

# BUILDING BUSINESS

THE LATEST NEWS FROM YOUR BUILDING SUPPLIES SPECIALIST

ISSUE 64: DECEMBER 2015



Congratulations to Arnott & Arnott Builders from Manawatu  
James Hardie New Homes \$500,000 - \$650,000 National Winner

## 2 NEW SKILLS MAINTENANCE SCHEME

The new mixed-model scheme will provide more assurance to consumers.

## 15 PAYMENT CLAIMS

Payment claims can be very useful but a little bit of training is needed to get them right.



READING BUILDING BUSINESS WILL CONTRIBUTE TOWARDS YOUR LBP SKILLS MAINTENANCE REQUIREMENT. ENSURE YOU LOG THIS IN YOUR ITM DIARY TODAY. DECEMBER 2015.



"We'll see you right"



# LBP'S GET NEW SKILLS MAINTENANCE SCHEME

**A new skills maintenance programme for Licensed Building Practitioners (LBPs) has been designed to better assist LBPs in keeping their skill-set current and provide more assurance to consumers about LBPs and their professional competence.**

The new mixed-model scheme, which has become law, will consist of both elective and compulsory activities. The elective component will remain largely the same as it is at present, while the new compulsory parts will include reading the Codewords e-magazine and completing on-the-job learning activities.

“The review and implementation has been conducted to improve the current skills maintenance system with a view to making it

more relevant and meaningful for participants. A comprehensive package of guidance will be provided by the Ministry of Business Innovation and Employment (MBIE) to support understanding of the new requirements,” says Paul Hobbs, Registrar, Building Practitioners Licensing at the MBIE.

“Codewords will focus on keeping LBPs up-to-date with important regulatory and technical changes in the sector. The on-job-learning part of the scheme

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will focus on harnessing naturally occurring learning that happens in a LBP's day-to-day work."

To sign up to Codewords go to  
**[www.building.govt.nz/subscribe](http://www.building.govt.nz/subscribe)**

This is by no means the only way to achieve on-the-job Learning, but is one example of how it can be applied.

#### OTHER LEARNING OPPORTUNITIES INCLUDE:

- Peer review of another LBP's design;
- Research a new building product or method of construction;
- Implement a learning from a product tutorial;
- Complete a Record of Work or Certificate of Design to record a learning outcome (in relation to a new product or building method);
- Designing or building an Alternative Solution;
- Third-party observation of your work e.g. engineer, council inspection;
- Evidence of applying a legal test e.g. Section 67, 75, 112, 115 of the Building Act.

"The new model includes changes to the auditing and monitoring of LBP performance, which will provide a higher level of assurance that LBPs are meeting their skills maintenance requirements," says Mr Hobbs.

The new requirements are accessible for all LBPs regardless of geographic location and licence class. LBPs will continue their current skills maintenance cycle with no changes, and when they reach the renewal date for their licence they will 'time in' to the new requirements for subsequent cycles.

In launching the new scheme, MBIE has designed a new look and feel, which includes adopting a suite of icons for each of the seven licence classes. See below:



LICENSED  
BUILDING  
PRACTITIONERS



LICENCE CLASS	ACTIVITIES YOU MUST DO		PLUS ACTIVITIES YOU CHOOSE
	READ CODEWORDS	ON-THE-JOB LEARNING	POINTS REQUIRED
Bricklaying & Blocklaying, Carpentry, External Plastering, Foundations and Roofing	Yes	Yes	12
Design or Site area of practice 1	Yes	Yes	15
Design or Site area of practice 2 & 3	Yes	Yes	18

## SIGN UP TODAY FOR BUILDING BUSINESS

READING THIS WILL CONTRIBUTE TO YOUR  
LBP SKILLS MAINTENANCE REQUIREMENTS

ITS QUICK AND EASY TO  
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ITM SUPPORTING BUILDERS THROUGH  
THE ITM LBP PROGRAMME

**6 ISSUES  
PER YEAR**  
PLUS A MONTHLY EMAIL  
NEWSLETTER (MAKE  
SURE WE HAVE YOUR  
EMAIL ADDRESS)



# MAKITA'S NEW TRADE WARRANTY NOW COVERS YOUR TOOLS FOR AN EXTENDED PERIOD

Extended warranties are now **automatic**

However you will need to keep your proof of purchase and we recommend you register your power tools online in our MyMakita toolbox for added security and ease.



To register your **tool warranty** or register your tools please login to your **MyMakita account**

# My **Makita**

**MyMakita** is a personal space to store all your tool info, including **warranty details**, and a register where you can record tool serial numbers as protection in case of loss or theft.

You can also list other tools, if you want, to keep all the information in a safe place.

If you have not set up your free **MyMakita** account yet then register now - its easy.  
To register head to **www.makita.co.nz**

**www.makita.co.nz**

**Makita**

# POWER TOOLS

## 185mm Circular Saw

- Aluminium die cast safety cover
- Soft grip provides more comfort
- Aluminium base plate
- Single action lever for quick adjustment #HS7600SP



**BONUS**  
Blade included

**\$149** EXCL GST

**Makita**

## 26mm Rotary Hammer

- Easy-to-grip handle
- 3 modes
- One-touch sliding chuck for easy bit change
- Built-in LED Job Light #HR2631FT



**BONUS**  
17 Piece SDS Plus bit set



**\$429** EXCL GST

**Makita**

## Recipro Saw

- 1010 watt
- Push-in lock system for quick tool less blade changing
- Large trigger switch with variable speed for accurate cutting #JR3050T



