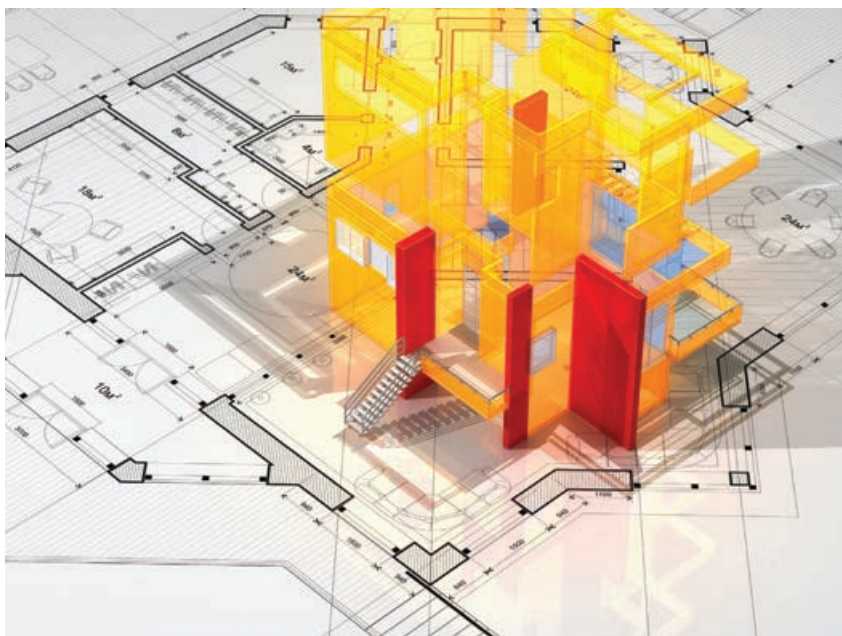


For example, these blocks can be adjusted to suit a hospital project – which will have a focus on healthcare requirements; a commercial office block – which will focus on efficient layouts; construction of a prison – which will focus on areas such as security; or a large retail project – which will look at items such as efficient customer flow, information and store layouts. Even though they are all vastly different projects, they use the same series of blocks to form the basic foundation.

Contractors can also pre-fabricate any construction components that may have otherwise required assembly on-site and be confident that everything will fit together correctly once these components are delivered to site. But also, with sub-trades also adding information to the BIM model, the BIM process can highlight where changes may need to be made, or where components may need alterations to cater for utilities or other components. For example, access for piping or ducting, rebates in pre-formed concrete components, openings for doors or windows, or even where lights should be located. Different scenarios or situations can also be trialled in the digital model, which can allow for design changes or modified engineering requirements well before any construction has taken place.

By doing this, there are savings in both time and materials, making the entire job more efficient and cost effective and, because each of the contractors can see what's happening as the changes are made, they can all be confident everything will fit together accurately when they arrive on-site. Because it adds to the collaboration between contractors and sub-contractors, this saves time and, therefore, reduces cost over the construction phase of the project.

The information of all the project's components is stored electronically and filed in a comprehensive database, which is then accessible by the building's owners once handover of the project has been completed. This allows the building's managers to cross-reference information, access specifications, data and



**BIM IS NOT JUST RESTRICTED TO THE DESIGN PROCESS, BUT CAN ALSO BE USED ON-SITE IN REAL TIME WHERE CONTRACTORS CAN VIEW THE DIGITAL LASER GRID OF THEIR PROJECT ON A TABLET OVERLAID ON TOP OF THE CONSTRUCTION ZONE IN FRONT OF THEM, WHICH WILL CLEARLY SHOW ANY DISCREPANCIES AND VARIATIONS.**

warranty information and stay on top of any maintenance requirements. This adds to the efficient running of the building, and with the majority of the cost of a building coming after it has been handed over to the client this provides further long-term cost savings.

Because it goes beyond the planning, design and construction of a project,

the use of BIM has longer term benefits, so should not be viewed as just a short-term solution to design and construction methods.

With building life cycles and whole-of-life costs becoming increasingly important to clients and procurers of larger projects, BIM is no longer the way of the future, but is increasingly becoming the way of the present.



# MBIE report highlights research into LBP scheme

In a recent interview Trade Leader did with Paul Hobbs, the Registrar for Building Practitioner Licensing and the Ministry of Building, Innovation and Employment (MBIE), he indicated research into the Licensed Building Practitioner (LBP) scheme was being undertaken by MBIE (see CARTERS Trade Leader, July 2018).



The LBP scheme was implemented in 2007 to encourage competent building practitioners to build homes right the first time, as well as giving consumers the information they needed to make decisions about the skill levels of building practitioners. However, since it was established, the LBP scheme hasn't been formally reviewed and MBIE wanted to get feedback from the building industry about how the scheme is working in practice and whether or how it could be improved, both now and for the future.

As part of the review, the MBIE's

Research, Evaluation and Analytics team spoke to a sample of LBPs, building consent officers, industry groups and non-licensed builder from three regions around New Zealand, focusing on four aspects of the scheme – workforce capacity, competence, supervision and licensing classes. Although the MBIE said it understands other aspects of the scheme are important, they decided to focus on these elements because these are critical to how the scheme works in practice and because there is limited information about how well they are functioning.



## REGIONAL CASE STUDIES

Auckland, Wellington and rural Otago were selected as case study regions as they cover different factors that are known to impact on the building sector and the scheme, which also provided a geographic spread across both the North and South Islands.

### AUCKLAND

The Auckland region accounts for a significant proportion of both the population and of the residential construction work currently being undertaken.

### WELLINGTON

An area that has a high ratio of LBPs to building consent numbers. Wellington could be seen as an example of where the scheme is operating closer to how it was intended than where there are low LBP numbers.

### RURAL OTAGO

(Oamaru and surrounding area) – An area with a relatively low population, low LBP numbers, and a dispersed workforce. Issues of supervision and competence may be a particular concern in such an area.

**Auckland and Wellington** were also advantageous as they are areas where industry bodies, training providers and other occupational regulatory groups are located.

