

# BUILDING BUSINESS

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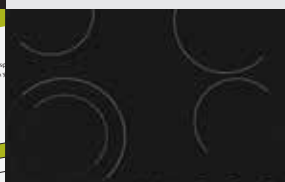
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# Ebert Construction – the new retentions rules get mixed results

03

LEGAL

The new retention rules came into force in 2017 and their first big test came when Ebert Construction Ltd. went into receivership in July 2018. Geoff Hardy, a commercial lawyer, looks at how the rules performed - what went right and what went wrong.

[CONTINUE >>](#)

## When Mainzeal Property and Construction Ltd. went into receivership in 2013, its subcontractors lost \$18.3 million in retentions.

That is because (in accordance with standard industry practice) those retentions had been used to pay expenses rather than being put aside for the subcontractors who had earned them. And even if they had been put aside, they would have gone to Mainzeal's secured and preferential creditors instead of the subcontractors, because it was Mainzeal's money, not the subcontractors' money.

The financial pain the Mainzeal collapse caused and the resulting outcry spurred the Government into action, so they studied all the overseas regimes for the protection of retentions that had already been introduced, consulted the New Zealand construction industry, and ultimately decided to impose a requirement that retentions were to be held in trust for the tradesmen who had earned them. The new rules were then drafted and bundled into the Construction Contracts Amendment Bill that had been held up waiting for these new rules to be developed. It all happened with unseemly haste and without the degree of careful thought that ought to go into these things. The big hitters in the construction industry persuaded the Government that our rules should be "light handed" rather than detailed and prescriptive, so the industry was left to make it up as it went along. This is in stark contrast to the rules governing solicitors' trust accounts which are much more sophisticated.

Consequently the first draft of the new rules occupied less than two A4 pages of paper (they are double that now as a result of a last-minute amendment). The proposed regulations that were intended to fill in some of the blanks were deferred indefinitely. And most importantly, the people that the Government should have spent more time with – construction lawyers and insolvency specialists – didn't get sufficient chance to provide their valuable input.

**The big hitters in the construction industry persuaded the Government that our rules should be "light handed" rather than detailed and prescriptive, so the industry was left to make it up as it went along.**

The new rules came into force on 31 March 2017 and their first big test came when Ebert Construction Ltd. went into receivership on 31 July 2018. We know how the rules performed because Justice Churchman of the High Court passed judgment on them on 12 November 2018.

## What went right?

It turns out that Ebert was a reasonably conscientious construction company that had taken its obligations seriously. It had 15 active projects on the go, a staff of approximately 100, and more than 150 subcontractors actively working for it. Ebert used the industry-standard subcontract then known as SA-2009, which contained detailed provisions concerning retentions. Ebert was obviously knowledgeable about the new rules and had gone to the trouble of acquiring an accounting software programme called CHEOPS that enabled it to comply. Ebert actually put all of its retentions aside in an interest-earning investment account, as it was required to do, which would have created a big hole in its cash flow. Perhaps too big a hole, as it turns out.



When things started to go pear-shaped for Ebert, the inevitable happened. The retentions that should have been withheld for subcontractors in June and July 2018 weren't paid into the separate Retentions Account. Retentions that had previously been paid into the Retentions Account and were due to be released to the subcontractors, weren't paid out. Ebert was liable for \$9.32 million of retentions in total, but \$4.86 million of that related to subcontracts entered into before 31 March 2017 so they weren't required to be held in trust. Of the \$4.46 million of retentions that were required to be held in trust, \$3.68 million was actually held in the Retentions Account. So the shortfall was "only" something like \$787,000, plus another \$170,340 that should have been held in trust had Ebert correctly recorded that their subcontracts had been entered into on or after 31 March 2017.

Therefore, less than \$1 million of funds owed to subcontractors who should have been protected by the new retentions rules, was lost. \$3.68 million was safe, and will be paid out to the subcontractors who are entitled to that money, less the fees charged by the Receivers and their lawyers for administering the pay-out. That is why I give the new rules a partial pass mark. Were it not for the new rules, I suspect all of it would have been lost, because Ebert would not

have put the money aside, and whatever was left of it in Ebert's general account would have gone to the BNZ, the Receivers, the Liquidators, the employees, and the IRD.

### **What went wrong?**

However the new rules get a partial fail as well, for the reason that the Government made very little effort to think through the potential pitfalls in the legislation, many of which were highlighted in Justice Churchman's judgment. That judgment is unlikely to be the final say in the matter and there were a number of rulings that I believe will be overturned in the future, but for the moment it is the law.

And what the law says is this. Every time a construction contractor goes bust owing retentions to subcontractors, someone will have to apply to the Court to be appointed a receiver for the purpose of sorting out which subcontractors are entitled to what, and then to pay it to them. A subcontractor will only receive its retentions if they have been put aside in a separate account, with the balance of its payment claim having been paid to the subcontractor. If they haven't been paid into a separate account then they are just unpaid invoices, not retentions. And out of the retentions account, before payment to the subcontractors, will come the receiver's fees and expenses including the costs of applying to the court in the first place, which will typically amount to tens if not hundreds of thousands of dollars.

**Were it not for the new rules, I suspect all of it would have been lost, because Ebert would not have put the money aside.**

What will this mean in practice? It will mean that subcontractors who are owed retentions by small-medium construction companies are going to miss out. That will either be because the construction company doesn't have a retentions account, or because there isn't enough in its retentions account to cover the receiver's fees and expenses, so no-

one will apply to become the receiver. Consequently, in the vast majority of cases the whole objective of bringing in the retentions-held-in-trust regime is defeated, and the legislation turns out to be a lemon.

**It will mean that subcontractors who are owed retentions by small-medium construction companies are going to miss out.**

There is one other burning question that hasn't yet been answered in the Ebert collapse. When the Government consulted the industry about the proposed legislation, we knew that there would always be a shortfall between the amount owed to subcontractors by way of retentions, and the amount actually put aside for them. Sometimes it would be as high as 100%. And if the construction company that failed to put that money aside has now gone bust - in which case it is pointless suing it for breach of trust even if you were allowed to - then how is the law going to be enforced?

