



building today

THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS FEDERATION

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building today

Building Today's latest web site poll reveals that fully 95% of LBPs are worried about the possible risk of added liability under the LBP scheme that came into effect at the start of this month.

However, relief is finally at hand for LBPs and RMBF members with the advent of professional protection cover in the form of a tailored insurance solution in conjunction with MasterSure and insurers Lumley General.

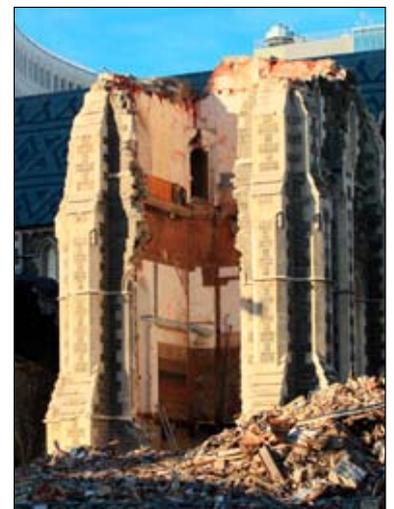
Read more about that in RMBF chief executive Warwick Quinn's Chief's Chat this month.

And a groundswell of public emotion and feeling has erupted — not unexpectedly — with the recent announcement that Christchurch's beloved cathedral is to be pulled down.

Don't expect to hear the last of this one for some time.

Also in this issue, check out BT's Back in Time — an interesting new feature looking back through our archives to reveal some long-forgotten headlining industry stories from yesteryear.

Andrew Darlington
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cover story 10

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chief's chat

by ceo warwick quinn

Professional protection insurance available for LBPs

As you are all aware, the Licensed Builder Practitioner (LBP) scheme finally came into force on March 1, 2012. There was quite a lot of media interest and a heightened public awareness of the regime as a result of Government promotional material.

What has also been interesting is the arrival of LBP insurance offerings by the market in time for the LBP scheme launch.

If you are licensed to undertake Restricted Building Work and are reported to the Building Practitioners Board a range of penalties could be imposed. These penalties could affect your license and, consequently, your ability to undertake further restricted building work.

Therefore LBPs will need to protect themselves against such occurrences by being able to fund any defence and meet any resulting fine that the board may impose.

Affordable and concessional rates

Registered Master Builders has worked closely with our insurance partner MasterSure, and we are delighted to be able to offer our member companies and LBPs professional protection insurance cover at highly affordable and concessional rates.

In conjunction with our insurers Lumley General, we

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have developed a tailored insurance solution to protect LBPs under the new regime.

It covers:

- Defence costs for investigations by the Building Practitioners Board arising from complaints made against an LBP
- Fines imposed by the Building Practitioners Board

In conjunction with our insurers Lumley General, we have developed a tailored insurance solution to protect LBPs under the new regime.

- Claims arising from errors in Record of Work documentation
- Claims arising from supervision of non-licensed building practitioners, and
- A stand-alone protection for work carried out as an individual employee LBP, where the employer's firm

no longer exists, and years later the LBP is held liable for the work performed whilst employed.

This latter point is very important for an LBP employee to consider. The LBP has no control over the employer and will have no understanding of what the company is up to once they leave that employment.

With the Building Act having a statutory 10-year liability period, it is essential that LBPs have this "run-off" provision.

The same risk is apparent for those that undertake supervision of non-LBPs, and claims may well arise against those supervisors whose name is listed under the Record of Work.

A company policy can be taken out that protects all those LBPs employed by it but, given the above, it is advisable the LBP take out their own individual cover (which is highly affordable) to ensure they are protected adequately as well.

It is important to realise that the "tort" or common law liabilities remain unchanged, and that the LBP regime does not impose any additional liabilities in that regard.

Master Build Guarantees still available

Accordingly, client protection is available through the provision of warranties such as the suite of Master Build Guarantees which provides cover for a range of matters, including loss of deposit, non-completion of works, workmanship and materials, and the structural components of a building. The LBP insurances are not a substitute for these.

No doubt, over time we will see these insurance offerings develop and grow. But one thing that is very encouraging is that the insurance companies are prepared to enter the building market again after having a difficult time of it with the leaky buildings saga.

The introduction of the LBP scheme has reduced the insurance company risk.

Once the regime settles we will start to see higher quality housing as we have better quality builders (as anyone could hold themselves out as a builder before) undertaking the high-risk work which, in turn, may entice the insurers to provide greater LBP and general construction protections.

RMBF planning for success

Succession planning process underway leading up to Conference 2012

By RMBF president
Blair Cranston

It is often said that if you fail to plan, you plan to fail.

As we approach our June conference in Tauranga and the end of my two-year term as your president and my 10 years on the RMBF Board, it is a good time to reflect on the significant governance progress made by the RMBF during that time.

I was elected to the RMBF Board in 2002. At that time the RMBF had only just changed from a National Council structure to the current Board of Directors structure.

The National Council focused primarily on regional representation at governance level.

In 2002, the RMBF Board contained a mix of fine, competent individuals who served the organisation with distinction. A number of them went on to become Life Members of the RMBF.

So, where is this article leading?

In my opinion, the RMBF Board has planned well to succeed, and is continuing to do so.

Here are some examples of that planning and implementation, in no particular order:

1

The maximum tenure of RMBF directors has been set



at 10 years. This ensures rotation and draws attention to the need to identify and acquire new talent.

2

Our structure allows us to appoint up to two independent directors at any one time. This allows us to address any identified skills gaps.

3

We have employed independent consultants to survey our directors and assist with the identification of our

strengths, weaknesses and skills sets.

4

We have, over the past few years, strengthened the mix of people on our Board. An example is the targeting of the commercial builder members with strong business acumen.

5

We have continually kept our eyes open for talent within our organisation. That is a list that is regularly updated.

As we near this year's conference and prepare for the simultaneous departure of two long-serving directors — Mike Fox and myself — we have undertaken a robust and professional succession planning process to ensure the Board has the right skill set at this point in time, focusing on the particular challenges that we know are ahead.

We have had a subcommittee conduct interviews with interested candidates from our membership. Each of those candidates are fine people and possess unique skills.

As a result of this process, the RMBF Board has identified each candidate's skills set, and will be notifying Associations accordingly prior to the annual conference.

