

MASTER BUILDER GREAT SOUTHERN

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MBA'S KIM RICHARDSON EXPLAINS THE INTRICACIES OF THE NEW FAIR WORKS.



Principal Partner



From the Manager's Desk..



Well here it is almost the end of the year with Christmas only a few weeks away, and what have we done?

Jaclyn Humfrey has now joined our office here in Albany three days per week allowing me more time to get out and see our members and chat with people about the MBA and membership. Jaclyn will be pleased to assist you with contract sales or advice if I am absent from the office.

By now you will have received your invitation to our Christmas Dinner Evening and with the presentation of 10 year membership certificates and The Great Southern Committee's regional member of the year, it should be a very enjoyable event. So please fill in your acceptance and get it back to me so we can get the catering organised.

The Fair Work Act seminar was well received by those who attended and Kim Richardson was excellent with his explanation of everything. I had some good feedback from attendees.

I attended the Prison Expo on the 22nd October, promoting adult apprenticeships within the building and construction industry. It was a very

interesting day and extremely successful with lots of interest from the inmates about work once they are released. As this was the first of its type and was so successful they hope to now make this an annual event.

March 12th 2010 is booked for our golf day at the Grove Park Golf Links and, by the interest already shown, I am sure it's going to be an excellent day. In early January I will be forwarding registration forms for your team entries, so dust off those clubs and start talking about what you will be wearing as we have a prize for the best dressed team. We plan to start the day with a sausage sizzle and end it with a BBQ and a sporting memorabilia auction. So bring along your cheque books and start bidding.

Home building sales are picking up at a very vigorous rate with more than 350 contracts sold in October confidence is returning to the market and things are looking up.

I look forward to seeing everyone at our Christmas Dinner evening on 7th December 2009.

Regards ,

Linda Gibbs

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Last year I replaced all the windows in my house with that expensive double-glazed energy efficient kind, and today, I got a call from the contractor who installed them.

He was complaining that the work had been completed a whole year ago and I still hadn't paid for them.

Helllllooooo..... Does he think I am stupid??

So, I told him just what his fast sales guy had told me last year - that in ONE YEAR these windows would pay for themselves!! Helllllooooo? I told him... It's been a year!

There was only silence at the other end of the line, so I finally just hung up.

He never called back.

Bet he felt like an idiot.



Chairman's Report



DAVID MEXSOM

GREAT SOUTHERN CHAIRMAN

We are back on a steady footing again due to the efforts of our new Regional Manager Linda Gibbs.

- The Albany & Great Southern Region of the MBA has held a very successful Building Excellence Awards which was attended by 160 people.
- Sponsorship is picking up, and is a very healthy sign that the branch is moving in the right direction.
- Our committee is enthusiastic and work well as a team.
- We are involved in various activities and are representing the MBA on local boards such as the Great Southern Employment Development Committee.
- MBA Chairman has been actively participating in workshops for job seekers and has been speaking at those events on behalf of the MBA.
- We participated at the careers expo at TAFE in Albany which was a great success.
- More recently the Branch Manager attended the Albany Prison (as a visitor) and provided information to the inmates about the MBA and potential for employment in the building industry.
- It was an honour for the MBA Albany & Great Southern to be a party to the Regional Apprentice of the year competition which was won by a local Carpentry Apprentice Todd Hammond who (through ATC) is employed and trained by the Deputy Chairman of our

Branch – Anderson Duffy. We were all very proud of Todd and Anderson and the support of ATC.

- Due to a bad run with our previous Branch Managers we did not run a golf day. That is all changing in 2010 and it is looking good for the 12th March with a major sponsor (ATC) now coming on board.
- Promotion and purchase of MBA documents has picked up which assists with our healthy bottom line.
- Linda Gibbs has been very busy identifying training needs and sourcing appropriate courses and trainers.
- Committee meetings and Quarterly meetings have been well attended.
- The importance of maintaining the assistance of our school based admin officer Jaclyn is seen as a crucial way of maintaining services to our members.