The Government's answer, having consulted with Crown Law, was this. Section 220 of the Crimes Act 1961 (theft by a person in a special relationship) and section 229 of the same Act (criminal breach of trust) would apply to directors and senior managers of construction companies who have knowingly and intentionally broken the rules. And the maximum penalty for committing those crimes is up to seven years' imprisonment. Now in Ebert's case, subcontractors lost almost \$1 million of funds that were supposed to be held in trust for them, but weren't. Are we going to see a prosecution under the Crimes Act? Or is this legislation merely a voluntary code of conduct that benefits only those subcontracting to large, sophisticated construction companies, and no-one is going to be held accountable?

**by Geoff Hardy**

Commercial Lawyer

**Martelli McKegg**  
lawyers



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# GIB Weatherline®

Winstone Wallboards® are proud to announce the launch of a rigid air barrier system, GIB Weatherline® into the New Zealand market.

Driven by innovation and backed by a thorough BRANZ Appraisal testing programme, this glass faced rigid air barrier with its distinctive purple colour will offer the industry a competitive alternative with a range of great performance options.

## Tried and trusted in the northern hemisphere

While new to New Zealand, gypsum core rigid air barriers have been used in the northern hemisphere for the last few decades. GIB Weatherline® has an advanced second-generation fibreglass liner on both front and back, with a highly modified gypsum core containing water and mould inhibitors. Gypsum, not only provides an excellent substrate for fire resistant applications, it is safe and easy for those handling and installing it.

The development team have created a technical manual with an easy reading format offering two rigid air barrier systems and additional bracing, fire and environmental noise performance options for NZS 3604 type buildings.

A Technical Data Sheet is also available for buildings requiring specific design.



GIB Weatherline® Systems Brochure and Specific Design Technical Data Sheet brochure



What makes this project special is that we have included a lot of our customers in the development journey. We would like to thank everyone for their time and contribution and look forward to working with you on upcoming projects.



Typical installation of GIB Weatherline® system

## What is a Rigid Air Barrier?

Many residential buildings in NZ incorporate a flexible wall underlay on the outer face of the external wall framing, directly behind the cladding. Flexible wall underlay provides an extra line of defence against water that may penetrate the cladding.

However, rigid wall underlays, commonly known as rigid air barriers, do a far better job when used in place of flexible wall underlays.

### Rigid air barriers are:

- ☐ More robust than flexible underlays
- ☐ An effective line of defence against water penetrating through the cladding
- ☐ Easier to install and more durable once installed
- ☐ Act as a temporary cladding
- ☐ Provide a solid substrate for the installation of flashing tape to window and door openings and exterior penetrations
- ☐ Added benefit of providing bracing, fire and acoustic performance

More buildings are using rigid air barriers due to the additional performance options and this will become the way we build in the future.

**For further information and to download literature, go to [gib.co.nz/weatherline](http://gib.co.nz/weatherline) or call the GIB® Helpline on 0800 100 442**



# New GIB Weatherline® Rigid Air Barrier Systems



- Cost effective high performance
- For commercial and residential projects

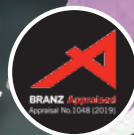
For further information visit [gib.co.nz](http://gib.co.nz)  
or call the GIB® Helpline 0800 100 442.



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development.



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wind zone  
tested.



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- 13 Wind pressure tests.
- 2 Torrential rain tests.
- BRANZ Appraised.

Glass fibre  
sheet facing  
technology.



Made in New Zealand  
for New Zealand  
conditions.





## Quik Drive Screw Gun

#PRO300SM25KA

- Comes with Makita FS2300 screwdriver
- Subfloor fastening workhorse
- Accepts 8 & 10 gauge screws - 40mm-75mm
- Includes carry case and extension arm
- Expanded depth settings for high-density flooring materials
- Reversible replaceable non-skid teeth attachment
- Uniform toenailing and countersink on slick surfaces



**\$740**  
EXCL GST

**Quik Drive**  
AUTO-FEED SCREW DRIVING SYSTEMS

Look for the yellow strip. Your guarantee of quality and performance from **Genuine Quik Drive Fasteners**.

## Collated Flooring Screw

#WSNTL2LSA

WSNTL Subfloor screws are an ideal solution for fastening subfloor, bracing, sill plate and stair applications. The WSNTL screws reduce the gaps between the joist and subfloor that cause floor squeaks due to its superior holding power.

### Features

- Twin lead thread for enhanced holding power and faster driving
- Sharp point for fast starts saving time on the worksite
- Yellow zinc finish
- 8g x 50mm



**\$110**  
EXCL GST

pack of 2,000 collated screws

**SIMPSON**  
**Strong-Tie**

## Collated Timber Screw

#SSWSC2BSA10

Ideal for timber to timber applications. The coarse thread and flat head with nibs allows for easy countersinking for a clean flush finish.

### Features

- Ideal screw for treated flooring boards
- Type 17 point ideal for timber applications
- 305 stainless steel
- 10g x 50mm



**\$310**  
EXCL GST

pack of 2,000 collated screws

**SIMPSON**  
**Strong-Tie**

## Collated Weatherboard Screws

#SSDTH212S - 7g x 65mm

#SSDTH3S - 7g x 75mm

Designed for fast installation of timber cladding to timber framing.

The SSDTH212S is 65mm long and suitable for installation where the cavity batten is structurally fixed to the stud, or in direct fix applications.

The SSDTH3S is 75mm long, and suitable for installation where the cavity batten is not structurally fixed.

- Self-drilling tip
- Trim head for accurate countersinking
- The smaller 7g shank size alleviates the risk of batten splitting
- 305 stainless steel
- BRANZ appraised



**\$299**  
65mm EXCL GST

**\$349**

75mm EXCL GST  
pack of 1,000 collated screws

**BRANZ Appraised**  
Appraisal No. 1044 [2019]

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# Getting paid

## Eight ways to load the odds in your favour.

It's 3am. Luke can't sleep. Why? His biggest customer owes him just shy of \$50,000. And he's worried they're not going to pay. It's been eight weeks now... they've missed two progress payments...

"It's coming" they say, "once we get paid, we can pay you..."