From then it will be up to the Associations to vote for whom they prefer.

Given the above examples, it will be abundantly clear to all that your RMBF Board is not failing to plan — or planning to fail!

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One to watch in Waikato

At just 29, Daniel Kraayvanger of DK Builders has already made his mark on the construction industry, having scooped awards two years in a row in the Registered Master Builders House of the Year, in association with PlaceMakers.

The young Te Awamutu builder has only entered the competition twice, but has taken out awards both times, achieving a Gold Reserve and the local New Homes \$350,000 - \$450,000 category in 2010, followed in 2011 with the National Award for the same category.

But he didn't see the National Award coming in 2011. "It was a bit mind-boggling!" he says.

Mr Kraayvanger is not new to building success though, impressing peers with his skills even back in secondary school.

"I did really well in my building class, topping School C building in fifth form at Te Awamutu College, and I won the Furniture Making Shield the year after," he says.

In 2000, he studied for a year at Wintec, before undertaking his apprenticeship with Brian Legg Building, where he stayed for three and a half years.

Taking a year off from construction to help out on his parents' farm, he returned to finish his apprenticeship with Terry Lasenby Builder in 2004.

"Terry signed my apprenticeship off straight away, and I stayed with him for another three years."

At just 24, Mr Kraayvanger went out on his own, starting DK Builders Ltd in 2007.

"I didn't want to work week to week, or live wage to wage. I had the opportunity to build a house and I jumped at it, and the company has grown from then on.

"There are three of us in the team. We're all really passionate about what we do, and we like to do a good job," Mr Kraayvanger says.

"My foreman, Tau, is excellent. He has a passion for building and has the same sort of standards as me. We both understand that we want a good finish, and we won't stop until it is



D K Builders Ltd of Te Awamutu won the New Homes \$250,000 - \$350,000 category in the Registered Master Builders PlaceMakers 2011 House of the Year.

good enough."

While he has a bit of office work to do here and there, Mr Kraayvanger builds day to day.

"Most of the time I'm on the tools, but I also manage and oversee every job, keeping the quality control and making sure it is up to standard."

It's no wonder DK Builders has done so well in the House of the Year. When asked what made the 2011 winning home in Te Awamutu stand out from the rest, Mr Kraayvanger says "workmanship, of course!"

"And, I reckon it has good street appeal. It is raised up on a platform so it stands out and utilises as much of the view as possible.

"The platform was the main challenge. We built all of the retaining for it, so there was quite a bit of work on that, but nothing's too great of a challenge for us. Challenging situations are what keep us building," he says.

The judges described the build as one of "exceptional work and talent, from a very driven young builder, who is demonstrating exceptional craftsmanship early on in his career."

Mr Kraayvanger believes that the best part of being a builder is having satisfied customers.

"That, and having a project finished that you can be proud of and can say, 'I built this,'" he

says.

Joining Registered Master Builders in 2010, he is pleased to be part of the organisation.

"The information they give you is really useful, or if I have any queries on anything, I know they're there to help me out and are only a phone call away."

He is also a Licensed Building Practitioner, getting involved with the scheme so "people will have even more trust" in him.

"It'll also get rid of those builders who are a bit shady and don't do a good job," he says.

With a lot on his plate, including a child on the way, Mr Kraayvanger is having a rest from the House of the Year competition this year.

"But I'll have a nice house to enter next year, that's for sure, probably in the New Homes \$450,000 - \$600,000 category."

Entries for the Registered Master Builders 2012 House of the Year, in association with PlaceMakers have now closed.

The Awards are made possible through the support of PlaceMakers, James Hardie, Gib Living Solutions®, Nulook and the Department of Building and Housing.

For more information about the competition, visit the Registered Master Builders web site at www.masterbuilder.org.nz.

Superb client relationship was the key



The Picton Emergency Operations Centre won Haack Construction Ltd of Blenheim the Health Project category in the RMB 2011 Commercial Project Awards.

Jon and Gerardine Haack, company directors at Haack Construction Ltd, were elated when their company was presented with the National Health Project Award in the RMB 2011 Commercial Project Awards for the Picton Emergency Operations Centre.

The building is a first in New Zealand, combining marine search and rescue with ambulance emergency services.

"We're incredibly pleased for our client — a group of people who had a dream, and worked relentlessly and selflessly to make this project happen," Ms Haack says.

Land complexities meant a vast number of site improvements were needed to minimise flooding. Additional engineering also went into the foundations, and tilt-up panels were added to ensure the required bracing met the industry standard.

Jon and Gerardine believe excellent workmanship, coupled with project design and quality materials, made the facility outstanding. The centre was designed to be low maintenance, and to make the most of the sun and natural light.

Judges said the centre is a "potential

trendsetter, the architecture is exciting and executed beautifully".

"The building is full of light and includes teaching facilities for the youth of Picton. Its functionality is first class and fit for purpose, yet it delivers a strong form that stands out in its built environment.

"It is a great example of a superb client relationship and exceptional project management where tight organisation and constant communication was key. It is a stunning community project of which the construction team can be proud," judges said.

Haack Construction faced some challenges throughout the build, particularly around the budget.

"It was financed through community fund raising, so the budget was of paramount importance. But the objective was to get it into budget without compromise to the outcome or quality, and that was achieved," Ms Haack says.

Mr Haack has been building for 37 years, and established Haack Construction in 1989, "with a beat up Datsun truck, a tonne of skill, energy and dreams, and always with the desire to exceed the client's expectations".

The company has been a long-time member of

Registered Master Builders, joining 22 years ago.

"We recognised the need to support the building industry, and the RMBF provided this vehicle," he says.

Haack Construction Ltd is currently working on a number of projects, including the restoration of a railway station historical building, a million dollar private dwelling, and a number of smaller projects.

The RMB Commercial Project Awards will be running separately to this year's Registered Master Builders House of the Year, in association with PlaceMakers.

Entries for the new commercial competition will now open in August 2012, with judging taking place in late 2012 and early 2013. The results will be announced at the inaugural RMB Commercial Project Awards Gala Dinner in Auckland in April/May 2013.

More details on the new RMB Commercial Project Awards will be available soon.



Principal sponsor



Do you have the next Apprentice of the Year?



Registered Master Builders Carters 2011 Apprentice of the Year Ryan Keogh (left) and his employer Ewan Oats of Naylor Love Construction Ltd.