In total, 59 stakeholders were interviewed as part of the research, including industry bodies such as Building Consent Authorities (BCAs), Building Control Officials (BCOs), training providers and other occupational groups, as we'll

as builders – both licensed and unlicensed. In addition, MBIE staff involved with the LBP scheme were a part of the research, helping to identify aspects that need to be monitored to judge how the scheme is working.

Even though existing data and information about the scheme

operation was also reviewed, it was determined that current data was not well suited to monitoring progress towards the LBP scheme's outcomes. Therefore, the research teams concluded that stakeholder's views were the best source of information for how the scheme was operating on the ground.



### RESEARCH FOCUS

The four elements of the research report were investigated separately and included a series of questions to stakeholders to get their views on the topics. In the report, the MBIE outlined what they thought the next steps should be given the feedback from the industry.

### LBP WORKFORCE CAPACITY (THE NUMBER OF SKILLED AND COMPETENT PRACTITIONERS)

As part of the research, MBIE interviewed key stakeholders and building practitioners about their assessment of the capacity of the scheme to keep pace with the projected expansion of the building industry.

Industry feedback indicated that, while workforce capacity is an issue across the whole building industry, it is also being affected by building practitioners' perceptions of the value of joining the LBP scheme.

The workforce capacity issue was something that MBIE agreed with, adding that the Government has developed a Construction Skills Strategy and Action Plan, which is designed to help address workforce capacity issues across the whole of the construction industry.

The Ministry then added that it was useful to understand how career stage affects practitioners' attitudes towards the LBP scheme and that all of the insights will be taken into account when further work is undertaken to improve the scheme, and as it is promoted to different types of building practitioners.



<https://www.mbie.govt.nz/info-services/building-construction/skills-innovation-productivity/construction-skills-action-plan>



## COMPETENCE

The LBP scheme sets a minimum standard of competence that building practitioners must meet to become an LBP. MBIE says this 'minimum competence' basis was developed because it was the most appropriate way to start regulating building practitioners. If the standard had been set too high when the scheme started, it could have severely disrupted the building industry.

As part of the review, stakeholders' views were investigated about:

The extent to which the minimum standard of competence for LBPs is set at the right level;

- Whether they think LBPs perform at the required level of competence;
- How well competencies are addressed.

Industry feedback indicated that building practitioners were critical of the minimum competence standards set by the scheme and the way competence is assessed and maintained.

"Now that the scheme is well established and significant numbers of practitioners are licensed, we see an opportunity for the scheme to help raise competence levels in the building industry," information from MBIE states. "For example, we're looking at how the scheme recognises different levels of competence (e.g., skills, experience and behaviours). We'll take industry feedback from the report into account as we scope this work."

## SUPERVISION

All restricted building work (RBW) needs to be carried out or supervised by an LBP, so effective supervision is a key element of the scheme, however concerns about the level and quality of supervision practices provided by LBPs were a key item of the feedback from industry

stakeholders; a view that was shared by MBIE.

"We're looking more broadly at effective supervision in the work we're doing to review the system of occupational regulation. This work will ensure improved and consistent practice across the sector."

## LICENSING CLASSES

The structure of the scheme's licensing classes is central to it achieving its objectives, as they are linked to what constitutes RBW. The report investigated stakeholders' views about whether licensing classes are fit for purpose and their views about how the scheme is to respond to increasing specialisation in the building and construction industry.

Stakeholder feedback showed that industry thinks licensing classes may need to be adjusted to better protect consumers and reflect industry practice, and MBIE agreed it could be a good time to think about changes in the licensing classes.

"We're looking at the role licence classes play in the scheme and their contribution to the outcomes of the building system.

"We're also looking at specific changes to licensing classes, such as a proposal to include construction stonemasonry in the LBP scheme."

## WHAT HAPPENS NOW?

**MBIE says the feedback from the building industry will feed into the work that is being done to review the system of occupational regulation, including their LBP scheme.**

**"Over the next few months, we'll be reflecting on what we've heard and prioritising areas for improvement. We expect to come back to the industry later this year with more detail.**

**"The building industry is experiencing a period of significant growth, which makes it more important than ever that we have the right systems in place to ensure the competence of the country's building practitioners.**

**"MBIE is committed to ensuring the scheme works now, and into the future."**





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# Diversity the key to construction success

**WOMEN MAKE UP JUST 2.6 PERCENT OF WORKERS 'ON THE TOOLS' IN NEW ZEALAND'S CONSTRUCTION SECTOR AND THE BUILDING CONSTRUCTION INDUSTRY TRAINING ORGANISATION SAYS CORRECTING THIS IMBALANCE IS VITAL TO ADDRESSING ONGOING SKILLS SHORTAGES.**

Employment forecasts for the construction sector, which BCITO covers, suggest there will be more than 80,000 new and replacement job openings in the next five years. Traditional workforce pools are not meeting industry demands for skilled workers and record low birth-rates in 2003 is making competition for school leavers particularly fierce.

**"THE SECTOR IS CRYING OUT FOR SKILLED WORKERS AND BOOSTING GENDER DIVERSITY IS VITAL. CURRENTLY, LESS THAN FIVE PERCENT OF BCITO EMPLOYERS TAKE ON WOMEN APPRENTICES. WE NEED MORE EMPLOYERS TO BROADEN THEIR SCOPE AND WAKE UP TO THE BENEFITS OF A MORE DIVERSE WORKFORCE," SAYS WARWICK QUINN, BCITO CEO.**

"We also need more women to consider a career in the trades. We are concerned that not enough schools are encouraging young women to get involved. Although 96 percent of our women apprentices have strong job satisfaction, nearly three-quarters of them never had the chance to participate in construction-related courses while at school," says Quinn.

To help address this gender imbalance BCITO has released a short documentary which explores and challenges stereotypes. The "My Boss Legend" documentary reveals what it's really like for employers, women apprentices, and those who have supported their decision to enter this male-dominated industry. The campaign aims to encourage more employers to open the door to hiring women on their teams.

MB Brown Builders in Wairarapa employs Paris Ternent-James, 22, as a carpentry apprentice. Owner Stephen Brown runs his business by the core values of family, respect, equal opportunities and providing a positive and engaging learning environment. Stephen and his wife Judy Brown took part in the documentary.

