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# Should builders be paid to teach apprentices?

03

APPRENTICES

**The critical shortage of skilled tradespeople is not unique to New Zealand. It's a worldwide problem, forcing governments and skills training organisations to try innovative new strategies to get more hands on the tools.**

BCITO is the largest provider of construction trade apprenticeships in New Zealand, and CEO Warwick Quinn is clear about what needs to change to plug the skilled tradies gap.

“We need a more flexible and adapted training regime that is more aligned to employer needs. The current regime is about 30 years old — construction is much more specialised now.

“Under the apprenticeship programme, the teacher is the employer and BCITO does the assessment. Every other teacher in New Zealand is paid to teach. As an employer, you're not. When it's price sensitive, you need help for that initial 12 to 18 months.”

**BCITO**  
buildingpeople

CONTINUE >>

## NZ vs UK

In Britain, there is an employer levy that goes into a central fund — everyone who trains can access that fund. Similar schemes where employers are paid to teach have been adopted in many other countries.

“In New Zealand we have a building levy. We’re saying why not redistribute this in a different way to supply support. The minister is looking at this,” says Quinn.

## Only getting worse

One issue seldom mentioned in relation to the skilled labour shortage is the simple fact that the number of kids coming through kiwi schools and going out into the workforce is declining.

“The record low birth rate in 2003 means the number of school leavers today has never been lower and this is adding pressure in an already-stretched sector,” says Quinn.

“We have a small window of 4-5 years to address some of our concerns before birth rates plummet to record lows. So, if you think we have a skills shortage now, just you wait.”

## The Strength in Work scheme

One of the government’s new policies introduced last year – an apprenticeship for the dole scheme – applies to young people aged 18 to 24 years who have spent six or more months on a benefit.

Called Mana in Mahi (Strength in Work), the scheme subsidises an employer to the equivalent of the benefit, with the employer required to top it up to at least the minimum wage. The programme also includes funding for extra pastoral care up to \$6000.

Grant Florence, who heads up NZ Certified Builders, the organisation that runs the ITAB apprenticeship scheme, says that while programmes like Mana Mahi are really valuable, “it still comes down to finding people with the right attitude who want to work, and that is especially hard at times like this where unemployment is at a record low.

“You can provide all the incentives in the world but if they don’t have that driven will, then it’s going to end up in failure.

“Government policy should be more targeted and give more support to young people to make sure they’re work ready. That’s where the focus needs to be.”



## It’s been tried before

The building industry is made up of a lot of small companies – 90% have 9 employees or less – and around 60% of companies are one-man bands.

These companies don’t tend to take on apprentices. But for six months in 2013, under the Government’s ‘reboot’ scheme, things changed as subsidies were given to both employers and apprentices.

Aimed at improving numbers in the industry as the Christchurch re-build began, and to help cope with the Auckland housing crisis, the scheme was billed at the time by government as a great success.

## But it wasn’t without issues

“With the Reboot scheme, there were quite a few instances of young people entering into an apprenticeship for the wrong reasons and vice versa – employers taking on apprentices for the wrong reasons,” says Florence.

“It was a shotgun approach; what we really need now is something more targeted.”

While the number of apprentices going through the system at present is very high, there are more employers looking for apprentices than the available supply, and the imbalance doesn’t look like changing in the immediate future.

So while paying (or subsidising) builders to encourage them to take on apprentices sounds great in theory, in the current environment, there is no clear solution to this issue.

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# New GIB® Fire Rated Systems manual out now

**With the release of the updated GIB® Fire Rated Systems literature, Winstone Wallboards aims to help reduce confusion in the market about fire rated systems and provide good guidance on issues that commonly come up when dealing with fire.**



The GIB® Fire Rated Systems literature is already a core resource for the design and detailing of fire rated systems within New Zealand.

This update has largely focused on simplifying and clarifying information, systems and details to make it easier for both designers and installers to correctly and quickly utilise the information within the GIB® Fire Rated Systems literature. In addition, reducing costs of fire systems and detailing has also been a key focus, leading to many of the new systems, underscoring our commitment to lowest total cost systems.

The literature update adds a range of new tested GIB® systems including the inclusion of 10-minute

smoke separation walls, and timber and steel systems offering FRRs of between 30 minutes and 180 minutes.

In addition to a wider range of systems, Winstone Wallboards has released a new product: GIB Fire Soundseal®. GIB Fire Soundseal® is a single component, non-sag, acrylic based interior sealant for use where specified.

Additional or clarified guidance has been included on NLB steel stud heights, top-down fire exposure design, and use of metal components within suspended ceiling grid systems. Many junction details have been clarified or added, including new deflection head details.