This is causing some serious cashflow problems for Luke. Suppliers are getting upset. Staff need to be paid. If the money doesn't come in soon, he's in trouble. I've changed the name. But yes, this is a true story. Have you ever found yourself in this situation?

Nearly every honest tradie has been stung at some point. If you're in business, odds are, you'll eventually strike a customer who doesn't want to pay – or doesn't have the money.

Here are some strategies I've picked up from years of being self-employed, helping tradie clients through the cashflow minefield, and from debt collectors and lawyers. These things won't completely protect you, but it's your best chance to keep losses to a minimum:

### 1 Spread your risk

It's always better to have a number of customers. Rather than relying on one or two major ones. That way, if one customer stops paying, you're still okay.

### 2 Have Terms of Trade

Don't DIY. Source these from a professional like your debt collector, trade association, or lawyer.

It might cost a few hundred but could save you thousands (even hundreds of thousands) if/when things turn to custard.

Always get your Terms of Trade signed off by the client or include them in your quote before starting a job.

#### Include:

- Notice period for any dispute or problem with workmanship (within seven days of completion of invoice is good). So the customer can't come back six months later and say they're suddenly unhappy with the job.
- Any collection charges and interest can be added to the bill.
- Personal guarantee (with larger companies this is difficult, but it's possible with smaller companies or individuals).

### 3 Build expectations early

Make sure the client understands you're the one who makes the rules.

- Many customers won't read your terms of trade. Point out the payment terms part and ask them if they see any problems.
- If payment doesn't turn up on the due date, phone the next day and follow up. Check they got the invoice. Ask if they have any questions about it (this shows they don't dispute the bill).
- Sometimes all you need to do is ask them straight if they would please pay this today. Level with them – make sure they understand you need the money because you have bills to pay too. Get a commitment of when it will be paid (follow up with a quick email to put what they agreed in writing).

## 4 Deposits and progress payments

With bigger jobs, take deposits, and have progress payments at set milestones. Make sure they are enough to cover the materials and labour, so that at any point on the job, if the customer doesn't pay, you're not significantly out of pocket. (You'll also find out quick which customers are the good ones).

- Phone, email, or text with a friendly reminder before the due date of a progress payment. Remind them when this is so you can continue the job as planned.
- Watch like a hawk to make sure payments are on time. Be prepared to stop work till the bills are paid. You hold the cards here.

## 5 The job's not done until you get the money

Make sure there are no excuses for not paying.

- On smaller jobs, invoice and get payment on the job if you can.
- Invoice the job ASAP, and put the due date on the invoice.
- Send reminders.
- Make it easy to pay – put your bank account details on the invoice.
- Check the list of who owes you money at least weekly. Follow up any overdue amounts immediately. Delegate this task if you want – but make sure it's done.
- Phone overdues often. Don't let up till you have payment – or a payment plan. Say something like: "Look we can do this one of two ways, I can keep ringing you till we both get sick of talking about this, or you could sort it out now. So let's make that happen". Keep the tone light and friendly. It doesn't work every time, but you might be surprised how often it does

## 6 If you think you're not going to get the money, negotiate

One of my clients, a builder, had a larger building company who owed him a lot of money. They were using every dirty trick in the book. From challenging legit invoices, through to promising payments which would never turn up. It was a game to them.

But it wasn't a game to my client. He had a family to feed.

When he checked around, he found this big company was doing the same thing to other subbies. A really bad sign.

He lawyered up, negotiated hard, and they offered him reduced payment (as in, they decided to deduct around 20 grand off the invoice for no reason).

I told him straight: I don't think this company is going to be around much longer. They were burning too many bridges and telling too many lies.

He took the deal and walked away. Yes, it was a kick in the guts. But he's still in good shape. Imagine how much worse it could have been.

Sometimes it's better to get out with your shirt on your back – even if you have to leave your jacket behind.

A few weeks later, that big building company went bust. It sounded like no one else got paid.

## 7 PPSR (Personal Property Securities Register)

Put large amounts which are overdue on the PPSR. This is the NZ national debt register where you can register unpaid invoices. Their website is [ppsr.companiesoffice.govt.nz](http://ppsr.companiesoffice.govt.nz)

If your client goes broke, anyone on the register gets priority. In other words, you get paid first (before others they owe money to – who sadly usually end up getting nothing).

## 8 If all else fails, have a good debt collector ready

A good debt collector, in my book, is someone who is prepared to get on the phone, or go and visit, to chase the money. Not just write a few letters or emails that end up in the bin.

**Bottom line:** Make sure you load the odds in your favour. Can you really afford not to? You've done the work. You deserve to get paid. As for Luke, he's still waiting.

by Daniel Fitzpatrick



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



Getting paid is one thing. But what if you could next level your profit?

Find out the five simple steps to make your tradie business grow financially and get more cash in the bank.

Get your free guide here:

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# Are your wages going up?

With huge demand in the building industry and an acute shortage of skilled tradies, it's inevitable that employers are having to pay more to get the people they need.

Many of the employment agencies specialising in trade labour hire confirm that hourly rates for experienced tradies are rising right across the board.

"Right now trades are in very high demand and qualified tradespeople can earn exceptional salaries with the ongoing building boom in many parts of the country," says Jeremy Wade, head of Trade Me Jobs.

According to Trade Me data, the average wage for builders last year was \$60,276. Electricians on average earned \$65,384 and plumbers \$65,096.



## Trade Me average wage for Tradespeople

	2017	2018
Building & carpentry	\$59,623	\$60,276
Electrical	\$65,758	\$65,384
Plumbing	\$62,805	\$65,096
Painting	\$52,505	\$55,348
Handypersons	\$48,924	\$51,594
Gardening & landscaping	\$48,693	\$51,061

“We like DynaFlash because it’s versatile and no joins are required. The soft tip bead means we don’t have to plane our battens.”

Cameron Ginnane  
Top Notch Construction Ltd



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# Unleash the power of Multi Volt.



The power of HiKOKI's Multi Volt continues to transform the way tradespeople work. Superior innovation, unbelievable power, whilst retaining compatibility with the traditional 18 Volt platform, means that more and more tasks can be completed on site, faster and with less hassle.