David Mexsom
Maib – Chairman MBA Albany & Great Southern.



Bogus bills scam aimed to rip-off business



IRIS THOMAS

CONSUMER PROTECTION HAS ISSUED AN URGENT WARNING ABOUT A POSTAL SCAM AIMED AT WESTERN AUSTRALIAN BUSINESS OPERATORS.

False invoices are being sent to businesses seeking substantial sums be sent to Trade Mark Publishers for on-line registration of company trademarks.

Consumer Protection has received a flurry of complaints about the fake invoices which have been sent from Austria via the United Kingdom. While the business claims to have an Australian bank account number and postal address, this appears to be a virtual office, set up to redirect mail overseas.

At first glance the invoices appear authentic, and the scammers are hoping in the bustle of commercial activity some may slip through the accounting process and be paid.

A close inspection reveals the invoice does contain a clause advising Trade Mark Publishers is not associated with the Federal Government agency responsible for trademarks, IP Australia,

but this disclaimer could easily be missed.

IP Australia has issued an official warning on its website about this scam.

A Consumer Protection investigation has revealed the scam is being run in at least 15 countries, aiming at business large and small.

Companies should always be wary of unsolicited accounts, ensure invoices are for goods or services rendered to their satisfaction, and discard any bearing the name Trade Mark Publishers.

More information about scams is available from the WA ScamNet website at www.commerce.wa.gov.au/wascamnet. The public can also subscribe to WA ScamNet Alerts.

IRIS THOMAS, Senior Regional Officer, Consumer Protection, Great Southern Region

Building a Partnership The Role of the Insurance Broker

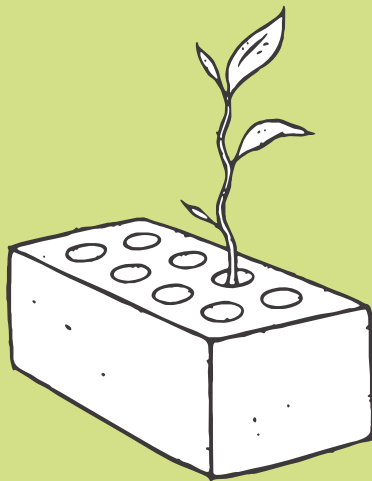
MBAIS are more than just an insurance broker. We are your outsourced insurance expert and risk advisor. The close relationships that we develop with the key stakeholders of your business allow us to truly understand your requirements and to develop solutions that will meet and exceed your expectations.

An insurance broker should be able to:

- Secure competitive premiums for clients;
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- Provide speedy response to enquiries.

MBAIS believe that these are the **core responsibilities** of any competent broker and should not be seen as a benefit or a value added service. These should be the expected deliverables from any insurance broker. Contact MBAIS now on **9476 9891** to learn more.

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Substantial financial incentives are available for both employer and employee to enter into a training contract. Contact the Australian Apprenticeship Centre on 13 38 73 to find out what incentives you may be eligible for.

Find out more
www.FastTrack.wa.edu.au
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This Project is funded by the Australian Government Department of Education Employment and Workplace Relations through the Fast Track Apprenticeship Program



ANDREW HOLMES

Even though I was only a labourer I learnt a great deal about Site Management



Profile – Andrew Holmes

Committee Member Albany & Great Southern Region

My name is Andrew Holmes and I have been involved directly and indirectly with the construction industry for most of my 32 years. Having grown up with a dad who is an Architect & Builder and lived in a house which was a constant building project it is therefore surprising that I would want anything to do with the industry except that when it came to choosing a career I was somewhat perversely drawn to it.

Upon completing my schooling at Albany Senior High School I chose to Study Construction Management & Economics at Curtin University. Though it is tempting to lead you to believe I studied two degrees this is not the case: Construction Management & Economics is a single 4 year degree that is aimed at giving a good grounding in Quantity Surveying, Estimating, Project Management, Contract Administration and Building Laws & Regulations. During my time at University I would spend my summers in Albany doing odd construction jobs which involved working as a labourer for Bricklayers, Concretors, and Carpenters. This allowed me to complement my academic learning with some on the job hands on experience.