The GIB® Fire Rated Systems literature is available for download from the GIB® website. Copies of the literature can also be requested through [gib.co.nz](http://gib.co.nz)

## New GIB Fire Soundseal®

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GIB Fire Soundseal® is available on both sausage and cartridge, and the sealant has a light red tint, so it is easily identified once applied.

Winstone Wallboards are offering the new product with its additional features and benefits at the same price as GIB Soundseal®. We're sure customers will appreciate the free upgrade.

**For further information go to [gib.co.nz/gib-fire-soundseal](http://gib.co.nz/gib-fire-soundseal) or call the GIB® Helpline on 0800 100 442.**





# Top 10 business mistakes

07

BUSINESS ADVICE

As a business coach working exclusively with trades, here are the 10 biggest mistakes I find tradies are making (not necessarily in this order).

If you feel you're not getting ahead and your hard work isn't being reflected money-wise, chances are you're making one or more of these mistakes, which even the smartest business owners do sometimes.

## 1 Being unaware of margins and losing money on too many jobs

Often I see tradies working really hard, but they're just not as profitable as they should be. It's frustrating because they are missing out on the real money. The problem is they just aren't getting the margins right consistently on every job. This is even more of an issue when the business is growing – you can end up doing more jobs for less money.

**Solution:** Always price based on margin. Then keep track of costs and hours during the job or at least backcost to check what margin you made. This will help when pricing future jobs and show you how to be more efficient.

## 2 Working too many hours at the expense of health and family

Business is a marathon, not a sprint. When business owners are working 50+ hours per week, they start making mistakes. They are reacting, instead of controlling their business. If this continues long term, they spend most of their time putting out fires, or even worse, their health or family falls apart.

**Solution:** Look at what you're doing in your week. Then decide what is important. Make your family and your health a priority. Choose what work can be delegated or cancelled. Set some rules for yourself on what you will say "no" to.

## 3 Not knowing the numbers

Many tradies don't know their numbers. They are busy, but are they making profits every single month? They just don't know. This is dangerous. If things go wrong, it's often too late to correct.

**Solution:** Have good accounting software you use to record monthly Profit & Loss figures. Then measure everything important to you, including sales, gross margins, earnings per worker. Checking on these numbers regularly gives you early warning signs and you will have time to adjust and get back on track.

## 4 No structure or direction in the business

Lack of planning and systems is a huge problem and can happen in any size business, but especially if a business grows quickly. Important information including customers, jobs, and work standards are all in the owner's head. This becomes frustrating for everyone; standards start to slip; jobs become slower and inefficient, and the owner works longer and longer hours just to keep things moving.

**Solution:** Put into place good planning, procedures, checklists, and reports in all key areas, from the jobs themselves to work schedules to office systems. If this is done right, it will save everyone a whole lot of time and frustration, and the business can still operate without the owner for significant amounts of time.

CONTINUE >>



## 5 Relying on a small number of large customers

For some, the easy option is to rely on one or a few large customers for work. This is dangerous because before long they will start calling the shots - when you work, how much you make, etc. Also, if they have less work for you, or go broke, it will have a major impact on your business, sometimes irreparably. If your biggest client went broke (or stopped giving you work), would you survive?

**Solution:** Don't put all your eggs in one basket. Make sure you have a good spread of customers in different sectors. Make this a priority. If you want to have a long-term profitable business, this is essential.

## 6 Giving too much credit for too long

Credit can be dangerous and is one of the biggest downfalls for trades. Many have gone broke because their biggest clients didn't pay them. Or at the very least have been stressed out with strangled cashflow at the end of the month looking for enough to pay staff, suppliers and the bank while waiting for overdue accounts to come in. How much have you lost in money and time through late payers and bad debts?

**Solution:** Have strict credit terms, take deposits at the beginning of jobs, progress payments, and be prepared to stop work if the account is not paid on time. Only when you are paid can you say the money is yours.

## 7 Not billing everything out on time or at all

Often, especially on complex jobs, bills are sent out weeks or months later. Some details are forgotten, so not everything is billed, or worse the job is not billed out at all.

**Solution:** Get your team to record all details of jobs including extras (materials and labour) on the job. Then make sure you invoice promptly on completion.

## 8 Not dealing with leads and quotes effectively

A number of tradies get plenty of good leads but don't follow them up early enough before they go cold. Or because they don't qualify their enquiry by asking good questions, they waste a lot of time quoting jobs they were never going to get.