It's that exciting time again — so employers get your apprentices ready for the Registered Master Builders Carters 2012 Apprentice of the Year.

Entries open in April and your apprentice has until the end of June before the forms are due, so now is the time to get your guys thinking about their future.

Any carpentry apprentice can enter the competition, regardless of their training provider, and you don't need to be a Registered Master Builder. Apprentices must be:

- 26 years old or younger on December 31, 2012, and
- currently employed by, or contracted to, a building firm or builder at the time of regional competition judging.

They also need to have completed at least two years of

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their National Certificate in carpentry on-site by the entry closing date of Thursday, June 28, 2012, or have finished their apprenticeship no more than eight months before entries close — ie not before November 1, 2011.

The Apprentice of the Year competition is all about celebrating industry excellence, and aims to find and reward outstanding carpentry apprentices, bringing attention to the wide variety of fantastic career opportunities in the construction industry.

The competition is run in 10 regions across the country. The best carpentry apprentice in each region will then compete for the national title in October.

There are great prizes up for grabs for the top regional apprentices, and even bigger prizes for the national winners, plus a prize for the winning apprentice's employer! How does an Apple iPad sound?

Not only is the Registered Master Builders Carters Apprentice of the Year a superb opportunity for your apprentice, it is great recognition for your company.

To download an entry form for your apprentices, or for more details on the competition, go to www.apprenticeoftheyear.co.nz.

The Apprentice of the Year competition is owned and managed by the Registered Master Builders Federation (RMBF), sponsored by Carters, partnered by the Building and Construction Industry Training Organisation (BCITO), and supported by the Department of Building and Housing.

Apprentices, employers and those young people aspiring to be part of the construction industry are encouraged to join up to the Apprentice of the Year Facebook page at www.facebook.com/apprenticeoftheyear.



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Resistance looms against decision to demolish Christchurch Cathedral

The 131-year-old earthquake-damaged Christchurch Cathedral will not be rebuilt, but there is hope some parts of the historic building can be preserved.

Ongoing damage in the devastating quakes over the past 18 months has meant the decision not to rebuild had to be taken, according to Bishop Victoria Matthews of the Anglican Diocese of Christchurch.

The building withstood the September 2010 earthquake, but was devastated in last year's February 22 earthquake.

Last October, it was announced a partial demolition would be carried out to allow for key artefacts and heritage items such as the cathedral organ to be retrieved.

However, subsequent aftershocks and a further large earthquake in December caused more serious structural damage and made access too dangerous, prompting the decision to demolish the cathedral.

Bishop Matthews said the cathedral would be taken down to a "safe" level of 2m to 3m so that heritage items could still be recovered.

However, structural engineers who had already worked on the stricken building said there is no reason why the 131-year-old building cannot be saved.

Michael King said the building should be repaired, with requirements to bring it above code level.

Bishop Matthews said in February that the cathedral was now a very dangerous building, and that internal access was impossible.

"We are undertaking new engineering reassessments to determine what are the realistic options for the building's future.

"When we have a peer-reviewed assessment of the building, we will publicly share that assessment."

She said it would take the rest of the year to complete the deconstruction, and a temporary prayer garden might be established at the site. The Anglican Church was committed to establishing a transitional cathedral in central Christchurch after that.

- Christchurch City Council member Aaron Keown says a public backlash to the decision has started.

Mr Keown says he has been contacted by people from

throughout New Zealand and from overseas that want to save the cathedral, and says he wouldn't be surprised if legal action stopped the demolition of the building.

Meanwhile, Christchurch architect Don Donnithorne says he is working on designs to not only save but also strengthen the iconic building — plans he says he will publicise if need be.

He says he is doing his best "for Christchurch's sake" to save the cathedral.



Rubble is cleared away from Christchurch Cathedral after the devastating earthquake on February 22, 2011.

Seismic resilience key to new Christchurch CBD

Minister for Building and Construction Maurice Williamson expressed confidence in New Zealand's structural steel industry as he opened a forum held in Christchurch late last month.

Forum organiser Alistair Fussell of Steel Construction New Zealand said the event's central theme was seismic resilience.

"The design and construction of Christchurch's new buildings and infrastructure will be heavily influenced by seismic considerations," he said.

"What the event aimed to demonstrate was that structural steel buildings can withstand even major earthquakes, offer commercial advantages over alternative options, and are architecturally attractive."

A presentation by associate professor Charles Clifton of the University of Auckland discussed the development of new "low-damage, seismic-resisting" steel framing systems.

Mr Fussell said New Zealand researchers such as Dr Clifton and Dr Greg MacRae of the University of Canterbury are world leaders in innovative steel framing technology, which allows buildings to effectively self-centre following an earthquake, resulting in little or no structural damage.

To date, more than \$3 billion of steel building construction has been undertaken in New Zealand featuring low-damage, steel seismic-resisting

systems.

Richard McGowan of architects Warren and Mahoney presented the past, present and future of Christchurch architecture.

"Our much-loved heritage buildings were designed with substance in mind," Mr McGowan said. "Given the need for seismic-resilient buildings, it's likely we will see new designs which sit lightly on the land. Steel's qualities, including precision, lightness and dynamism, therefore make it a good option."

The 100 invited guests also discussed the merits of a seismic rating system for buildings, an idea proposed by Christchurch lawyer Don Holden.

Mr Williamson expressed his confidence in the innovation, quality and capacity of today's modern steel industry.

"I commend the steel industry for the advances it has made, and will watch with interest as they seek to make a valuable contribution to a new Christchurch CBD," he said.

Mr Fussell said while steel is a leading structural solution in New Zealand, with about 50% market share, it is not so common in Christchurch.

"With the Central City Plan currently with the Government for approval, now's a good time to be talking to the city's property professionals about the technical, commercial and design merits of New Zealand-manufactured and fabricated structural steel."



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RMBF: Too early to predict sustained uplift

The Registered Master Builders Federation (RMBF) says the latest building consent figures released recently indicate a pick-up in activity when compared to the same period in previous years.

Statistics New Zealand figures show 1098 new homes and apartment building consents were issued for Jan 2012, a 27% increase on January 2011.

RMBF chief executive Warwick Quinn says 2011 saw the lowest level of building activity since records began in 1965, and was one of the toughest years in living memory with a little over 13,500 new home consents issued.

