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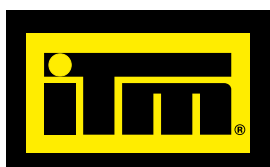
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Building Business contributes towards your LBP skills maintenance requirement. Ensure you log this into your ITM diary or the ITM App today.



Busting LBP myths

03

LBP NEWS

There are several enduring myths about the Licensed Building Practitioners (LBP) Scheme that need clarification. Let's untangle the facts from the fiction.

THE LBP SCHEME has been in place for almost 10 years but has only been running in a fully operational sense since March 2012 when restricted building work (RBW) was named in law. Over this period, the LBP population has grown year-on-year and now sits at just over 25,000 licensees.

Here are some of the more commonly held myths I have come across in my time working with the LBP team.

Records of work vs producer statements

Myth: A record of work is the same as a producer statement.

Reality: This is untrue. Producers' statements are not mentioned in the Building Act, whereas records of work are required by law to be issued by an LBP once restricted building work has been completed.

LBP's can't supervise LBP in same class

Myth: An LBP can supervise another LBP in a licence class they both hold. The supervisor is accountable for all work.

Reality: If you are an LBP and supervise someone who is not licensed, you are accountable for the work they perform under your direct supervision. However, an LBP cannot supervise another LBP who holds the relevant licence. For example, an LBP carpenter cannot supervise another LBP carpenter as both hold the relevant licence class to undertake RBW.

It is worth noting that an LBP cannot pass this accountability off onto someone else. Even if that someone is your boss and he or she is telling you what to do, an employer or boss can't supervise you if you are licensed to carry out the work.

CONTINUE >>

Not everyone gets an LBP licence

Myth: Everyone who applies for a licence is given it.

Reality: People often say to me, "Everyone that applies for an LBP licence gets one". This is typically put forward more as a statement and not a question. In fact, on a yearly cycle, about 7-9 per cent of applicants fail to meet the required mark.

LBP licence classes may expand

Myth: The LBP licence classes will never change.

Reality: To date, more than a dozen interested trade-related groups have approached the Ministry seeking entry to the scheme. For the record, the licence classes are not set in stone. Objective criteria are currently being developed to enable prospective licence classes or new areas of practice to evaluate their chances of entering the scheme.

The Ministry plans to trial these objective criteria with a couple of potential new LBP areas of practice in the near future.

LBP complaints process has teeth

Myth: Nothing happens if you get a complaint laid against you.

Reality: In recent times, the Building Practitioners Board has received an increasing number of complaints about LBPs. Last year alone, complaints received increased by 71 per cent on the previous year. Of the complaints received during this period, a small number related to serious offences while others sat at the lower end of the scale.

During 2015/16, the Board handed down a disciplinary sanction to an LBP on average once a week. The most serious of these offences saw the LBPs in question publicly named, stripped of their licences and ordered to pay any associated fines and costs.

As a general rule, most individuals in the scheme have little need to worry about answering allegations of a disciplinary nature. However, it is a necessary tool of any occupational licensing scheme to have a robust complaints function in order to hold poor performers to account for shoddy workmanship or unacceptable behaviour.

By Paul Hobbs

LBP Registrar



LICENSED
BUILDING
PRACTITIONERS

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Skills maintenance



If you're a Licensed Building Practitioner (LBP), skills maintenance helps you grow your skills and knowledge and keep up with important changes in your industry.

The table below is a reminder of the compulsory activities and elective activity points you need to acquire over a two year period so you can be re-licensed.

COMPULSORY ACTIVITIES	ELECTIVE ACTIVITIES								
CODEWORDS/LBP KNOWLEDGE <p>LBPs will be required to read Codewords/LBP Knowledge articles and complete a short quiz. The articles will cover changes to the law and technology LBPs need to be aware of.</p>	ACTIVITIES YOU CHOOSE <p>LBPs will need to do relevant elective activities the same way they do now where 1 hour = 1 LBP point. The minimum number of points has been reduced to:</p> <table> <tr> <th>LICENCE CLASS</th><th>NUMBER OF POINTS</th></tr> <tr> <td> Bricklaying & Blocklaying, Carpentry, External Plastering, Foundations and Roofing </td><td>12</td></tr> <tr> <td> Design or Site area of practice 1 </td><td>15</td></tr> <tr> <td> Design or Site area of practice 2 & 3 </td><td>18</td></tr> </table>	LICENCE CLASS	NUMBER OF POINTS	Bricklaying & Blocklaying, Carpentry, External Plastering, Foundations and Roofing	12	Design or Site area of practice 1	15	Design or Site area of practice 2 & 3	18
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Bricklaying & Blocklaying, Carpentry, External Plastering, Foundations and Roofing	12								
Design or Site area of practice 1	15								
Design or Site area of practice 2 & 3	18								
ON-THE-JOB LEARNING <p>LBPs will need to provide a minimum of two examples of on the job learning. An example can be a project which shows LBPs continued learning and practice within their licence class.</p>									

House of the Year 2016 winners

We celebrate and congratulate our customers who took home eight of the 19 awards at the Registered Master Builders 2016 House of the Year nationals.

