

insight

JUNE/JULY 2017

Changes to Seismic Design

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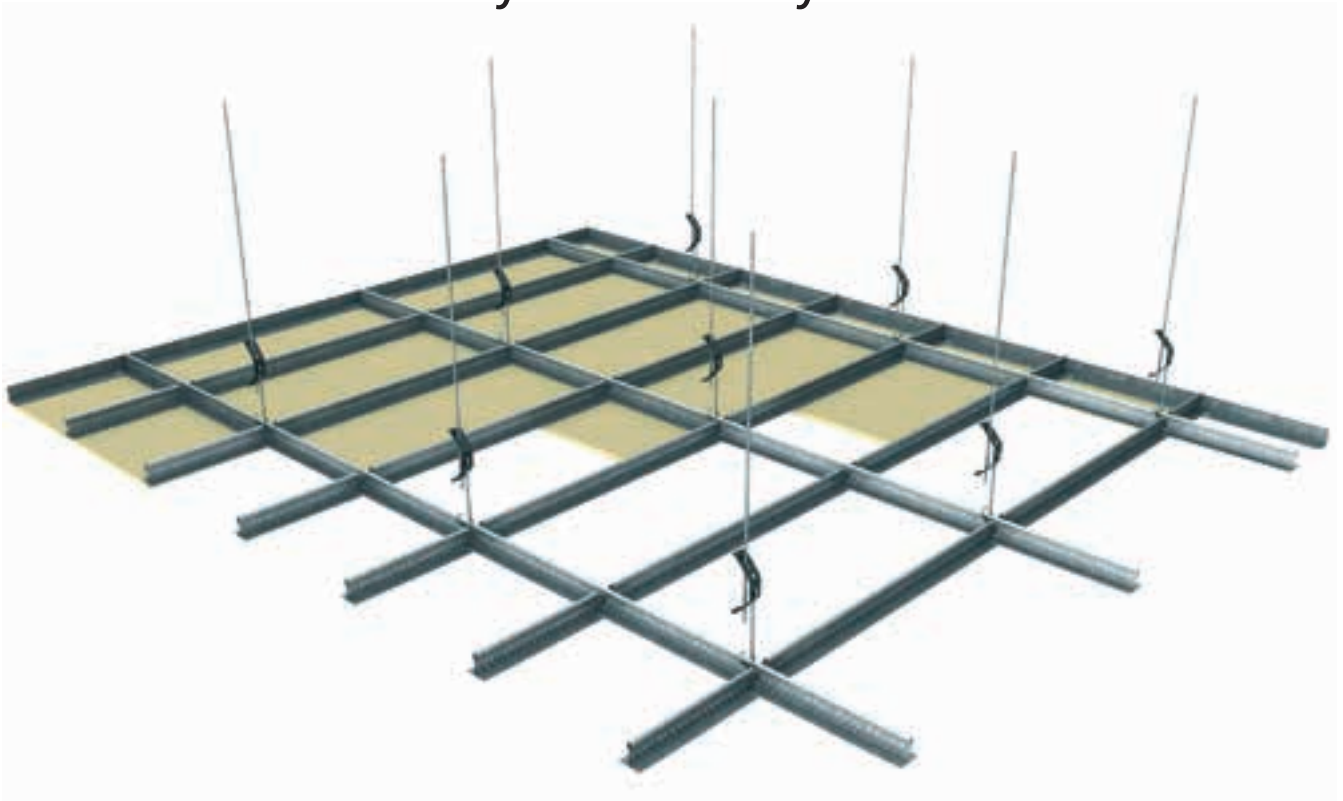
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President's report

From the trowel of Stuart Phelps



It seems that for a second straight year as winter envelopes the country there is no sign of a reciprocal trend in traditionally quieter months for the trades. On the contrary, everything is spiraling upwards; costs, consents, permits, client expectations and blood pressure.

Subsequent insurance claims following on from several severe weather bombs that ravaged the country earlier in the year have now put enormous pressure on already depleted resources. The added tension on existing limited skilled labour supplies and strain on client's is palpable. This translates into angry clients, stressed trades and frustrated insurance companies.

Having the right connections not only inside your business but creating an external support team can be crucial to understanding what to do next. Finding and attaching yourself to fellow tradesmen, financial experts and like-minded people can encourage you to ask the right questions?

In an attempt to alleviate some of this pressure the AWCINZ has approached the annual conference with a fresh strategy, resulting in a new location, a re-vamped programme and earlier time slot in the annual events calendar. Taupo will host the AWCINZ Conference 2017 with ample opportunity for contractors to interact with suppliers and manufacturers throughout the event while listening to dynamic and educational presenters. Families will also be able to enjoy the plethora of activities the North Island adventure capital has to offer. It is a great opportunity to re-focus under the present hectic work schedules and pick up some useful techniques that will benefit your business for the future. Techniques that you would not normally have access to often when you have your head down deep in the noise of work.

I also encourage you all to look back over the last year's projects and select one that stands out to showcase the phenomenal work our industry produces to compete in the Awards of Excellence.

At a recent executive meeting we were fortunate to have Helen Hines-Randell, Industry Advocate from BCITO update us on the trainee figures. With 150 signed trainees across the interior systems sector it is positive, however, more are required to cope with the forecasted requirements for construction. This should mean that we have some good numbers of apprentices eager to compete in the Work Skills Challenge for 2017. The timing of Conference also allows more time to select appropriate candidates from within the industry to represent New Zealand in October at the AWCINZ ANZ Conference to be held in Hamilton Island.

Busy times ahead so I wish you a safe and warm winter.

Stuart Phelps - President AWCINZ

Construction news

A number of Standards have been updated recently including the following:

AS/NZS 2589: 2017, Gypsum Linings - Application and Finishing

This new Standard supersedes the old version AS/NZS 2589: 2007 and came into effect in May 2017

The new version of the Standard is very similar to the old one, changes include:

- New part on inspection at handover
- Inclusion of surface tolerances within the main text
- Cross-reference and alignment with AS/NZS 2311 (painting)
- Of particular interest is the new part 4.7, "Assessment of the Surface Condition at Handover". Although it has been partly taken from the old 2007 Appendix E, it does go a lot further. It could help create more agreement about the quality of the surface finish during inspections.

This standard provides manufacturers, designers and users of gypsum linings with requirements for the application and finishing of such linings in residential and commercial construction

applications. This Standard provides a reference for the building industry and specifiers, and a basic Standard for adoption in contracts.

AS/NZS 2311: 2017, Guide to the Painting of Buildings

This new Standard supersedes the old version AS/NZS 2311: 2009.

Fairly minor updates, including:

- Updated reference documents
- Adding paint type B16A (Alkali resistant) water-borne sealer to Table 4.2, Paint Types

<https://shop.standards.govt.nz/catalog>

Consumer protection measures homeowner education programme

MBIE is reminding homeowners about their rights and responsibilities when building or renovating.

You can help homeowners make better-informed decisions about building work, so they get the best result from their project.

Before building work starts, direct clients to www.building.govt.nz/

contracts or give them a copy of MBIE's free Know your rights booklet. Email info@building.govt.nz if you would like to order copies of the booklet, subject line: Consumer protection booklets.

See the full article further in the magazine

The importance of being safe

On the [WorkSafe New Zealand website](#) it says:

- Construction is one of New Zealand's biggest industries with almost 200,000 workers – but it's also one of the four sectors with the worst worker injury rates.
 - Worker fatalities are more than double the average for all other sectors.
 - The cost of workplace injuries is huge – ACC pays more than \$100 million per year in the construction sector. And that doesn't include the cost to businesses in terms of lost productivity.
 - Construction workers risk exposure on a daily basis to potential harmful dusts, fumes and asbestos that can lead to serious ill health or even an early death.
- Construction industry statistics

published by WorkSafe make sobering reading. Since 2008:

- an average of 10 workers have died on site each year
- there have been over 625 serious harm injury notifications every year
- on average each year, more than 26,000 workplace injuries have occurred in construction – more than 3,000 of those were serious, requiring more than a week off work
- airborne substances have caused 185 deaths and 731 hospitalisations
- there have been 3,055 falls from height requiring an average of 236 days off.

Safety is a culture not a task.

Site Safe launches online learning

The not-for-profit membership health and safety organisation has designed a new course combining the advantages of online and in-class learning, so trainees will now have even more flexibility when they renew Site Safety Cards (Passports).

Chief Executive Alison Molloy says the new course will extend workers' health and safety knowledge, while also providing companies with another cost-effective training option. This course gives you the best of both worlds: it renews your card, gives you flexibility to learn online and includes in-class time with one of our health and safety advisors. An added advantage is that trainees only need to spend two hours in the classroom.

"Our latest course, which gives trainees access to a range of online modules

as well as in-class time with a health and safety expert, is a direct result of feedback from the industry. Our new online modules are worker-focused, and allow trainees to choose the topics that are directly relevant to the real-life risks they face on site."