However, December 2011 and January 2012 have shown an improvement, but it is still too early to predict if this is a sustainable trend or a catch-up for the recent lack of activity.

Mr Quinn says due to the current work shortage there is no immediate skill shortage but that the industry has an imminent medium to long term skills capability problem.

He cites the Canterbury rebuilding work, the housing shortage in Auckland and the leaky home repairs needed as known work streams, and says the economy will also eventually recover to a point where there is a general increase in construction activity.

Mr Quinn says with the Licensed Building Practitioner scheme coming into effect, the public can have confidence that tradespeople doing the work have the required skills.

I've got mine – have you got yours?

Martin reckons a scheme like LBP is long overdue – so he was pretty quick to get in and get his licence.

A proud Registered Master Builder for over 15 years, for him ready access to info on what's happening in the industry and useful tools like the online LBP form are a real drawcard.

And he's pretty keen on all the other great benefits too – House of the Year, the Master Build Guarantee and big savings on a huge range of products and services.

Don't miss out – call us today to be a part of New Zealand's number one industry organisation.

DID YOU KNOW?

From 1 March, any residential building or renovation work that is classified as 'restricted building work' can only be undertaken or supervised by a licensed building practitioner.



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BUILDING EXCELLENCE

Home owners need to get up to speed too

Auckland Council has been encouraging home owners and members of the construction industry to ensure they are up to speed with the Government's new residential building rules which came into force from March 1.

Designed to improve the quality of building in New Zealand, the Government's "build it right" changes apply to work affecting the structural integrity or weathertightness of residential buildings, including introducing new responsibilities for the building industry and home owners.

Fake insulation found in Auckland house

Unlabelled pink coloured glass wool insulation manufactured in China was recently discovered in an Auckland new house and a Pink Batts label apparently cut from a genuine package of the New Zealand-made product was found on site.

The general manager of Tasman Insulation, New Zealand manufacturer of the Pink Batts range, Tony Te Au, says the installed product was manufactured in China.

"Action was taken against the importer of the product installed in the house and, as a result, the remaining product awaiting distribution has been surrendered for destruction."

Mr Te Au says merchants and builders needed to take care that when seeking to stock or install Pink Batts insulation they confirmed it as the genuine quality New Zealand-made product that will meet the required R-value, and carries an independently-tested BRANZ appraisal.

"We want to acknowledge the excellent work of the people in the building industry who discovered the overseas product. Any person who has doubts about the genuineness of product purporting to be Pink Batts insulation should contact us immediately on our 0800 number," Mr Te Au says.

Auckland Council building control manager Ian McCormick says people need to ensure they understand the new rules when submitting building consent applications.

"People need to get up to speed with the new rules in order to ensure building consent applications can be processed smoothly."

Mr McCormick says the council welcomes the changes being introduced by the Government.

"They will help give home owners more confidence their crucial building work is being carried out to a good standard, with increased accountability and ongoing professional development of the building industry.

"The new rules also officially recognise the qualifications, skills and knowledge of Licensed Building Practitioners," he says.

For detailed information on the new RBW and LBP rules, call 0800 242 243 or visit www.dbh.govt.nz/builditright.



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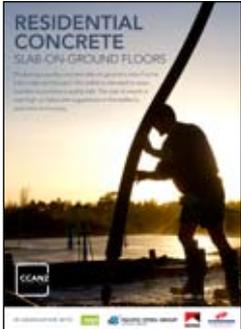
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Reinforcing concrete best practice



Recent amendments to the New Zealand Building Code (NZBC) in relation to reinforced concrete slab-on-ground are detailed as part of the "Coming Home to

Concrete" campaign recently launched by the Cement & Concrete Association of New Zealand (CCANZ).

From August 1, 2011, the NZBC B1 Compliance Document required that concrete slab-on-ground constructed in accordance with NZS 3604:2011 Timber Framed Buildings on good ground be reinforced with a minimum of 2.27 kg/sq m of Grade 500E reinforcing mesh fabric which conforms with AS/NZS 4671 Steel Reinforcing Materials.

To assist builders to produce a robust and resilient concrete slab-on-ground, the CCANZ has made available *Residential Concrete Slab-On-Ground Floors*, an easy-to-read 12-page leaflet that gives guidance on good practice in relation to such aspects as slab levels, concrete strength, the new reinforcing requirements, control joints, bay sizes and crack minimisation, as well as placing, finishing and curing techniques.

The leaflet is part of the Coming Home to Concrete campaign, which has been designed to raise awareness of the advantages of residential concrete construction, from floor slabs through to full concrete houses.

CCANZ chief executive Rob Gaimster believes New Zealand currently has a unique chance to fully explore the possibilities that can be achieved through the use of concrete and concrete products in our homes.

"As we move forward to tackle the challenges posed by the Canterbury rebuild as well as the predicted housing shortage in Auckland, the significant role concrete can play in providing comfortable, stylish and strong homes at affordable prices must be part of everyone's thinking," Mr Gaimster says.

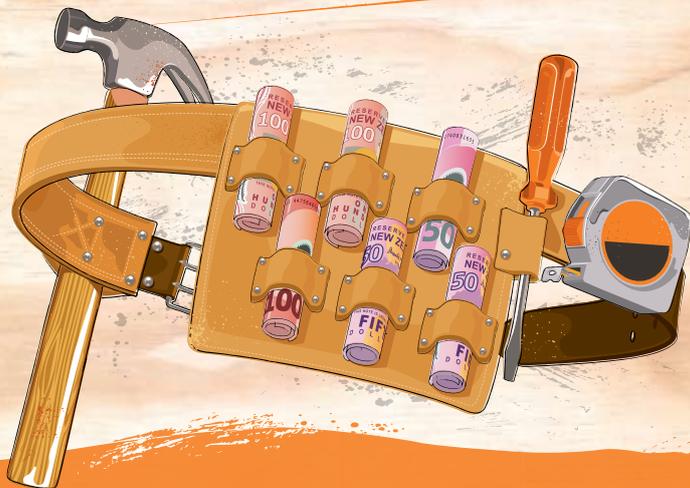
"The Coming Home to Concrete campaign illustrates how we have the opportunity to enhance our residential building stock by utilising the many benefits of concrete and, in turn, help ensure resilient and healthy homes for all New Zealanders."