**\$259** EXCL GST

**Makita**

## 305mm Slide Compound Mitre Saw with Laser

- Electric brake
- Electronic with soft start and constant speed control
- Bevel range of 45° right and left
- Mitre range of 60° right and 52° left #LS1216L



**\$1099** EXCL GST

**Makita**

## 18V Brushless 2-Piece Combo

### Kit Includes:

- DDF481 115Nm Cordless Brushless Drill/Driver
- DTD148 175Nm Cordless Brushless Impact Driver with 3 stage power selection
- 2 x 5.0Ah Li-ion batteries & rapid charger #DLX2091T



**\$809** EXCL GST

**Makita**

## Self-Levelling Combination Cross Line/Point Laser

- All-in-one solution
- Line and point accuracy of +/- 3mm error rate at 9 metres
- Extended laser line fan length
- Integrated pendulum lock for transport and storage #SK103PZ



**\$429** EXCL GST

**Makita**

## 8mm Cement-Board Shear

- Best designed for cutting medium density cement-board
- Retractable belt hook
- Ergonomically designed handle with rubberised soft grip
- Sturdy aluminium gear housing #JS8000



**\$439** EXCL GST

**Makita**

## 18V Cordless Brushless Screwdriver

- High performance brushless DC motor
- Lock-on button for continuous screw driving
- Single LED job light with afterglow function
- Push-drive for quieter work and energy saving
- Skin only, battery not included #DFS452Z



**\$359** EXCL GST

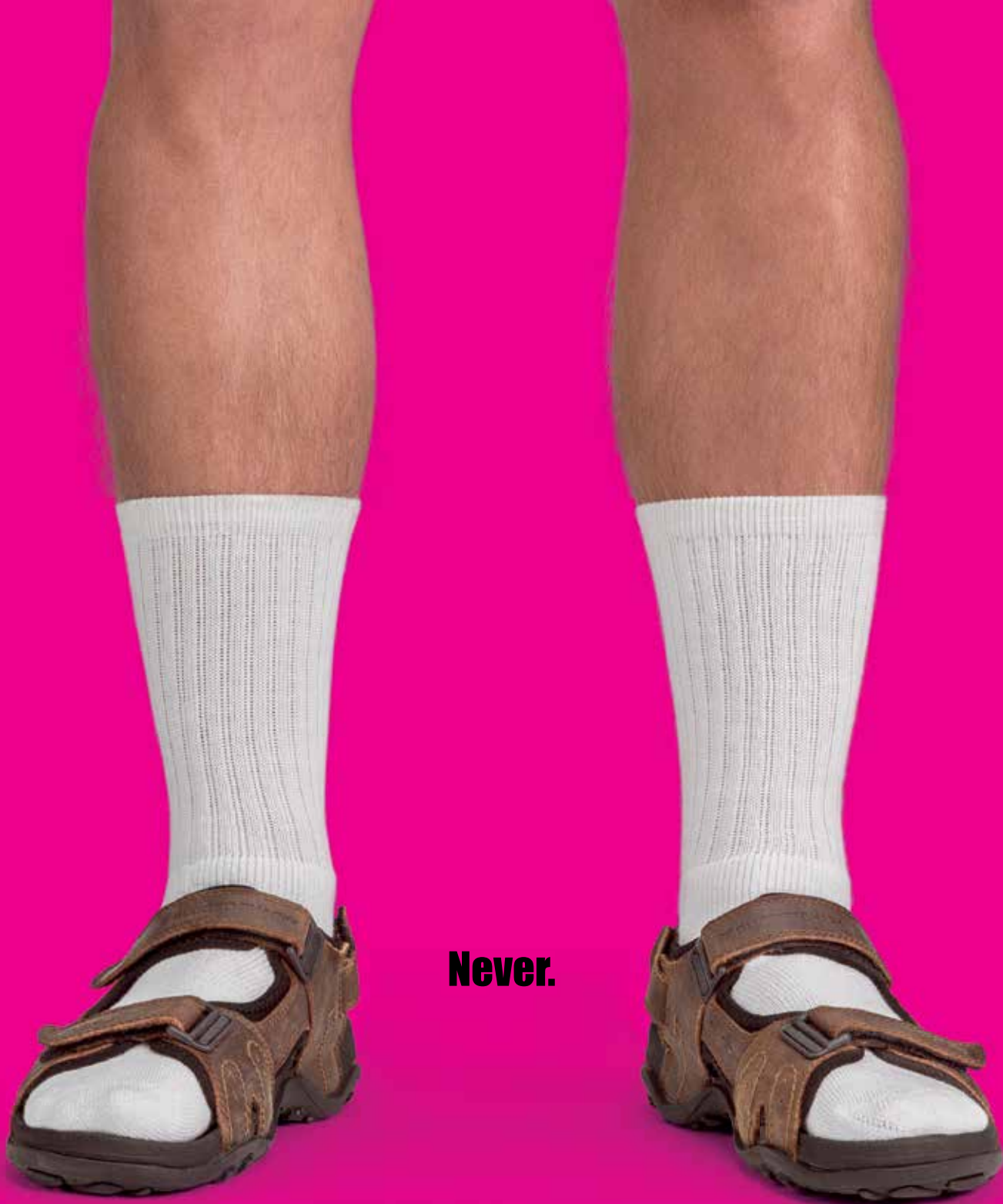
**Makita**

**FREE BEACH TOWEL**



When you spend over \$250 on any of these products\*

\* Limit of one per account. Strictly while stocks last.



**Never.**

It's an unwritten rule. Like always using Pink® Batts® to insulate Kiwi homes. Because only Pink® Batts® insulation gives you the confidence of over 50 years of proven performance, unrivalled availability, complete safety and our Lifetime Warranty. Enough said.