The Passport Plus - Flexi (Online + Classroom) is now open for online bookings and will be available at a special introductory price for the first six months.

Each module is interactive and engaging, featuring images, audio and quizzes. Each user-friendly module takes approximately 20 minutes to complete and is designed so trainees can learn at their own pace.

Trainees select any two modules from a regularly updated online library, which currently includes: asbestos, noise, worker basics, manual handling, mobile plant and electrical safety. With the addition of the Passport Plus – Flexi, Site Safe now offers a total of four new renewal options.

- Passport Plus - Flexi (Online + Classroom)
2hrs in-class & 2 online modules
- Passport Plus - Tools and Plant
4hrs in-class
- Passport Plus - Height
4hrs in-class
- Passport Plus - Worker Health
4hrs in-class

Successful completion of any Site Safe course, including one and two-day courses, or entry-level Foundation Passports, will renew Site Safety Cards/ Passports. To learn more, visit <https://www.sitesafe.org.nz>.

You're now able to book yourself or your team on our brand new course - Passport Plus Flexi (Online + Classroom)!

The retention money provisions of the Construction Contracts Amendment Act 2015 will come into force on 31 March 2017.

The provisions are designed to better protect retention money owed to contractors and subcontractors in the event of a business failure, and ensure retention money withheld under construction contracts is responsibly managed.

The Regulatory Systems (Commercial Matters) Amendment Act came into force on 31 March 2017 and clarifies the amendments made in the Construction Contracts Amendment Act 2015 that:

- retention money provisions only apply to contracts entered into, or renewed, on or after 31 March 2017.
- developers or head contractors who choose to withhold retention money, have two options:
- hold retention money on trust in the form of cash or other liquid assets readily converted into cash – the default option
- obtain a financial instrument, such as insurance or a payment bond, to provide third-party protection to ensure payment of retention money.

No regulations in relation to retention money provisions under the Construction Contracts Act 2002 are currently proposed.

Construction Contracts Act 2002 has further information.



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NZCB membership is a badge our builders wear with pride. As well as showing that you're an experienced, fully qualified building professional, it's good for business, and it offers your customers ongoing peace of mind.

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WWW.

5 Five reasons you need a website for your business even if you think you don't

In today's business world it's no longer enough to just get in there and get the job done. Having a website for your business is increasingly having a big effect on whether you get work in the first place and what quality of customer you attract.

Kiwi businesses have been slower to get their businesses online than other countries but now half of all New Zealand's small to medium sized businesses are online showing that local business owners are increasingly understanding the importance of digital technology and new ways of doing business.

In the 2016 MYOB Business Monitor Survey more than half (52 per cent) said having a website generated more customer enquiries and enabled the business to have more professional image (51 per cent). Fifty-two per cent said the use of a social media site,

such as Facebook, allowed for more customer interaction.

Unfortunately the building industry is one of the industries lagging behind in terms of getting their businesses online with many still not seeing the value in having a website for their business.

Most of my customers are builders and over the past five years I have seen a big increase in the construction and trades industries getting their businesses online. But still some are dragging their heels and not seeing the huge advantages a website can bring to their company. So what are the most common reasons business owners from these industries come up with for thinking they don't need a website?

Most of my work is word of mouth. This is a really valuable and important way of getting business. But did you know that many people also now check out a business online before committing? People will look online to

find out more about your business, see past projects you've completed, find out more about you, read testimonies and more (they might also do some snooping to see if they can find out anything negative about your business such as bad reviews). This means that a website is a powerful tool to be used in conjunction with word of mouth referral. A well presented website gives confidence to new customers thinking of using your business and builds trust. This is particularly important for the building and trades industries as you are often entering people's homes and buildings and contracts can cost thousands to millions. This means that generating trust is a vital aspect of securing new customers. There are plenty of cowboys out there and you want your customers to clearly see you are not one of them. Promoting your AWCI membership and what it stands for on your website is another way to bring value to your investment

3 REASONS Why It's a Risk to Substitute Steel Products in a System

There's no two ways about it, substituting other steel products into a Rondo wall or ceiling system can compromise the performance of the system, the safety of others, and your warranty.

Here's 3 reasons why you must never mix your products in a Rondo wall or ceiling system:

1 The system may not perform as intended



Some imported or locally manufactured ceiling or wall products may look like ours, but have a reduced zinc coating thickness which means they're less resistant to corrosion.



Our wall and ceiling products are extensively tested to perform as a system.



Swapping out our products with others may mean the system won't perform as intended.

Our systems are designed to meet relevant standards and code requirements and differing design criteria by others may mean they aren't up to spec.



2 The safety of others could be jeopardised



If the system doesn't perform as intended, a wall or ceiling system could potentially collapse and risk the safety of the building occupants.



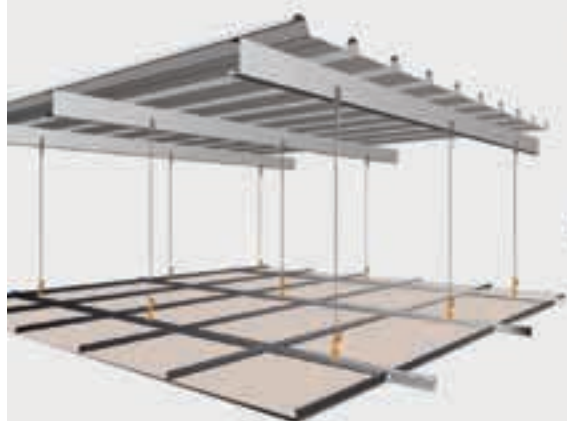
This is especially important when it comes to suspended ceilings, where a ceiling system collapse could lead to a devastating outcome.



Recent events have highlighted the significant safety risks associated with the use of non-compliant building products.



3 You'll void your Rondo Warranty



Our products are designed and tested to perform as a system and we back them with a quality guarantee and provide it in writing.



Replacing a product in a Rondo Wall or Ceiling System with another supplier's product will mean it's not what we've designed or tested, and therefore, it won't be covered by the Rondo Warranty.



For optimum performance and safety, and to ensure you are warranted for your job, only use Rondo products in your wall or ceiling system and purchase from our Rondo Partner Network.

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www.rondo.co.nz

5 Five reasons you need a website for your business even if you think you don't *continued...*

as a member, sets you apart from the competition and also gives your clients reassurance that you can be trusted to do a good job.

I'm too busy. The good thing about a website is that it can actually save you time answering basic questions about your company, what you do, what your business stands for and past projects you've completed etc. How easy is it to just say 'check out our website' rather than having to email past project photos, references etc? A website can save you a lot of time and streamline this part of your business, which is particularly important for the busy building trades.

It's too expensive. A website can actually be one of the cheapest forms of marketing available. Unlike a print ad – which will cost you anywhere from hundreds to thousands depending on the publication and is here today and maybe wrapping up somebody's fish and chips tomorrow – a website will be online 24/7. To give you some idea of costs The Good Website Company only charges around \$1 a day to have your business online making this a really an affordable way for SMEs to market their business.

We're in a building boom; I don't need any more work. Those that have been around a while will know that the building industry is notoriously fickle – up one minute down the next. A website won't guarantee you work flooding into your inbox. But it will help and can be ramped up in slower times to suit your workflow. It's important to get a website going early though as it takes google time to rank the site etc. So it's not a quick fix solution when times suddenly slow down. Marketing your business consistently – no matter what the business environment – is the key to having steady work in good times and bad. A website is also about the quality of work you are attracting. Wouldn't you rather present yourself professionally and get the best clients and leave the tyre kickers for someone else?

I don't have time to get my business online. It can be a really simple process to get your business online, in fact I estimate it will only take around five minutes of your time. I'll admit this isn't the norm but it's because the majority of The Good Website Company's customers are builders. I recognised pretty early on builders and tradies don't want to spend much

time on marketing their businesses – they'd rather be out doing the job. So I've developed a website package that really streamlines this process and literally only takes five minutes of people's time.

Finally it's important to remember that if half of all New Zealand's small to medium sized businesses are now online that means half of your competitors are probably already online. The number of businesses who are now online has jumped from less than a third to more than half in just five years. You can expect to see that number keep growing as the importance of being digitally connected is only going to increase. Make sure you're one of the businesses benefiting from the digital revolution.

You may not have a website or you may just want to upgrade to a better website. The Good Website Company (www.goodwebsitecompany.com) is offering ten websites to AWCI members at just \$299 (normal price \$899) for a five page website (other pages can be added if required for a small one-off set up fee). First ten people to email karen@launchcommunication.com can take advantage of this offer.

Changes to Seismic Design Requirements for Suspended Ceilings

Hedda Oosterhoff, T&R Interiors

Amendments have been made to the New Zealand Seismic Design Actions Standard (NZS 1170.5) and came into effect in September 2016. These changes significantly influence the design and installation of ALL suspended ceilings. Since NZS 1170.5 is the design actions standard cited by Verification Method 1 to clause B1 of the NZ Building Code, it must be adhered to in order for an installed ceiling to comply.