Along with the slab-on-ground leaflet, the Coming Home to Concrete campaign provides a range of print and web-based resources to help all those involved with residential construction make informed choices, and optimise the potential of concrete and concrete products.

Key amongst these resources is a short film fronted by television personality Kevin Milne that highlights the candid views of home owners, architects and builders, during interviews structured around the attributes of concrete.

A copy of the Residential Concrete Slab-On-Ground Floors leaflet is enclosed with this issue of *Building Today* magazine. For additional copies contact CCANZ at admin@ccanz.org.nz. Or to find out more about the benefits of Coming Home to Concrete visit www.cominghometoconcrete.co.nz.

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DBH processing centre deluged by late applicants

Building Today continues its series of articles looking at the Licensed Building Practitioners scheme which came into effect fully this month.

This month: What to do if you've been caught up in the last-minute processing rush.

Applications to become a Licensed Building Practitioner have continued to pour in since the beginning of the year, particularly following the launch of the Department of Building and Housing's Build it Right Campaign.

The Department's call and processing centre was inundated with applicants wanting to become an LBP before the introduction of Restricted Building Work on March 1, 2012.

Consequently, it is taking longer to process some applications, and the department is urging those applying to make sure they supply all the documentation and evidence required.

"It really does slow up the process if people don't provide the right information required to progress their application," DBH deputy chief executive Alison Geddes says.

"It means we have to go back to them before we even start processing it which means it will take even longer to approve. This, coupled with the high volume of applications, means it is taking a while, sometimes even months, to process.

"We have been warning people for the past year not to leave applying to be licensed for too long as they could get caught up in the rush to become licensed before March 1.

"We don't believe the delay will cause too many problems for those waiting to become licensed, as work which is consented before March 1 is now covered under Restricted Building Work.

"They will also be able to sign off any work they do once they are licensed. If they need to provide a Record of Work before then, then they will need to get someone who is licensed to supervise the work and sign the memorandum for them," Ms Geddes says.

Despite the processing delays, the Department is still keen for tradespeople working in specialist trades such as foundation, brick and block laying or external plastering to become licensed.

Less than 50% of the expected numbers of tradespeople working in these specialities had become licensed so far. The Department is therefore encouraging head contractors to make sure their subcontractors are LBPs.

If subcontractors aren't licensed, then they will be unable to provide a Record of Building Work for any Restricted Building Work they do. Lead contactors can only sign off the memorandum if they hold the appropriate license, which may not be the case when it comes to specialist trades.

Information on what Restricted Building Work means for each of the license classes (excluding site) is now available from the DBH by contacting the call centre on 0800 60 60 50, or visiting www.dbh.govt.nz/builditright.

Booklets are also available from local Carters, Placemakers and ITM stores.

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Hiring an apprentice: Asking the right questions

As our industry inches closer to recovery, many builders and subcontractors will be looking to the future, and thinking about the number of people they might need.

We take a look at how you, as an employer in the construction industry, can ensure you get the right people to grow your business.

If building skills shortages become severe, as predicted, it's inevitable that many builders will be forced to hire less skilled workers. And, in fact, according to some recent BERL research, these less skilled workers are still incredibly important to the big picture and getting the work done.

However, you're going to need highly skilled guys too. If you're going to put the time, effort and investment into an apprentice, you need to ensure it pays off for you, the apprentice and your business.

Therefore, it is crucial to have a strategy to get the right person for the job. We'll take a look at some things you can do to make this happen.

To start with, you need to consider the goals of your business. Where do you want to be in five years? What sort of work do you want to be doing? And how big do you want your business to be?

You need to answer these questions before you start interviewing for a new apprentice. You then need to keep this in mind whilst talking to a potential new employee. Do their goals align to yours? Look for common ground.

Motivation is key. The best builders are often those who started out with a long-term career in mind, not just a job to kill time in the holidays. And that is how the BCITO is pitching the sector to youth considering their options.

Building and associated specialist trades are becoming increasingly professional. We need young people who want to actually make something of themselves, so look out for someone with the motivation to succeed — it shouldn't be hard to spot. This is probably the single biggest employee attribute that can help your business flourish.

The other thing we need to consider here is previous experience, or time spent on-site. There seems to be two camps here — employers who want it, and employers who don't.

In our experience, most employers would prefer some experience. But don't forget about motivation. What would you prefer — someone who is driven to really make something of themselves, or someone who has experience but is happy to cruise along?

The other thing worth mentioning is that with the looming skills shortage, most of the experienced guys have already been snapped up. But don't despair! Highly motivated apprentices will learn fast, and will do the job your way.

The BCITO has introduced a new service whereby we are able to put keen career-seekers in contact with employers looking for apprentices.

We currently have a database of people who are keen to get into the industry and are looking for work. We capture a host of information on each person, from whether they have their own tools or not, to where they're willing to work. We can use this information to match suitable career seekers to employers, depending on what the employer is after.

If you are looking at putting on an apprentice, get in touch with us on 0800 422 486. We may be able to put you in contact with motivated people.



So, when's this building boom? happening ●

Everyone's calling a boom, but it hasn't happened yet. BCITO **researchers** forecast mid-2012, but no-one can be certain. *But it will come.* No doubt about it.

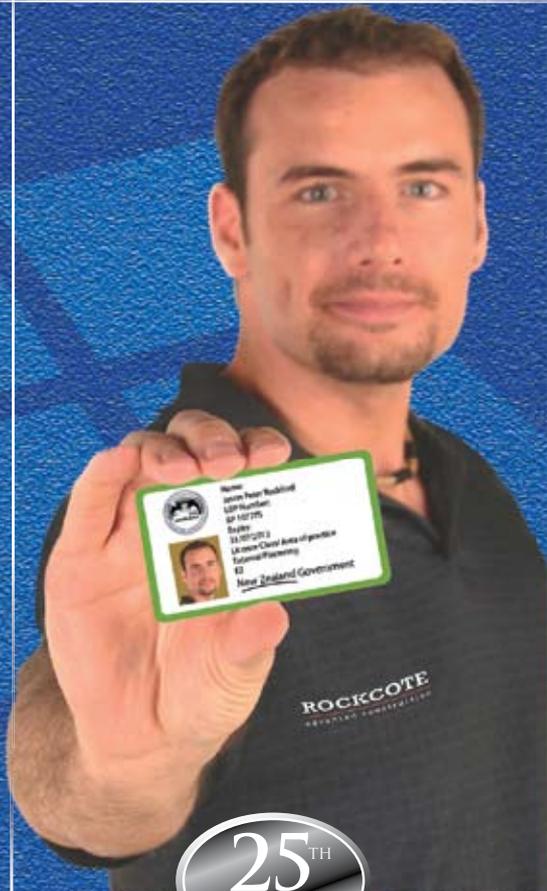
When it comes you will need **people** and **skills** to grow your business. BCITO apprentice numbers are down by 50%, so where will this skill come from?