In 2019 we will see even more new Multi Volt tool innovations from HiKOKI for the professional user. With up to 1440W of cordless power from a single battery, Multi Volt now powers HiKOKI's new 255mm Slide Compound Mitre Saw, and the first of several industrial cordless vacuum solutions.

Harnessing the same lithium-ion battery cell technology as the world's leading electric vehicle manufacturers, HiKOKI's high output cells enable 36V cordless tools to do the heavy duty work previously left up to traditional AC corded tools.

By operating at the higher 36 Volts, instead of the conventional 18, all this power is harnessed with half the current draw (amps), significantly reducing heat, cell stress and electrical inefficiencies, dramatically increasing the durability of the tool, while powering through more work than you've ever been able to do with a cordless tool.



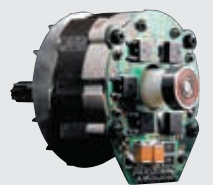
## MULTI VOLT

**AUTOMATIC VOLTAGE  
SWITCHING BETWEEN  
18V & 36V TOOLS**

HITACHI  **HiKOKI**



Voltage output automatically switches when connected to a tool



36V output to power the next generation HiKOKI High Powered motors.

**Multi Volt Battery Technology automatically switches from 18V to 36V depending on the tool its fitted to – it's two batteries in one**

\*Not compatible with all 18V models, see website for details

# The future of cordless starts here.

"The future tradesperson will have one set of power tools, but multiple power options. Those tools can be run as cordless or corded depending on the job requirements."

Having quickly established itself as the leader in ultra-high performance power tool battery technology, HiKOKI unveils the future of power tools – cordless tools built as tough as their AC corded counterparts.

Delivering stunning AC power performance but with the convenience of being battery operated, thanks to the amazing performance of HiKOKI Multi Volt.

But when the job demands longer operation time, or battery power isn't necessary, switch to the AC power adaptor and run all day long.



**ET36A**  
36V AC Power Adaptor  
Enables any HiKOKI 36V tool to operate as a mains power tool\*

\*230V NZ version available – first half of 2019

**BSL36B18**  
Multi Volt 1440W  
Super High Power Battery  
High power battery pack gives 36V tools the power of AC with the freedom of cordless.



**EXAMPLE – C3607DA**  
185mm Circular Saw  
Switch seamlessly from the all-day power of AC to the 'no cords' freedom of Multi Volt batteries

## PREMIUM HIGH OUTPUT BATTERY OPTIONS

HiKOKI's Japanese state-of-the-art Lithium-ion battery system – Multi Volt

### 1080W

HIGH POWER  
BATTERY PACK

#### BSL36A18

**Output Voltage**<sup>[1]</sup>

**Power Rating**

**Cell Type**<sup>[2]</sup>

**Recharge Cycles**

**Protection System**<sup>[3]</sup>  
**Capacity**

**Cooling System**<sup>[4]</sup>

#### COMPATIBILITY

All HiKOKI 18V & 36V Tools

All Hitachi 18V Slide Tools

**200%**  
Power Rating<sup>#</sup>

18/36V Auto switching

1080W

18650 High Output

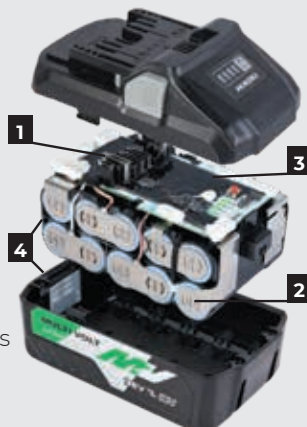
1500 (with UC18YSL3  
Rapid Charger)

3-way multiplex

5.0Ah (18V)

2.5Ah (36V)

Smart-tech cooling chassis  
Fan-cooled charging



### 1440W

SUPER HIGH POWER  
BATTERY PACK

#### BSL36B18

**Output Voltage**<sup>[1]</sup>

**Power Rating**

**Cell Type**<sup>[2]</sup>

**Recharge Cycles**

**Protection System**<sup>[3]</sup>  
**Capacity**

**Cooling System**<sup>[4]</sup>

#### COMPATIBILITY

All HiKOKI 36V Tools

Most Hitachi & HiKOKI 18V Slide Tools\*

**265%**  
Power Rating<sup>#</sup>

18/36V Auto switching

1440W

21700 High Output

1500 (with UC18YSL3  
Rapid Charger)

3-way multiplex

8.0Ah (18V)

4.0Ah (36V)

Smart-tech cooling chassis  
Fan-cooled charging

# when compared to 540W 6.0Ah Battery BSL1860 (reference 100%)

\*Not compatible with all 18V models, see website for details

**RIGHT  
FOR RENTAL  
PROPERTIES**



# **BE IN TO WIN \$25,000 EASY MONEY**



**PLUS 50 X \$100 PREZZY® CARDS TO BE WON.**

One entry into each draw with every \$500 of Pink® Batts® insulation for retrofit purchased.

**We make it simple. Always.**

Landlords, retrofitting insulation into your rental yourself is simple. With our blue bags you know you're using the right product and our video guides will have you installing like a pro. Ask our staff for details.

**pink® batts®**  
**Always.**





# The cost of cybercrime to construction businesses is growing fast

**Have you taken the simple steps needed to protect your identity, email, banking and business data from identity thieves, hackers or ransomware?**

Scammers are targeting builders because they are more likely to send invoices for large one-off amounts that can be redirected to their own accounts.

Hackers recently took control of a number of Kiwi builders' email accounts, sent out fake invoices and stole thousands of dollars from clients.

## **The reality is this:**

1. You're now more likely to become a victim of a cyber-attack than a burglary.
2. It's the second most reported crime in the world.
3. Cybercrime cost New Zealanders more than \$177m in 2017, more than 1 in 3 adults were affected.

All it takes is to click on a link in an email, on a website that looks legit or through a Facebook post and you've infected your computer or mobile device. Hackers will sit inside your computer system, often for months, observing your activity before they act. They will then shut down your system and demand a ransom, often in the thousands of dollars, to release your files. Or target your customers and redirect large payments to their own accounts.

There are simple steps you can take to minimise your risk of exposure to a cyber attack, including some basic training for you and your staff.