Before the amendment, seismic design requirements for ceilings were the source of confusion, namely around selecting the appropriate part category to apply. This was especially a problem with tile-and-grid suspended ceilings.

The previous version of the standard allowed 'parts' which weighed less than 10kg and which were less than 3m above floor level to be classified as part category P7, which only required design to a serviceability limit state (SLS) - design for no or minimal damage during a 1-in-25-year earthquake. By considering only the weight of individual components,

rather than the total weight of the ceiling system, meant that ceilings were not designed for much larger ultimate limit state (ULS) events. Ultimate Limit State events are a 1-in-1000 year event and for buildings of a higher importance level (IL), the requirement increases to a 1-in-2500 year event. It is obvious that selecting a Serviceability vs Ultimate limit state has a huge effect on the resulting seismic design.

The vagueness in the previous standard surrounding weight led some designers to treat all ceilings as P7 parts since individual components weighed less than 10kg. Others considered the total weight of the ceiling system and designed for ultimate limit state events. A third group made a case-by-case assessment for each design, depending on the total weight per square meter of the ceiling components, the height above the floor and the location.

Supporting comments provided in the amended version of NZS 1170.5 resolves this confusion. The new standard lowers the weight threshold for ultimate limit state design to 7.5kg,

and makes it clear that the **total weight** of the ceiling system needs to be considered - tiles, grid, luminaires and any other supported services. It is no longer possible to define ceilings as P7 simply because the weight of the individual components is below 7.5kg. Except for exceptionally small ceilings, they all now need to be designed for ultimate limit state events.

Given the performance of suspended ceilings in the Canterbury earthquakes, and reports that are emerging about the performance in the recent Hanmer Springs quakes (especially in Wellington), these changes are very timely. Collapsing ceilings can injure occupants and interfere with evacuation and reoccupation of a building.

What does this mean?

The most important requirement is to design all future ceilings to meet the updated standard. This often will mean designing ceilings to withstand ultimate limit state events.



Register NOW!



AWCI 2017 Conference - Taupo

Thursday August 17th – Saturday August 19th

Venue: Great Lakes Event Centre

Accommodation and Gala Dinner: Manuels Millenium Hotel.

New format across the three days with great speakers and activities



Awards of Excellence:

Our Annual Awards of Excellence judging and national winner will take place at the Conference.

- This year we are having a larger programme with more entries
- Start thinking about the projects that would be suitable for entry now!

GIB Workskills Competition:

Our annual apprentice work-skills competition will also be held at the conference

- We want lots of apprentices attending and entering this competition - as they could go on to represent New Zealand at the Australasian competition in Australia
- We want employers to put forward apprentices for this competition to recognise their skills and your business for training them
- Start thinking about entering your apprentices now!



Striving for success

2017 AWCI National Conference
17-19 August 2017, Taupo

How to Hire A Great Tender Estimator

By Allen L. Crowley Jr., FAIC,
Business Development Director for On Center Software



Hiring a new estimator or Quantity Surveyor is a great position to be in. Because your business is growing. But finding the right fit for the team can be a time intensive task. With a streamlined game plan, you can simplify the process significantly. First order of business, pre-plan the hiring process before you even post the job opening.

A common mistake construction executives make is recruiting team members simply because they look the part. In the long run, it doesn't matter if, on paper, someone's resume and "image" look perfect. You want people that can actually do the job. That junior estimator from the skyscraper builders, they look the part, but they may be bored with your one-month duration drywall projects and may jump ship in six months. Now you have to start all over.

Following these guidelines will help narrow your search for the best estimator to ensure long-term stability within your team.

Process – Have a process for all your company's tasks

This should be part of your company's standard operating procedures (SOPs). It is your company's master guide for

everything from the bid/tender process, to hiring guidelines, onboarding, employee orientation, safety training and expense reporting.

Checklist – Your process can be boiled down to a checklist

Update the job description, create a list of questions, check academic and employment history, and reference check. Be creative, call vendors that the candidate may have worked with and ask them "Did he treat you fairly?" "Was he clear on his requests?"

Job Description – Update the job description

Match how many years of experience the candidate needs to be effective. Just six months of real world estimating may be more than enough. Educational requirements should be commensurate with your company's workforce.

Broaden your candidate profile – Consider older, out-of-work estimators, as well as millennials

Don't overlook older workers and the newcomers. A recent study finds, the median job tenure for workers in the 55 - 64 age range is about 3.3 times that of workers 24-34 years old. Experienced,

mature workers help guide and teach the millennials. The total number of sick days per year for older workers is lower than any other age group. Recent studies rate older workers high on commitment to quality, attendance, and punctuality.

On the other end of the spectrum, millennials tend to be more high-tech and can help older co-workers ramp up on digital and mobile devices.

Candidate Questions – Write down a series of questions an estimator should know

Here are some examples:

- Walk me through your estimating and tender process, how do you do takeoff?
- What are the most important factors that affect overall costs of a project?
- Which metrics do you use most in your tenders?
- What software do you find most useful?
- How do you communicate with field staff to make sure your productivity rates are current?

Offer Letter – Update with specific position, date, name, salary, etc.

While this should be part of your SOP, it doesn't have to be a standard experience for the offeree. If they have made it this far through the hiring process, that means

you feel they're a good fit for the team. Now it's your turn to show how much you want them. Update the offer letter with the position, date, name, salary and any other attractive perks to differentiate your firm from other companies they might be considering.

Onboarding – Get the new estimator up to speed with the tools of the trade.

If your company uses estimating software such as On-Screen Takeoff® and Quick Bid®, this makes the training process much easier. However, if you still

do manual estimation with paper plans and Excel, make sure you document and explain all the parts of creating and checking the bid process.

Finally, and arguably one of the most important things to do, is to continually improve and document your processes. Then, watch your new tender estimator thrive in your organization and help your company grow.

Visit www.oncenter.com for samples of best practices, worksheets, and templates related to construction management.

Allen L. Crowley, Jr., '79, FAIC is Director of Business Development at On Center Software. He has many years of experience in the construction industry, with projects in North America and Canada.

Crowley was elected into the College of Fellows of the American Institute of Constructors (AIC). Crowley served as National President of the AIC, as well as chapter president for both the Texas and Northern Ohio AIC chapters. He serves as Adjunct Faculty of Construction Management in the Construction Technology Department of Cuyahoga County College.

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Tip for Tradies

This month we concentrate on efficiency tips and tricks

Do you often find your workday spiraling out of control?

You start each day with a plan to get so much done, but soon find yourself becoming distracted, focusing on low-priority tasks and, simply, procrastinating. So how can you regain control of your time? One-size-fits-all lists on how to be more productive don't work; we'll outline productivity techniques that can be adapted to your personality and working style.

Three Basics of Productivity

Use these principles to help guide you through your workday. All workers and workdays are unique. With fewer companies and employees adhering to a traditional 9-to-5 day, the differences in our workdays are becoming more pronounced. But putting those differences aside, three overarching ideas apply to all our productivity tips:

1. Trust the small increments. You can't expect to change years of working habits overnight. Small changes in how you work can gradually add up to big changes in productivity. Try one tip to start, and keep adding more as you find the strategies that work best for you.

2. Be accountable. Whether it's weekly

check-ins with a co-worker or setting your own deadlines and announcing them to others, having to answer to someone else can often force you to get the job done.

3. Forgive yourself. You are human: Accept that you are sometimes going to slip up, become distracted and have a bad day. It's more important to move on than to dwell on your mistakes.

For the Multitasker

If you're trying to do three things at once, you're often accomplishing very little.

A BIOLOGICAL IMPOSSIBILITY

Think you can get more done by juggling multiple tasks at the same time? Try calling your co-worker while typing an e-mail and checking your Facebook page. You may feel as if you're being productive, but you're probably not getting any of those tasks done efficiently.

We all have a limited amount of cognitive bandwidth — the number of thoughts and memories we can hold in our minds at any given time. Your brain may delude itself into thinking that it has more capacity than it really does, but it's really working extra hard to handle multiple thoughts at once when you are switching back and forth between tasks.

Your ability to get things done depends on how well you can focus on one task at a time, whether it's for five minutes or an hour.

"Multitasking is not humanly possible," said Earl K. Miller, a neuroscience professor at the Picower Institute for Learning and Memory at the Massachusetts Institute of Technology. "People are much more efficient if they monotask," he said.

Trying to multitask also impedes creativity, he said. Truly innovative thinking arises when we allow our brains to follow a logical path of associated thoughts and ideas, and this is more likely when we can focus on a single mental pathway for an extended period. The brain is like a muscle: It becomes stronger with use, Dr. Miller said. As with physical exercise, the more we strengthen our mental connections by focusing on one task to the exclusion of all others, the better we can perform.

HOW TO MONOTASK

To the best of your ability, set up a work environment that encourages the performing of one task at a time. It's probably not realistic to think that we can block off hours at a time for a single task, but even committing to monotask for five minutes can yield productivity benefits.