Richard Davidson Builders Ltd

- Winner of the Supreme Award
- National category winner –
New Home over \$2 million
- Winner of the Craftsmanship Award
- Winner of the Bathroom Excellence Award
- Customer of **Albany ITM**

Property description: 700m² area of work,
5 bedrooms, 4 bathrooms, 3 living rooms.
Campbells Bay, Auckland



Sinclair Builders 2010 Ltd

- National category winner –
New Home \$300,000-\$400,000
- Customer of **Dyers Road ITM**

Property description: 165m² area of work,
3 bedrooms, 2 bathrooms, 1 living room.
Hillsborough, Christchurch



Maddren Homes Ltd

- National category winner –
New Home up to \$300,000
- Customer of **Western ITM**

Property description: 140m² area of work,
3 bedrooms, 2 bathrooms, 1 living room.
Beach Haven, Auckland



Redmond Builders and Construction Ltd

- Winner of the Heart of the Home Kitchen Award
- Winner of the Outdoor Living Award
- Customer of **Tumu ITM**

Property description: 600m² area of work,
4 bedrooms, 3 bathrooms, 2 living rooms.
Havelock North, Hawke's Bay



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YEAR**

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#DMR200

- 2-way speakers provide high-quality sound
- 101mm woofer and 36mm tweeter
- USB output port for charging mobile devices
- Dust and shower-proof construction
- On board storage box for portable devices
- AC adapter connects to power source



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\$169
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18V Brushless 2-Piece Kit

#DLX2180X

- DHP484 Hammer Drill Driver
- DTD153 Impact Driver
- 2 x 3.0Ah batteries and rapid charger



Makita

\$540
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18V Cordless Brushless Impact Wrench

#DTW1002Z

- 1000Nm max fastening torque
- 3-stage electronic power selection
- Battery protection circuit
- Electric brake
- Twin LED lights with afterglow function
- Battery not included



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\$429
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14 Piece Deep Socket Set

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- 81.5mm deep impact socket for 1/2" anvil
- Includes pin and o-ring to secure to anvil
- 10mm - 32mm socket range
- Includes carry case



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18Vx2 Cordless Hedge Trimmer

#DUH651Z

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- 5-position rotating rear handle
- LED battery gauge indicates charge level
- Electric brake for increased productivity
- Batteries not included



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Stopping in summer

Why do some joints fail in summer, with tapes cracking or falling out, when similar jobs done at other times of the year do not have these issues?

It's all about water

Summer temperatures can cause water to evaporate too quickly resulting in issues with plaster-based compounds being able to set.

Plaster-based compounds require a specific amount of water to be able to change from plaster to gypsum, which is the process of setting. When a 90-minute set compound starts to set it may have been on the wall drying out for 80 minutes. In hot weather the water loss can be so high there is not enough water remaining in the compound for the plaster to revert back to gypsum. This results in joints that are weak. This may result in joints cracking, tapes falling out and poor bonding of subsequent compound coats.

The speed with which a plaster-based compound will dry is subject to:

- the mass of plaster applied. Less mass, faster drying
- the temperature of the board and surrounding air. Higher temperature, faster drying
- the length of time before set. Longer set, more likely to dry out before set
- the amount of water placed in the compound. Less water more likely to dry out.

There are ways to avoid the issues described above. Analyse the job and, where possible, schedule times to do specific parts of the job and use the appropriate compounds for the conditions.

Plan your day according to where the heat is

The surfaces more prone to dry out due to excessive heat should be taped in during the coolest part of the day, the early morning. Do ceilings with no insulation in the roof cavity first (usually the garage). Then raking ceilings (if any), then the insides of exterior walls facing the sun, all the other exterior walls, ground floor ceilings (if any) and internal walls. Use shorter set compounds in the critical areas that may become excessively hot in summer. The shorter the set, the less time the compound has to dry out before it sets. Use 45-minute set



compounds if a hot area has to be done in the afternoon. It may take longer cleaning out the bucket and mixing more compound, but will reduce the possibility of call back significantly.

Some specific areas to consider

Square stopping on a ceiling below a roof cavity in summer.

Issue — Little mass applied as the stopping has to appear square, and is often not on a taper surface. Ceiling board is exposed to the hot ceiling cavity.

