

MASTER BUILDER

GOLDFIELDS ESPERANCE

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Principal Partner



From the *Manager's Desk...*

Since our last newsletter we have had a busy couple of months with 5 courses running a few weeks ago, the ever growing and very popular, MBA Golf Day, our Building Excellence Award entry forms were posted out and we had a visit from our illustrious leader, Robert Shaw, President of MBAWA. Robert was very disappointed to discover that he could not attend the Awards presentation due to other commitments, but will be sending MBA's Construction Council Chairman, John Ripp.

In my last newsletter I wrote that there had been only two winners of the Overall Best Country Home awards at the Master Builders-Bankwest Housing and Construction awards held in Perth, however it has recently come to my attention that we have had several other winners in the region including Rob Donaldson from Esperance.

MBA members planning to visit Perth should check out the cheap accommodation the HYATT REGENCY HOTEL has to offer. You'll be sure to be smiling with 10% off Daily Accommodation Rate and 10% off Club Hyatt yearly membership. To make a reservation phone 13 1234 and ask for the 'Master Builders Rate' (subject to availability).

If you have enquiries about claims management and dispute resolution, contracts, builders' registration issues, insurance issues or OSH, call Jackson McDonald/Master Builders Legal Hotline for up to 15 minutes of immediate, free legal advice. The Hotline complements Master Builders' ongoing services of standard form contracts, insurance products, safety training and auditing.

For any technical, safety, training or general enquiries you may have, try dialling the MBA Hotline 1300 550 262 to talk to a specialist in the Perth office.

The Goldfields office will be closed from 27 June to 4 July for Awards judging. With 35 entries, including one in Merredin, it will be a busy few days for the judges, Charlie Bagetta and Dean Baker and myself.

Colleen Horton,
Regional Manager



COLLEEN HORTON
Regional Manager
Goldfields Esperance

P: 08 9021 5494
M: 0412 487 970
E: kalgoorlie@mbawa.com
PO Box 1332
Kalgoorlie WA 6433
47 Brookman Street
Kalgoorlie WA 6430



New residential developments in Kalgoorlie's North West sector at GreenView and Karlkurla Rise are providing a significant boost to housing and amenities including new schools and a neighbourhood centre.

To support the resources industry in the Goldfields, we are progressing industrial estates at Kalgoorlie at Anzac Drive and Kambalda West.



The Mungari Industrial Estate in the Shire of Coolgardie remains project ready should it be required for a large scale heavy or special industrial project.

To find land for sale or to find out more about each of our current projects, go to www.landcorp.com.au

Inclement (Wet) Weather

With winter and wet weather upon us, Master Builders reminds members of the award inclement weather provisions.

Almost identical provisions apply in the state Building Trades (Construction) Award and Modern Building and Construction General On-Site Award.

The intent of the clause is to provide employees with protection against loss of wages through no fault of their own due to adverse weather conditions on construction sites, in this case, wet weather.

AWARD PROVISIONS

The award inclement (wet) weather provisions are set over the page. Master Builders recommends these procedures be followed in the absence of an employer having a certified EBA, AWA or ITEA in place which has alternate provisions.

In addition, contractors may wish to provide building workers on site with wet weather gear when moving from site amenities, if not under cover, to the work area.

ENTERPRISE/WORKPLACE AGREEMENTS

Employers negotiating Enterprise Agreements may wish to consider including more flexible inclement weather provisions as part of the employment conditions for wet and hot weather.

OSH CONSIDERATION

Contractors are also reminded of the overriding consideration of their "Duty of Care" in ensuring wet weather does not impact

on safe working conditions on the building site and, if so, appropriate measures are put in place to either eliminate that safety risk or, in the alternate, the building workers are relocated to a safe working area.

INCLEMENT WEATHER CALENDER

A 4 weekly cycle inclement weather calendar is prescribed by the Awards. Please call TJ Snell at Master Builders on 9476 9800 to receive a copy to mid 2012.

SUMMARY OF THE MAIN FEATURES OF THE INCLEMENT WEATHER CLAUSE

1. Building industry awards prescribe 4 week periods during which an employee, who is employed throughout, is entitled to receive up to 32 hours payment for ordinary time lost due to inclement weather.

The WA Industrial Relations Commission has determined that inclement weather commences at the time the employee ceases work as a result of that inclement weather.

"Ordinary time" lost through inclement weather therefore includes time spent sitting in the sheds, however, it does not include overtime or weekend work.

2. The employer or his representative is required, when requested by the employees or their representative, to confer within 60 minutes to determine if the weather is inclement. Disagreement between the parties does not necessarily mean the weather is inclement.

3. Inclement weather payments do not accrue from one period to the next. Payment of the 32 hour entitlement is apportioned over the 4 week period.

4. An employee is not entitled to payment for inclement weather unless he/she remains on the job and the provisions of the inclement weather clause have been



observed.