**Always.**

# EMPLOYEES, CONTRACTORS AND THE IRD

**The issue of contractors vs employees is currently a hot button issue with the IRD, and the ramifications for getting it wrong can be drastic.**

## WHAT IS AN EMPLOYEE?

Employees have Pay As You Earn (PAYE) tax, which includes any ACC levies, Student loan, and KiwiSaver deducted from each salary payment. The onus for these payments is on the employer and any non-compliance with the law regarding these is a matter settled between the employer and the IRD.

Employees are also fully entitled to Holiday Pay and Sick Leave payments from their employer.

This is by far the simplest approach to personal income tax for a worker, but is more complicated for the employer.

## WHAT IS A CONTRACTOR?

Conversely, if you hire someone as a contractor, the task of complying with New Zealand Tax Law is more arduous for the worker, while being simpler for the employer.

Labour-only building contractors have 20% withholding tax withheld by the payer (administered at the same time as PAYE) but are still required to file an income tax return each year and pay any additional tax (which is based on their marginal tax rates). Most other contractors do not have withholding tax withheld but may be required to make provisional tax payments throughout the year.

Contractors are able to claim certain expenses against their income, such as travel necessary for work, or in a builder's case, expenses for repairs and maintenance on any tools they use in the course of their work, along with depreciation on tools and vehicles. They are required to be registered for GST if they earn over \$60,000 in a twelve month period, and must file a full Income Tax Return at the end of the financial year.

Contractors are not entitled to sick leave or holiday pay, and are not able to take up personal grievance claims against the employer.

## EMPLOYEE VS CONTRACTOR SCENARIOS

The best method to decide how to treat your worker for tax purposes is to consider the following areas:

- Does the worker have the ability to work for another employer on another job while working for you? If he does, he's a contractor.

- Who dictates the amount to be paid to the worker? If the worker is planning on invoicing based on an hourly rate he offered to the employer, then he would be deemed a contractor. However, if the worker is paid a set rate based on the employer's discretion, he would be viewed as an employee.
- Can the worker take holidays as they wish, or is it up to the employer's discretion? If holiday periods are dictated by the employer, then the worker is likely to be deemed as an employee.
- Do they supply their own tools for work? If they supply the majority of their tools, which are not paid for by the employer via any tool allowance contribution, then they would likely be deemed a contractor.
- Does the worker invoice the employer for hours completed on jobs? If so, they are a contractor. Employees are paid a rate based on a full day of availability for work, whether the work is there or not. Contractors only get paid based on the hours they work.

These are just a few examples of areas that the IRD look at, and as you read through the above methods, it is easy to see why it has become a grey area for businesses.

Essentially, the less control a business has over a worker and their activities, the more likely they are to be deemed a contractor.



If you have questions about how you should be paying your workers, or have any other questions regarding contractors or employees, please contact Peter van der Heijden at peter.vdh@crowehorwath.co.nz; or contact your local Crowe Horwath advisor.

For the contact details of your local Crowe Horwath office, please visit: [www.crowehorwath.co.nz/locations](http://www.crowehorwath.co.nz/locations) or phone 0800 494 569.

# SAFETY

## Switch Blade Safety Glasses

- Medium impact
  - Patented lens change system
  - Multi-directional/adjustable rubber nose bridge
  - Co-moulded and flexible rubber temples
  - AS/NZS 1337.1:2010
- #180C – Clear, #180E – Eclipse, #180S – Smoke (shown)



**\$17<sup>90</sup>** EXCL GST



## PT1 Safety Glasses

- Dual lens design for distortion-free vision
  - Rubber temples and nose bridge for comfort and grip
  - Medium impact
- #800BWS Black White Frame Smoke



**\$19<sup>90</sup>** EXCL GST



## Trade Series Aluminium Platform Ladder

- 150kg load rating
- Features new handrail with moulded tool tray
- Hip-height handrail allows three points of contact
- Folds down flat for storage and transportation
- 6 and 8 step ladders feature a new 'push-rod' to make flat-folding easier
- New optional tool bucket and full surround handrail

**BONUS**  
Full Surround Handrail



#OXPL03  
3-Step

**\$229** EXCL GST

#OXPL04  
4-Step

**\$245** EXCL GST

#OXPL05  
5-Step (shown)

**\$279** EXCL GST

#OXPL06  
6-Step

**\$329** EXCL GST



## Podium Platform

- 150kg load rating
  - Folds flat for easy roll-away storage
  - Full surround handrails
  - Perfect for ceiling work and low level access
  - Two height settings – 0.9m and 1.1m
  - Large non-slip aluminium one man platform
- #PP120



**\$999** EXCL GST



**FREE  
BEACH  
TOWEL**



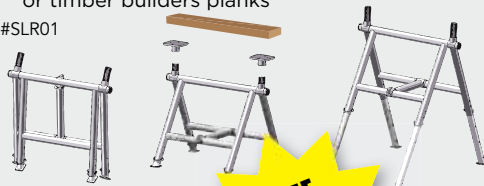
When you spend over \$250 on any of these products\*

\* Limit of one per account. Strictly while stocks last.