Cure — Schedule for first thing in the morning when the roof cavity will still be cool. If above 20°C, use a shorter set compound. If above 25°C use 45-minute set compounds.

Stopping a garage ceiling beneath a roof cavity that is not insulated.

Issue — Roof cavity may exceed 65°C in the latter part of the day heating the board joint surface way above ambient.

Cure — Schedule taping coat for first thing in the morning, and if hot use 45-minute set compounds.

Stopping raking ceilings and apex joints.

Issues — Excessive temperatures due to little air gap and proximity to the roofing material.

Cure — Once again, scheduling this for the earlier part of the day ensures temperatures are lower. Use of a shorter set compound (45 minutes) is wise on apexes, where the back of the joint may be directly exposed to the heat of the roof cavity.

For further information talk to your ITM sales rep or go to gib.co.nz





Insurance for renovations vs new builds: what's the difference?

We've written a lot over the years about risks builders face and the insurance you need to have. It's been great to see the improvement in understanding across the industry over that time. However, there are still a few issues that crop up regularly.

One of the most common issues we see is when it comes to arranging contract works insurance on jobs that involve work to an existing structure, such as renovations and alterations.

Firstly, what does contract works insurance cover?

It protects the work being done from the cost of hazards such as accidental damage, theft, vandalism, fire, flood, storm damage and collapse, as well as natural disasters like earthquakes. Banks sometimes still refer to it as builder's risk insurance.

Cover runs from when the work starts (unless you've arranged it late – another common problem) until the earlier of practical completion or the end date on the policy.

It is important to note that contract works insurance will automatically expire when the work is practically complete, even if your certificate shows it still has time to run. The policy may include an extension for the maintenance period. However, this only covers damage that occurred during the policy period that was discovered after the work has finished, or damage that occurs when you return to fix something.

When working on an existing structure e.g. renovations:

1. Who arranges the contract works insurance should be specified in your contract. Most standard building contracts will say it is the homeowner's responsibility to arrange it when the work is to an existing structure, such as for a renovation or extension.

2. It is simplest for them to arrange it with their existing house insurer, so that one insurer covers both the works being carried out and the existing structure, just in case there is a claim that affects both. However, some domestic insurers won't do it, in which case they can obtain cover online from Bultin. We suggest you direct them to do it themselves, rather than arrange it for them.
3. Always ask to see a copy of the insurance certificate before starting work. Regardless of who arranges it the policy will cover both the builder and the homeowner, and should include subcontractors too. If they haven't arranged any and there's a problem, if you caused the damage you may have to foot the bill.
4. The homeowner should always inform their existing house insurer, in writing, that work is planned. If they don't, and there's a claim that affects the existing structure, their insurer may decline it on the grounds that they weren't told of a material change to the risk they were insuring. Once again, you could be forced to foot the bill if the damage was your fault, although accidental damage to the existing structure may be covered by your public liability insurance.

When it's a new build:

1. Once again, who arranges the insurance should be specified in your contract. Typically, it is the builder's responsibility to do so when the job is a new build. An exception could be if it's a labour-only job, in which case the homeowner is acting as the main contractor and this responsibility would normally fall on them.
2. Make sure you arrange cover before the work starts. Trying to get it after work has started is more difficult.
3. Make sure you arrange it for long enough to account for unforeseen delays. It is much cheaper and simpler to add an extra month or two on from the start, even if you don't end up needing them, than to have to request extensions to the policy later.
4. The homeowner should be ready to arrange house insurance from the moment of practical completion, as this is when the contract works insurance will expire. They will not want to have a gap in their cover, but some insurers want a CCC in place before they will insure a house. As there is often a gap between practical completion and

issuing of a CCC this can create a problem. Do not extend your contract works policy to cover this gap, if the work is practically complete (or in the case of a spec when 95 per cent of the budget has been spent) the policy will have ended regardless of the end date on the policy. The best approach is for the homeowner to ring around until they find an insurer who will insure the house as long as a CCC is issued within a certain timeframe.

5. Do not allow the homeowner to move in or store stuff on site until after the job is finished. This may void the contract works policy, leaving you uninsured.

There are plenty of other issues to be aware of with contract works insurance. You can get up to speed by reading more (or watching the short video) on Bultin's website.

What other insurance should a builder have?

In general, builders should have adequate insurance to cover the four areas of risk:

Assets – e.g. your vehicles, tools and equipment

Liabilities – e.g. damaging other people's property or making mistakes that cause someone a financial loss, injury to employees, fines and penalties

Financial – e.g. protecting your cashflow, not getting paid for work done, losing your retentions

Personal – e.g. protecting your income if you're off work due to illness

Each of these areas can be covered by a package of policies, which you can find out more about at www.bultininsurance.co.nz

In a nutshell

When there is an existing structure involved it will typically be the homeowner's responsibility to arrange contract works insurance. This is for good reason and protects both them and the builder, so it's important you make sure they've done it before starting work. If you're doing a new build make sure you arrange cover before the job starts, that it runs for long enough to account for delays and that you clearly understand when the policy ends.