Here are a few small changes you can make:

Remove temptation: Actively resist the urge to check unrelated social media while you are working on a task. Some workers may need to go so far as to install anti-distraction programs like SelfControl, Freedom, StayFocusd and Anti-Social, which block access to the most addictive parts of the internet for specified periods.

Work on just one screen: Put away your cellphone and turn off your second monitor.

Move: If you find yourself losing focus – reading the same sentence over and over or if your mind continually wanders off topic – get up and briefly walk around, Dr. Miller said. A brief walk around your office can lift your mood, reduce hunger and help you refocus.

Work in intervals: Set a timer for five or 10 minutes and commit to focusing on your assignment for that amount of time. Then allow yourself a minute of distraction, as long as you get back on your task for another five or 10 minutes.

WHAT YOUR DESK SAYS ABOUT YOU

There's no one right way to organize a desk. But your physical workspace can have a big effect on productivity. It "can either energize you or deplete your energy," said Ms. Morgenstern, the time management expert.

In general, only 25 percent of a desk's messiness is related to organizational skills, Ms. Morgenstern maintains – the rest is tied to time management. "Every paper on your desk has a task associated with it, and that task is going to take time." Have you factored in enough time to get it all done? Out-of-control piles of paper may be a sign that you need to delegate, she said. Ask yourself: Are the piles on your desk the same ones that were there three weeks ago, or are they moving? As long as they're not stagnant, you're probably doing O.K. with some clutter, Ms. Morgenstern said.

In most cases, keep your desk clear except for the project you are tackling at the moment, along with the equipment you need to complete it, she said. You should also create a space for an "in zone" – brand new things that have just come in – and an "out zone" for things that are finished and need to be distributed.

One of the easiest ways to start to change your work space is to spend the last 10 minutes of your workday readying your desk for the next day. Then you won't have to start your day with yesterday's mess, Ms. Morgenstern said. Starting out with a desk prepared for the day ahead could have a powerful effect on your mind-set and productivity.

BE ACCOUNTABLE

To combat procrastination, find an accountability partner. This can be a colleague or a manager, whose role is to receive regular progress reports on your project. The person you choose will have to take his or her role seriously, expressing disappointment if you have not achieved your goal, and appreciation if you have. Some inveterate procrastinators even agree on a set of rewards or punishments to go along with their deadlines, depending on what motivates them the most. A reward could be a free lunch; a punishment could be an email to the department announcing that a deadline was not met.

STAY ON TRACK

To-do lists work to keep you accountable because they help you stay on the path to getting your most important work done – if you use them effectively, that is.

Before you leave work for the day, make a list of five to eight goals that you would like to accomplish the following day, said Julie Morgenstern, a time management expert based in New York. On a separate list add any personal errands that need to be done that day – like booking a flight for a vacation or buying a birthday gift. That list should contain no more than two or three items. Be realistic about what you can accomplish in a day of work, and resist the urge to make a to-do list for the whole week, which can leave you feeling stressed and overwhelmed.

Make the items on your to-do list specific, realistic and simple – don't secretly pack eight or 10 tasks inside one huge item, like "finish project." Instead, break your project into small, discrete components.



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Interior systems employment forecast

From the BCITO

One of the key inputs to workforce development planning is information about total employment in a sector and how this is forecast to change in the future. In 2016 BCITO produced a Workforce Development Plan for Interior Systems. This used actual employment data for years up to 2015 and forecasts for 2016 – 2020. This information was all produced by Infometrics.

In March 2017 Infometrics provided a forecast update. This has three key pieces of new information - actual employment data for 2016, revised forecasts for 2017 – 2020, and a forecast for 2021.

Across the whole New Zealand economy 2016 was a very strong year with employment growth of 2.7%. This growth was even stronger than previously forecast by Infometrics. On the back of this strong growth, forecasts for 2017 – 2020 have been revised upwards. Employment growth is now forecast to remain strong through 2019 and then remain relatively stable in 2020 and 2021.

The impact this update has on Interior Systems is shown below.

Key changes compared to last year's forecast

- In 2016, 6,400 people were employed in Interior Systems. This is 184 people or 3% more than forecast.

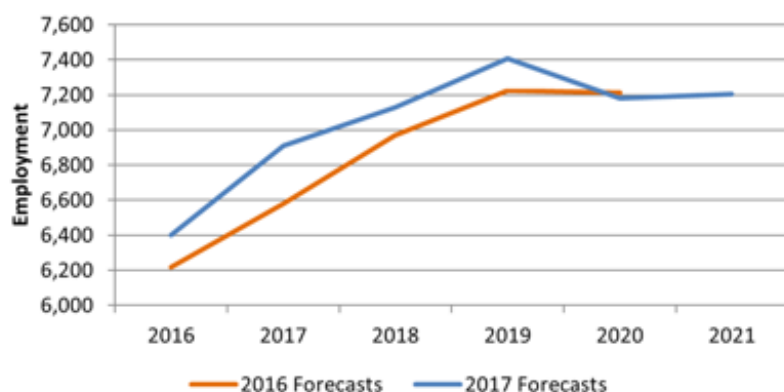
- Employment forecasts for 2017 - 2020 are higher than in the previous set of forecasts.

- The year 2021 has been added to the forecasts. Employment is expected to increase from 2020 to 2021.

Key employment changes forecast over the next five years

- In the five years from 2017 - 2021 the sector will grow by 293 workers.
- To fill new roles and replace people retiring or otherwise leaving the sector, 2,458 new people are needed in Interior Systems by 2021.
- To maintain current qualification levels, 860 additional qualified people are needed in the sector by 2021.

Employment forecasts for Interior Systems



Gender no issue, it's all about attitude

Introducing Karlie Allison, Maiden Construction



Karlie is currently part way through completing her National Certificate in Plasterboard Finishing with Maiden Construction in Christchurch.

From leaving school, Karlie knew she wasn't keen on spending the best part of her working life sitting behind a desk. She had a fair stint working in administration until she decided she needed a serious job change and took on a job doing some on-site labouring.

After a while, Karlie decided she needed more of a challenge and asked her boss if she could give plastering a go. She considers herself "really lucky" that she was able to change roles and gain more work experience.

A change in employers to Maiden Construction was next on Karlie's list of upskilling where she continued carrying out plastering work. She was

gaining lots of experience and as such asked for a pay rise. In response to the request Maidens offered supporting her through her trade apprenticeship.

"I really enjoy being able to see the work that I'm doing - turning people's dream homes into reality. Being able to look at the job before and afterward and seeing the huge difference my work makes is really rewarding," says Karlie.

"It's great working with your hands. The only real challenge is fixing wallboard and the heavy lifting. I've struggled with back pain and hate asking for help but will as I don't want to put my back out. Guys are lifting loads that are sometimes too heavy but they are reluctant to ask for help. I don't have a problem saying that something is too heavy for me to lift on my own. I don't want to have a hard out back injury at work as I've got the rest of my life in front of me. Having damaged my

knees playing netball I wear knee pads. I sometimes look at the guys who don't and think 'you'll regret it one day'. It may not be cool but it's up to you to look after yourself," says Karlie.

"If you can do the job we don't discriminate if you're female. We'd have a 50/50 split between employing men and women," says Geoff.

At the start, Karlie admits that she had to go above and beyond to be accepted and prove herself but it paid off as she says she has learned so much. Her primary work colleague has really high work standards so it's been good to be pushed and to step up the standard of her work.

Whilst Karlie has been at Maiden Construction there have been some redundancies and she admits that keeping her job has probably had a lot to do with the standard of her work and positive attitude. She admits that she's at the stage now that she needs to push herself further and to complete her apprenticeship.

"It would be great to have more women in the trade. The guys are great but it would be good to see more women – I actually don't know any women in any construction trade... only me!

"I know my mates are quite proud of me as I'm doing something that they would never have thought of doing. My best friend is a beautician. It's funny – she's putting stuff on people's faces and I'm putting stuff on people's walls! "

Karlie's employer Geoff Sanders from Maiden Construction confirms they consistently employ women. "It comes down to people's aptitude and not their gender. We've a couple of female apprentices, including Karlie." In the past Maidens have been acknowledged by Hays Recruitment as being supportive of employing women in trades. "We have female planners, architects, estimators, carpenters, plasterers and labourers. If you can do the job we don't discriminate if you're female. We'd have a 50/50 split between employing men and women," says Geoff. "Karlie is very well respected within the company. She has a great attitude

and gets on and does the job. We see opportunities for her if she wants to step up.

"Women have a great eye for detail, Karlie's work has a nice clean line and it's not always easy when you're looking at big white areas. We'd consider Karlie one of our top plasterers with good all round skills, she's a very conscientious worker. The women speak up just as much as the guys so everyone is comfortable enough to raise any issues, they are very much equals," says Geoff.

With the current skill shortage in the interior systems sector, employers need to consider broadening their options and look beyond the type of person they may have traditionally employed in the past.