**Solution:** Firstly, make sure you have time available every week in your calendar to follow up leads and quotes. You have spent money and effort getting them; don't blow it because of lack

of time. Ask the right questions before quoting which frees up time by identifying the best jobs which are worth pursuing and by weeding out the tyre kickers. Always go through the quote with the customer – it will instantly increase your conversion rate.

## 9 Spending too much time on the tools instead of growing the business

Too much time on the tools leaves no time to find more work or make the team more efficient. It is important to schedule time each week for marketing/selling and putting systems in place. Otherwise, you will restrict growth and profits.

**Solution:** Spend at least one day per week on marketing and sales activities. Plan each day in advance.

## 10 Relying on a small number of lead sources

A deceptive but deadly mistake. You might have plenty of work in the short term, but if you rely on one source e.g. word of mouth, you'll be stuck in a feast or famine work cycle. It's hard to get ahead, because what is made during the good times is then lost again when it gets quiet.

**Solution:** Have a good marketing plan and promote your business consistently using a number of strategies both online and offline.

If you see yourself making some of these mistakes, the good news is it's easy to fix, if you put the right strategies in place. Many tradies I have worked with have been able to turn their businesses around by focusing on these solutions.

So start now by working on the one mistake causing you the biggest headache, then the next and the next. It won't be long before you start getting the business you want.

by Daniel Fitzpatrick



Daniel Fitzpatrick is a business coach for trades & construction business owners. Find him at [NextLevelTradie.co.nz](http://NextLevelTradie.co.nz)



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# If you are renovating an apartment building, who do you contract with?

**Believe it or not, deciding who to insert as your client or customer in your building contract is not always straightforward. And it does matter, for the following reasons.**

There are three main characteristics that you want in a customer; One is that they have the funds to pay you; The second is that they have the right to allow you onto the land and make changes to it; The third is that they actually exist (in the sense of being a legal entity that is recognised by the law).

The party that wants to engage your services is not always the owner of the land. I have seen situations where a son has wanted to hire the builder to get repairs done on his elderly mother's unit. Or the commercial tenant who has been authorised by the landlord to make structural changes to the leased premises. Or the insurer of an earthquake-damaged Christchurch property who is putting up most of the money but wants to call all the shots so the builder doesn't cut corners and the project doesn't go over budget.

In those circumstances you might be tempted to contract with the party who first approached you, simply because they are more capable of making the decisions, or they are the most motivated to get the job done, or they are the source of the money that you are going to get paid with. And you can contract with them if you like, but it is messy.

That is because they don't own the land, so they don't have the ultimate decision-making power over whether you can access the property in the first place and what you can build there. That power usually lies with the owner, so at the very least you need the owner's written confirmation that the son, the tenant, or the insurance company has their unconditional, irrevocable and unlimited permission to authorise you to go and build whatever they want. Otherwise you run the risk that the owner takes a dislike to what you are doing, and stops you in your tracks. It's much simpler to always contract with the owner, and then get them to appoint the interested party as their project manager or underwriter of the project, if necessary.

It is also important that you contract with a party

that actually exists in the legal sense. That is because you can't sue a fictitious character. Most partnerships and most trusts are fictitious in the sense that the law doesn't recognise them as separate legal entities. If you contract with a partnership such as a law firm then you must contract with all of the partners, and if you contract with a family trust then you must contract with all of the trustees. On the other hand, you can contract with a company, incorporated society, limited partnership, registered charitable trust, or for that matter a sole trader, because those are separate legal entities that the law recognises.

## **Contracting with multiple owners**

The situation gets more complicated when you are working on a building that has multiple owners, such as a block of flats or an apartment building. Who do you contract with then? That depends on what type of title the various owners have. There are four main forms of title or land ownership in New Zealand. They are fee simple (commonly known as freehold), leasehold, cross-lease, and unit (or strata) title. The first two are relatively well-known but it is the last two that require some further explanation.

Cross-lease titles were originally formed as a way of getting around tough subdivision laws, but they don't get around them any more so they are becoming less common. Say there are three semi-detached units on a block of land, which share a common driveway. All the unit owners own the block of land jointly (whether it be freehold or leasehold). Then as owners of that land they all lease Unit A to the owner of Unit A, Unit B to the owner of Unit B, and Unit C to the owner of Unit C.

Their leases give them the exclusive right to occupy their own unit, which is carefully defined on a registered plan. The rest of the block not covered by the leases is called common property. If the individual unit owners ever want to change the dimensions of their units they need the permission of their co-owners to do so. Technically if you are doing any building work that intrudes onto the common property then you ought to be contracting with all the unit owners as a group, although that tends not to happen in practice.