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The apprentice diary: entry #2

Most earthworks can be done by diggers, bobcats and specialised machinery. The rest, as I have found out, is down to the apprentices.

Over the past couple of months I have done a fair bit of digging, whether it be holes for piles under existing buildings, footings for extensions or smashing out concrete. I have to say, I don't mind it too much, yes it's hard work, but I figure you just have to get stuck in. I quickly found out, it's definitely easier with the right spade or shovel, whether it be the shape of the head, or the length of the handle.

And that goes with anything on site, having the right tool for the job can save a lot of time, effort and frustration, plus it helps get things done right.

My accomplishments

Well, working on scaffold two stories high, walking across roof trusses and purlins (very slowly and steadily I might add), installing weatherboard and scribes which was very satisfying, plus as previously mentioned working on footings.

This brought about some key learnings for my apprenticeship, such as making steel cages and structures from rebar to drop into the footings, drilling and chemsetting starter bars, to tying off the steel. Then came the block laying (done by the blocky) and more tying steel, then finishing off with boxing any gaps and pouring the concrete. The end result, a solid block wall.

Teamwork and safety

One very important aspect that I never really appreciated until now, is the teamwork and trust that builders have to have with another. What I mean by that is, some tasks clearly require more than one person to complete, but the latter is to do with how dangerous some of the every day tasks can be too. Something that appears fairly simple, like using a nail gun, could go horribly wrong if fired into a thin bit of wood with someone on the other side, or not enough angle and it ricochets back. So it pays to be fully aware of what everyone is doing

at all times, what they are doing, the tools they are using, whether they are above, below or to the side of you.

Formal training update

I've now received all my books from the BCITO and met my tutor. We've agreed on a plan based on my experience to date. There is the theory, which I have started to work my way through, plus the practical. I have to write regular diary notes on what I have been doing on site and I'm quite pleased with the variety of tasks I have already experienced. It will be interesting to see how my first proper catch-up goes in the New Year.

Tools down

To finish off, we had our Christmas function, a fishing charter (the boss loves his fishing). We had an epic day, the biggest snapper caught was a 760mm. My best effort was a 690mm, by far the biggest I had ever caught.

Oh and my smoko camo chair is no longer so impressive. I'm on a new site, and some of the guys have sandwich presses and even heated lunch boxes to warm up the previous night's dinner. I must up my game on that front.

Til next time.

By Stu Foster

Apprentice

Highlights

Best job: Finishing my first block wall

Worst job: Cracking and digging out concrete

Favourite power tool: Drop saw

Favourite hand tool: My trusty Estwing hammer

Apprentice tip: Keep asking questions

Apprentices to benefit

We know that apprentices struggle with the costs of entering the building trade, so we've worked with ITAB to create a scheme to help them out.

Supporting the building industry at a grassroots level is about looking after the next generation of carpenters coming through their apprenticeships. ITM in partnership with ITAB is pleased to announce the ITM Building Professionals Program (BPP).

ITM recognises that becoming an apprentice is a big undertaking. As of February 2017, we will reward eligible ITAB apprentices who have satisfactorily completed the theory and practical components of their apprenticeship, as well as having regular attendance at night classes or block courses. The ITM Building Professionals Program is exclusive to ITAB and will give apprentices a helping hand, as well as recognising their efforts.

Apprentices who enrol into the ITAB programme from 2017 will become recipients of the BPP as milestones are achieved in each year of their apprenticeship (some conditions will apply). The milestone benefits will include:

- ☐ free and discounted tools
- ☐ trade quality branded clothing
- ☐ tool accessories
- ☐ discount vouchers
- ☐ professional support throughout the duration of the ITAB apprenticeship.



With our extensive network of suppliers, we have secured exclusive deals with Makita, Paslode and Estwing products, to name just a few. Other giveaways include branded tee shirts, shorts, socks, hats and polar fleeces for the worksite. Qualifying ITAB apprentices will receive confirmation directly from ITAB National Support Office with details of how to redeem their milestone benefits from their local ITM store.

ITAB apprentices already benefit from quality carpentry training nationwide thanks to the partnership with Industry Training Providers, and will now be well equipped with tools and clothing needed to do the business on site, thanks to ITM.

Carpentry Apprentice Challenge 2017

Are you a current apprentice employed by a NZCB member or an ITAB Apprentice? Maybe you're an employer who thinks you have the next potential winner of the NZCB Carpentry Apprentice Challenge and want the bragging rights? Either way, it's time to stand up and be counted!