It is up to you to prepare now. We know it's tough to take on extra people, but you're going to need them, especially in Auckland and Christchurch.

BCITO can help you prepare.

We can help you find apprentices from our growing database. We can help formally qualify your existing team. We have 85 people on the ground ready to help now.

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back in time

BT's Back in Time

Welcome to *Building Today's* new feature, Back in Time, where we delve into our magazine archives and discover what was making news way back when.

20 years ago:

- The New Zealand Master Builders' Federation — as the organisation was then known — launched the NZMBF Master Build Five Year Alterations and Additions Guarantee at a function in Christchurch.

Consumers Institute chief executive David Russell said the guarantee offered security to builders' clients, and that the small charge for the guarantee would be far exceeded by the peace of mind for the customer.

NZMBF chief executive Trevor Allsebrook said the marketing edge afforded to members was underscored by the recent demise of the Buildguard Housing Corporation scheme.

15 years ago:

- Two new category awards to be added to the 1997 NZMBF House of the Year promotion were announced — for renovations under and over \$100,000. The awards were the initiative of joint principle sponsors PlaceMakers, who said the awards acknowledged the growing trend towards additions and alterations to existing houses.

New special award categories were also being introduced to complement the Gib interior design award and the Fowler bathroom award.

10 years ago:

- The La Grouw family, owner of Lockwood and Initial Homes, was worth \$45 million, according to the latest New Zealand rich list published in a Sunday newspaper.

Lockwood Homes celebrated its 50th birthday in 2001, and had built more than 30,000 homes and commercial premises in that time.

- The theme for the joint RMBF/NZ Institute of Building Conference 2002 in Rotorua was "Building Customer Confidence in the Industry." One of the overriding aims of the conference was to see if delegates could agree to an initiative for the industry about building a "partnership of guarantee."

5 years ago:

- The current RMBF logo was launched in March 2007, replacing the previous one which had been in use since 1993. However, core components of the old logo remained.

- Building and Construction Minister Clayton Cosgrove announced the establishment of a \$20,000 ceiling for fast-tracked Weathertight Homes Resolution Service claims. He said claims up to that amount would be managed through a new streamlined WHRS claims process, encouraging faster resolution of claims through negotiation and mediation in set time frames.

The Lifemark — don't design or build without it

By Lifetime Design Ltd ambassador Graeme Sinclair

One of the important considerations with the Lifemark is adaptability.

Lifemark homes are designed to readily accommodate people of all ages, sizes and abilities — and these homes will adapt with you as your needs change. No one is excluded from a Lifemark home because of unnecessary barriers and hazards.

Most outdated, traditional home designs were based on meeting the needs of an “average” person without consideration of the variety of people’s functional abilities and changes that occur throughout a lifetime — including my own family home of 20 years which we moved out of just before Christmas.

Lifemark design standards are common sense design features that accommodate the functional diversity of all New Zealanders, and cater to the future changes in how people go about their daily lives.

Understanding the dimensions of the New Zealand population as a builder or designer will help you understand the important need for the Lifemark design features in the home.

Fact: 45% of older people have a disability.

Fact: By 2050, one quarter of New Zealanders will be over 65 years.

Fact: Between 40%-50% of disabled adults live in homes that are not modified.

Each year, ACC and the Ministry of Health spend more than \$33 million modifying houses to accommodate older and disabled people. Even though it has been clear for a long time that we have an aging population, we still continue to design the same old houses.

Lifemark is a simple common sense design solution that supports this desire to “age in place” by creating homes that facilitate independence/self-reliance, as well as allow us to recover from illness or injury in the comfort of our own homes.

With the rapidly changing demographics in this country, we really do need to consider the Lifemark when we design homes.

Lifemark homes are aesthetically more attractive because of the more open, spacious floor plans and enhanced natural lighting. Homes are safe and easy to live in, for everyone.

Recent BRANZ research has proven that the additional cost of incorporating the Lifemark design standards is approximately \$1500 when done at the beginning of new home design, as opposed to a minimum of \$15,000 to retrofit. The benefits far outweigh the additional costs.

Why would anyone want to design, build or even buy a house with unnecessary hazards and barriers?

At present, this is what the majority of our housing stock is made up of. I can't tell you the number of homes/places I cannot visit, simply because I can't get my wheelchair in the front door!

People don't start to think about the effect design has on their daily life, and once it really starts to matter, it can be too late.

So, I ask all builders and designers to take heed of the above facts. The next house you design/build, I urge you to consider the Lifemark design standards. The sooner the Lifemark is a common feature in house design, the better!

For more information, call Lifemark on 0800 227 888, or visit www.lifemark.co.nz.



Here is a snapshot of some of my favourite features:



Kitchen

The kitchen will not be the main thoroughfare, the dining area will be close by, appliances are easily accessible and positioned away from corners, and there are lever handles on fixtures and fittings.



Bedroom

There is space on the primary living level where a standard single bed (900mm x 1900mm) can fit with a minimum 800mm clear space available around one side and the foot, and a clear minimum 800mm wide path from the door to the side of the bed.



Bathroom

Dwellings shall have reinforced shower walls on the primary living level for the future installation of grab rails and a shower seat.



Open Plan

All doorways to all rooms on the primary living level shall provide a minimum clear opening width of 810mm. All internal corridors or passageways shall provide a minimum clear width of 1050mm.

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National Building Contract

Soon all building projects over \$20,000 will require a mandatory Building Contract.

The National Building Contract published by the New Zealand Institute of Architects is for use between the Contractor and the owner and is widely used within the building industry. Two versions are available to suit your needs. One is for Small Works, the General version for larger projects.