## Unit titles

Cross-lease titles are a bit cumbersome for larger multi-owned developments such as commercial buildings, apartments and retirement villages, so unit titles were developed to cater for them. With unit titles you get exclusive possession of a principal unit (apartment or house) and various accessory units (carparks, a storage spaces, etc.). The rest of the land is known as common property and is owned and managed by a body corporate, which is a separate legal entity like a company. All the unit owners are members of the body corporate and it is run on democratic principles.

The interesting thing about the common property is that it varies from development to development, and its boundaries are defined on the unit plan that is registered when the titles are first issued. Typically the common property covers not only the grounds and outdoor facilities, the foyers, lifts, corridors and ventilation spaces between floors and walls, but also the exterior envelope of the building. The middle of the exterior wall is commonly the dividing line

between the common property and a unit owner's exclusive area.

What that means is that if you are going to work on the exterior of a unit title development, then (depending on where the boundaries of the common property are) you usually need to be contracting with the body corporate. However if your work is also going to intrude into the private space of individual unit owners, then you need to contract with them as well.

That is a very common scenario in leaky building remediations, and occasionally they come unstuck because one or more owners won't cooperate. In that case what generally happens is that the body corporate applies to the High Court for an order under section 74 of the Unit Titles Act 2010 that requires all the owners to contribute to the cost of having one repair job done by the one contractor.

**by Geoff Hardy**

Commercial Lawyer



Geoff Hardy has 43 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](mailto:geoff@martellimckegg.co.nz). This article is not intended to be relied upon as legal advice.

# Building Contracts for Residential Builders

**Residential builders should be aware that ever since 1 January 2015, it has been compulsory to use written building contracts for all residential projects costing \$30,000 or more (including GST).**

The maximum fine for not doing that is \$2,000, but it could also reflect badly on you in the event of a dispute with your client, or a complaint to the Building Practitioners Board. Furthermore, if your written building contract does not deal with the various topics listed in the regulations, then you get the Government-written clauses by default. To avoid that, you don't just want to be using a written building contract, you want to be using a sophisticated building contract that satisfies the law and says what you want it to say.

If you are a member of the Master Builders Association or the Certified Builders Association then you have access to sophisticated building contracts. If you are not a member of those organisations then your choices are more limited, but there are a variety of options available, some more sophisticated than others. The one recommended by construction lawyer Geoff Hardy of Auckland law firm Martelli McKegg (who writes the legal articles in this magazine) is the housing, alterations and small buildings contract put out by Standards New Zealand and known as NZS 3902:2004.

However Geoff does not recommend that you use that version without modification. He has written a version customised for builders that is available from Martelli McKegg at a one-off charge of \$1,500.00 + GST. This price includes not only the contract terms, but also some guidance on how to fill it out and how it works in practice. If you are interested, contact Geoff on 09 379 0700 or [geoff@martellimckegg.co.nz](mailto:geoff@martellimckegg.co.nz). This customised version has been updated since the original was prepared some years ago, so any builders who currently have the earlier version are welcome to contact Geoff to discuss the price of an upgrade.

**Martelli McKegg**  
lawyers

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- Run time up to 120 mins using 2 x 6.0Ah Batteries (only needs 1 battery to operate)
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- For 800m<sup>2</sup> large mowing area
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- Soft start feature gradually increases speed to eliminate start up shock
- Includes: 2 x 5.0Ah batteries & dual charger

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## 18Vx2 Cordless Brushless Grass Trimmer

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- Run time up to 60 mins under load on the low speed setting using two BL1850B batteries
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- 2-Speed options (low: 5,000rpm, high: 6,500rpm)
- 350mm cutting width with nylon cutting head
- Reverse rotation system to quickly clear trimmer of entangled grass and weeds
- Includes: 2 x 5.0Ah batteries & dual charger



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Blower

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## Line Trimmer Attachment

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**Makita**



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## Edge Trimmer Attachment

#EE400MP

**Makita**



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## Shaft Extension Attachment

#LE400MP

**Makita**



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## 180 Degree Head Trimmer attachment

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**Makita**

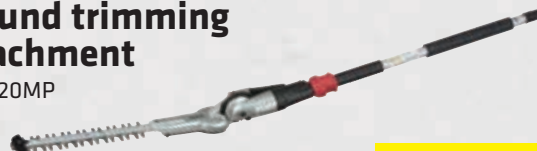


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**Makita**



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## Cultivator Attachment

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## Power Bristle Brush Sweeper Attachment

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**Makita**



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## Rubber Paddle Power Sweeper Attachment

#SW400MP

**Makita**



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# The apprentice diary: entry #14

**That's it, done and dusted. After 4 months, my first new build is complete. It's been a great learning curve for me, working on a house from bottom to top, previously I had only done reclads and extensions.**

To make things more interesting, added into the mix have been bridge footings, pod floors, under floor heating, polished floors, 2.7m studs, and a brick ground level with cedar upper. The drain layers are here just finishing off the storm water and sewer connections, but once they are done, the concrete drive way will go down and it's done.