Upon completing my Degree my 1st job was working for BGC construction as a Contract Administrator in their unit housing division. At the time our division was looking after the construction of approximately 350 units in and around Perth; the large majority being state housing projects. This involved being in constant contact with multiple site supervisors and suppliers insuring that everything was ordered so that the jobs ran smoothly and the projects remained within their very tight budgets. It also gave me a great insight into operations of a major player in the WA construction industry. The job was an excellent experience for someone fresh out of university but, after working in an office tower on St Georges Tce for almost 2 years, I realised a full time city office job was not going to satisfy me forever. At the same time the call of the big wide world and a life of adventure was also becoming too strong. So at the age of 23, I quit my job to spend 6 months travelling South East Asia. Starting in Bali I travelled overland through Lombok, Java, Sumatra, Malaysia, Thailand, Cambodia and Laos before flying to London to begin a two year working holiday.

This 1st 2 year stint in London involved working as, amongst other things, a removalist and a landscaper. Being a landscaper in London was a fantastic experience giving me the opportunity to work in some incredible gardens for people for whom money was no object, which you soon realise when you see the Aston Martin and the Jaguar parked in the garage. Landscaping was a great summer job but, with the approach of a London winter, the lure of the endless summer became too tempting. So once again I packed my bags and headed off to South America for another adventure; this time again travelling overland through Chile, Bolivia, Peru & Brazil experiencing some amazing cultures and breath taking landscapes such as the ancient ruins of Machu Pichu in Peru, the Bolivian Altiplano and

the Iguacu falls in Brazil. It was on this trip I met my beautiful Brazilian wife Marina.

After this initial Peruvian encounter we were soon reunited in London where we spent a further 2 and half years living together in London. This time I was drawn back to the construction industry working as a labourer for a building firm doing upmarket renovation to houses in North London. This often involved gutting old terraced houses and completely refurbishing the interiors into modern contemporary homes, the value of some of these renovations was close to A\$1m. Even though I was only a labourer I learnt a great deal about Site Management as I was one of the few people; other than our short, bald, grumpy, Scottish Foreman AKA Shrek; would see the project through from start to finish. In London I witnessed some unusual practices, largely due to the constrictive nature of the sites, such as all the sand for bricklayers was delivered in 20kg bags. Often we would mix all concrete by mixer on site for sometimes for quite large pours. (I much prefer the one phone call these days!) In one case a kitchen bench was formed up and constructed completely out of concrete. One project in central London involved demolishing the top floor of an existing 3 storey building and adding a further 2 stories; the only access to site was up a flight of stairs leading from a single corridor adjacent to a hardware store located on the ground floor, This store remained in operation the entire project. With no room or access for cranes or mechanical hoist every brick and stick of timber had to be carried up; and in the case of demolition down; by hand.

I proposed to my wife whilst on a trip to Rome in Sept 05 and we returned to Australia later that year to marry the following March. The past 4 years I have spent working in the family business Tectonics Construction Group and I have recently purchased a share in the business. We have undertaken a wide variety of projects from commercial & residential alterations and additions, office fit outs and government projects. In this role I have thoroughly enjoyed being able to manage projects from tendering right through to completion and to be involved all facets of these projects in between.

What I enjoy most about my job and this industry is that it is extremely dynamic, in that no job or day is ever the same. Building products and techniques are constantly evolving to meet Technical, Environmental and OH&S Standard that this modern world demands. This is where we find the MBA is of greatest benefit to our business keeping us abreast of all the latest changes to industry Standards, at the same time we know the MBA is working behind the scenes at a National, State and Local Government level; constantly advising & lobbying the policy makers of the day for the best outcomes for our industry. As a committee member I would like to encourage our members to talk to us about any issues that they feel are affecting the industry or simply how they think it could be done better because at the end of day the MBA is here serve you.



