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EDITION 1-2017

BUILDINGNEWS

MAGAZINE OF THE MASTER BUILDERS ASSOCIATION OF THE ACT



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The construction industry has proven to be leaders in community support and we think it is important to highlight some of these good deeds.



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COVER PHOTO

Isuzu Canberra

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EDITOR'S NOTE

ABCC is landmark legislation for the community

This edition of the Canberra Building News features a number of articles about the ABCC legislation passed in December 2016 and its improvements passed in February 2017.

Once the celebrations, protests and noise pass from those close to the debate, it must be remembered that the real winner from these laws is the community. Delays, blowouts and days lost to strikes lead to construction costs about 30% higher than they should be. The community pays this premium by paying more for public infrastructure such as hospitals and schools.

Commentary is provided in this edition from Master Builders ACT President and Executive Director, and expert legal comment is provided by MBA's Director Industrial Relations Cameron Spence and Meyer Vandenberg's Associate John Nikolic.



PRESIDENT
GRACIETE FERREIRA

POSITIVE GROWTH FORECAST FOR THE YEAR AHEAD

As 2017 begins all indicators point to a positive year of growth for Canberra's construction industry.

Master Builder's National Survey of Building and Construction shows that business conditions and business confidence improved in the December quarter of 2016; housing approvals are increasing both nationally and locally; and the non-residential sector has returned to positive sentiment in the December quarter after a low point in the June quarter.

The positive atmosphere reflected in the national survey is also being felt on the ground in Canberra.

So far in 2017 a number of major projects including Woden, Civic, and the Northbourne corridor have been announced. For the housing sector, land is being released in a number of private developments in and around the ACT, and the LDA has just released land in its next major suburb of Taylor, including a planned builder's ballot.

The pace of policy reform will not slow down in 2017.

Security of payment reform is firmly on the national and local agenda. Master Builders ACT has long advocated for a security of payment system which is fair to all players, and one which sees money flow through the contractual chain without delays. I firmly believe a key part of these reforms needs to be improvements to the dispute resolution process so that payment disputes can be resolved quickly, fairly and without costly legal battles. A national approach needs to deliver security of payment reform in practice, not just in name.

The ACT Government's reform of the Land Development Agency and establishment of a new Urban Renewal Authority will be announced shortly. And, much needed reform of the ACT building regulatory system will gather momentum.

Hold on tight for a busy year ahead.

"The ACT Government's reform of the Land Development Agency and establishment of a new Urban Renewal Authority will be announced shortly. And, much needed reform of the ACT building regulatory system will gather momentum."

In all, 2017 is shaping up to be a positive year for the local construction industry.

Master Builders has again proved it has a strong voice with government. Late in 2016, and after many years of campaigning, we were pleased to see laws passed to restore the Australian Building and Construction Commission and the Registered Organisations Commission. Led by Master Builders Australia, the passing of these laws is the result of efforts by MBA's around the country, their respective members, and in particular the many ACT members that took a leadership position in our industry when it was needed.

New policy has also been introduced by the ACT government to promote local industry participation in government tenders. This has been a key policy focus for Master Builders ACT. It is timely to thank the Local Industry Advocate, Ms Kate Lundy, for her efforts and genuine consultation with local industry to implement this policy.

To keep up with the growth in the local industry, Master Builders Group Training is continuing to expand. In January we welcomed 33 new construction apprentices to Master Builders, a 32% increase on last year's recruitment. On day one the new apprentices collected MBA Group Training high-vis gear, boots and received important safety briefings. I firmly believe that a Master Builders Apprenticeship will give these new entrants to our proud industry the very best start to their careers. We are cognisant of the injuries suffered by two of our apprentices last year and are doing everything in our power to ensure their safety remains our priority.

Finally, I would like to remind all members that entries for the 2017 Excellence in Building Awards are now open. 2017 will be the 27th Excellence in Building Awards. We welcome on board CHC as our naming rights sponsor for the awards. Our entries are moving to an online system called AwardsForce, which will completely replace the paper entry form. The awards dinner will be held on Friday 30 June 2017 at the Canberra Convention centre.

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EXECUTIVE DIRECTOR
KIRK CONINGHAM OAM

THE YEAR OF THE ROOSTER IS SHAPING UP AS SOMETHING TO CROW ABOUT FOR THE NATION'S CAPITAL

If you read the President's report you'll note a range of indicators pointing towards a surge of activity in the Territory's construction industry.

Unusually, the indicators are combining with sentiment around the Capital delivering substantially elevated expectations for the private sector.