## There's been some challenges

Although I guess it's been technically easier than an extension or re clad, it hasn't been without its problems. I thought going into it, maybe naively, that it would all fit together like a giant Lego set, well kind of. But there has certainly been a lesson in full project management with subbies, client liaison (the client lives next door), ordering of materials and adjusting timelines as we go.

## Key learnings

I have picked up on two key learnings from this project. Firstly, it really helps to have all the finished materials and products agreed on up-front. Things like colours for bricks, roofing, and spouting, then the door hardware and bathroom ware. Secondly, the use of a timeline for the client saves lots of questions further down the track. They can have visibility of when certain aspects will happen or are likely to be completed. This goes hand in hand with the materials spec list. Some clients are so busy with their normal daily life that they need the builder to take the lead somewhat and talk them through all, or some of the options. Now, this may be standard practice for some of you, but for a small family owned business such as the one I work for, it's a little hit and miss. We'll get it right though, or closer next time.



## Keeping it safe on-site

I was assigned to the health and safety 'sign-in' on this site too. I think I managed to sign-in 95% of all the subbies onto the site and give them a basic site induction. It's funny though, only one subby asked whether he needed to be signed in. I know everyone knows their way round a site, but I'm still surprised no one really cares that much. I guess it's the 'just get in and get it done' attitude.

## Bookwork

On a final note, as well as signing off a few of the bigger practical aspects on my apprenticeship, I'm trying to keep on top of my bookwork too. I should have that all squared away in a month or two, leaving only the practical to focus on. Hopefully, I should complete my apprenticeship within three years, then the real hard work will start.

Till next time, stay safe.

**by Stu Foster**

Apprentice



## Highlights

**Best job:** Installing doors and door hardware

**Worst job:** Staining cedar weatherboards

**Most useful hand tool:** Sharp chisel, essential for door hardware

**Most useful power tool:** My Makita dropy for finishing lines

**Apprentice tip:** Keep your work vehicle clean and tidy.



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# Weekend Warriors

19

FISHING

**Who and what are 'Weekend Warriors'? At what point do they graduate to 'fishers'? Presumably everyone starts out fishing as a Weekend Warrior, so I look back to see where it all began for me.**

If 'Weekend Warrior' was in the dictionary. It would look something like this:

## **Weekend Warrior**

**Week.end War.ri.or (Noun)**

*A person who participates in an outdoor pursuit on a part-time basis. A Weekend Warrior is not trained, skilled or proficient in their chosen activity, but is usually enthusiastic about participation and improvement.*



Check weather Friday, fishing Saturday, AB's Saturday night, smoked fish heads Sunday. Living the Weekend Warrior dream.

In fishing circles, the tag 'Weekend Warrior' is not a term of endearment. For example, "The bloody boat ramp was blocked for an hour on Saturday cos of all the Weekend Warriors".

According to most of the fishers, there are too many Weekend Warriors. And if you were to ask recreational fishers this question: Are most rec-fishers in New Zealand Weekend Warriors? The answer would be yes. But if you were to ask the recreational fishers if they were a Weekend Warrior, the majority would say no.

## **I was a Weekend Warrior once too**

I was a little different than most rec fishers, because most of the fishing I did as a child and teen was commercial fishing, but I still rec fished when time allowed in my dinghy on the Manukau harbour. But it wasn't until I purchased my first 'big boat', a 6-metre tinny, that I became a Weekend Warrior. I was a roof tiler at 18 years old and the weekends became my fishing time. I was going to new places every weekend, towing my boat anywhere from the Far North to Whakatane, in search of anything, from snapper to marlin.

## **Amateur to professional**

I did lots of things wrong, I jigged with mono line on a slow retrieve reel, I trolled poppers for yellow fin tuna, and I used J-hooks on my marlin live baits. Yep, I was a full-blown Weekend Warrior, but I was having the time of my life, and at the time I thought I was pretty good. The thing is, you don't know what you don't know, but I was learning fast.

I soon became a professional crewman and skipper, but still I had a lot to learn, and I continued to fish in my Stabicraft on my days off. It was around this time I started grumbling at the 'bloody Weekend Warriors', not because I'd got so good at fishing I deserved to judge, it was because of my ego. I didn't know it at the time, but I'd fallen into the trap of thinking I was good because I'd caught a few fish, but - you don't know what you don't know.