## **Business tips:**

1. Have up to date virus, firewall and malware software running. Microsoft provides a free product and there are other well-known providers such as Norton, McAfee and Kaspersky.
2. Have a password set up on your computer and pin for your phone.
3. Make sure you have a strong email password and that it is different to your internet banking. Consider a bank that only uses two factor authentication.

It's better to have a long password that you can remember than a short complicated one. For example, try using a phrase that you'll remember: mydogsnameisparatrooper

4. Train staff and others who may have access to your devices to recognise dodgy emails and posts and not to click on them.
5. Train staff not to share passwords and log in details.
6. Back up all your files to an external drive or the cloud. You can schedule these in Windows or have your IT provider set one up for you.
7. Train accounts staff not to make payments to overseas accounts or if they're unsure about the origin of the invoice.
8. Don't change supplier bank account details without verifying this directly with the supplier first.

There is also good insurance available, which provides immediate professional support to get you up and running after an attack quickly, as well as reimbursing your losses.

### Personal tips:

1. Don't give out personal information, either over the phone, personally or online unless you are certain that the person or organisation, you're giving it to is legit.
2. Dispose of personal information securely. e.g. shred papers (including bank statements and utility bills) and wipe/remove/reset hard drives and phones before selling or disposing of them.
3. Reduce the amount of identification documents that you carry around, including what you leave in your car on a daily basis. These are valuable items.

4. Check bank and credit card statements for unauthorised transactions. Report any discrepancies or unauthorised activity to the bank or card issuer immediately.
5. Be very wary of how much personal information you post online. Personal information can be misused in many ways by identity thieves, some of whom trawl websites.

Just in the same way you wouldn't leave your house or car unlocked, or your tools lying unattended, don't leave access to your personal information or business systems vulnerable to hackers or identity thieves who will easily exploit them.

**by Ben Rickard**

Builtin Insurance Advisor

Builtin Insurance are New Zealand's trade insurance experts. For more information and an instant quote visit [builtininsurance.co.nz](http://builtininsurance.co.nz) or contact Ben Rickard at [ben@builtin.co.nz](mailto:ben@builtin.co.nz) or 0800 BUILTIN

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- Gutter linings\*
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- Woodbox lining
- Woodshed roof, wall & floor lining
- Flashing strips
- Tying plants to stakes
- Decorative ponds lining
- Damp course for under bottom plates
- Sleepout roof - not requiring consent i.e. minor building less than 10sqm

Available in 100mm, 200mm, 300mm, 500mm and 900mm widths



\*These tasks typically need to be completed by licenced applicators. Dunlop can train applicators to become licenced.

May not be available in all stores, but can be ordered in.

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# The apprentice diary: entry #15

**It's a funny old business, the building trade, we all strive to work smarter and more efficiently, while putting in a hard day's work. So, when someone makes a mistake, I'm not sure why it can turn into a great opportunity for p#ss taking.**

Now, as an apprentice, we kind of get used to it, as we're expected to make 'some' mistakes. However, when an experienced builder makes one, well, it's payback time. This recently happened, when one of the builders built a kitchen bench return 90mm too short (see pic below). He made it 600mm deep from the outside of the return, not the inside, so when the kitchen was installed, it was hanging out 90mm. As you can imagine, lots of jokes were thrown in about coming up short, or not having enough length, or give it some water see if it grows.



## Small jobs

In my last article, I wrote about finishing a four-month new build project, which was great. Since then I've been struggling to really get started, as I've been bouncing around a few sites, just finishing off jobs, such as finishing lines, decks and concreting. This has led to me to realise, that mentally, I find it easier to focus and learn more when I know I'm on one site for a decent length of time.

Luckily, we are starting a large 80m<sup>2</sup> deck spanning out from the first-floor ranch sliders. It has 3m pile holes, and some long continuous beams at the front, two at 11m each. They will need to be handled with care, as they arrive finished and will be installed as is, no painting, no flashing etc. We haven't completely figured out how we will install them yet, but we do have some good ideas.

## Built to last

Before the deck starts though, on the same site we are building two 40m+ fences. Now, there is a fair bit of repetition on these, for which we are doing as much prep work as possible. One of the tasks is to cut and predrill each batten. My foreman brought what looked like a museum exhibit to work but turned out to be a fully functional drill press (see pic below). He told me it was 60 years old and was his dad's. The old Black and Decker drill worked flawlessly for days. Fair play, it's been built to last that's for sure.



To that point, if you look after your tools, and use the right tool for the right job, there is no reason some of them won't last 60 years too.

Till next time, stay safe.

**by Stu Foster**

Apprentice



## Highlights

**Best job:** Laying concrete driveway

**Worst job:** Digging fence post holes through aggregates

**Most useful hand tool:** My Taurus tool belt, it fits like a glove now

**Most useful power tool:** Cordless tie wire gun

**Apprentice tip:** Keep challenging yourself, give anything a go.



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\*Source: Dricon Brand Tracking Research June 2016, survey of 311 Tradespeople

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Matt and ITM Hook Me Up guest Dylan hold the first swordfish they caught, but it did nothing to prepare Dyls for the next five monsters he was about to fight.

## Old and new

### It's hard to believe, but some Kiwis are still discovering The ITM Fishing Show.

We get new fans of the show from the young kids coming through, and people new to fishing, so I guess it shouldn't be a surprise to me. But when I stop for a yarn with blokes and they say, "I saw you catch that bluefin in your dinghy the other day", they look surprised when I tell them it was 10 years ago. But because our ITM Fishing Show Classic episodes are rolling out every Saturday, people are discovering them for the first time.

#### Looking ahead

So while it's good to hear people are loving the classics, and we're proud of the icon status of The ITM Fishing Show, we're all about looking ahead. We're currently running series two of ITM Hook Me Up! which is all about our guests catching the fish of their dreams, and all the good, bad and ugly of the journey to get there. And this season I can hand on heart say we have shot the best footage ever. Add that to the great Kiwi characters we've had as guests, and we've got some compelling television.

#### But wait there's more

That said, there's hours more content from the shows that you won't see on TV due to limited time. Some of the best fishing action, and all the how-to's and tips are now made available for free at [ultimatefishing.tv](http://ultimatefishing.tv).