Nominations for the 2017 Challenge will be open during February/March 2017 and can be submitted to ITAB National Support Office for ITO-based apprentices or via your ITAB carpentry tutor for apprentices enrolled with ITAB.

Competitors wishing to take part can be at any stage of their apprenticeship, regardless of age or experience. You must be enrolled in a recognised apprenticeship and be up to date with any associated apprenticeship fees or training related expenses.

The 2017 challenge will see regional events hosted in ITM branches nationwide on Saturday 8th April.

For the latest updates and the list of North and South venues visit:

www.itab.co.nz/nzcb-apprentice-challenge-2017

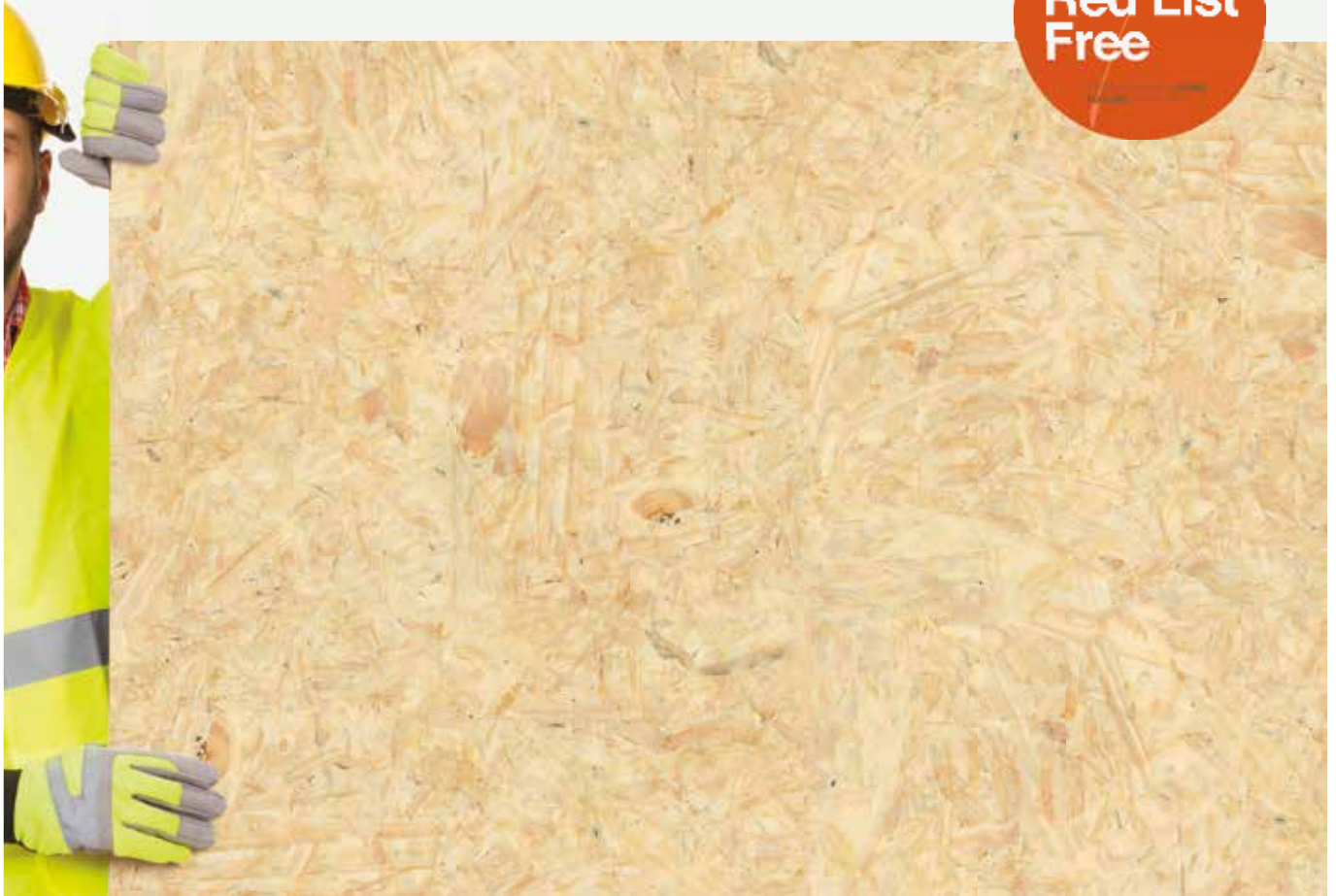


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Installing insulation in residential buildings

The New Zealand Standard for installing insulation in residential buildings has gone through a major revision.