## Low Rider Trestle

- Use with your existing Staffy Tough Tower parts or timber builders planks

#SLR01



**\$259** EXCL GST

**FREE  
ALLOY TOP-CAPS  
(FOR SAW HORSE USE)**



## Starter Pack

- 2m or 3m long
  - Handrails included
  - Lightweight aluminium construction
  - 300kg load rating
- #SLRS pack2m, #SLRS pack3m

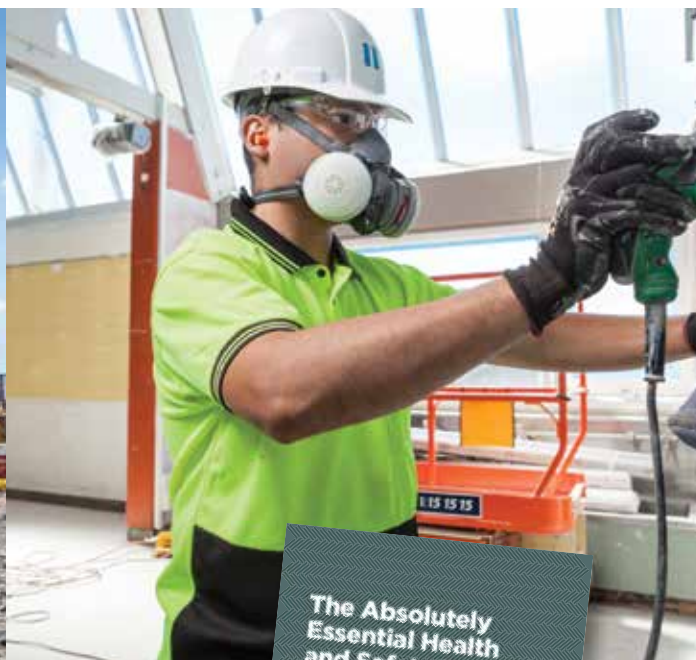
**BONUS**  
9m Ratchet Tie Down



See in-store for prices

Optional Extra:  
Bay Pack add-on





# THE HEALTH AND SAFETY TOOLKIT

## Hazardous Substances and Personal Protective Equipment (PPE).

Not all risks on a construction site are obvious. Some you can't even see, such as toxic fumes and asbestos fibres in the air. But out of sight shouldn't mean out of mind.

Hazardous substances can do just as much damage as a regular workplace accident. In fact they can do more. WorkSafe New Zealand estimates that 20 times as many construction workers die from breathing in airborne contaminants as they do from a workplace accident.

Think about that for a minute. Between 2008 and 2014 on average there were almost ten deaths a year from incidents in the construction sector, but work-related diseases claim around 200 lives a year from workers in the industry. We're talking about cancers, respiratory disease and the like – diseases that cannot only kill you but rob you of your quality of life along the way.

We need to get serious about workplace health risks. It's time to treat health the same way we treat safety. We need to start identifying those harmful substances (such as asbestos, lead, solvents, paints and silica and concrete dust) and take action to ensure they don't make us sick. That's where **WorkSafe New Zealand's Absolutely Essential Health and Safety Toolkit for Small**



**Construction Sites** can help. It's a short, sharp starter course in the basics of health and safety. And it will point you in the direction of more detailed guidance and information if you need it.

The Toolkit asks the sort of questions you should be asking yourself when you're planning a project:

- Have you identified all harmful substances and materials?
- Have you put in place precautions to prevent or control exposure to hazardous substances?
- Can you do the work differently to remove the risk entirely?
- What about using a less hazardous material?
- Have you fitted dust extraction to your tools? Or water suppression to limit dust?
- Have you remembered to put up warning signs?

### ASBESTOS

The most well-known occupational health risk is probably asbestos. Asbestos-related diseases can take decades to develop and there are well established rules for working with asbestos. This article is not the place to go into detail, but the WorkSafe website has all the guidance you could need. Just remember – if in doubt check and test for the presence of asbestos and get expert advice from a qualified specialist (with a Certificate of Competence).

**DUST**

Dust might seem like just an annoyance, but it can cause real health problems – particularly silica dust from cutting concrete. Preventing dust by wetting or extracting it with some sort of vacuum attachment is a far better option than just wearing a dust mask.

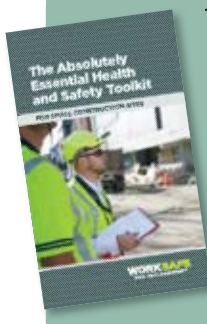
As always, proper training and information is also vital. If workers are expected to use or be around hazardous chemicals or other substances then they need to know what they're dealing with and how to stay safe.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

Part of that training will be making sure everyone knows what personal protective equipment to wear and how to use it. It could be anything from the right dust mask or hearing protection to safety goggles or gloves. For asbestos work your specialists may use disposable overalls and full respiratory protective equipment (RPE) to ensure they don't breathe in any fibres.

Make sure suitable equipment is provided and used – protective gear is no good if it is just lying in the back of the ute. In fact, leaving protective gear lying around in the ute is probably not the best idea full stop – make sure it is cared for and stored properly.

Last but not least, if anyone is exposed to hazardous substances such as lead, silica, cement or sensitisers such as two-pack adhesives or coatings, arrange ongoing health monitoring. Remember, many work-related diseases can take a long time to develop and are often the result of repeated exposure over years. It might be slow to catch up with you, but occupational ill health can have a devastating effect. Don't take any chances – look out for hazardous substances and learn how to work with them safely.



The Absolutely Essential Health and Safety Toolkit is available as a pocket-sized flip book and has just been released on a mobile-friendly website you can check from your phone or tablet which you can access at [business.govt.nz/worksafe/construction](http://business.govt.nz/worksafe/construction). It does not cover legal requirements and is a guide only.