"I think you've always got to look at your company and employ the best person for the job at the time," says Judy Brown.

Great Lakes Aluminium in Taupo employs apprentice Tamara Tuhiwai, who began her trade career in her early 40s. Her boss, Bronek Szpetnar, runs his business on the values of equality and whanau. He is simply interested in employing the person best suited for the job. Half of his staff are women.

"Tamara's happy, you know she's loving what she's doing. She goes to work extra early, so she can open up and get everything prepped for the day, and she gets it done," says Tamara's husband William Rhind, who also took part in the documentary.



**Watch their story now at [mybosslegend.nz](http://mybosslegend.nz)**



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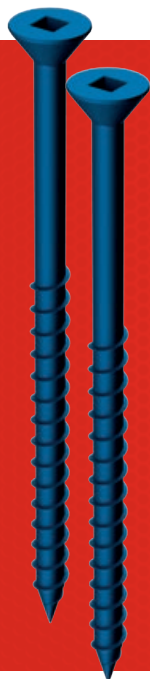
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- Can be fitted at any stage prior to lining

**\$13**  
EXCL GST EA

## Tajima Heavy Duty Screw-Lock Knife 25mm

HTTADC661

- High quality cutter knife that delivers superior performance and longevity
- Customised handle and grip for ease of use
- Screw lock for blade-locking



**\$19**  
EXCL GST EA



HTSB9621200  
~ 1200mm

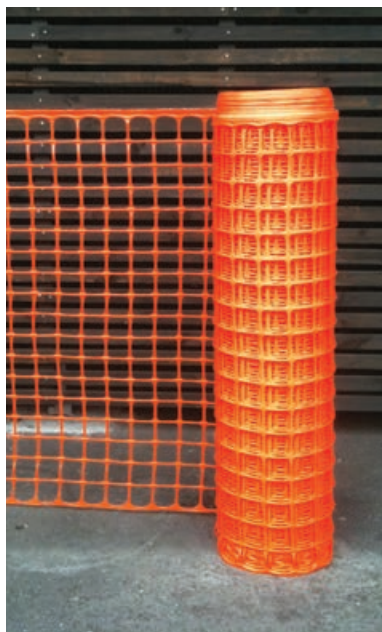
**\$99<sup>98</sup>**  
EXCL GST EA

## Stabila Aluminium Level

- Shock-absorbing ends
- Hang hole
- Made in Germany

HTSB9621800  
~ 1800mm

**\$139<sup>99</sup>**  
EXCL GST EA



## Cosio Ultra-PRO Safety Mesh 900mm x 30m

GECOSFBM9030

- Ideal for all civil construction sites, events or temporary fencing

**\$99**  
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## Bostik Wallboard Gold Adhesive

- Solvent-based wallboard adhesive
- Non-slump and non-drip
- Can be used with confidence on LOSP and CCA treated timber

ADBOSWB375  
~ 375ml

**\$6<sup>99</sup>**  
EXCL GST EA

ADBOWBGS600  
~ 600ml

**\$7<sup>49</sup>**  
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# Enforcing a decision under the Construction Contracts Act process

■ BY JAMES SKINNER

As many will know from past experience, obtaining an adjudicated judgment under the Construction Contracts Act ("the Act") process is only the first step in enforcing a debt now owed. It can be a complicated process enforcing that debt, particularly if the debtor is not willing to make it easy for the enforcer. This article explains some of the methods of enforcing an adjudicated debt.

For ease of reference, this article deals with contracts that are entered into after 1 December 2015.

## STARTING POINT

The starting point is an adjudicator's determination that a party needs to make payment under the Construction Contract or about the party's rights and obligations under the Construction Contract is enforceable. The adjudicated amount may be enforced as a judgment in the District Court. It would be sensible for you to engage a lawyer to assist with that process.

## SUSPENDING WORK

Once an adjudicator has made a decision and the applicable notice period under the Act has been and gone, it is possible for the enforcer to suspend work on site. This can be an effective method of stimulating the

debtor into making payment of the debt because they naturally will want you to complete the works as soon as possible. It is important that proper and lawful notice is provided to the debtor before exercising the right to suspend work.

## RECOVERY THROUGH THE COURT SYSTEM

If the enforcer is not wanting to suspend work or is wanting to support that step with some further enforcement initiatives, you can commence judgment proceedings in the District Court or issue a Statutory Demand if the debtor is a company, or issue bankruptcy proceedings if the debtor is an individual for the unpaid debt (by firstly seeking judgment in the District Court).

## CHARGING ORDERS

It is also possible for an enforcer to obtain a charging order in respect of the construction site owned by a party to the Construction Contract or an associate of that person. The associate relationship is not necessarily clear cut and it is advisable to obtain legal advice in relation to that particular step when commencing the adjudication process. If a charging order is consented to by the adjudicator and the District Court Judge approves the issuing of the charging order, this can be an effective way of restricting the debtor's ability to move forward on the site without dealing with your debt first, which again may prove to be an effective way of stimulating a payment of the adjudicated amount.

The liquidation process (in respect of a company) and the bankruptcy process (in respect

of an individual) are relatively straightforward processes if the debtor is not defending the action. Legal assistance will be required to prepare the necessary documentation and apply to the High Court. If the debtor company is insolvent then it is going to be, in many cases, the best step to get the liquidation ordered by the Court so that a liquidator can properly review the company position to see whether any payments can be made. In respect of the bankruptcy process, the same logic applies. If parties are not wanting to go into liquidation or bankruptcy because they have something to protect, then commencing liquidation proceedings or bankruptcy proceedings will normally instigate a prompt response from those parties regarding settlement of the debt.

## SUMMARY

No enforcer wants to spend good money after bad when it comes to enforcing an adjudicator's decision. However, once an adjudicator has made a decision and, in the case where the decision has been upheld as a judgment by the District Court, it is important that prompt steps are taken by the enforcer to realise the amount claimed so that they can move forward in a positive cash flow direction. It is generally not advisable for the enforcer to step back and take no steps unless it is very clear that there is no chance of recovering the amount claimed or for some other strategic reason.