As a qualified tradeswoman, you can become highly successful in a short space of time. Not only do you get a nationally-recognised qualification with no student debt, because of the earn as you learn approach, but construction is a huge and varied industry offering many career paths beyond working on-site.

Skilled individuals can go in all sorts of directions from owning their own business, to management, supervision and much more.



Modern take on an old favourite

Used in its modern context, fibrous plaster can provide distinctive appeal to interiors by framing a space and adding crisp, sharp detail.

By Pauline Sutton, AWC Executive, Wellington

Most people associate fibrous plaster with grand historical buildings or old homes, conjuring up images of highly decorative ceilings, cornices, archways, corbels, niches and columns.

It's harder to imagine that the same material has a place in modern residential and commercial construction, yet fibrous plaster is equally effective in modern environments as it is in traditional environments, and can provide one of the highest-quality finishes to the interior of a building.

Revealing clean lines

A popular modern construction detail where fibrous plaster comes into its own is the negative detail. This is designed to create clean, sharp lines that frame a space or separate planes, allowing one surface to seemingly float apart from another through the use of a reveal.

For negative details to be successful, the lines of the reveal must be straight, crisp and clean. While the design idea is classic and simple, the finished article

is often less than perfect.

Most negative details are formed by fixing some sort of specially formed stopping angle or bead to the plasterboard lining and then stopping and finishing the combined board and bead areas – including inside the reveal. This is time-consuming precision work where the slightest of undulations in the surface will detract from the overall effect of the crispness and straightness of the line your eye is drawn to as a feature.

Handmade custom products

Fibrous plaster products are made by combining gypsum plaster and water with fibreglass reinforcement in a mould that is the negative shape of the finished product. The surface of the fibrous plaster product takes on the shape and finish of the surface of the mould in which it was cast. Once dry and installed – using a combination of adhesives, mechanical fixings, stopping and finishing compounds – fibrous plaster surfaces are ready for sealing and painting (oil-based sealers are recommended). Because of the fibreglass reinforcement inside the

plaster, fibrous plaster products are extremely tough and durable. Fibrous plaster products are made by hand, as are the moulds in which they are cast. Most of the 10 fibrous plaster factories operating in New Zealand specialise in creating moulds as well as castings – meaning custom products are their core business.

Mouldings remove need for stopping

Fibrous plaster negative-detail mouldings create the entire negative detail without the need for fixing bead or trim that then needs stopping and finishing. The moulding butts to the plasterboard lining, creating a standard join between two sheets that is stopped and finished in the conventional manner.

Because the negative-detail moulding is custom-made, the depth of the reveal and the overall height of the moulding can be made to suit the specific requirements of the job, taking into consideration the desired effect of the reveal, the stud height and the sheet lining sizes and set-out. It can also be made to suit the thickness of the sheet

lining material – generally 10 or 13 mm – and be rebated for ease of jointing with horizontally fixed sheets or flat edged to suit vertically fixed sheets.

Negative details can also be used around door and window openings and in ceilings, defining areas or creating

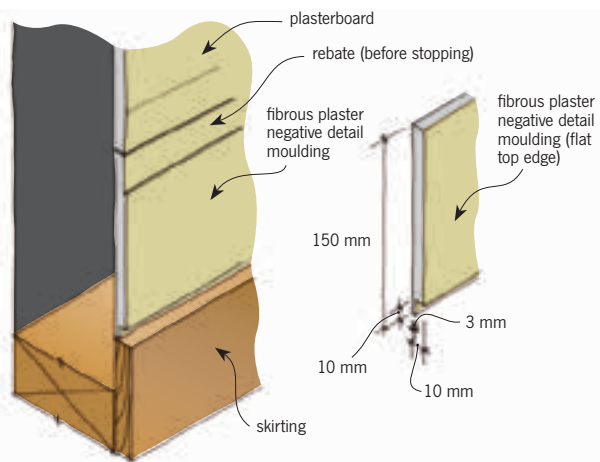
recesses for LED strip lighting.

Other modern fibrous plaster fixtures include lighting boxes and troughs for downlights, wall-mounted uplighting features, sculptural reception wall areas, straight-run cornices and battens. The only limit is the creativity of your

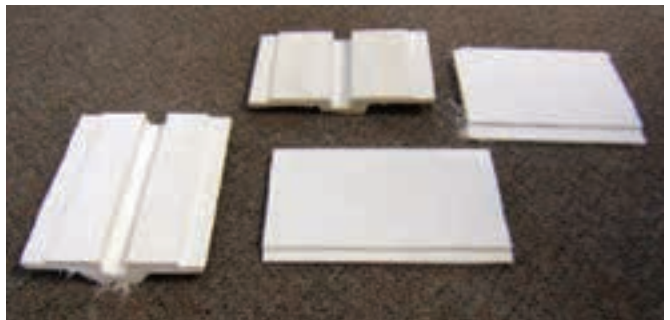
local manufacturer.

To find a fibrous plaster manufacturer, visit the New Zealand Fibrous Plaster Association's website

www.fibrousplaster.org



Detail for adding a fibrous plaster moulding.



A few examples of negative detail mouldings.



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Mythbusting: ticking boxes doesn't cut it



Communicating is key to reducing mistakes

Site Safe helps demystify subbies' responsibilities on site

Q I'm a subbie and I'm only on-site for a couple of hours, surely I'm not responsible for health and safety and don't have to do any paperwork?

A Wrong - even if you're a subbie who is only on-site for a couple of hours, you still have health and safety responsibilities.

From workers through to company directors, safety on-site is now everyone's responsibility.

Here's an example: Sam is a self-employed plasterer. He often does plastering on residential renovations for his friend the builder, Bruce. Although Sam may only come on-site for a few hours or days, he is still a PCBU (person conducting a business or undertaking) and has responsibilities. The extent of his duty will depend on how far he is able to control the risk. The more influence and control he has over the risk, the more responsibility he has. And because Sam is usually sharing a site with other crews or workers, he needs to be consulting with these other businesses to make sure everyone on-site is kept safe.

Under the recent Health and Safety at Work Act, clients, principals, main contractors and sub-contractors are all PCBUs. Despite the name, a PCBU is not necessarily one person – in most cases a PCBU will be a business entity, like a company or organisation but it could also be an individual running their own business, like a sole trader. A PCBU has the “primary responsibility of care” to ensure the safety of its workers and anyone affected by its work.

PCBUs must (as far as is reasonably practical):

- Have a safe site, plant, structures and ways of working
- Make sure plant, structures and substances are used, handled and stored safely
- Provide facilities for the welfare of workers, such as running water and toilets
- Provide the necessary information, training and supervision to protect people from risk
- Monitor health and workplace conditions

As Sam is self-employed, he is also classed as a “worker” under the Act.

This means he also has a responsibility to take reasonable care to ensure the health and safety of himself and others in the workplace.

So, what should I be doing?

Let's take Sam. He may only be on-site for a day but he still needs to be thinking about what risks there might be and what he can do to manage them. As a minimum, we would suggest Sam:

- Meets with the main contractor before starting work to discuss the job, any risks and what to do in an emergency.
- Completes a Site Specific Health and Safety Agreement with the main contractor, a Hazardous Products and Substances Register, and a Site/Job Hazard Risk Register. The Hazardous Products and Substances Register may be the same for most of his jobs and might just need minor changes for each job.
- Does a quick Step Back 5x5 to think through the job.

This is just an example of one scenario - it is important to remember that each job is different and will require a different approach depending on the circumstances.



SITE SAFE



kes and accidents

Not just ticking the boxes

By talking to the main contractor and completing the Agreement, Sam is helping to communicate

what he is doing about safety. By completing the Hazardous Products and Substances Register and Site/Job Hazard Risk Register, he is communicating what the risks of his work might be and how he will manage them on-site. By completing the right safety documentation, he is not just “ticking the boxes” but taking

a systematic approach to managing risks. This reduces the chances of miscommunication and mistakes. In the event of an accident or injury, it is also evidence that Sam is on top of safety. In a nutshell, the job is not there to create paperwork, the paperwork is there to support the job.

What next?

If you’re wondering what to do about health and safety, then a great place to start is the Site Safe website, where you’ll find a free electronic Site Specific Safety Plan. This document has many of the individual templates that you need to get a basic system in place including:

- Hazard register
- Task Analysis / Safe Work Method

Statement

- Emergency Response Plan
- Training and Competency Register
- Accident/injury register
- Hazardous Products and Substances Register
- Accident and Incident Investigation Report

Site Safe also offers a free Risk Management Guide, designed to help you understand and control risk. For more information or to download the guide, go to www.sitesafe.org.nz

Site Safe is a not-for-profit, membership-based organisation that promotes, inspires and supports a culture of health and safety in New Zealand construction.



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Jointing tapes are an important component in GIB® Systems and provide critical joint strength between plasterboard sheets. Selecting the appropriate tape is important to achieve the desired performance.