**WORKSAFE**  
NEW ZEALAND | HAKI KAWARAU  
AOTEAROA

The new Health and Safety at Work Act comes into force **4th April, 2016**  
Find out how the new act affects you:  
[www.business.govt.nz/worksafe/about/reform](http://www.business.govt.nz/worksafe/about/reform)

# GET YOUR LOCAL YELLOW RICH PROFILE

**Get more bang for your business profile with the launch of Yellow/home – a new mobile app from YellowLabs.**

**WHAT IS YELLOW/HOME?**

Yellow/home is a free app for New Zealand's 1.7 million homeowners to manage their properties and get the help they need to maintain it.

**USERS CAN:**

- Get property information - including council information, market value and size;
- Create a personalised maintenance plan;
- Quickly find businesses nearby to help with maintenance plans;
- Create their own maintenance plans e.g. scheduling painting exterior cladding.

**HOW WILL YELLOW/HOME HELP MY BUSINESS?**

Yellow/home puts your Rich Profile directly into the hands of people who want to maintain their property.

**WHAT IS A RICH PROFILE?**

Yellow has turned online listings into Rich Profiles. A Rich Profile has more content specific to a business, so they're built to be found on the web.

**WHAT DO I NEED TO DO?**

If you run a business that helps Kiwis keep their homes in shape and want to be found in Yellow/home, make sure you're listed on Yellow Online. If you're already listed, make sure your Rich Profile is up-to-date.

Visit [www.yellow.co.nz/rich-profile/itm](http://www.yellow.co.nz/rich-profile/itm) and update your Rich Profile today.

**SEE THE YELLOW/HOME APP FOR YOURSELF**

Search "Yellow Home" in the Google Play or Apple App Store, or go to [www.y-home.co.nz/itm](http://www.y-home.co.nz/itm)



yellow/home

# IMPULSE® PAIR

These two come as a pair and it's an awesome deal! No cords, no hoses, no compressors.



## FRAMEMASTER-LI™ FRAMING NAILER

Ideal for: Framing, Trusses, Flooring, Joists, Roofing, Decking, Eaves, Cladding.



## TRIMMASTER IM250A-LI 1.6MM ANGLED BRADDER

Ideal for: Architraves, Quads, Beading, Door Jambs, Mouldings, Skirting Boards, Panelling, Stair Rails.

### Kit Contains:

- 1 x FrameMaster-Li Framing Nailer
- 1 x TrimMaster Angled Bradder
- 2 x Blow Moulded Cases
- 2 x Lithium-Ion Batteries
- 1 x Charger Kit

#S20502

FOR ONLY

**\$1216\*** EXCL GST

\*Price only valid when purchasing the Impulse Pair Kit.

**Paslode**  
Impulse

**FREE  
BEACH  
TOWEL**



When you spend over \$250 on these products\*

\* Limit of one per account. Strictly while stocks last.



**You'd never tolerate running out.**

**So always choose the insulation that's available when you want it.**

You can buy Pink® Batts® insulation at all ITM stores around the country. Pink Batts also offer a nationwide installation service.

Contact your local ITM store on **0800 367 486**.

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**Always.**



# INSURANCE AND YOUR HEALTH & SAFETY PLAN

**Legislation has recently been passed that will increase the responsibility of businesses, directors, managers and workers to manage health & safety at work. New health and safety legislation is expected to come into force early in 2016.**

## INCREASED ENFORCEMENT

Alongside the new law, WorkSafe New Zealand is increasing its enforcement activity, which could increase the potential for prosecution if a substantial breach is identified. Although the Health & Safety at Work Act specifically states that you can't insure for health & safety fines, you are able to get insurance for the legal costs of defending yourself if you're prosecuted for a breach of the law.

## HIGHER REPARATIONS

In addition to the new health & safety laws, the passing of the Sentencing Amendment Act 2014 has extended the ability of judges to award reparation to meet any shortfall in a victim's ACC compensation. This will result in potentially larger reparations and more expensive defence costs. Before these changes, an injured party may have faced a shortfall in what they received from ACC.

Shortfalls can arise for a number of reasons:

- ACC only pays 80% of the injured person's lost income;
- ACC payments are capped at a maximum of roughly \$1,850 per week;
- A person's ACC benefits are calculated on their prior year's income, and if this was unusually low (perhaps due to a slow patch or because their income had been split to minimise tax) it could also affect their compensation.

Now judges can require that defendants pay reparations to close any gap. Imagine having to pay as a lump sum 20% of a person's salary for the rest of their lives if they're permanently injured.

The legislation also means claimants will be able to recover medical bills and loss of benefits. Unfortunately, it's a reality that sometimes, despite your best efforts, accidents can happen.

## INSURANCE IS AVAILABLE

Known as Statutory Liability Insurance, it provides protection for:

- The legal defense costs associated with breaches of legislation, including the Building Act, Consumer Guarantees Act, Fair Trading Act, Resource Management Act and Health & Safety at Work Act;
- The costs of an investigation or inquiry;
- Fines or penalties you may be required to pay under these acts (except for health & safety fines);
- Most policies also cover reparations awarded by a judge in a criminal prosecution.

Despite all the precautions and health & safety plans you may have in place, sometimes accidents happen. If you're prosecuted, having statutory liability insurance could save you thousands of dollars.