Safety Switches – A Bright Idea



The Department of Commerce (formerly, Department of Consumer and Employment Protection) has introduced new regulations requiring the installation of safety switches (or residual current devices) in all residential premises, with effect from August 2009.

These regulations follow an analysis of electricity-related fatalities in non-workplace locations occurring over the last 16 years which determined that 31 of the 36 fatalities would not have occurred if safety switches had been installed.

Essentially, all residential premises will be required to have at least two functioning safety switches.

In general terms, it will be an offence not to have two functioning safety switches in place:

- before transfer of the title to your property;
- before entering into a residential tenancy agreement; and
- before making the premises available for hire.

Further, it will be an offence if the safety switches are not in place within 24 months from the date the regulations come into force.

An offence will also be committed by a strata company if safety switches are not installed as required by the regulations within 24 months from the date the regulations come into force.

A fine of \$15,000 in the case of an individual and \$100,000 in the case of a body corporate applies.

If you want further information you should contact the Department of Commerce or a lawyer with suitable expertise.

This is general information only and does not constitute specific legal advice. If you would like further information in relation to this matter or other legal matters please contact our offices at reception@hgg.com.au.

Commercial Litigation

Hudson Henning and Goodman



MURRAY THORNHILL,
DIRECTOR, & NOTARY PUBLIC
HUDSON HENNING AND GOODMAN



MATTHEW WALLIS,
SENIOR ASSOCIATE
HUDSON HENNING AND GOODMAN



JAMES GRAHAM,
ARTICLED CLERK
HUDSON HENNING AND GOODMAN



State or federal system- which laws apply to you?

As an employer of staff in Albany it is vital that you understand the two systems of industrial relations operating in Western Australia. These are the State and the Federal systems. As an employer you need to know the Federal and State labour relations laws that apply to your workplace and the responsibilities you have under these laws. Generally, if your business is Pty Ltd it is covered by the Federal system, and if you are a sole trader or partnership you will fall within the State system. The two systems have different rules and obligations for you as an employer.

Will State laws still apply to your workplace?

Although your business may be covered by the federal labour relations system, Western Australian laws may continue to impact on federal awards and agreements. Employers and employees covered by federal awards and agreements can be subject to the following State laws:

- long service leave;
- discrimination and equal opportunity;
- children in employment;
- occupational safety and health;
- workers' compensation; and
- training arrangements (as set out in the Industrial Training Act 1979 for the employment of trainees and apprentices).

To clarify whether your business falls under the State or federal system, or if you are unsure what industrial award or agreement applies to your business, you can contact Wageline on 1300 655 266 for advice.





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Anderson Dufty

**Great Southern
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David Mexam
Wauters Enterprise

Executive
Geoff Holmes

Treasurer
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Brian Hoskins

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The Construction Contracts Act

The Construction Contracts Act, in place now for some three years, has been mostly benign and sometimes very useful legislation.

Intended to improve industry payment practices, its main impact has been rapid adjudication of payment disputes. Many contractors are aware that adjudication might quickly and quite cheaply resolve payment delays. What's often overlooked, however, is that adjudication applications must be made promptly. There's no time for procrastination. You must apply within 28 days of the dispute arising.

Apart from banning pay-when/if-paid clauses, the Act's other main aspect is to imply basic terms – such as the right to make progress claims, terms for payment and entitlement to unfixd goods on insolvency - where there is no written contract or the contract is silent on such matters. Most people know you must have a written, compliant contract for housing up to \$500,000, but on other occasions, contractors sometimes happily rely on a handshake. That might not work now as the Act could imply terms you didn't expect or want.

Master Builders provides guidance on the Act and written contracts suited to your business.

For assistance with choosing the right contract please call your Regional Manager or Charles Anderson on 9476 9800.

Calendar of Events



December

- 9th Leadership in OHS
- 7th Christmas Dinner meeting

January

- 18th January 2010 Tilt up Construction and Supervisor Tilt up Building Apprenticeship and skills for the Nation Seminar

February

- Asbestos Removal date to be set
- 5th Boat Cruise Sundowner