We even have an Ultimate Fishing app, so you can go straight to the good stuff and watch on your device, and yep, it's free thanks to our mates at ITM.

While this is good news for anyone who wants to learn how we catch our fish, or just check out some of the incredible footage (we've got some ball-tearing swordfish and marlin footage we're putting up soon), the best thing for me is I no longer have to agonise over what to leave out of the TV shows. Because our online videos attract millions of views a month, I know the footage we can't get on TV (or aren't allowed to put on TV) will get seen, because at the end of the day, I'm a fisherman and all fishers love to brag a little.

Whether it's a live stream to Facebook while we're out filming for ITM Hook Me Up! or some of the good stuff that didn't quite make the show (such as the rigs and gear we used), we're now getting the new content up on our online channel [ultimatefishing.tv](http://ultimatefishing.tv) and our Facebook page almost immediately.

If you follow us on Facebook you would have seen some of these pics already but here a few of the fish we caught with Napier Builder Dylan 'Dyls' Cossey at the ITM Trade Club fishing comp, that included six swordfish. Check out the episode, then check out some of the additional action and behind the scenes banter at [ultimatefishing.tv](http://ultimatefishing.tv) or on the Ultimate Fishing App.



The large tail of a Swordfish



ITM Hook Me Up! crew crush it, catching six swords over a couple of days.

I'll catch you online, in person at an ITM event or Wednesday nights 7.30pm on Prime.

Keep 'em Tight,

*Matt Watson.*

## **"HOOK ME UP!"** **NEW SERIES**

Catch it on Wednesday's,  
7.30pm on Prime

### Episode 5, Dylan Cossey, 3 April

Napier builder Dylan 'Dyls' Cossey wants to join Matt's fishing team 'The Mongrel Pig Dogs' in the annual ITM Fishing Competition. Dyls gets put through his paces to earn his place in the legendary team, and the boys don't make it easy for him as he is put up against big kingfish, bluenose, bass, as well as battling six swordfish!



ITM Hook Me Up! guest Dylan is stoked to tick bass off the list

### Episode 6, Liam Ireton, 10 April

Keen fishermen Liam and mate Luke challenged Matt to a fishing competition, only they get to make the rules, and that requires a complete boat and gear swap. Yup, Matt gets their old boat and gear and Liam and Luke get Matt's brand new Stabicraft 1550 along with the latest gear and technology...challenge accepted and game on!

### Episode 7, Carly Moloney, 17 April

Carly Moloney, a beauty professional, wants to catch some seriously big fish. Matt lines up one of his 'three ways in three days' challenges - land based fishing for kingfish, big game fishing and fishing the deep for hapuku. The East Cape rugged waters lives up its reputation of big seas and big fish and no exceptions are made for the slightly built Carly, she's gonna have to muscle up for this one!

### Episode 8, David Hurn, 24 april

David 'Spyda' Hurn hasn't had much luck fishing over the years, and in over 40 years, he still doesn't have a fish he can brag about. He claims to be unlucky, but you can make your own luck when Matt takes you to the waters of New Caledonia to take on the mighty giant trevally. It's a whole new level of fishing for David, and he's up for the challenge.

### Episode 9, Vi Nikora Raj, 1 May

Once named 'Kinky Slayer', Kawerau local and master surfcaster Vijay Nikora Raj was the talk of the town after landing a nice kingfish off the beach...but the story of that catch is wearing thin after a seven year dry-patch. So he's asked for Matt's help to regain his legendary status and land a kingfish from the rocks, and learn how to catch more fish from the legend himself.

### Episode 10, Eloise Blackwell, 8 May

Black Ferns forward Eloise Blackwell grew up on Great Barrier Island and has had a love for the ocean and fishing from a young age. After returning from her latest season, she was eager to get back on the water and has asked Matt to help her fulfil her goal of catching a big fish from a kayak. Along the way, we get to see what ITM Hook Me Up! is all about - experiencing one of the last true adventures that everyday people can have a go at.





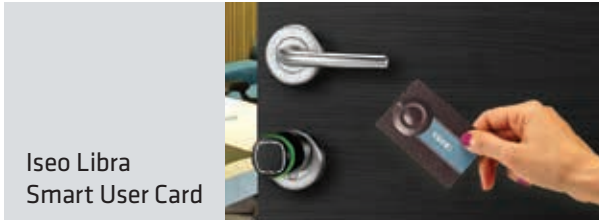
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### Key features

- Two colours – Graphite and Ivory
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- Recyclable materials
- BRANZ appraised
- Designed and made in NZ

# No choking diesel fumes. No thunderous roar.

Zero emission electric diggers and excavators with serious grunt are about to make life a whole lot easier for everybody involved in building site development.

Not only are the machines cleaner and quieter, they are as much as 10 times more efficient than an equivalent combustion-powered machine. While small electric machines have been around for a while, new battery technology is making larger machines with serious work power a reality.

Volvo recently unveiled an electric excavator that runs on two lithium ion batteries, totaling 38KWh, which store enough energy to operate the machine for a minimum of eight hours hard digging in compact ground. While a release date for the EX02 hasn't been announced, another big industry name



has also developed a new electric machine that's due to go into production later this year.

The JCB 19C-1 E-TEC has three lithium-ion battery packs providing a 312Ah (15kWh) storage capacity, an on-board charger with 230V input, and can be fully charged in 6 hours.

JCB says the machine will allow contractors to work inside buildings, in noise sensitive inner city environments, in tunnels and underground, without having to install costly exhaust extraction. The New Zealand agents for JCB say they expect the machine to be available in New Zealand towards the end of the year.



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## Carefully Crafted Natural Timber Decking

### Vulcan Decking by Abodo

Many premium hardwood decking timbers are imported from countries with unsustainable forestry and high corruption.

Unfortunately, not all local timbers are created equal either. Even though some New Zealand pine decking may be sustainably grown, it can still contain preservatives that can be harmful to people and the environment.

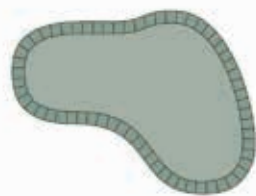
So Abodo has changed that.