You can obtain a copy of both contracts at www.nzia.co.nz in the E-Shop.



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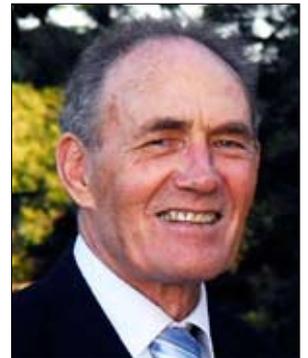
building blog

Crouch touch pause

Architect **Don Bunting** expounds some random observations about the construction industry at large . . .

I don't go to watch rugby any more and I often don't even turn on TV when rugby is being broadcast. Nobody seems to understand the rules today, not even the referee.

The offside rule, what constitutes a forward pass, when a maul becomes a ruck, who can tackle who and when you can pick up the ball — it's all become just a big guessing game. And don't talk to me about those so-called "assistant referees".



All that "crouch, touch, pause, engage" stuff at every scrum. Makes those big tough rugby players look a bit naff.

With the introduction of this and all the other new safety rules there still seems to be an ever increasing number of unpleasant injuries.

Remember the time when subs were not allowed, even when someone was carried off on a stretcher? It's reputed Colin Meads once even played on with a broken arm. And I bet he never did all that fancy gym work surrounded by personal trainers and lots of lycra.

Speaking of "remember when", remember when fax machines first came into use as a regular business tool?

Shortly after fax use became common, a builder rang me and said: "Have you got my fax?" "Yes," I said. "Well why haven't you answered it, you've had it for at least five minutes?" And this from a guy who took about a week to answer a telephone call!

There were no cell phones then of course, unless you wanted one looking like a brick.

As someone once said about business and personal life today: "Instant gratification just isn't fast enough."

When it comes to fast response, arguably the most valuable and most dangerous business tool is email. Don't even talk about texting — my fingers are too big.

It's now all too easy to receive a message — especially one that's a bit tricky — from a business colleague or from a building site, and simply press "reply" and send off an immediate answer. Job done. No worries. Yeah right!

If I dare to offer a few words of advice in this regard, the most valuable time you can spend in business is overnight.

Write your reply, save it and sit on it until tomorrow. Then read the message you received and the reply you wrote once again. Think, have a cup of coffee, talk to your colleagues and then maybe think about sending it. Not before.

As we are seeing with some public figures today, you sometimes wish you could bring back and throw away that smart comment or poorly thought out answer that's now left to haunt you forever on the digital highway.

Great business tool, but like any device it's the "tool" on the end of the tool that is most important. So don't be a "tool" when it comes to email. Crouch over the computer screen, touch the keyboard and then pause to turn on your brain, before engaging the "send" button.

Oh, and if you have a Facebook site destroy it at once, unless you are under 30 and your reputation is bullet-proof.

Cologne's convivial mosque

Dr Kerry Rodgers ruminates upon religious architecture in Germany's heartland



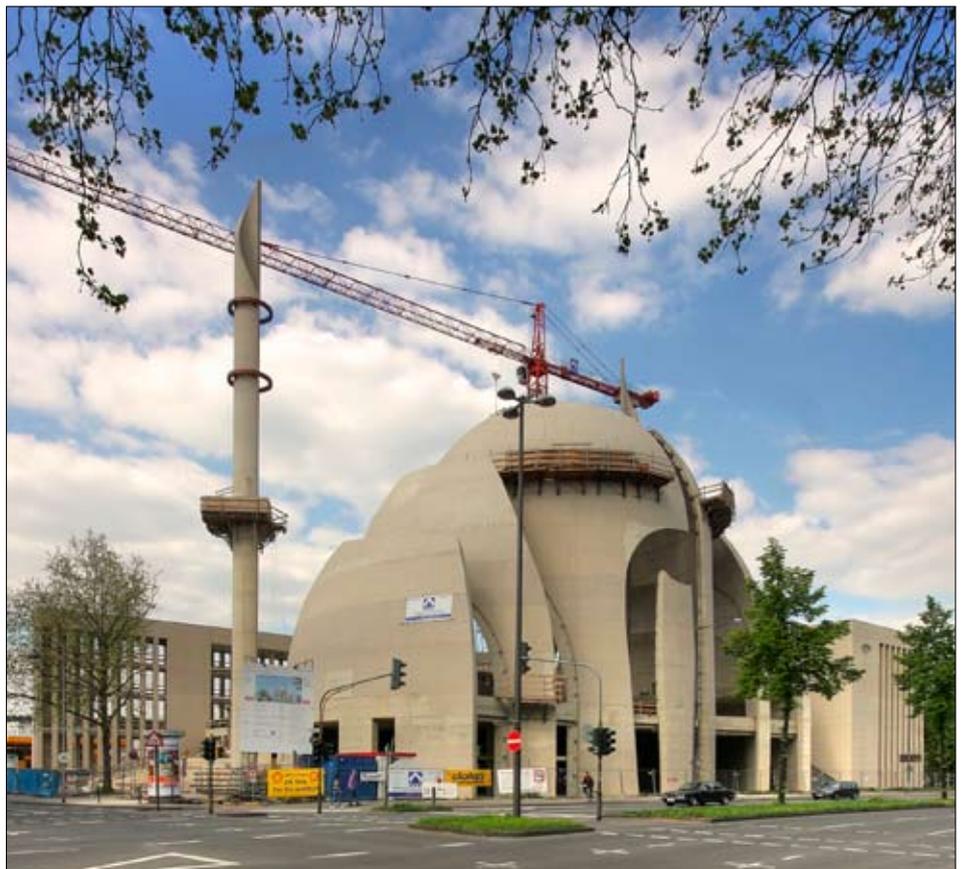
In 2007, German Muslims commissioned the building of a large central mosque in Cologne. About 12% of the population of Germany's fourth largest city are Muslim — some 120,000. At the time, most of the 30 mosques in the city were small. The largest could accommodate just 600 people and was housed in a converted pharmaceutical factory.

Predictably, the announced plans precipitated a city-wide controversy. Right up front were the usual suspects — the neo-Nazis — but concern came from less extreme groups and the general citizenry.

The city council was divided. The deputy mayor proclaimed, "We don't want to build a Turkish ghetto in Ehrenfeld. I know about Londonistan and I don't want that here." However, the mayor embraced the new building.