## FOR MORE INFORMATION

James is an experienced construction and civil litigator who has represented a wide range of clients large and small, including builders, building companies, waterproofers, roofers, window joinery suppliers, designers, engineers, homeowners and councils across New Zealand.

This publication is intended only to provide a summary of the subject covered and is of a general nature. You should not act in reliance on any statement contained in this publication without first obtaining specific professional advice from your lawyer.







# Changes to tropical timber importation guidelines

The drive to ensure sustainably-sourced and responsibly-managed tropical timber is being used in New Zealand has seen this country's industry advisory body revise its charter.

The New Zealand Imported Timber Trade Group (NZITTG) recently made changes to its legality and sustainability targets, as well as modifying exclusions to some Pacifica nations in order to increase the percentage of sustainability and legally-harvested timber arriving into New Zealand.

The updated legality target for all NZITTG members has now increased from 85% to 100% of all solid tropical timber products being verified by a third party to Verified Legal Origin (VLO) standards. This means an approved independent organisation needs to ensure the timber is coming from a legal

source (ie., forestry, plantation).

"This simply means that it comes from a defined area where its boundaries are known and where the people who are felling the trees have the rights to do so; that they know, understand and respect cultural and spiritual sensitivities, they are free of legal taint and that



they have paid all the necessary royalties and government fees to access the timber," says Malcolm Scott, Chair of the NZITG.

Despite this, Mr Scott says non-NZITG members are continuing to import products that do not meet these criteria – a figure he estimates could be as high as 25% of the timber products coming into New Zealand.

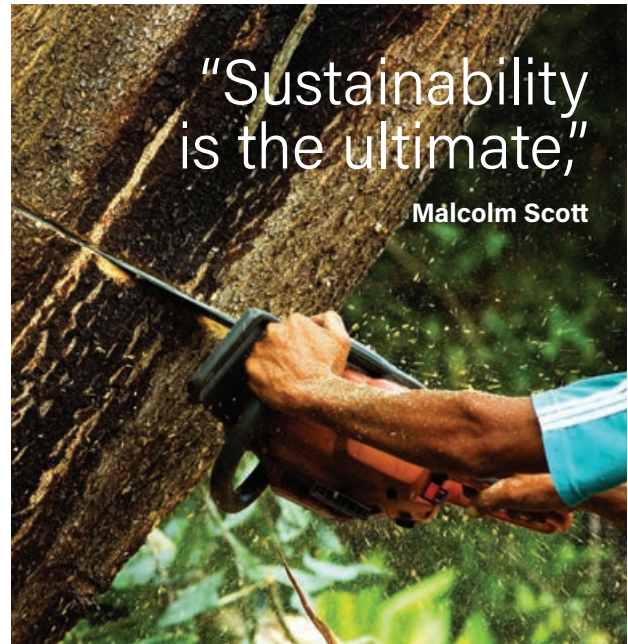
"These are opportunistic non-members and minor importers who use other sales platforms and don't have a long-term view to supply and distribution," Mr Scott says.

In addition to the legality target changes, the NZITG also revised some of the exclusion criteria for the sustainability targets in the Solomon Islands, Indonesia and Fiji.

The Solomon Islands currently has a special status which will remain in place, provided the timber has been legally verified by a group known as NEPCo (Nature, Economy and People Connected) and is purchased through the Solomon Islands Timber Processors and Exporters Association (SITPEA).

Indonesia's exclusion (Kwila) will expire on March 31st next year. Fortunately a supply of certified sustainable timber (primarily Kwila) is available through the Forestry Stewardship Council (FSC) and Programme for the Endorsement of Forestry Certification (PEFC).

Fiji's exclusion has already expired, so no tropical timber at all is available to NZITG members from Fiji. However, Mr Scott hopes that may change, should certain targets and criteria be met within Fiji.



"Sustainability is the ultimate,"

Malcolm Scott

The benefit to New Zealand consumers, he says, is that they know tropical timber being imported by NZITG members is both sustainably and responsibly harvested, which is done through the process of due diligence, product codes and labelling.

"We need to make sure we are responding to environmental risks, as well as protecting the resources of those countries while still supporting the international timber trade," he says.

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# Christmas; It's a wrap

Throwing a Christmas party can be a great way to see out the year and celebrate successes.

Perhaps the festive celebrations could include some of your customers, along with a thank you gift of a bottle of wine or biscuits. Entertainment is an important part of business. It can be building business relationships with existing or potential customers or rewarding good employees and if it's related to helping you earn income then it may be deductible.

The general rule of thumb is that there has to be a link between the money spent and helping your business earn income. It's called the Nexus. Sometimes it can be difficult to work out whether this is claimable or not. Sometimes there is a private element to entertainment of clients or

staff, in which case its only 50% deductible (even if you think that the portion is higher), while other times it may be 100% deductible, but may be subject to FBT. The critical point is that you need to keep a copy of the invoice or receipt recording who you entertained and for what reason as that will make it much easier to determine how much you can claim. There are also different rules if the entertainment is out of town or overseas.

Generally speaking if you, your customers, employees or anyone associated with your business has a greater opportunity to enjoy the entertainment than the general public, then you can only claim 50% of the costs

**BELOW ARE EXAMPLES OF SOME ENTERTAINMENT EXPENSES AND HOW THEY COULD BE TREATED:**



- Taking a client out for a meal
- Friday night drinks at work or a local venue
- Entertaining clients on a launch/corporate box
- Staff Christmas parties either at the office or off business premises
- A weekend away (in NZ) for the staff (includes food and drink)



- Morning tea (coffee and biscuits for staff)
- Charity donation or sponsorship of a local team (provided it relates to your business)
- Dinner for staff while working out of town (unless there is a business contact in which case it is only 50%)
- A weekend away (in Fiji) for the staff

## **NOT DEDUCTIBLE**

- Buying yourself lunch
- Taking your family out for dinner (even if it is to thank them for being patient while you worked such long hours)

## **GIFTS AND FRINGE BENEFIT TAX**

If a gift consists of food or drink, you can only claim 50% of the expense as a tax deduction. If you are giving out gift baskets or hampers and some of the contents are food or drink, but not all, the food or drink items are 50% deductible but the other gift items are 100% deductible. For example, providing a Christmas hamper with things like toiletries and scented candles is 100% deductible, but a hamper containing wine and cheese is not.