Our Vulcan Decking uses plantation-grown, rapidly renewable New Zealand pine, and is free from harmful chemicals. We use a heat and steam-based technology known as Thermal Modification to permanently alter the cell structure of the wood, which results in a stable, durable and low maintenance timber – naturally. Thermal modification also imparts a dark chocolate brown colour to the wood.

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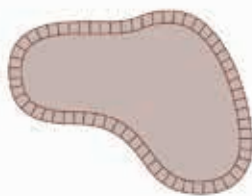
### What is Thermal Modification?

Thermal modification permanently alters the cells of timber, effectively reducing the moisture that is held inside the cells.



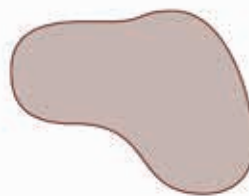
#### Before Kiln Drying

Water is held in the cell walls along with the cell itself.



#### After Kiln Drying

Some water is still held in the cell walls.



#### After Thermal Modification

The cell walls collapse and fuse together, permanently reducing the ability of the cell wall to store water.

---

Vulcan Decking is available in long, fixed length bundles from 3.6-6.0m and is Forest Stewardship Council (FSC) certified. Abodo timber is 100% grown and processed in New Zealand, consistently ranked the world's least corrupt country.

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# Learning opportunities and tools for LBPs

As an LBP, keeping up to date with the latest information is paramount to running a successful business. We are lucky in New Zealand as there are lots of opportunities and tools to learn and grow your business as long as you know where to look! This article is the third and final article tying quantity surveying to being an LBP.

Often, we hear that LBPs are unsure where to start learning about business practices. Here's some advice for Small to Medium sized Enterprise (SME) builders to pick up some tools and tricks from a Quantity Surveying perspective.

Business practices are relevant to your Skills Maintenance. Contractors have a range of regulatory obligations alongside LBP obligations, so knowledge in this area is relevant to being able to contract with consumers and participate in our building industry.

## Trade events

Get along to as many trade events as you can. Hearing from a range of informative speakers and the general camaraderie these events encourage, is something you can't put a dollar value on. Trade Events are often held by different institutions as well as by merchants or other trade suppliers.



Another great place to meet and share your knowledge and listen to a range of speakers is your local Chamber of Commerce. They will generally cover more than just trade information and also give out free information for those interested in HR, business acumen, accounting, and all those other things SME builders need to understand to run their businesses profitably and efficiently.

## NZTE – Regional Partnership Networks

New Zealand Trade and Enterprise offer learning opportunities and funding to SME's across New Zealand, and in many cases this includes our local trades. They can offer business mentoring, financial

acumen, Human Resources support and training and marketing. Support is offered by way of courses around the country and one-on-one consulting and training with regional partners.

You can apply for funding for this assistance if you go to the website and become part of the network, it is definitely worth checking out. Suppliers to the NZTE have to be thoroughly vetted to ensure they are going to give value and help businesses so it is a great place to find real value, and help with funding.

## Estimating tools

There are lots of online tools, some free and others by subscription, providing data-based industry averages across the regions for labour constants, built up rates, and cost planning information. Quantity surveyors use this global information for estimating purposes, but for builders who are looking for estimating guidance, it is a fantastic wealth of information

You can also find old fashioned paperback books that hold a wealth of information about quantity surveying. These are a common tool quantity surveyors use, alongside online services, to obtain information about labour constants. You'll often find one within reach of a quantity surveyors desk.

Using resources to make the process quicker and easier is an added bonus. The information in these resources has been gathered through years of data analysis, and is a good basis to use when completing your own pricing work. A very handy tool to have in the office!

by Victoria Harison



Director/Quantity Surveyor at RedQS

This article is relevant to these classes:



# Suspensions – it is your choice

There are several types of licensed building practitioner (LBP) licensing suspensions: voluntary, relicensing, or disciplinary. Voluntary suspensions are by choice, but relicensing or disciplinary suspension happens as a result of your actions as an LBP.

All suspensions appear on your public register page, the reason for the suspension is described including for disciplinary or relicensing reasons. Clients might steer away from you if you have a disciplinary or relicensing suspension history, so maintaining your current licence status can be very important to your reputation and future business.

## Voluntary suspension

You may choose to have your licence (or a class of licence) suspended for up to two years by completing the 'Voluntary suspension of licence form'. You can end your voluntarily suspension at any time by completing the 'Ending voluntary suspension of licence form'. You need to continue to maintain your skills while on a voluntary suspension.

These two forms can be found on the LBP website: [www.lbp.govt.nz/for-lbps/your-licence/suspend-or-cancel-your-licence](http://www.lbp.govt.nz/for-lbps/your-licence/suspend-or-cancel-your-licence)

Voluntary suspensions are shown on the public register but are described as 'at the request of the practitioner', to separate them from suspensions placed on your licence by the Registrar or Building Practitioners Board.

## Relicensing suspension

Every year, the Registrar will make contact with you about a month prior to your licence ID card expiring to ensure that you wish to remain licensed.

You can renew your licence online or contact the LBP licensing team. Your licence will be suspended if you do not respond, if you don't pay your yearly licensing fee or do not complete your skills maintenance (required every two years).

It is important to make contact with the LBP team and renew your licence (which can be done online) because if your licence is suspended you will be considered 'non-licensed'. When you are 'non-licensed' you are not able to carry out Restricted Building Work (RBW) unless you're supervised by a

The image shows two forms from the Ministry of Business, Innovation & Employment. The top form is titled 'Application for Voluntary Cancellation of Licensing Class' and the bottom form is titled 'Voluntary Suspension of Licence Form'. Both forms contain fields for personal details, contact information, and checkboxes for various suspension reasons.

LBP, and you can't supervise RBW. You also can't tell people that you are an LBP.

Your suspension is required by law to be shown on the public register for three years. You cannot request to have your suspension history removed. A suspension can impact on your ability to get jobs as consumers check the public register regularly.

## Disciplinary suspension

The Building Practitioners Board can suspend an LBP's licence if an LBP commits a disciplinary offence under section 317 of the Building Act 2004.