Paper joint tape has been the traditional plasterboard joint reinforcing tape. Fibreglass joint tapes are also available but it is important to note that not all fibreglass joint tapes are made equal. At Winstone Wallboards we have identified two distinct categories:

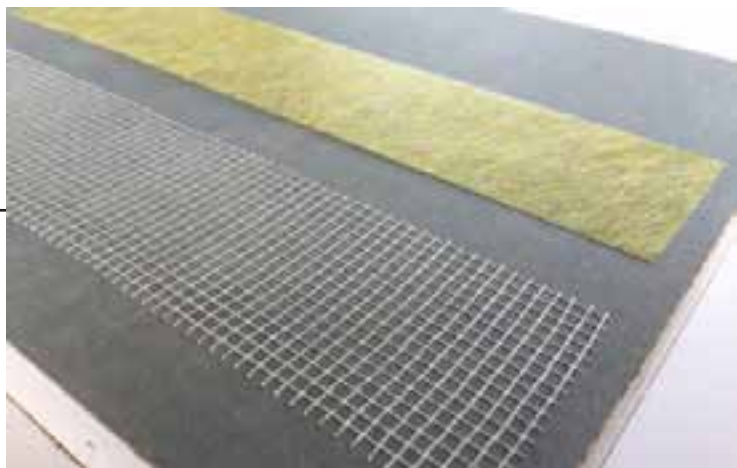
1. Matt fibreglass joint tapes.
2. Square mesh woven fibreglass joint tapes.

A matt fibreglass joint tape provides a greater level of mechanical strength in all directions due to the random orientation of fibres.

A square mesh woven fibreglass joint tape (which could be pre-glued) will have limited strength in the vertical and horizontal plane. The use of square mesh woven or self-adhesive fibreglass joint tapes is not recommended by Winstone Wallboards and AS/NZS 2589-2017.

GIB RocTape® is a matt fibreglass joint tape and achieves superior

mechanical strength for flat joint applications. GIB® jointing compounds can permeate through the GIB RocTape® matt, creating a very strong joint. This means less risk of cosmetic defects, potentially resulting in fewer call backs, saving time and money.



Joints reinforced with GIB RocTape® dry faster and do not swell or shrink due to water absorption.

GIB RocTape® is coloured yellow for easy identification, and adhesion failure is reduced because compound easily penetrates the fibreglass matt eliminating inadequate compound application under the tape.

GIB RocTape® is bedded in similar to GIB® Paper joint tape and can be installed using hand tools or mechanical tools.

Both GIB RocTape® and GIB® Paper

joint tape are suitable for use in all GIB® Systems. GIB RocTape® is designed for flat plasterboard joints. For corner joints use GIB® Levelline®, GIB® Goldline™, GIB® UltraFlex®, or GIB® Paper joint tape.

Watch the installation video at gib.co.nz/roctape

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- No swelling or shrinkage due to water absorption
- Eliminates inadequate compound under the joint tape, reducing tape adhesion failure
- Suitable for hand tools and mechanical tools
- Coloured yellow for easy identification

GIB RocTape® is suitable for flat plasterboard joints in all GIB® Systems. For corner joints use GIB® Levelline®, GIB® Goldline™, GIB® UltraFlex®, or GIB® Paper joint tape.

For more information call the GIB® Helpline 0800 100 442 or visit gib.co.nz



Watch the installation video
at gib.co.nz/roctape



Staff abusing company vehicle, bullying each other and claiming unfair dismissal

Common questions on employers' minds, as told to employment advisors at the Employers and Manufacturers Association Northern Inc (EMA)

Q *My staff have a lot of crude banter but now I have one of them complaining it's going too far and they are on the receiving end of personal bullying attacks. I haven't seen evidence of that but am worried about what I read happening in the courts on these issues. What should I do? – Ned*

Dear Ned

It's time to intervene. Waste no time investigating thoroughly and without bias what's going on among your staff.

If someone says they feel bullied, it's not for anyone else to decide the truth of that. In good faith take that comment seriously! Big noses have been dished out by the Employment Relations Authority in favour of aggrieved employees not treated with fair or due process.

Even if crude banter is normal and acceptable and the person feeling bullied takes part in that, they can still feel bullied.

“ Even if crude banter is normal and acceptable and the person feeling bullied takes part in that, they can still feel bullied. “

The typical process is to meet the aggrieved employee to ask them what's happening, recording on paper (not on audio or video!) their concerns and the meeting details. You explain to them that you have to interview the person/people she is complaining about and any witnesses they suggest you speak to. After talking privately to each of these people, you must decide what needs doing, and do it – reporting back to the bullied employee and discussing potential outcomes with them.

If the bullied person and the bully are going to stay on your team, you might need to review the situation on an ongoing basis, or it could turn into a disciplinary process.

Also check your employment policies and agreements, and staff's awareness of them especially in relation to what constitutes misconduct and serious misconduct.

If this sounds horrendously stressful to deal with, remember the bullied person possibly feels worse than you and that their livelihood might be at stake.

Q *One of my workers goes off-roading in the company 4WD on weekends and brings the vehicle back filthy till I ask him to clean it. I'm sick of this and*

want to dismiss him – can I? – Jeff

Hi Jeff,

It's not really misconduct, if he is allowed to use the vehicle for any manner of recreational purposes without limits. And if he does clean it when you ask. However, it would be much easier if you had a company policy about the use of company cars.

It seems a bit extreme to thrash a company vehicle like that (I shudder to think of your maintenance costs and the rapid depreciation) so I'd be inclined to remove off-roading from the kinds of personal use you allow, in your "vehicle policy" or employment agreement.

His behaviour is annoying for you and he seems to be taking you for a ride.... excuse the pun. But dismissal stuff? Not yet.

If you do not have a policy there will be no way you can dismiss him. Try having a discussion with him and changing the rules of use. If he doesn't immediately do the right thing, and disobeys a reasonable instruction after being told not to use the 4WD for off-road purposes, he could risk disciplinary action.

Or maybe take the vehicle off him altogether...or give him a two-door town car...

Staff abusing company vehicle, bullying each other and claiming unfair dismissal

It's not really misconduct, if he is allowed to use the vehicle for any manner of recreational purposes without limits.

Q *A staff member says he shouldn't have to pay for parking although his agreement spells it out. He also thinks it's OK to park in disabled parking spaces. After some months of this and warnings, we dismissed him. Now he's taking a personal grievance claim! Help.*

- Marcus

Dear Marcus

Perhaps you didn't follow due process...or make clear what the outcomes of your disciplinary (warning) process would be.

Such seemingly simple employment relations have caught employers out before and even when the employee has 'contributed to the outcome', employers can be fined way more than the staff member who seems to have genuinely done wrong.

You would be judged to be in the wrong if you jumped to conclusions and didn't treat the employee with respect and the matter in good faith.

In employment, you do have to give people the benefit of the doubt till an investigation provides evidence that proves the point either way. So you must also investigate with an open mind.

Make sure the former employee's employment agreement stated clearly what the parking rules were.

It is in your favour if he continually breached a signed agreement which included, for example, "company rules for employees" that included a definition of serious misconduct being a failure to obey a lawful and reasonable instruction, such as staff using the company car park must pay \$X per day and never use spaces for people/customers with disabilities (unless he had one himself).

Also review your notes of discussions with him and be sure you can prove you undertook a full and fair process of fact-gathering and provided him with clear warnings.