### Preparation makes you a pro

I've had fishing as a job in some form for most of my life, and knowing what I know now, the difference between being a Weekend Warrior and being a pro, is preparation. A pro dedicates time to research, plan and prepare gear, and gets results because of this. A Weekend Warrior heads out with a loose plan and high hopes, and often still gets results.

When we're filming, I put a lot of time into prep, because we get very limited time on the water and the film crew gets in the way of fishing. We must work hard, prepare well and be professional to get the results. The biggest mistake I made for several years is I took my professionalism to the weekend, and worked hard preparing, planning and getting results, but while I was catching fish, I wasn't really having a break or enjoying it as much as I used to when I was a Weekend Warrior.

### Just get out there and enjoy it

These days I like using my free time to just head out and give it a crack, a free-dive for crays, a snapper fish, even impromptu sword fishing when I've only got a few hours. I just focus on the possibility, not the result. Yep, I'm a Weekend Warrior again, and I love this time spent with my friends and family more than anything.



A Sunday off for Matt and a weekend off for the Taniwha guys, made for a Weekend Warrior mission.

So perhaps the perception of Weekend Warrior needs to be adjusted to, 'some one who loves fishing and is out there giving it a crack'.

If you do a bit of fishing, don't call the guy that blocks the boat ramp, or runs through your burly trail a 'bloody Weekend Warrior!' – they're dickheads, there's a difference.

Keep 'em Tight,

*Matt Watson.*



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# What does public liability insurance cover?

This is probably the most common question we get at Bultin. And it's crucial for builders to know the answer. Depending on who your policy is with, there are things public liability doesn't cover that you need to be aware of.

Twice this week we've been contacted by builders who were told by their brokers they don't need contract works insurance because they have public liability cover in place. Wrong! Public liability doesn't cover any of the hazards insured by a contract works policy, including theft, vandalism, natural disasters or accidental damage to the contract works including from fire, flood, storm etc.

## The broad description (the "insuring clause")

The policy coverage is quite broad. It covers your liability for **accidental damage or loss to someone else's property**. This includes the loss of use of property that isn't physically damaged. It also covers your liability for personal injury (except to employees) that isn't covered by ACC.

It includes **resultant damage**, or downstream losses, such as the lost income to a restaurant that had to close because their power was knocked out by someone cutting an underground cable. Or the damage to carpets and walls from a leak caused when installing a skylight.

Some policies also cover **damage caused by faulty workmanship**, something that is often excluded but is a valuable extra cover for builders & tradies.

The policy will also cover **legal defence costs related to the claim**.

EXAMPLE*	COVERED BY PUBLIC LIABILITY?
Hit underground utility	Y
Undermined neighbouring house's foundations	Y
Damaged kitchen benchtop while installing rangehood	Y
Materials stolen from site	N (covered by a contract works policy)
Vehicle backs into house	N (covered by a vehicle policy)
Spilt paint on carpet	Y
Shoddy tiling installation	N (unless it has caused damage)
Ceiling height built lower than shown on plan	N
Water leaked due to faulty installation of pipe fitting	Y

\*These examples are generic. Every claim scenario is different and whether a claim is covered will depend on the specific circumstances of the claim at that time.

### What doesn't it cover?

This is probably the second most common question we get asked! And it's equally important. The policy doesn't cover:

- ❑ Things that aren't damaged, or where there is no loss of use
- ❑ Your products and things you own
- ❑ Events you're not responsible for
- ❑ Where there is no loss to a third party

In addition, there are specific exclusions noted in the policy to take out things that insurers don't intend the policy to cover.

Some common examples are:

- ❑ Failure of a building to meet the requirements of the Building Code
- ❑ Mould, rot, gradual deterioration
- ❑ Fines & penalties (covered by statutory liability – except H&S fines)
- ❑ Anything related to Asbestos
- ❑ Defective materials & design
- ❑ Professional advice or service (covered by professional indemnity)
- ❑ Liability from using a road registered vehicle (covered by the vehicle's policy)

### Why doesn't it cover the contract works?

This is mostly because a contract works policy should be in place. This covers a much broader set of risks to a construction project (e.g. theft, vandalism, natural disasters).

Also, when you enter a contract to do any work it's your responsibility to finish it as promised. So, any damage you're responsible for is your problem to sort out (at your cost – or claimed under contract works insurance) until the contract is complete. Since there is no loss to a third party there can be no public liability claim.

However, if you're doing a renovation or extension for example and cause damage to the existing structure then that could be a public liability claim. This is because the existing structure is outside the contract works and you can be held liable for damage to it.