Builtin New Zealand is a specialist in insurance for the construction industry. For more information visit [www.builtin.co.nz](http://www.builtin.co.nz), email Ben Rickard at [ben@builtin.co.nz](mailto:ben@builtin.co.nz) or call him on 0800 BUILTIN



# HOLESAWING

## TCT Multi Purpose Kit

- 13 piece set
  - General purpose kit
  - 19mm - 76mm holesaws
- #KMP11021



**FREE**

Philips Bluetooth Speaker  
RRP\$150

**\$209** EXCL GST

**Starrett**

## MOAK Mother of all Kits

- 18 piece kit
  - For fast cutting of wood, MDF, AC sheets, fiberglass and fibre cement board
  - Also includes bi-metal holesaws
  - Metal carry case
- #KMX14041-E



**FREE**

Philips Bluetooth Speaker  
RRP\$150

**\$289** EXCL GST

**Starrett**

## Cementboard Bit

- Tungsten carbide tip drill and countersink bit
  - For use on fibre cement and hard timber
  - Made in Japan
- #SM14TCT-09 - 9mm  
#SM14TCT-18 - 18mm



EACH  
**\$69<sup>90</sup>** EXCL GST



## Auger Bit Set - 6 Piece

- 8mm, 10mm, 12mm, 16mm, 20mm, 25mm
- #SM6T-6



**\$84<sup>90</sup>** EXCL GST



## Auger Bit 190mm

- 12mm x 190mm
  - Manufactured from one piece of high quality steel
  - Machined point and resharable honed and ground spur and cutting edge
- #SM6-12



**\$13<sup>90</sup>** EXCL GST



## Auger Bit 400mm

- 12mm x 400mm
  - Suitable for boring all woods including hardwood
- #SM400-12



**\$22<sup>90</sup>** EXCL GST



## 20mm Heavy Duty Impact Drill

- Highly durable alloy housing body
  - Powerful 860W motor
  - Safety slip clutch
  - Variable speed with 2-speed gearbox
- #DV20VD(G6)



**\$334** EXCL GST



**HITACHI**

## 18V IP56 Premium Brushless Impact Driver

- High performance brushless motor
  - Unique Active Control System (ACS) to reduce driver slippage from the screw head
  - Max torque: 172Nm
  - Super compact - 128mm overall length
  - Skin only, battery not included
- #WH18DDLNN



**\$339** EXCL GST



**HITACHI**

**FREE BEACH TOWEL**



When you spend over \$250 on any of these products\*

\* Limit of one per account. Strictly while stocks last.

# THE FORMULA 1 OF BUILDING WRAP: MASONS FR1

Masons has answered the increasing demand for a wrap that has it all. FR1 Building Wrap is a 100gsm non-woven breathable composite building wrap.

It is fire retardant, water resistant and breathable. FR1 is the strongest of any absorbent wrap on the market and is suitable for buildings situated in NZS 3604 Wind Zones up to and including Extra High.

The product has high UV qualities and anti-fungal properties. It is also compatible with absorbent and non-absorbent cladding for use under direct fixed and non-direct fixed wall cladding, on timber framed and steel framed buildings.

## CODEMARK CERTIFIED

FR1 Building Wrap has been CodeMark certified to ensure it meets code compliance with NZBC Clause B2.3.1 (a), not less than 50 years for building wraps used where the cladding durability requirement or expected serviceable life is not less than 50 years.



## FIRE RETARDANT

FR1 Building Wrap is fire retardant in accordance with AS1530 Part 2 Flammability and has been appraised with a fire rating of 1. Fire ratings range from 5 to 0. The lower the number the better the fire rating. FR1 has the best fire rating of any absorbent wraps on the market. Masons FR1 wrap is available in 2.74m and 1.37m roll heights in 50m<sup>2</sup> and 100m<sup>2</sup> rolls.



**MASONS**  
Designed Smart, Built Tough.

**FREE  
BEACH  
TOWEL**



When you spend over \$250 on this product\*

\* Limit of one per account. Strictly while stocks last.

# POLYWALL - THE HYGIENIC WALL LINING SYSTEM

The alternative to Hippolon and the ideal simple and cost-effective solution for retro-fit projects.

PolyWall is a solid polypropylene sheet which is non-porous, lightweight, will not deteriorate, flake or chip from impact especially in low temperatures and is also non-toxic making it suitable for the food and beverage industry.

PolyWall does not allow bacteria growth, is easy to cut, clean and is resistant to many chemicals. It is also resistant to brine, salt, caustic soda, alkali detergents and many inorganic chemicals, making dirt, grime and marks easier to remove compared to other lining materials.

Available in a sheet size of 2440mm x 1220mm x 3mm in white. Components to PolyWall Hygienic



Wall Lining System include Standard Jointers, Internal and External Corner Jointers, Capping and Plastic Christmas Tree Fastners.

PolyWall is designed for interior use only.

For more information on PolyWall contact PSP on 0800 786 883 or visit [www.psp.co.nz](http://www.psp.co.nz).





# GIVE YOUR PAYMENT CLAIMS SOME CAREFUL THOUGHT

**A contractor who does building work would be mad not to use payment claims. They can be very useful when used correctly.**

BY GEOFF HARDY OF SPECIALIST CONSTRUCTION LAW FIRM MADISON HARDY

The Construction Contracts Act 2002 (the “CCA”) was introduced because the New Zealand construction industry was behaving badly at the turn of the century. Payments weren’t flowing down the chain to where they were badly needed, and disputes took far too much time and money to resolve. So the Government followed the lead already taken by a number of other western countries, and passed the CCA to address these issues. The main thrust of the CCA is to get payment to the contractors at the bottom of the pile promptly, and the two main ways it does that are payment claims and adjudication.

All building contractors should take advantage of those two processes, because they are fast and relatively inexpensive compared to suing in the courts or going to arbitration. Both of them

**The main thrust of the CCA is to get payment to the contractors at the bottom of the pile promptly.**

result in money changing hands, but they aren’t necessarily intended to be the final say in the matter. In fact the idea was that the parties would then fall back on one of the standard dispute-

resolution procedures (mediation, arbitration, litigation, etc.) to sort out who really is entitled to the money at the end of the day. Payment claims

**Make some changes to your standard claim forms or invoices so that they satisfy the criteria for a payment claim.**

and adjudication provide an interim solution, although in many cases the parties choose to treat that solution as final.