However you may need to pay FBT on some gifts. Generally speaking, if you are giving your employee something that

isn't money, and they can choose when to enjoy that thing, it will probably require FBT to be paid.

For example, if you give an employee a bottle of **extremely** expensive wine (in order to get over the \$300 quarterly threshold), you would need to pay FBT on that, because they can take that home and open it whenever they wish. On the other hand, if you gave them a glass of that same wine, which they have to enjoy then and there, you probably wouldn't need to pay FBT.

Complex? Its IRD who make the rules.

Remember you must pay taxes. But there's no law that says you gotta leave a tip.

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won't mind you using  
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**ALWAYS TRUE**

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**Always.**





# 6 tips to avoid an unpleasant surprise at Christmas

■ BY BEN RICKARD

It's easy to forget things when you're thinking about Christmas and the holidays, as well as rushing to finish off projects for demanding customers. Here are six things you should remember:

## 1. SECURE YOUR SITES BEFORE YOU GO (AND TAKE YOUR TOOLS WITH YOU)

They're more vulnerable to thieves when closed up for the holidays, as no one is regularly on site and neighbours may be away. Make sure they're as secure as possible and take your tools off site, and out of your truck, and put them somewhere safe.

## 2. REMEMBER TO ARRANGE TRAVEL INSURANCE WELL BEFORE YOU LEAVE

Don't leave it to the last minute, you might not be able to get it at short notice, and it's even more difficult once you've started your trip. And don't even think about going overseas without it, as some recent stories in the news have highlighted. Compared to the cost of medical treatment, lost luggage or cancelled plans it's well worth it.

## 3. NOTIFY YOUR INSURER IN WRITING IF YOU'RE GOING AWAY FOR A LONG PERIOD

House insurance policies have exclusions if a property is unoccupied

for a period of time, which could be as short as 14 days. Check your policy and if you're going away for a long break make sure you've let them know.

## 4. TAKE SENSIBLE PRECAUTIONS BEFORE YOU LEAVE HOME

This means leaving some curtains open, putting lights on a timer, having someone clear your letter box (and ideally mow the lawns) while you're away. Also, don't pile up your Christmas present wrapping and boxes on the roadside before you go away, do it once you get back.

## 5. INSURE

Make sure you insure any new jewellery, motorbikes, vehicles, boats, caravans, motor homes, expensive electronics (smartphones & iPads), jet skis, guns, rods or other toys before you drive them away or leave them unattended

It may be the last thing on your mind but it's important to arrange insurance on any expensive purchases before you pick them up. This includes increasing your

contents sum insured and notifying your insurer of items that must be separately listed on your contents policy, such as jewellery.

Murphy's Law says it's in the small window between picking up the new car and arranging the insurance that an accident will happen! Thieves are very active over Christmas, so any expensive gifts should be insured too.

## 6. MAKE SURE YOU'RE ROADWORTHY (VEHICLES AND TRAILERS)

Check your registration and warrant are up to date and the vehicle is in good condition before taking off on a road trip (tire pressure OK, lights work, oil checked etc). This equally applies to your trailer (tires, lights, chassis, axle and towbar). Don't overload your trailer either, in the event of an accident this may affect your insurance. Finally, remember to check that your drivers license is current!

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# Affordable housing; the focus needs to change

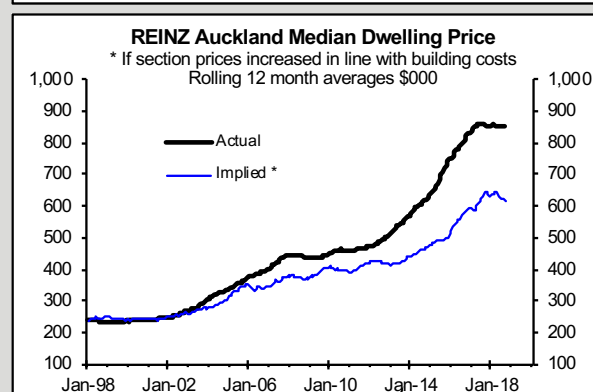
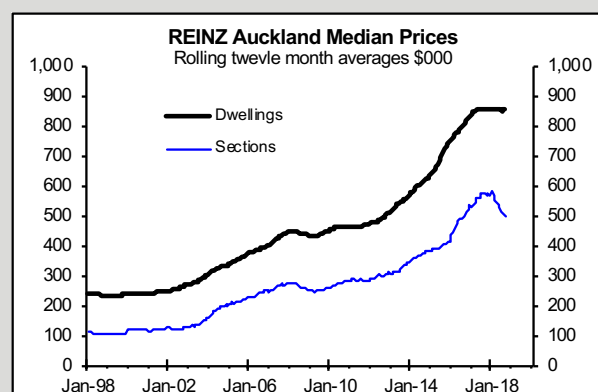
KiwiBuild is already experiencing teething problems. Some people have taken exception to it not delivering affordable new housing for low income earners, while a KiwiBuild project in Wanaka may be experiencing indigestion problems.

KiwiBuild was never going to deliver affordable housing for low income earners so criticising it for not doing so is misplaced. Housing NZ's major building program is targeted at low income earners. Planning to build 211 KiwiBuild properties in a small town like Wanaka over two years was always likely to face indigestion problems which shouldn't be the case in large urban areas.

KiwiBuild is likely to experience more teething problems. Based on the latest information provided by the new Ministry of Housing and Urban Development 45,192 people have registered interest in KiwiBuild properties but only 214 have prequalified. Prequalification includes getting bank approval for the mortgage and is required to participate in KiwiBuild ballots. Use the link below to get updates on these and other KiwiBuild-related numbers.