### What's that about faulty workmanship?

Another common misunderstanding is that if your policy includes the "faulty workmanship extension" then faulty workmanship is covered. As in, "my subbie did a bad job of the <tiling/bricklaying/flooring/gibstopping/roofing> and it needs to be ripped out and redone".

That would seem logical given the name of the extension, but frustratingly, in most insurer's policies this is not the case.

Because extensions are always subject to the policy's original insuring clause (see earlier) to be a valid claim the defective work must have caused property damage (or loss of use of undamaged property). Without this, there can't be a claim for faulty workmanship.

The best way to ensure the broadest possible cover in these situations is to have professional indemnity insurance too. This covers you for claims of compensation for mistakes made in your professional service (e.g. your building activity). You can find out more and get an instant quote at: [www.builtin.co.nz/PI](http://www.builtin.co.nz/PI)

### Other key points

There are a few scenarios where claims could be declined if the insured does not meet specific responsibilities under the policy. For example:

- ❑ Hot work: taking the right precautions to reduce the risk of fire
- ❑ Glass: following best practice to minimise the chance of damage, particularly during cleaning or by concrete splashes or grinding sparks
- ❑ Underground services: their location must be checked with Council and steps taken to minimise the risk of hitting them

### by Ben Rickard

Builtin Insurance Advisor

## In a nutshell

Public liability covers your liability for damage to someone else's property. Some things are excluded, and others are only covered if you have followed the right practices, so make sure you've read and understood your policy. Public liability is not a substitute for contract works insurance and it doesn't cover faulty workmanship if there is no property damage or loss of use.

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# Rules for using built-up members in place of solid timber

Jack studs, and bottom and top plates must always be solid timber members but Timber-framed buildings NZS 3604:2011 does allow other solid timber members to be replaced by built-up members.

A built-up member is two or more component members used to make one larger member. However, there are a few rules that must be followed when using built-up members.

The built-up members must:

- be the same grade of timber
- be in one continuous length
- match or exceed the size of the solid member required in accordance with NZS 3604:2011.

Built-up members may consist of up to six component members and must be nailed together according to the nailing requirements described in NZS 3604:2011.

## Built-up members of up to three components

The nailing requirements for built-up members of up to three components are that:

- the spacing of the nails is no more than six times the thickness of the thinnest component
- all nails penetrate at least three-quarters of the last component member
- nails are driven from alternate sides of the built-up member.

For example, a built-up member consisting of two 90 x 35 mm and one 90 x 20 mm components must have:

- nailing spacings at 120 mm centres maximum ( $6 \times 20 \text{ mm} = 120 \text{ mm}$  where 20 mm is the thinnest component member)
- nails that are at least 82 mm long ( $35 \text{ mm} + 20 \text{ mm} + (0.75 \times 35 \text{ mm}) = 82 \text{ mm}$ ) (Figure 1).

Figure 1: Built-up horizontal member less than 140 mm depth (for lintels and beams)

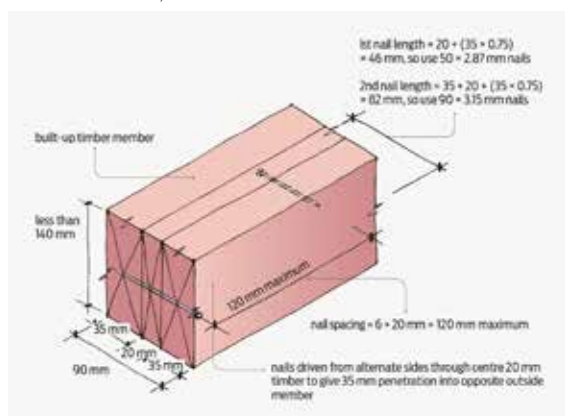


Image supplied by BRANZ Build magazine

When members are 140 mm or more in width, at least two rows of nails are required but the other criteria remain the same (Figure 2).

Figure 2: Built-up horizontal member 140 mm or deeper (for lintels and beams)

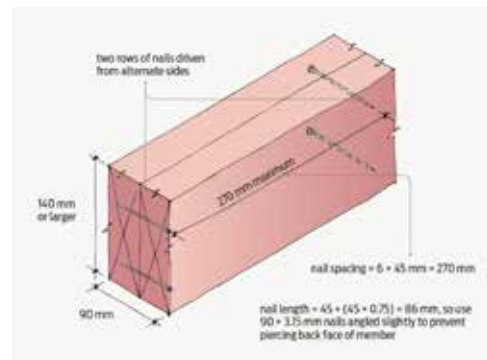


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## Built-up members of over three components

Where the built-up member consists of more than three component members, the first three component members should be assembled in the same way as a built-up member with up to three components. Additional component members are then fixed using nails that are twice as long and spaced at six times the thickness of each component member added (Figure 3).