## THE POWER OF PAYMENT CLAIMS

A contractor who does building work would be mad not to use payment claims, because they provide an additional method of getting paid, that you otherwise wouldn’t have. And it’s not hard to take advantage of it. All you have to do is make some changes to your standard claim forms or invoices so that they satisfy the criteria for a payment claim.

That means they have to be in writing, contain sufficient details to identify the construction contract to which the progress payment relates, identify the construction work and the relevant period to which the progress payment relates,

state a claimed amount and the due date for payment, indicate the manner in which you calculated the claimed amount, and state that it is made under the Construction Contracts Act 2002.

In addition, there has to be attached to it or included with it, a page and a half of fine print that explains to your client what the payment claim process is all about. Previously that fine print only had to be provided to “residential occupiers” but as **from 1 December 2015, it goes on all payment claims regardless of whether the client is residential or commercial.**

**If the client does not provide you with a valid payment schedule by the deadline then the whole amount you claimed in your payment claim is payable without question.**

Your client has the opportunity to respond with a “payment schedule”, which must be in writing, must identify the payment claim to which it relates, and must indicate a “scheduled amount” (the amount of your payment claim the client proposes to pay). If the scheduled amount is less than the claimed amount, the payment schedule must indicate the manner in which the client calculated the scheduled amount, the client’s reason for the difference between the scheduled amount and the claimed amount, and where the difference is because the client is withholding payment, the client’s reason for withholding payment.

The important point is that if the client does not provide you with a valid payment schedule by the deadline (20 working days after your payment claim is served, or whatever date your contract says) then the whole amount you claimed in your payment claim is payable without question.

Even if the client does get a valid payment schedule in on time, if it says you are going to be paid a certain amount, then that amount has to be paid. Either way, it doesn’t necessarily mean that you get to keep the money for good, because the client can still bring separate proceedings to try to claw some or all of it back. But it does mean the money has to flow out of the client’s bank account and into your bank account in the meantime, and you can pay it out to your subcontractors, suppliers, staff and spouse.

**THERE ARE STRICT RULES TO FOLLOW**  
You can see how using payment claims can give you some extra leverage, which is what they were intended to do. But the price for that is that you

have to be reasonably careful about complying with the payment claim criteria in the CCA. That doesn’t mean you have to comply to the letter, because there have been plenty of cases saying that the courts will forgive mere “technical quibbles”. But there have also been some cases where payment claims have been ruled invalid, and you don’t want to discover that yours are invalid after you have spent thousands of dollars in legal fees working your way through the court process. At least at the outset, you need some professional help to make sure you get the template right and you know how to fill in the payment claim each time.

There are a variety of reasons why a payment claim might be invalid. You might not have satisfied all the criteria in section 20 of the CCA (which are summarised earlier in this article). For example, in one case the payment claim didn’t indicate the due date for payment. In another, the payment claims made no effort to explain or verify their contents and were difficult to understand, so the Judge found they failed to identify the relevant construction work or indicate the manner in which the claimed amount was calculated. In a further

**Payment claims can give you some extra leverage, but the price for that is you have to be reasonably careful about complying with the payment claim criteria in the CCA.**

case, the Judge said it was “at least arguable” that a payment claim cannot just specify the hours worked per worker, and must actually state what they did. There have even been cases where the mere presence of a few typographical errors in the fine print, or sending the fine print a day later than the actual payment claim, were enough to invalidate the claim.

So to sum up, payment claims can be useful, but you need some training to get them right.



Geoff Hardy has 40 years’ experience as a commercial lawyer and is the senior lawyer in the Auckland firm “Madison Hardy”. He guarantees personal attention to new clients at competitive rates. His phone number is (09) 379 0700, fax (09) 379 0504, and email geoff@madisonhardy.com. This article is not intended to be relied upon as legal advice.

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- Good adhesion to damp or fresh concrete.
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# HEADS UP THIS SUMMER

**Don't throw away those fish heads. One man's trash could be another man's treasure – or at least a damn tasty feed.**

About five years ago I was on a beach in the Far North with my kids. It was peak summer holiday time so the usually isolated beach was buzzing with happy holidaying kiwi families. You could feel the summer vibe. But the mood changed when my daughter got a fish spine in her foot. The spine was from a rotting pile of snapper heads and frames that extended all the way down the beach.

The beach stunk, and there were flies and maggots everywhere. But aside from the desecration of the beach, it was the waste that shocked me. All that food just dumped! The sad irony was locals were mere metres from the piles of rotting fish heads casting a line in the hope of catching a fresh fish meal.

The culprits were the holiday makers in Doubtless Bay. They aren't bad people, they just don't know what they are throwing away, or they feel embarrassed to offer what they consider rubbish to someone else.

## A WEBSITE WAS BORN

So the solution was right in front of me. We can clean up the beaches, provide a fresh fish meal for families that love fish heads, and perhaps even bring kiwis together through the act of giving and receiving.

So I started [freefishheads.co.nz](http://freefishheads.co.nz) where people with fish heads they don't want can make contact with people who would love to come and get them. It was an instant success. Thousands of fish head transactions took place in the first year. We now have over 4000 fish head receivers registered around the country who are always happy to grab a bin of tasty fish heads. But it's been the donors we get the most enthusiastic feedback from. We're often told how good it feels to receive the gratitude from the fish head lovers, and to quote one donor "It felt like the right thing to do (to give my fish heads away), and when I saw their eyes light up and the big smiles from the lady and her kids, I knew I'd never dump a fish head again, they were so grateful".