A disciplinary suspension means you are 'non-licensed' and not able to carry out RBW unless you are supervised by a LBP. If your licence is suspended by the board you can't supervise RBW and you can't tell people you are an LBP. Your suspension will also be shown on the public register for three years and may impact on your ability to get work.

by Kimberley Gill

This article is relevant to these classes:



ALL



## Codewords Quiz 1

- 1. Learning about contracting with consumers and complying with your obligations can be relevant for:**
  - a. LBP Skills Maintenance
  - b. running a competitive and resilient business
  - c. winning contracts and staying profitable
  - d. all of the above.
- 2. True or false: If you're operating a small business, you won't need to know anything about recruiting staff, human resources or accounting – just turn up and do the work!**
  - a. false
  - b. true
- 3. Where is one good place to get started on learning business skills and getting support to grow your company?**
  - a. a quantity surveyor
  - b. NZTE Regional Partnership Networks
  - c. you'll just have to learn it yourself.

Answers: 1d 2a 3b

## Codewords Quiz 2

- 1. How long can you voluntarily suspend on your licence (or class of licence) for?**
  - a. up to 6 months
  - b. up to 2 years
  - c. as long as a piece of string.
- 2. When can you uplift your voluntary suspension on your licence (or class of licence)?**
  - a. when the suspension period you selected has ended
  - b. 2 years after your voluntary suspension started
  - c. anytime, but you can only voluntarily suspend your licence for 2 years.
- 3. If your licence is suspended because you did not complete relicensing, what are you able to do?**
  - a. only carry out RBW under the supervision of an LBP
  - b. supervise RBW as long as you're not the person carrying it out
  - c. tell people that you're an LBP.
- 4. How long will a suspension stay on your public register profile?**
  - a. until you request to have it removed
  - b. 3 years
  - c. 1 year.

Answers: 1d 2c 3a 4b



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W: 495mm, D: 560mm, H: 828mm



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W: 560mm, D: 562mm, H: 900mm



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## KITCHEN PACK

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#DWM12P6FSS

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# ToolWare®

Toolware continues to scan the globe for the most innovative product sourced from the world's premium suppliers, which is why we are pleased to have the class leading Starrett Tungsten Carbide Tipped (TCT) Hole Saws, Bi-Metal Hole Saws, Diamond Drills and Reciprocating Power Saw Blades within our range.

Starrett, established in 1880 by Laroy S Starrett, are world renown for their precision measuring tools and they have applied this precise measurement technology to their entire product range.

L S Starrett had the rare quality of being able to instil in others his own enthusiasm for his work. This interest and enthusiasm have been passed down through the years to the veterans of today. In the way that has made New England famous for its generations of craftsmen, many have had the satisfaction of seeing sons and grandsons follow in their footsteps at Starrett. Skill in the art of tool making comes only with long experience. At this writing there are 267 people actively at work who have been with the Starrett Company 25 years or more. At any point in time, between one-third to one-half of the work force has 10 years or more service to their credit.

The above is why we have chosen to partner with Starrett, to bring this innovative outlook to the New Zealand market. A time proven legacy of efficiency and precision, Starrett will bring the technical know-how to boost productivity on any job, anywhere.

No business could set itself a higher goal than is expressed by the Starrett Pledge: "We pledge ourselves to protect and carry on the high standards set forth by our founder." This is how Toolware operates which is how we like our partners and suppliers to operate.

**Invest in precision, invest in Starrett.**



## Rapid Pro Heavy Duty Staple Gun

#RT34

R34 is a Rapid icon – the professional's choice. One of Rapid's most sold professional staple guns. Now upgraded with a patented 3-step force adjuster. The force adjustment system lets professionals decide for themselves how much power to deploy on each job. Save up to 40% of effort on easy jobs with short leg lengths and turn up the power with a simple flip of the switch when required. Suitable for securing ceiling tiles, insulation materials, plastic sheeting, fitted carpets, etc.

- Patented 3-step force adjuster
- Long service life – capable of over 100,000 actuations
- Ergonomic design
- All steel casing and mechanics
- Made in Sweden
- 5 year guarantee

**\$64.90**  
EXCL GST



## We live to support those who live to build

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- Hillside ITM Glenfield 09 443 8101
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- Mahia ITM Takarua 09 267 0234
- Matakana ITM 09 422 7525
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- Otorohanga ITM 07 873 8079
- Tauranga ITM 07 541 1232
- Omokoroa ITM 07 552 5770

- Thomsons ITM Hamilton 07 849 3674
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- Triangle ITM Tokoroa 07 886 6611
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- McVicar ITM Harewood 0800 191 674
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- Timaru ITM 03 688 8074
- Waimate ITM 03 689 7427

### DUNEDIN/OTAGO/SOUTHLAND

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- Fraser Hardware ITM Balclutha 03 418 0170
- Mosgiel ITM 03 489 8885
- Southbuild ITM Winton 03 236 6055
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- Southern Lakes ITM Queenstown 03 451 1567

FOR YOUR NEAREST ITM STORE PHONE **0800 FOR ITM** OR VISIT **ITM.CO.NZ**

PRODUCTS ON PROMOTION: All prices exclude GST. Prices are valid April 1st until May 12th, 2019 unless specified otherwise. Some products may not be available in all ITM stores, but can be ordered in. FREE ITM Hi-Vis Vest: Applies to purchases made between April 1st and May 12th, 2019 and only while stocks last. Please note that the \$100 (excl GST) qualifier for the FREE ITM Hi-Vis Vest applies to each brand featured and cannot be made up of smaller amounts spent on individual brands e.g. Customers will qualify for the giveaway if they spend over \$100 on Simpson Strong-Tie products, NOT if they spend \$50 on Simpson Strong-Tie products and \$50 on Dunlop products. Purchases must be made on one invoice/account. Offer is limited to one per customer.







# Win 1 of 3 e-bikes with PinkFit®.

Use PinkFit® for your next installation and go in the draw to win one of three  
"The Maverick" e-bikes. Each e-bike is valued at RRP \$3,490 inc GST.

One winner drawn each month (April, May, June) for PinkFit® jobs completed in those months.  
You don't need to do anything, entry is automatic.



Exclusive to ITM

Promotion ends 30th June, 2019. Visit [www.itm.co.nz/tradepromo](http://www.itm.co.nz/tradepromo) for terms and conditions.