The new Standard is NZS 4246:2016 Energy efficiency – Installing bulk thermal insulation in residential buildings. The Standard provides guidance for the correct installation of insulation products by any installer, including DIY installers, in order to achieve high-quality and safe insulation installations in buildings.

How has the Standard changed?

The Standard has been updated, extended and now provides additional guidance on installing insulation:

- ☐ in steel-framed installations
- ☐ under concrete slabs on the ground
- ☐ around downlights, particularly where there have been significant technology advances.

Additional diagrams, photos and figures have been included to provide easy-to-understand, step-by-step guidelines for installing insulation in new homes, and for the retrofit of insulation in existing residential buildings.

Ban on foil insulation (retrofit or replacement)

Foil insulation continues to be excluded from the scope of the revised Standard. A ban on retrofitting or replacing foil insulation in residential properties came into force on 1 July 2016 to reduce safety risks associated with installing this product.

Meeting everyone's needs

Installing insulation correctly means it performs effectively and doesn't compromise the durability of your building, or put the health and safety of installers and occupants at serious risk.



In addition, the Standard is cited in the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016. If you have rental properties it's important you read and comply with the Standard when installing insulation in those properties.

Where to find the revised Standard

Remember, familiarising yourself with this Standard could be counted as skills maintenance where it is relevant in an elective sense. So have a read:

<https://www.tenancy.govt.nz/maintenance-and-inspections/insulation/>



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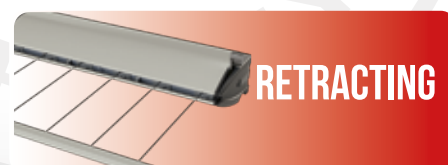
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The best way to resolve a low value building dispute

Not all disputes can be resolved by negotiation. Mediation only works in certain situations and the courts or arbitration can be expensive. For low value disputes, the Disputes Tribunal and adjudication under the Construction Contracts Act are quicker and more cost-effective than other dispute-resolution methods.

Sooner or later every tradesman is going to have a dispute with a client that can't be resolved by negotiation. You can debate the issues until you're blue in the face, but one or both of you is going to remain obstinate or is going to be unable or unwilling to see the other party's point of view. In those situations, people don't act rationally, especially when they are stressed or emotionally charged. They're not about to compromise or meet you in the middle. They feel a deep sense of injustice, regardless of whether they are right or wrong, and all they care about is to inflict more pain on you than the pain they believe you are inflicting on them. So it's pointless continuing the argument, and what you need to do is refer the dispute to an independent third party, as quickly as you possibly can.

A lot of well-intentioned people will try to dissuade you from doing this. They will encourage you to try things like mediation, which involves sitting around a table while a mediator tries to get the parties to reach agreement between themselves.

What you need to do is refer the dispute to an independent third party, as quickly as you possibly can.

But there are some major disadvantages to mediation. First, the parties have to pay the mediator's fees and expenses, which can amount

to several thousand dollars. Secondly, if one of the parties isn't going to budge, then the end result will be that you have wasted hours and hours of pointless discussion and you are back to square one. Thirdly, a mediation can take up to a month or two to organise and complete, which is precious time you could have used to get the dispute resolved in some other way.

In normal building disputes, typically one party has no incentive to resolve the dispute at all, because they are already in a winning position.

Mediation works in situations where both parties have an equal amount to lose, and an equal incentive to compromise so as to avoid the cost and delay of the dispute dragging on. For that reason, it is very effective in leaky home claims, most of which are settled either in mediation or shortly afterwards. But in normal building disputes, typically one party has no incentive to resolve the dispute at all, because they are already in a winning position. For example, where the property owner has unilaterally withheld payment from the builder as compensation for an alleged failure on the builder's part. Or the builder has been paid in full on completion of the project and refuses to acknowledge or respond to a later claim from the owner about some latent defect that has emerged.

The various options available

In those situations, the faster the aggrieved party can refer the dispute to an independent expert who has power to make a binding ruling, the better. In the construction industry, there are at least five ways of doing that.

Dispute-resolution methods

1. Disputes Tribunals (small claims courts)
2. Adjudication under the Construction Contracts Act
3. The Courts
4. Arbitration
5. Referral to an expert or panel of experts

The first three you can do as of right, and methods 4 and 5 you can do if the other party agrees or has already agreed (for example, in the building contract). Referral to an expert is an informal process that is not governed by an Act of Parliament and the rules of engagement have to be agreed.

In the large commercial construction projects where the parties have big budgets you typically see much greater use of dispute resolution boards, arbitration, and litigation in the courts. In the smaller construction projects where the disputes are generally low value (for example, \$10,000 - \$250,000) and the parties have very modest budgets, you see much greater use of the Disputes Tribunals and adjudication under the Construction Contracts Act, both of which are quicker and more cost-effective.