Also be sure you gave him an opportunity to correct his behaviour

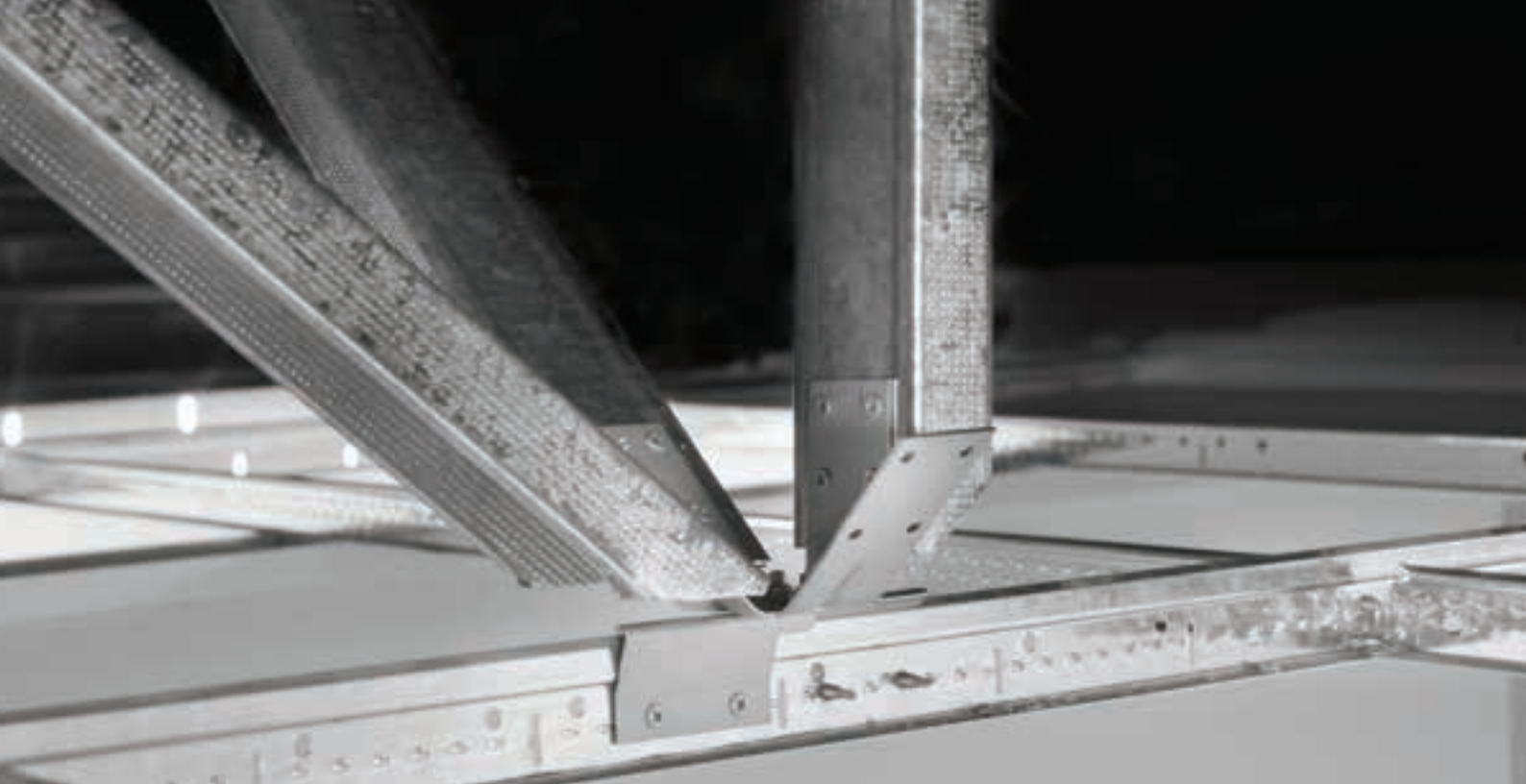
rather than just punishing (threatening) him, especially if that aim is explicit in his employment agreement.

You might need one of our lawyers – available at member rates - to verify this with you and represent you in any mediation, or at the Employment Relations Authority.

In a similar recent case the Authority held that it was unfair to rely on upon the previous disciplinary action to justify dismissal. The Authority also considered the approach to "fact finding was not with an open mind" and that the process leading to dismissal was unfair to the employee and that he had been unjustifiably dismissed.

The Authority awarded the former employee three weeks remuneration for lost salary and a further \$8,000 for hurt and humiliation compensation. These remedies were reduced by 25 per cent for contributory conduct.

The information in this article is a guide only and not to be used as legal advice without further consultation. To inquire about becoming a member of EMA to gain access to our employment services such as EMALegal solicitors at member rates and the free AdviceLine 8am-8pm, please freephone EMA at 0800 300 362 or visit www.ema.co.nz.



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Striving for Success

By Gerald Delany – Advantage Business Ltd

As a conference theme you can't do much better than that!

Should be a great time in Taupo!

But how does that translate into your day to day business? No, really, day to day? Every day? Well, a good way to start is by going back to basic LEAN principles (you know LEAN, all jargon and black belts? It doesn't have to be that way, believe me) and start by doing it for yourself, right now.

How to do LEAN cost effectively? Kiwi Style? Here are some simple steps:

1) Get an independent, third party, confidential staff survey done to flush out any obvious blockages or constraints in your business, as well as what's going well.

2) Implement simple 5s processes

a. Sort

Get rid of the crap and clutter, a weekend working bee with beer and pizza can be very effective. Be ruthless. And yes, that means your stuff too – the boat or car in the corner, that old set of tools that might come in handy one day....

b. Set in Order

A place for everything, everything in its place. No more wasted time looking for tools, or finding broken tools. Include your site vans – fit them out with shelves and bins. Shadow boards and tool racks in the workshop. Tool stock takes and repair/maintenance schedules.

c. Shine

Clean the place up, fresh safety walkways, paint the smoko room, clean the machines, fix the lighting, don't forget the site vehicles. (or the dunnies)

d. Standardise

SOP's for everything that adds value to the customer. Document it. If it doesn't add value for the customer, why are you doing it? And it's not an excuse to say "we've always done it that way"

e. Sustain

As the business owner – this is your key responsibility and it can't be delegated: Keep doing it, and keep your team doing it, every day, into the future, and measure the results.

Now you've got a tidy, well-functioning business, but there may still be inefficiencies or errors in the process. Time to go the whole hog and go LEAN. Big advantage – your team are on the roll and expecting more change – so move quickly.

The basic mantra of LEAN is very simple: DMAIC

This stands for:

1) Define – what is the problem you are trying to solve? No point fixing the wrong issue....

2) Measure – what's the impact of the problem? Dollars, production, time and temper?

3) Analyse – what's the best way of fixing it? Without causing other problems?

4) Improve – make the needed changes – carefully

5) Control – make sure the changes work the way intended, measure the results

This view of LEAN is so simple that most people skip stages one, two and three and go straight for number 4. And it never works. You simply must take the time for the first three stages.

Out of space for this article – but we'll follow up with more info on practical DMAIC in the next edition!

IN the meantime, if you'd like more information on staff surveys, 5s, or LEAN, please feel free to ring or email the author, Gerald Delany of Advantage Business. Freephone: 0508 238 268, Mob: 027 298 0629, email: gdelany@advantagebusiness.co.nz

All our programmes are registered with NZTE's "capability voucher scheme" so you may be eligible for financial support in taking action!

Consumer protection measures – homeowner education programme

The Ministry of Business, Innovation and Employment is running an information and education programme to remind homeowners about their rights and responsibilities when building or renovating.

The measures protect not just the homeowner and their investment, but the people doing the work. You can help homeowners make better-informed decisions about building work, so they get the best result from their project.

Having a better understanding of the consumer protection measures encourages a professional, no-surprises relationship between the homeowner and the contractor. It can also help homeowners get a better result from their building project.

You can help champion change across the building and construction industry by encouraging homeowners to make informed decisions about building work. Before building work starts, direct clients to www.building.govt.nz or give them a copy of MBIE's free Know your rights booklet. Email info@building.govt.nz if you would like to order copies of the booklet, subject line: Consumer protection booklets.

Homeowners and contractors have rights and obligations that can help a

build or renovation run smoothly. These include:

- Homeowners and building contractors must have a written contract for building work of \$30,000 or more (including GST). The Ministry of Business, Innovation and Employment recommends they have one for lower valued work, too, so that everyone has an understanding of obligations, requirements and expectations. This should be agreed and signed before work starts.

- Before signing the contract, the contractor must also provide:

- A disclosure statement – this is information about their skills, qualifications, licensing status and the insurance or guarantees they provide; and

- A checklist – this outlines the stages of the build and how to protect yourself.

- Homeowners have an automatic 12-month defect repair period when contractors have to



fix any defects they've been told about in writing.

- Homeowners can also take action for up to 10 years if warranties in the Building Act have not been met, even if they're not in your contract (they're called implied warranties)

- Contractors can be fined if they don't comply with the law.

- Homeowners should be encouraged to get better informed about the building process before work starts by directing them www.building.govt.nz



CCAA Retentions regime

Introduction

The retention regime introduced under the Construction Contracts Amendment Act 2015 (CCAA), which aims to provide protection for retention money, comes into effect from 31 March 2017.

The industry was allowed a full financial year after the CCAA was passed to adjust its practices, but had to wait until late March 2017 before final details were revealed under the Regulatory Systems (Commercial Matters) Amendment Bill (RSB). The RSB passed its third reading on 24 March 2017, and should receive royal assent before 31 March 2017.

The RSB introduces the following key changes and clarifications to the CCAA as originally passed:

- The regime applies only to retentions on contracts renewed or entered into on or after 31 March 2017
- Payers must, by default, hold retention money on trust in the form of cash or other liquid assets that are readily converted into cash, but may elect instead to obtain a “financial instrument” such as insurance or a payment bond to provide third party protection.
- No further regulations are proposed.

The retention regime – in summary

The following is a brief summary of the provisions of the retention regime, with references in subscript to the relevant sections of the Act. Some sections may be renumbered in the final printing of the Act. A full copy of the Act including all amendments may be downloaded free

of charge from www.legislation.govt.nz when available, on or soon after 31 March 2017.

References in the Act to “Party A” and “Party B” are substituted with “payer” and “payee” respectively. Retentions (“retention money”) definition and application

- The retention regime aims to provide protection for retention money CCA Part 2A.
- Retention money is broadly defined s18A as “an amount withheld by a [payer] from a [payee] as security for the performance of [the payee’s] obligations under the contract”. It effectively covers any amount withheld or payment arrangement that acts as a retention.
- As no minimum (‘de minimis’) amount has been specified in regulation ss18B(2), the regime applies to retentions on all new, or renewed, contracts from 31 March 2017 s11A(3).