I understand why they were so grateful. I'm a fish head eater, and so are my kids. We love that succulent meat hidden in the head, and it's not hard to enjoy. So how about you give them a try. You can smoke fish heads, steam or boil them, but a convenient way is to oven roast them. Because



*Matt and his kids tuck-in to some succulent fish heads.*

instead of taking six snapper to feed your family with the fillets, you could eat the whole fish and you only need to take three – that's got to be good doesn't it? So give my recipe below a try and if you really can't bring yourself to give fish heads a go – give them away.

## FISH HEAD RECIPE

Remove gills from fish head but leave wings attached. Remove the scales with a fish scaler, or a desert spoon works pretty well too. Do this out on the lawn as the scales fly everywhere.

Place fish head in a roasting dish and pre-heat oven to 200°C. Rub salt into the skin and around the inside of the head, coat in black pepper and drizzle a tiny bit of olive oil over the fish head. Add a few slices of lemon inside and out. Cover with foil and bake for 20 mins, or when skin starts to split. It's good to eat now but if you like the skin crispy tip the juice off, remove lemon and place under grill for a few minutes.

To serve, plonk it on the table and hook into it. In my order of preference, the best bits are the cheeks, the eyes, and the top of the head.

Tight Lines,

*Matt Watson.*

Matt Watson



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The weather really turned it on for the 1,000 ITM guests that attended the ITM 500 at Pukekohe Park Raceway on the 6th - 8th November.

## ITM 500 AUCKLAND RESULTS

Race 1 Winner (21 Laps):

**Jamie Whincup - Holden Commodore VF**

Race 2 Winner (21 Laps):

**David Reynolds - Ford Falcon FG X**

Race 3 Winner (69 Laps):

**Jamie Whincup - Holden Commodore VF**



# NEW INDUSTRY TOOL LAUNCHED

**Called SafetyMate, the tool is an electronic health and safety platform designed for builders.**

With new health and safety laws which come in effect on the 4th April 2016, the building and construction industry faces a potentially tricky path ahead in adapting to the new legislation. However, this is being made considerably easier thanks to a new electronic tool.

Called SafetyMate, the tool is an electronic health and safety platform designed for builders, plumbers, electricians and all sub-trades. SafetyMate can be used on-site to help track every item of compliance required to achieve a safer site, while helping with meeting legal obligations.



Both sub-contractors and building companies are being offered a free 30-day trial of SafetyMate. Building companies will benefit from real-time tracking of who is signed in and inducted on-site. Staff can also report hazards, incidents and toolbox meetings via their mobile device.

**For more information and to arrange a free 30-day trial, visit [www.safetymate.co.nz](http://www.safetymate.co.nz)**

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**The CS BraceWall Cavity Slider is used in areas where wall bracing is required in conjunction with a cavity sliding door. It has the proven reliability of a CS Cavity Slider with the convenience of an integrated bracing panel.**

The product is now easier to install whilst providing greatly increased Bracing Units. The new design fits within a standard 90mm stud wall and is supplied as a fully assembled unit ready for installation on site.

## FEATURES

- Single or Bi-Parting units available up to 2.9m x 3.2m. Minimum compliant pocket width is 710mm.
- Bracing units are greater than many other bracing systems. They are not reliant on wall linings (e.g. GIB Braceline).
- Available with timber or aluminium jambs.

**Ph: 0800 SLIDER or email [info@csfordoors.co.nz](mailto:info@csfordoors.co.nz) to book a demonstration.**



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# CEMIX RUBBERGUARD

**Designed for a range of under-tile waterproofing applications.**



## TYPICAL APPLICATION/USES:

Cemix® Rubberguard can be used for:

- Wet areas and shower alcoves;
- Podiums, terraces, balconies and deck areas;
- Waterproofing applications requiring high vapour barrier properties.

## DESCRIPTION:

Cemix® Rubberguard is ideally suited as a general purpose wet area membrane. It offers excellent adhesion properties over building substrates including concrete, masonry, renders, cement sheeting, wet area sheet surfaces and plaster board surfaces.

## ADVANTAGES:

- One component;
- Elastomeric and flexible;
- Once cured will not re-emulsify, handles permanently wet conditions;
- Outstanding low water vapour transmission properties;
- Excellent adhesion to surfaces;
- Compatible bonding properties for Cemix® tile adhesives, screeds and renders;
- Solvent free, non-hazardous, low VOC;
- Suitable for internal or external applications.

## LIMITATIONS:

- Cemix® Rubberguard is not designed for use as an exposed membrane.
- Cemix® tile adhesives are recommended for direct adhesion to Cemix® Rubberguard membranes.

- Best storage conditions require a dry area, avoiding humidity and frost;
- Pot life for the mixed membrane is approximately 60 minutes in normal ambient conditions of  $\leq 23^{\circ}\text{C}$ ;
- Waterproofing applications requiring high vapour barrier properties.

## SUBSTRATE PREPARATION:

Concrete substrates should be sound & primed (with Cemix® Tile Bond Latex) to ensure a good bond; The substrate should be uncoated & clean, free from all contaminants, loose particles, dirt, oil, mould, curing compounds, sealers & paints etc. The better the substrate preparation & condition the better the end result. The concrete substrate should ideally be at least one month old.

## DETAILING:

As a wet area membrane Cemix® Rubberguard requires a suitable bond breaker at all substrate junctions. The Cemix® Safeguard detailing tape range is recommended to be used.



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