There are, however, certain important factors that can make all the difference between a reasonably fair outcome and a major miscarriage of justice.

In the low value disputes the emphasis is on affordability and practicality. The exorbitant cost, complex procedures and inordinate delays that you get in the courts (or for that matter, arbitration) are out of the question. You want "quick and dirty" justice because that is all you can afford. As long as the outcome is reasonably fair, it does not matter whether it is 100 per cent accurate because at least it enables the parties to put the dispute behind them and move on. There are, however, certain important factors that can make all the difference between a reasonably fair outcome and a major miscarriage of justice.

The four important factors

First, it is important that the disputed amount is paid into a trust account or secured in some other

way so that both parties are deprived of the use of the money. Only in this way can you make it an even contest, and create an equal incentive for each party to participate in the dispute-resolution process. If one of the parties is holding the money and is free to spend it, then in their minds they have already "won" the dispute, and their incentive is to throw as many obstacles in the way of the dispute-resolution process as they possibly can.

Secondly, you want the dispute resolved by a genuine expert, not someone who has never been exposed to a construction project before or whose career has focused on tenancy disputes or marriage break-ups in the past. That is one of the reasons why the Disputes Tribunals are not ideally suited to handling construction disputes.

If one of the parties is holding the money and is free to spend it, then in their minds they have already "won" the dispute.

Apart from the fact that their jurisdiction is limited to claims of up to \$15,000, the Referees in the Disputes Tribunals tend to be very easily persuaded by the prevailing public and media mind-set that the homeowner is invariably in the right and the tradesman is invariably in the wrong.

Thirdly, the outcome is going to be far more reliable if the independent expert actually gets to meet the parties, and does a site inspection. Any badly-adjusted individual can make themselves out to be a paragon of virtue if they stay hidden in the background and simply file written arguments, especially if written by someone else. Similarly, on the basis that a picture paints a thousand words, a site inspection is invaluable for putting things in context and countering exaggeration.

You want the dispute resolved by a genuine expert, not someone who has never been exposed to a construction project before.

Finally, you ideally want both parties bound by the rules of engagement and by the outcome, with very little opportunity to appeal the decision or re-litigate the dispute. Only then can you contain the cost, resolve the dispute quickly, and put it behind you and move on.

By Geoff Hardy

Auckland Commercial Lawyer



Geoff Hardy has 41 years' experience as a commercial lawyer and is a partner in the Auckland firm "Martelli McKegg". He guarantees personal attention to new clients at competitive rates. His phone number is (09) 379 0700, fax (09) 309 4112, and e-mail geoff@martellimckegg.co.nz. This article is not intended to be relied upon as legal advice.

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Tesla gearing up for solar roof production

The merger between Tesla and America's largest solar roof manufacturer has been given the thumbs up by shareholders, and the company is planning to bring their innovative solar roof tiles to market by mid next year.

The range was launched at Universal Studios in Los Angeles where homes from the Desperate Housewives series had been fitted with the new Tesla tiles.

The tiles are made of tempered glass with a colour film, which mimics the appearance of traditional roof tiles.

Tougher and more durable

There are four styles of tiles in the initial range: Textured Glass, Slate Glass, Tuscan Glass and Smooth Glass.

Tesla's Elon Musk said the tiles were superior to conventional options in terms of strength and durability, and presented impact tests comparing the new tiles with traditional ones.

"We expect this to have two or three times the longevity of asphalt," said Musk. "It's really never going to wear out. It's made of quartz."

Power is a bonus

According to Musk, the installed cost of a Tesla tile roof will be similar to a traditional tile or slate roof.

"The important thing is that in an apples-to-apples comparison, it will be at least similar or slightly below the cost of a regular roof. The electricity is just a bonus."



To store the energy collected by the roof system, the Desperate Housewives homes were fitted with the new Tesla Powerwall 2 battery system, which has double the energy of Tesla's first generation battery and can power a two-bedroom home for a full day.

Needless to say there were Tesla cars in all of the homes.

"Electric cars originally didn't look good," says Musk. "They had low range; they didn't have good performance; they were like a golf cart. So people had a real hard time buying electric cars. Something similar has to happen to solar. We need to make solar panels as appealing as electric cars have become."



"The sun provides more than enough energy in just one hour to supply our planet's energy needs for an entire year".

See video of the launch of Tesla solar roof tiles at:

<https://vimeo.com/189402941>





Claiming expenses

Are you claiming for expenses where you could and should be?

The concept of claiming business expenses is determined by what is called a 'nexus' test. This is the link between the expenses you incur and your income. In general, items that do not relate to the income you earn are not tax deductible.