- As the regime applies only to “commercial construction contracts” s18B(1) it effectively covers all contracts or subcontracts, other than those directly with “residential occupiers”. Protecting retentions
- There are now two ways for payers to protect the retention money that they withhold from their payees:

Default arrangement – retention money must be held on trust

- Retention money must be held “on trust” s18C(1) in the form of “cash or other liquid assets that are readily converted

into cash” s18C(2).

- The retention money held on trust does not need to be paid into a separate trust account, and may be mixed with other money in the payer’s accounts s18E(2).
- Proper records must be kept of all transactions s18FC.
- The trust status of the retention money ends only when the retentions are paid out, the payee gives up its claim, or when the money otherwise is no longer payable under the contract or by law
- Retention money held on trust is not available for payment of the payer’s debt and cannot be taken by a receiver or liquidator
- Retention money can only be used by the payer to remedy defects in the
- The payer does not need to hold retention money on trust to the extent that there is a complying financial instrument s18D such as a bond or guarantees s18FB(5). The payer does not need to hold retention money on trust to the extent that there is a complying financial instrument s18D such as a bond or guarantees s18FB(5).

The instrument must:

- Be issued by a licensed insurer or registered banks s18FB(2 & 8).
- Be issued in favour of, or endorsed with the interest of, the payees s18FB(3)(a).
- Require the issuer to pay retention money to the payee if the payer fails to pay when contractually due s18FB(3)(c & d), provided that the payee complies with reasonable terms and conditions in

CCAA Retentions regime

continued...

making such claims^{18FB(6)}.

- The payer is responsible for ensuring that all premiums are paid and up to dates^{18FB(4)}.

Requirements for accounting and records

The payer must keep proper accounting and records of all retention moneys ^{18FC(1)}, that comply with generally accepted accounting practice, are auditable, and which show:

- o All retention money held on trust
- o All retention money protected by instruments
- o All dealings and transactions in relation to retention money or instruments.

The payer must keep proper and readily verifiable records of all instruments^{18FC(2)}.

The payer must make records of accounting and instruments freely available to payees at all reasonable times ^{18FC(4)}.

Interest on late payment

The payer will automatically be liable for interest at the contractual interest rate when retentions are released ^{18G}.

Prohibited provisions of contracts

Any term of a construction contract will automatically be void which:

- o Makes payment conditional upon anything other than the payer's completion of its contractual obligations
- o Makes the retention release date later than the date when the payee has completed its contractual obligations
- o Requires the payee to contribute to the cost of administering any trust.

Frequently Asked Questions What are retentions?

The Act defines retention money as money withheld by a payer from a

payee as surety for a payee's obligations under the contract. However other arrangements may be caught, such as a milestone payment arrangement under which 95% of the contract price is payable on completion, in which case the unpaid 5% would be a retention.

Who is caught by the regime?

The regime applies to every contract between an owner (whether a developer, public body such as a council, or government department and a builder), and to all subcontracts between builders and subcontractors; in effect anyone (other than a homeowner) who withholds retentions.

Does the regime mean that retentions are now compulsory?

No. The regime merely introduces new rules that will apply whenever retentions are withheld. It is more likely to discourage the withholding of retentions.

Are existing contracts affected?

No, the Act is not retrospective. The regime applies only to contracts or subcontracts renewed or entered into from 31 March 2017.

Are housebuilding contracts affected?

The regime does not apply to contracts with homeowners. However, it will apply to the subcontracts between residential builders and their subcontractors.

Can residential builders agree with owners that the regime will apply?

No. Residential builders working for homeowners cannot 'contract in' to the Act. However, they may require that retentions held by the homeowner are protected in trust account or escrow facility. That is a commercial decision for each builder to take.

What does 'on trust' mean?

The retentions deducted from payments belong to the payee from whom they are

withheld, although they are not payable until they are properly due in accordance with the contract. They may be held in cash or other liquid assets that are readily converted into cash.

Are accounts receivable a liquid asset?

While certain categories of accounts receivable may qualify as a liquid asset they are constantly changing as amounts are paid, so even if they comply it may be impractical to rely upon them. Specific accounting advice would be required.

Will the regime affect payers' cashflow?

The general answer is yes. As cash or other assets under trust cannot be accessed by the bank or other creditors a payer's access to overdraft funding may be limited. A retention bond provided by a trading bank may have a similar effect on borrowing for working capital.

Do builders have to protect the full amount of retentions withheld from subcontractors, or only the net difference between the amount withheld from subcontractors and the retentions withheld from clients upstream?

The typical retention sliding scale means that builders generally hold more from their subcontractors than is held from them under the head contract. As the consensus view is that retentions held upstream will not qualify as a liquid asset, the payer must protect the entire amount of retentions withheld from its subcontractors. A builder must protect the retentions it withholds, in the form of cash or other liquid assets held on trust, but may elect to provide a retention bond to partly or fully satisfy its trust obligation.

What happens to retentions when the payer goes into receivership or

liquidation?

Where retentions are held on trust for the benefit of the payee, it is not available to a receiver or liquidator. The Act does not indicate how the retention money will be released when a payer becomes insolvent.

What happens if the payee doesn't remedy defects?

The payer has the legal right to use some or all of the retentions to remedy defects where the payee has failed to do so after being properly notified of the defect.

Are there any special accounting requirements?

Every payer who holds retentions must have proper and auditable accounts showing all retention money transactions, and provide information to payees free of charge on request.

Does a payer need to set up a trust account for every payee?

No. The Act does not require retention money to be held in a trust account at all. The retention money may be mixed with other money, but must be traceable through accounts that are auditable. The consensus view is that best practice is to hold retentions money in a separate bank account and not to mingle retention money for different payees to avoid traceability problems.

Are special accounting arrangements necessary?

The short answer is yes. The Act requires every payer who holds retentions to have proper, auditable accounts that show all retention transactions, and to make those records available, free of charge and on request, to the payees from whom the retentions are withheld.

Some contract accounting systems may be adequate for tracking the amount of retention money withheld by subcontractor and in total. It will take some time for industry practice to evolve, but it is expected that the primary accounting records for those purposes will include payment schedules, and some form of

subcontractor statement showing the retentions held, by job and in total, and related transactions.

However, due to the unforeseen late amendments, accounting and reporting systems will need to be updated. For example, to ensure that withheld retention money corresponds with arrangements for trusts or liquid assets, or instruments such as retention bonds, and to provide reports to their payees.

What are the alternatives to the trust obligation?

An alternative is for payers to provide a complying instrument, such as a retention bond provided by a bank or insurer.

Can a payer have some on trust and some protected by a retention bond?

Yes. The payer is relieved from its trust obligation up to the value of any complying instrument, so may have some retentions covered that way, and the balance held on trust. They must of course ensure that their accounting systems and records identify the manner in which each payee's retention money is protected.

How would a payee claim under a retention bond?

The payee would apply to the bank or insurer if the payer fails to release the retentions, or if the payer goes into receivership or liquidation. There are particular rules for complying financial instruments.

How will payees know whether a retention bond has been taken out?

The payer must provide their payees with full details of any instruments or retention bond taken out.

How will payees know how their retentions are protected?

Payers must provide details to payees showing how their retentions are protected, including the amount protected under trust and/or covered by an instrument such as a retention bond.

What happens if the payer doesn't

take out the retention bond or keep it current?

The retention bond (instrument) is an alternative, so if there is no valid bond the payer would have to comply with its default obligation to hold the retention money on trust, making the payer potentially liable for failing to comply with its duty as trustee.

Are head contract forms affected?

No significant changes are expected to industry-standard NZS 3910 and related NZ Standard documents, or to the NZ Institute of Architects standard forms on account of the retention regime, although no formal review has yet been undertaken.

Do subcontract agreements need to be modified?

Yes, in many cases, although this will take time to work through. Clauses in contracts that make the release of retentions conditional on anything other than completing contractual obligations will automatically be void. For example, temporary works or early finish trades such as scaffolding, demolition or piling may be entitled to release when their work is completed.

As most trades are completed at practical completion and have a defects remediation period, their final retention release will become due when they have completed their defect list at the end of the defect notification period. As this is earlier than most current subcontract agreements it should incentivise subcontractors to provide defect-free work, and to attend to their defects promptly as soon as they are notified. This will of course require payers to take greater care in defining the scope of subcontract work.

Acknowledgement

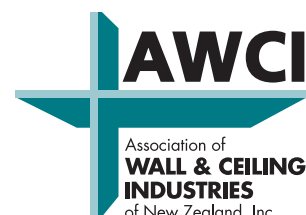
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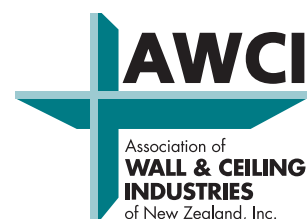


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