Auckland is a good example of why the government should have an increased focus on getting section prices down. The first chart (Fig 1.) shows the median existing dwelling and section prices reported by REINZ. Existing dwelling and section prices largely move in tandem, although the recent fall in the median section price may be more due to a change in the composition of sales between lower and higher priced sections than due to falling section prices.

Since 1998, the median dwelling price has increased 258%, the median section price 360% and the average cost of building per square metre for new dwellings



**KIWIBUILD SHOULD, IN TIME, MAKE CONSIDERABLE PROGRESS DESPITE THE FLAWS. BUT, AS WAS POINTED OUT IN THE LAST ARTICLE, IT WILL DO LITTLE - IF ANYTHING - TO GET DOWN SECTION PRICES THAT ARE AT THE HEART OF THE HOUSING AFFORDABILITY PROBLEM. IF THE GOVERNMENT WAS SERIOUS ABOUT IMPROVING NEW HOUSING AFFORDABILITY, THE PRIMARY FOCUS WOULD BE ON GETTING DOWN SECTION PRICES. DOING SO SEEMED TO BE PART OF THE PLAN BEFORE THE ELECTION BUT THIS OBJECTIVE SEEMS TO BE SLIPPING AWAY.**

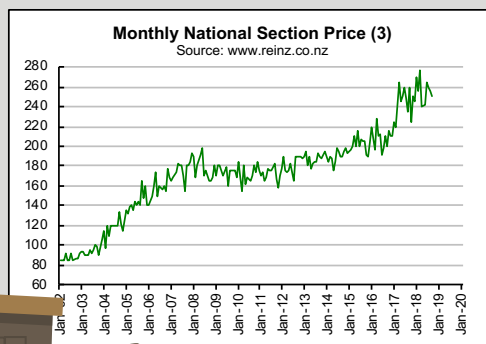
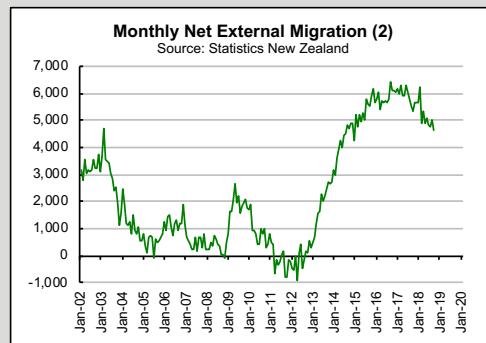
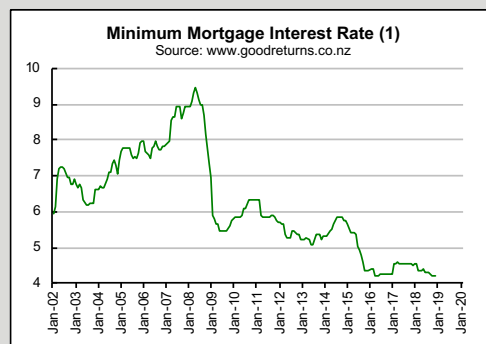
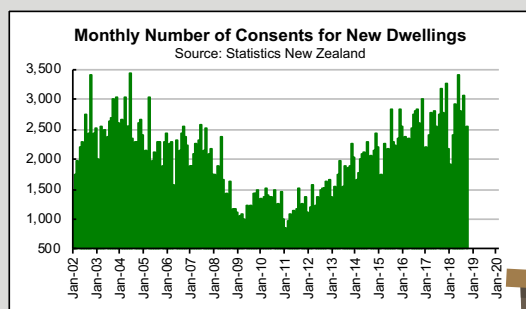
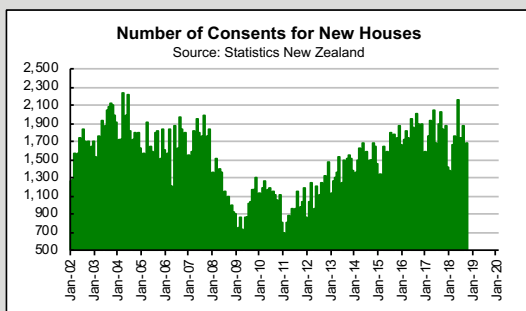




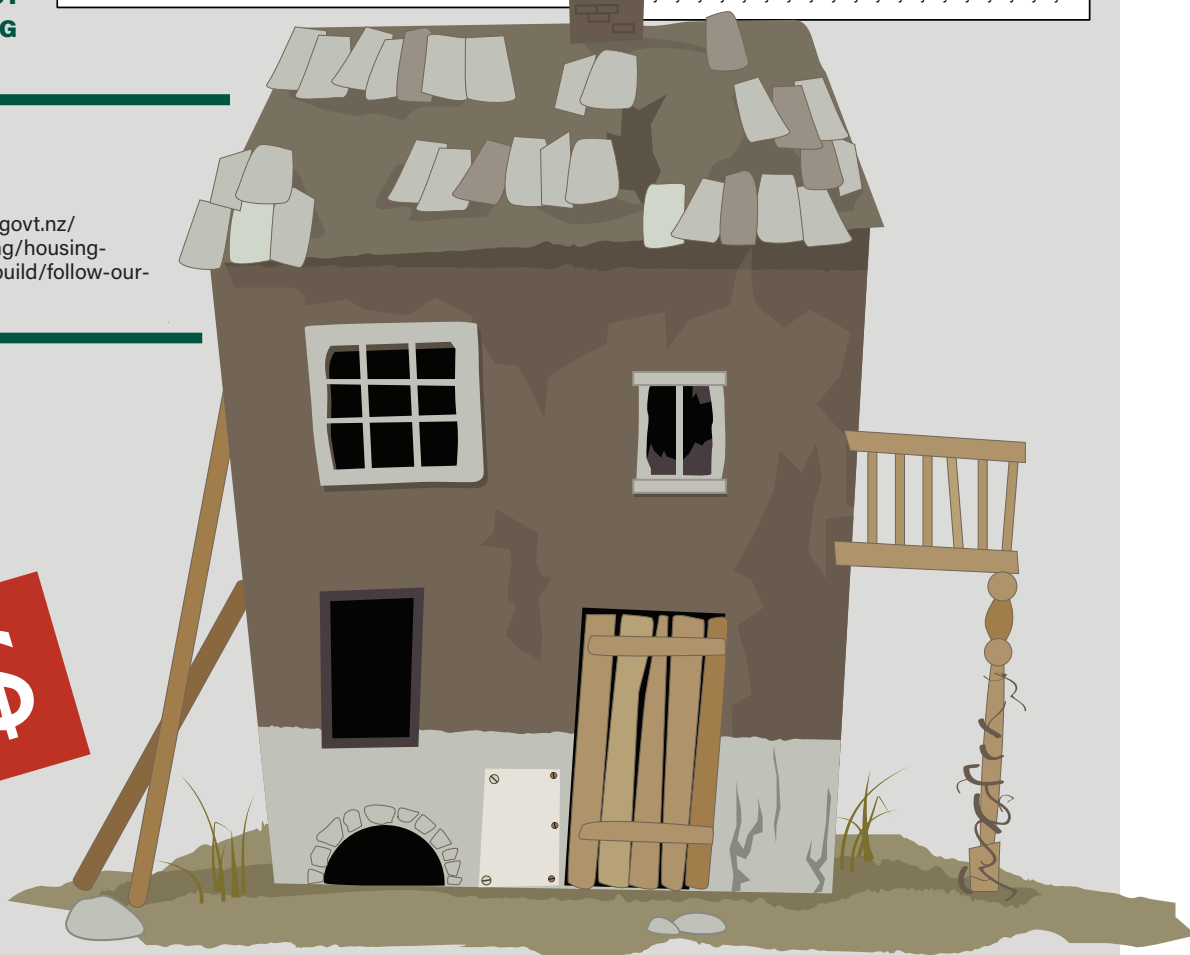
in Auckland has increased 159%. Section prices have increased more than twice the increase in building costs.