There are a few things that fall into a 'grey area' for tax purposes. It's always a good idea to talk to your accountant about these so you can avoid taking an approach that is either 'conservative' or 'aggressive'. Being conservative will result in more tax being paid, while being too aggressive can lead to penalties and interest that exceed any short-term saving.

Below is a list of adjustments or items your accountant may make while completing your tax return. Savings made in these areas could even end up paying for your next round of Christmas shopping!

Home office

Essentially, the home office claim is a tax free distribution from the company to you. This is done by way of a reimbursement. If you are using a portion of your home for business purposes, the Inland Revenue will allow you to make a claim against the cost of your household. An example is a bedroom converted to an office space which makes up 10 per cent of the household floor plan. In this situation, you would be allowed to claim 10 per cent of rent or interest, rates, insurance, power, water, etc.

Considering Auckland house prices, a 10 per cent claim could potentially be \$2,500-\$3,000 on interest alone (10 per cent of the interest cost for the year). Add in other costs and the total amount

of expenses could be \$5,000 which could lead to a saving of \$1,400 in tax.

Motor vehicle costs

Claiming the cost of your personal motor vehicle as a business expense can be easily done. There are three options available.

1. The easiest is claiming the mileage of your private vehicle that has been used for business. This means that you will need to keep a record of all the business mileage driven during the year and, so long as it is under 5,000, you can multiply that amount by \$0.72 (the current rate for the 2016 financial year).
2. The other option is to keep a log book and record your travel for a normal three-month period including both personal and business use. You will then be able to claim the business percentage, according to the log book, of all the motor vehicle expenses incurred during the year including a depreciation charge. This may seem like a lot of work but with software like Xero, it becomes a lot easier to track.
3. The last method is where a company purchases the vehicle in its name. The company is then entitled to claim all costs relating to the vehicle including depreciation, regardless of whether the car is used for private or business purposes. In most cases, the company will need to pay fringe benefit tax (FBT) on the private use of the motor vehicle. This can often scare people off, due to the increase in the amount of returns that need to be filed. However, this is not always the case, as your accountant can remove the FBT at

the year-end via an FBT reimbursement journal. The decision to purchase a car through your company and also use it for private purposes isn't always straight forward. Make sure you discuss this option first with an accountant before going ahead.

Holiday pay

When paying employees, you must also accrue during the year any holiday pay owing to them. This is not, in itself, deductible as the leave hasn't been taken. Technically, it hasn't been incurred during the income year. It is included as a deduction in your profit and loss but added back to your taxable income. However, if any leave is taken within 63 days of the end of your tax year (i.e. within 63 days of 31 March for most New Zealand businesses) you can claim for that expense. Depending on your year end, this could lead to a significant tax saving. For example, for a December year end business a lot of employees will be on leave in January. Each day the amount of paid leave taken could amount to thousands of dollars of tax savings. This is only a temporary difference, as it will need to be paid back in the following year's tax return. However, if I could delay paying something back for a year I would take it.

Entertainment expenses



As you have just gone through the Christmas period you will be very aware of the costs that can be incurred which fit into this category. The staff and client Christmas functions can all add up.

Some business-related entertainment expenses are 100 per cent deductible. Others are only 50 per cent deductible because they have a significant private element. Even if you think the private element was more or less than 50 per cent of the expense, you can only claim 50 per cent of the expense as a deduction.

In general, any entertainment away from work or out of usual work hours has a private element. For a detailed list of 50 per cent or 100 per cent entertainment activities talk to Crowe Horwath or visit the Inland Revenue for guidelines.

Withholding tax earners vs employees

If you are treated as a PAYE employee of your company, you are not entitled to any deduction for costs incurred by you to perform the job. However, if you are a contractor you will be entitled to claim the expenses that have a 'nexus' to your income. While these expenses include the items outlined above, you do need to keep a detailed record of them. While this may appear onerous, it is often not as time consuming as you might think and could ultimately save you a lot of money.

Overall, taking a cautious approach to claiming expenses can have its benefits with the main one being that you can sleep easy at night. However, by doing so you could miss out on opportunities to claim for expenses you are entitled to. Your hard-earned money doesn't have to be given away to the tax man when it isn't necessary to do so. Make sure you are getting what is due, so that you can invest it in the business or yourself.

By Stuart Ruddell

Crowe Horwath
Senior Accountant

For further information about this article please contact Stuart Ruddell at Crowe Horwath on +64 9 968 5635 or visit us at www.crowehorwath.co.nz



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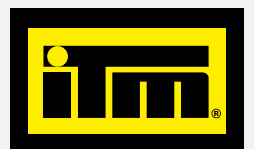
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