Figure 3: Built-up member made of more than three vertical members (usually for trimming studs)

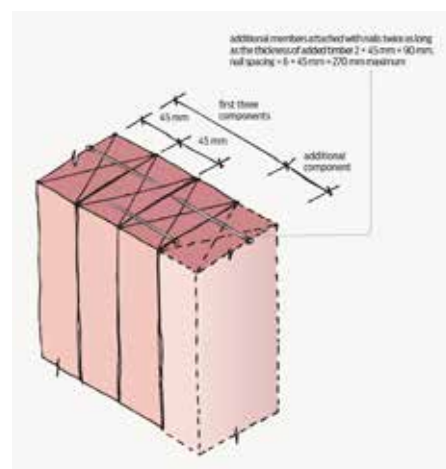


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by Tom Edhouse

BRANZ Technical Advisor



This article is relevant to these classes:

# Codewords Quiz



LICENSED  
BUILDING  
PRACTITIONERS

**1. Which timber members may not be substituted with built-up members?**

- a. studs, top plates, joists
- b. jack studs, top plates, bottom plates
- c. joists, top plates, purlins
- d. rafters, jack studs, lintels

**2. Built-up members up to three components must be nailed at spacings:**

- a. more than six times the thickness of the thickest member
- b. no more than six times the thickness of the thickest member
- c. no more than six times the thickness of the thinnest member
- d. more than six times the thickness of the thinnest member.

**3. Nails must penetrate at least:**

- a. half way through the last component member
- b. two thirds of the way through the last component member

- c. three quarters of the way through the last component member
- d. all the way through the last component member.

**4. Where built-up members consist of more than three components, the first three components are nailed as for up to three component members. Additional layers must be nailed using nails:**

- a. two times as long and spaced at less than six times the thickness of the component member added
- b. six times as long and spaced at less than six times the thickness of the component member added
- c. two times as long and spaced at six times the thickness of the component member added.

Answers: 1. b 2. c 3. c 4. c



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26

BUSINESS ADVICE

## Don't get caught out with a capital gains tax

**Property is a favoured investment in New Zealand due to the historical solid growth and given New Zealand's lack of a broad-based capital gains tax (at least historically), these gains have often been derived tax free.**

Most probably due to this lack of a capital gains tax, there exists a common belief that gains from property transactions are never taxable. Whilst this is true in the majority cases, there remains certain situations where the gains are moved from a capital account (non-taxable) to a revenue account (taxable).

These circumstances are those which fall into the provisions of 'subpart CB' of the Income Tax Act 2007. This deals with taxpayers who dispose of an interest in land or buildings while being in the business of property development, trading or building.

### **If you sold it too soon, you'll pay tax on the profit you made**

You will no doubt be aware of the bright-line test which was enacted in October 2015 and then strengthened in March 2018. The rule basically applies an assumption that if you sell a property which is not your own home within five years (two years for properties purchased pre-March 2018) of when the interest was acquired, and/or substantial work was carried out on the property, then you have brought or developed the property with the purpose of on-sale. In such a case, subject to some limited exemptions, the IRD will require the seller to pay tax on any profit.

### **What were your intentions?**

Additionally, there are many other tests within subpart CB which are especially relevant for those within the construction and development industries. A key one of these is the intention test, which basically says that if you acquire an interest in land with the intention to sell at some stage in the future, then any gain is always taxable regardless of when the sale occurs.

It's important to note that the intention test is highly subjective, and the IRD have previously stated that if it were to rely on the intention test to deem a transaction taxable, they will place weight on the notes held by banks, lawyers and other professionals from the time of purchase. Also, the intention test has no time period unlike many of the other taxing provisions. It basically treats the purchase and sale of the land like any other item purchased for resale, e.g. food for sale at a supermarket.

### **It even applies to your own home**

Another key consideration for those in or associated to someone who is in the building industry is that even the profit on your own home can be deemed to be taxable if you were to sell it within ten years of acquisition. This is regardless of your initial intention or the amount of work you may have carried out on the property while it was in your ownership.

**by Rod Grant**

Business Advisor



Please note that the examples above are only a small snapshot of the situations where a transaction could be deemed to be taxable. They are for information purposes only and cannot be treated as a comprehensive piece of tax advice as every situation is different. We would recommend that you seek independent and specialist advice before undertaking any property transaction, especially if you work within the construction industry.



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