If section prices had increased in line with building costs since 1998 the Auckland median dwelling price - that is made up of capital value that largely reflects building costs and land value that reflects section prices - would have increased 159% rather than 258%. The median Auckland price would be \$235,000 or 38% lower than is the case. The blue line in the second chart (Fig 2.) shows what would have happened to Auckland existing dwelling prices if section prices had increased in line with building costs.

**KIWIBUILD HAS FLAWS BUT, BY FAR, THE LARGEST FLAW IN THE GOVERNMENT'S HOUSING INITIATIVES IS THE LACK OF FOCUS ON GETTING DOWN SECTION PRICES. IF THIS PROBLEM WAS ADDRESSED WE WOULDN'T NEED KIWIBUILD WITH ITS BUREAUCRACY AND TEETHING PROBLEMS.**



<https://www.hud.govt.nz/residential-housing/housing-affordability/kiwibuild/follow-our-progress/>





# Christchurch apprentice wins Registered Master Builders CARTERS Apprentice of the Year

Peter Ravn from Christchurch has been named the country's top carpentry apprentice, taking out the title of Registered Master Builders CARTERS 2018 Apprentice of the Year at this year's national competition. Peter went head to head with nine other national finalists, in a tough 6-hour practical challenge. They were tasked with building a complex garden station that put their skills to the test.

Peter, 26, is employed by Armitage Williams Construction Ltd and was trained through the BCITO.

**Corbin Mills**, 22, from New Plymouth, employed by B D Hill Building Limited and trained through the BCITO, placed second in the competition.

Third place was awarded to **Kyle Tonks**, 22, from Porirua, who is employed by Tonks Residential Construction Ltd and trained through the BCITO.

The competition judges said Peter was an outstanding all-rounder, and gave a solid performance throughout the competition.

"To be successful in this industry, you must be an all-rounder. Peter demonstrated high competency across all aspects of the competition," they said.

"Peter had a good submission, was a great communicator in his interview, and displayed high quality skills in the practical challenge.

"He shows maturity and passion for his craft, with a clear vision to be an industry leader. His professionalism is admirable. A worthy winner of the 2018 Apprentice of the Year."

The two-day national competition saw each of the ten finalists undergo a 45-minute individual interview with the judging panel. This was followed by the challenging practical component, the garden station build. All 10 garden stations will be donated to local schools and are designed to help children learn about growing food. The challenge took place in front of an audience of family, friends and the general public at the ASB Showgrounds. The gala awards, hosted by Mike Puru, were held later that evening.

Registered Master Builders Chief Executive David Kelly says it was great to see the young apprentices demonstrate such a high level of skill so early in their careers.

"For 14 years Apprentice of the Year has been showcasing and rewarding the best and brightest of our industry's apprentices. They are our future leaders and have demonstrated high craft standards throughout the





competition. They are an inspiration to those looking to join the industry," he says.

Kelly also says the competition acknowledges and celebrates the employers that contribute to the industry by investing in young talent. "We need more employers to invest their time, skills and energy into training apprentices. It's great to see so many companies entering their apprentices into the competition year after year, and we applaud them for their ongoing and continued investment in young talent."

Supporting the competition for the 14th year running is principal sponsor CARTERS. CARTERS Chief Executive Mike Guy says that they were incredibly proud to be involved in helping support the careers of such a talented group of apprentices. "Apprentice of the Year reflects CARTERS' dedication to supporting New Zealand's apprentices through investing in training and mentoring. Attracting young talent to our industry is essential to the success of New Zealand's booming construction sector," he says.



"We congratulate Peter and all the finalists for their commitment and passion for the industry and we look

forward to seeing them make their mark on the industry."



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

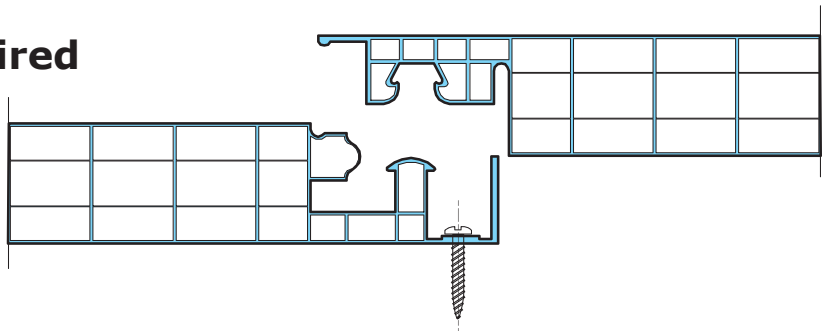
**For more information, visit [www.apprenticeoftheyear.co.nz](http://www.apprenticeoftheyear.co.nz)**

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 sponsor the Ministry of Business, Innovation and Employment (MBIE).