5. No employee is entitled, under the award provisions, to receive more than 32 hours inclement weather payment in any prescribed 4 week period.
6. Representatives of both the employer and employees are required to note and agree upon the time of cessation and resumption of work following inclement weather.
7. For those workers affected by inclement weather, providing they can be redeployed to areas not affected and remain productive, they may be redeployed to those areas and work in accordance with their calling.
8. Subject to individual EBAs or own past custom and practice, the MBA recommends that site allowance and other disability allowances not be paid whilst employees are not working as a result of inclement weather.
9. Rain at Commencement of Work, if employees are in the site amenities shed(s) due to inclement weather, or at the start of work, after morning tea or lunch and it is still raining, the employees may be directed to work in areas undercover if:
 - A covered walkway is provided;
 - The sheds are also under cover which allows the employees to access the work area without getting wet; or
 - The employer provides the employees with adequate protection to proceed to the undercover work area(s). Adequate protection could include umbrellas or wet weather clothing.



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NEW

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Master Builders introduces a new Safety Management Plan with the small-medium builder in mind. It provides better value to ensure you meet your OSH obligations. A quick and simple process and can all be provided electronically.

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1 complimentary audit (to be used within 3 months of purchase - Metro only)

12 Months back up and assistance from Master Builders Association

Regulations came into effect in 2008 for the construction sector that require builders to provide Occupational Safety and Health Management Plans for all construction sites where five or more people are working, or are likely to be working, at the same time.

Members \$800 plus gst | Non-members \$1000 plus gst

Contact Phill Morgan - Safety Manager

P 9476 9800 E phill@mbawa.com

Kalgoorlie-Boulder Golf Day

THE **laminex** GROUP



WINNING TEAM, GOLDLOCK BANDITS, RECEIVE THEIR PRIZES FROM MAJOR SPONSORS TRENT WHEADON (STRATCO) AND BRUCE DIAMOND (THE LAMINEX GROUP)

On 8 April 2011, 110 members and non-members gathered together for a fabulous day of networking at the new Kalgoorlie Golf Course.

Threatened by rain both Thursday and Friday, we pushed on to have the most perfect autumn day. The sun was shining all day and no doubt laughing at some of the antics on the course. This year saw a number of new faces, old ones and even participants attending from Perth. Commencing early this year at 10am, the seven hole ambrose game attracted a record number of players completely selling out of tickets.

The Master Builders Golf day provides a chance for suppliers, builders and contractors to network and discuss their vast knowledge of the industry in a relaxed social environment with fantastic food and

cold beers running all day.

Major Sponsors, The Laminex Group and Stratco, presented many prizes including accommodation vouchers donated by the Quest Yelverton to the winning team, Goldlock Bandits of Goldfields Locksmiths.

14 novelty prizes were presented for unusual activities, which included using a Tee Ball bat to drive, and a plastic cricket bat to putt with.

Without the support of the sponsors, this ever growing and extremely popular event would not succeed. So to all the sponsors we say a big thank you. We are pleased to announce that major sponsors, The Laminex Group and Stratco will again be sponsoring the 2012 event.

Next year's event will be held on 27 April 2012. With six teams and five sponsors already locked in for next year it will be a race to secure tickets once again.



BLUE FROG BUILDING DESIGN TEAM PLAYS AGAINST RTL PROPERTY DEVELOPMENT TEAM

RESULTS FOR THIS YEAR:

- 1st place -**
Goldlock Bandits (Goldfields Locksmiths)
- 2nd place -**
Midland Brick
- 3rd Place -**
First National Real Estate



QUEST YELVERTON SHOW THE ROPES TO NEW TEAM CTD



TEAM FRANKS GET INTO THE SPIRIT OF GOLF.



Winter Construction

Construction in winter poses challenges for clients and builders. Although we try to have lock-up substantially commenced before the winter months, often approval delays or other complications may mean your project starts during, or runs into, wet weather.

Before a job commences a builder will usually assess the site and determine the risk of delays. Such things as the location of the site or proposed building and soil conditions may cause additional complications to the progress of works.

Storm conditions can have an impact on site access, restricting access due to boggy access roads or resulting in less than ideal working areas for tradespeople. The materials need to be delivered to site and stored so they are not damaged by wind and rain, and contractor safety is of utmost importance, so wintery days will unfortunately result in quiet or empty sites and little progress occurring.

When undertaking additions or alterations to existing homes, it is typical for the rain to start as the roof cover is removed! Builders are generally ready with giant tarps to protect the ceilings and with temporary stormwater drainage to prevent damage to the home under renovation.

It is important to note in most building

contracts there is an "inclement weather" clause. This entitles the builder to claim time extensions for delays due to inclement weather. In the contract there is usually a process whereby the builder must notify the client within a certain period of the delay occurring. Of course the delays must be justified - for example it may not be reasonable for a builder to claim a wet weather delay whilst internal painting or tiling was occurring on-site. Also the period of time claimed must be reasonable, reflecting the actual delay caused by the adverse weather.



Calendar of Events

June 2011

27-30 Building Excellence Awards Judging

July 2011

1 Committee Meeting (Esp)

August 2011

5 Building Excellence Awards tickets close

26 Midland Brick Sundowner - Italian Club

27 Building Excellence Awards Presentation

31 Entries for Ric New Medal Close

September 2011

4 Father's Day



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