In the event, debate swelled across the entire country centred largely on claims that (a) Cologne was a Christian city and (b) the dangers of growing "Islamisation." For its part, the Catholic Church not only supported the mosque but St Theodore's Catholic Church undertook fundraising for the project.

The go ahead was finally given by the Cologne City Council on August 28, 2008, with just 30 protesters outside. And since construction began in 2009, any criticism has become far more muted. In large part, this can be credited to architect Paul Bohm's inspired design.



Like Wellington's Westpac Stadium's inability to shake its Cake Tin moniker, Cologne's locals have already dubbed their new mosque Atommeiler, German for nuclear reactor.

Ottoman influence

The mosque is large, occupying some 4500sq m. While it shows a profound Ottoman architectural influence, Bohm has very deliberately designed it to communicate a sense of openness and invitation.

The building is formed from flat wall screens that merge to become the central dome that "appears to open like a bud".

Upstairs is the prayer area and a Muslim library. Downstairs is a bazaar, lobby and lecture halls. The two levels are connected by a well that creates a pleasing atmosphere. Glass walls impart a feeling of openness that is further enhanced by a staircase rising from the street.

Secular areas of the mosque include a restaurant, event halls and bazaar, and are open to all people regardless of religion.

Outside stand two 55m minarets. In the planning stages their height focused much of the disquiet. There was concern they would overshadow Cologne's famed cathedral.

The city's mayor encouraged the use of shorter ones, but Bohm disagreed, pointing out that this would make them out of proportion with the rest of the building and surrounding structures.

'Religious architecture milestone'

Now that the mosque is nearly finished, it is being hailed as a new artistic and social vision for the city, a veritable "milestone in religious architecture".

It is one of the few new major buildings in central Cologne with a distinct style, and not made of the uniform steel and glass that was the norm in the

rebuild of the bombed-out city, post-WWII.

For Paul Bohm, the new building is itself an act of integration. He told Deutsche Welle: "This is one of the most important buildings I have ever designed. It's given me a chance to do something which is not only for a specific group of people, but for the whole community."

The building opened in early 2012 with little interior design other than natural light which cascades through a flank of windows.

One day it may feature classic Ottoman mosaics or other decorations drawn from its Islamic heritage, but that is for the community to decide in its own time.

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Judicial review of determinations made under the Construction Contracts Act 2002

Timothy Bates and Chadleigh Danswan of Auckland law firm Legal Vision review a recent Court of Appeal decision that sends a clear message to the construction industry that if parties want to challenge a determination made under the Construction Contracts Act 2002, they should challenge the actual underlying dispute through traditional avenues, such as litigation, arbitration or mediation, rather than seeking relief by way of judicial review of the determination.



Overview

In *Rees v Firth & Anor* [2011] NZCA 668, the Court of Appeal was called upon to consider what approach should be taken to judicial review of an adjudicator's determination under the CCA.

The court ultimately concluded, in light of the scheme and objectives of the CCA, challenging a determination by way of judicial review would rarely be appropriate.

In considering the issue, Justice Arnold first confirmed that there was nothing that prevented a party from seeking to judicially review a determination under the CCA and, in fact, Parliament had clearly contemplated that adjudicators' decisions could be judicially reviewed (referring specifically to sections 48(1)(a) and 60 of the CCA).

Moreover, the court noted that, unlike other statutes, the CCA did not limit judicial review to instances of "jurisdictional errors". To do that, the court said, would

only result in unproductive and diversionary debate about whether a particular error by an adjudicator is or is not "jurisdictional".

Notwithstanding these comments, the court went on to make abundantly clear at paragraph 22 that the statutory context of the CCA is such that a person who does not accept an adjudicator's determination should litigate, arbitrate or mediate the underlying dispute, rather than seeking relief by way of judicial review of that determination.

The court's reasoning

The court made two important points in its reasoning. First, it said that one of the objectives of the CCA was to solve cash flow problems by facilitating quick payments. The issue of judicial review proceedings did not interfere with that objective (as the party with the benefit of a money determination may still enforce it). That reflects the "pay now, argue later" philosophy of the CCA.

However, in line with that objective, the court said it seemed unlikely that a court would be prepared to grant interim relief under section 8 of the Judicature Amendment Act 1972 in the context of judicial review proceedings challenging a determination as to payment.

Second, an adjudicator's determination of rights and obligations under a construction contract is not binding in any event. A party with the benefit of such a determination must issue proceedings in order to enforce its rights, and the court will be free to reach a different view from that of the adjudicator.

In that type of case, the court said, it is difficult to see what point there would be in any judicial review proceedings.

Accordingly, at paragraph 27, the court said that courts must be vigilant to ensure that judicial review proceedings do not cut across the scheme of the CCA and undermine its objectives.

While that did not mean that judicial review should be limited to instances of "jurisdictional error", the

applicant still needs to demonstrate that the court should intervene in the particular circumstances. Well, you seem to be quite switched on. That would not be easy, given the purpose and scheme of the CCA.

In fact, the court noted that it would be very difficult to satisfy a court that intervention was necessary.

The court provided the example of where an adjudicator has made errors of fact. In such cases, given the important purpose of the CCA is to provide a mechanism to enable money flows to be maintained on the basis of preliminary and non-binding assessments of the merits, it is unlikely that these cases would give rise to successful applications for judicial review.

Rather, in the great majority of cases where a determination is to be challenged, parties should submit the merits of the dispute to a binding resolution through arbitration or litigation (or go to mediation).

Concluding comments

While it is inevitable that parties will be dissatisfied with determinations under the CCA, and conclude in their own minds that the adjudicator has "got it wrong", judicial review is unlikely to provide a party with relief.

Instead, the parties are likely to be better off arguing the underlying dispute in mediation then arbitration, or in mediation then the courts, depending upon what the specific construction contract stipulates.

If a disgruntled party heads down the judicial review path, it may well find that, in light of the Court of Appeal's comments, that path leads to wasted legal costs, or worse, costs payable to the other party.

That would likely be "salt in the wound" for a party who had already spent considerable resources in a determination.

Note: This article is not intended to be legal advice (nor a substitute for legal advice). No responsibility or liability is accepted by Legal Vision to anyone who relies on the information contained in this article.



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