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# Staying on top of the job – managing fatigue

**WITH WEATHER IMPROVING, DAYLIGHT HOURS INCREASING, AND A SHORTAGE OF EXPERIENCED BUILDERS ACROSS THE COUNTRY, IT CAN OFTEN FEEL LIKE THERE AREN'T ENOUGH HOURS IN THE DAY.**

If you've got lots of jobs on the go, it can be tempting to push through and work much longer hours. But ignoring the signs of fatigue in yourself and your workers can be a real hazard. So with that in mind, here's some handy tips from the team at Site Safe to help you stay on top of the job.

## WHAT IS FATIGUE?

Fatigue is more than feeling drowsy. At work, fatigue is a state of exhaustion which can be both mental and physical. Fatigue reduces a person's ability to do their job safely, and decreases performance and productivity.



**FATIGUE IS OFTEN CAUSED BY A NUMBER OF COMBINED FACTORS, INCLUDING:**

- the demands of work
- work scheduling and planning
- environmental conditions
- dehydration: symptoms of which include cracked lips, flushed face, dizziness, cramps or headaches)
- drugs/alcohol/medication
- the type of work activity: such as a noisy environment or using vibrating tools
- poor diet, a lack of exercise, disrupted sleep
- poor emotional wellbeing or stress

## IDENTIFYING FATIGUE AS A RISK

To figure out if fatigue could be a hazard at your work, it's vital to recognise mood, alertness, sleepiness, task performance and focus.

To assess the fatigue risk, ask yourself and record:

- Who is likely to be at risk of fatigue and where?

**IDENTIFYING FATIGUE AS A RISK**

- How often is fatigue likely to occur?
- What degree of harm could it cause?
- Are any existing control measures effective?
- What action should be taken to control and monitor the risk of fatigue in yourself and others?
- How urgently is the control needed?

**SIGNS SOMEONE MAY BE FATIGUED**

<b>MOOD</b>	Irritable, uncommunicative, frustrated, disengaged, late for work or doesn't show up
<b>ALERTNESS</b>	Slurs speech, rubs eyes, yawning, appears tired
<b>PERFORMANCE</b>	Cuts corners, takes risks, clumsy, forgetful, makes mistakes, poor decision making and judgement
<b>FOCUS</b>	Loses the big picture, misses warning signs, has a fixed gaze, blurry vision, lack of focus

Preventing fatigue



**WORK SCHEDULING AND PLANNING:**

- Take regular breaks and consider extra breaks if the work is demanding.
- If you need to work longer hours, consider staggered start and finish times, and longer breaks and periods off work.
- Think about how you schedule your work - a person's ability to be alert is not constant throughout the day. For most people, low points occur between 3.00am and 5.00am, and between 3.00pm and 5.00pm. During these times, try to avoid doing tricky or dangerous jobs.
- Monitor and place limits around overtime. Avoid incentives to work too many hours. If night work is required, limit the number of night shifts in a row that your employees can work. Also place limits around shift swapping and on-call duties - regular sleeping patterns help prevent fatigue.
- Try to create a positive environment with good relationships.



**MENTAL AND PHYSICAL DEMANDS OF WORK:**

- Use the right tools and resources for the job.
- Use low-vibration hand-held tools and where practical install low-vibration seats in machinery.
- Rotate tasks between workers.
- Stay hydrated and avoid drinks with caffeine.
- Make sure workloads and deadlines are realistic.



**ENVIRONMENTAL CONDITIONS:**

- Avoid working during extreme heat or cold.
- Provide shelter and facilities for breaks.
- How much sleep do I need?
- You should aim for between 7.5 to 8.5 hours a night. But to work out your optimal sleep time, try the following on your next holiday:
  - Put your alarm clock away and wake up naturally for at least two days to overcome cumulative sleep loss.
  - Then for the next three or four days, write down how many hours you sleep.
  - Divide the total number of hours you have slept by the number of days - this is how much sleep you need to maintain optimal alertness, performance and wellbeing.
- Get the whole team on board
- Develop a fatigue policy which includes details on the maximum shift length, average weekly hours, and travel time. Make sure everyone is aware of the policy, how to recognise fatigue and how to report risks and incidents.



For more information, check out the fatigue guide on the Site Safe website at <https://www.sitesafe.org.nz>





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# A smarter way in.

Introducing the Schlage Keyless Range.



Say goodbye to lost, stolen or plain forgotten keys. With our easy-to-install Schlage electronic touchpad door locks, coming and going is keyless, easy – and painless.

Our electronic range covers simple touchpad door locks through to smart locks that work with iOS and Android, all available in a variety of finish and style options.

[schlage.co.nz](http://schlage.co.nz)

# PROBLOC® SPF50+ SUNSCREEN



The best **protection** against cancer causing **UV rays** is to stay out of the sun. That's pretty well impossible on most work sites, so the next best thing is to slip on a long sleeved shirt, slop on the **ProBloc®**, slap on a wide brim hat and slide on some ProChoice® safety sunglasses.

“Over **4000** people are diagnosed with either melanoma in situ or invasive melanoma every year in New Zealand. That's around **13** people every day. Over **300** Kiwis die of melanoma every year.”

## PROBLOC® SPF 50+ Sunscreen

### Sunscreen 500ml Bottle

### Sunscreen 1L Bottle

- SPF 50+ with moisturising Vitamin E
- 4 hours water resistant
- Pump pack bottle
- TGA Registered AUSTL 203239
- Complies to AS/NZS2604:2012 Sunscreen products—Evaluation and classification



**APPLY EVERY  
3-4 HOURS AND  
STAY SUN SAFE AS  
WWW.PROSAFETYGEAR.COM**