It's hard to put a finger directly on this pulse, but at least some of the optimism comes from a sense of increasing scale. Our city is shaking off the 'big country town' label to embrace the huge opportunities that come with becoming a true city.

"Our city is shaking off the 'big country town' label to embrace the huge opportunities that come with becoming a true city."

That's not just in the sense of population. There's something of a shift in mindset taking us beyond the idea of a 'regional centre' towards an increasingly fully formed embryo of a global city state. A city with its own unique character and culture.

The manufactured history of our city, purpose built to seat government, has too often seen us dismissed as something soulless and in-organic. Something that, stripped of the artificial role as the nation's capital, would quickly see us revert to the sheep paddock from whence we came.

Yet here we are today, a city with our own steady heartbeat that is increasingly independent of the life support provided by the sometimes fickle fate of the Commonwealth public service. Part of that DNA is a caring, progressive community with a strong and resonant voice matched with a thoughtful, respectful and inclusive approach to others.

That's now being enhanced with growing confidence putting a twinkle in our eye and a spring in our collective step.

Ours is not the brash confidence of youth. Like the Rooster in the Chinese calendar, our confidence is built on good old-fashioned hard work.

As encouraging as this is, we all know that this growth and confidence must be nurtured. Many a city has stalled and failed for want of a vision and the collective will to deliver.

While Canberra builds its own gravity we must be ready to compete with other cities, centres and towns to hold and attract good people. The two essential ingredients are jobs and homes. Private sector jobs only come when people are willing to work hard, risk and invest. This includes small and medium enterprises that often attract government and community support. But it also includes the dreaded 'developer' who is just as likely to be condemned and attacked as welcomed and rewarded. It's a curious thing about our city that most of our developers are 'home grown'.

Canberra's welcome mat should include clarity and certainty for the people willing to risk their capital in our Capital. Crumbling, graffitied buildings in our city and town prove that more work is needed. There's no community dividend in a dilapidated building.

And we simply must do something about affordable housing, including rental. Rapidly growing communities in Googong, Bungendore and Murrumbateman are proof positive that the Territory is failing to provide housing choice at an affordable price. Our families are leaving. The current policy encouraging urban infill is sound. Getting people into our city and town centres makes particular sense. Building residential accommodation in these centres provides exciting and affordable housing options particularly for new entrants to the market.

Yet taxes and red-tape continue to restrict our capacity to convert unwanted and unloved eyesores into much needed affordable homes and precincts.

Increasing the land supply for single residential homes will round out the options for families looking for more space. Expanding land supply is the single most important factor in housing affordability. The Year of the Rooster is set to be a beauty for our city. Ultimately we'll create our own gravity and the centrality of the role of government will diminish. For now though, tweaking some policy settings will help attract the people and investment we need to achieve critical mass.

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DIRECTOR INDUSTRIAL RELATIONS
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THE NEW CODE - CHANGING INDUSTRY BEHAVIOUR

The great English writer George Orwell in his seminal critique of communism *Animal Farm* famously wrote that, “All animals are equal, but some are more equal than others...”

Equally, all Senators in the Australian Senate bear the title “Senator, the Honourable [insert Senators name here]”. However, given the extraordinary events we have recently witnessed in the Australian Senate— it appears that perhaps *some senators are more honourable than others!*

Senator the Honourable Derryn Hinch has acted with an integrity that is sadly all too rare in modern politics. He’s admitted that he could have done something better, and he’s actually acted to fix it! Surely the usual politicians instinct under the white hot public spotlight is to deny, downplay or defend any mistakes made – but not so with Derryn Hinch.

As members will recall, amidst tremendous heat from the union movement, and lobbying from various employer groups and others, the Australian Building and Construction Commission (ABCC) was restored late last year. The ABCC is the Turnbull Government’s attempt to restore much needed law and order to the Australian building and construction industry.

“The Code is the instrument that will drive the much needed change in the industry – and it will drive this change by placing demands on companies – not unions.”

At the very heart of the ABCC is the new Commonwealth Procurement Code 2016. This Code was forewarned by the Coalition Government as far back as April 2014. The Code is the instrument that will drive the much needed change in the industry – and it will drive this change by placing demands on businesses – not unions. The ABCC, like its forerunner the FWBC has the power to prosecute union officials for illegal behaviour, and yes, these powers and fines are increased under the ABCC mark II, but the Code is the important part.

With this in mind, last year the union lobbied hard to all the cross-bench Senators in regards to the Code. If the Code could not be stopped, a very long delay would be almost as good. Sen.

Hinch is from Victoria, a place where many businesses are signed up to non-Code compliant union EBAs. He was doubtless told that these businesses would need time to arrange their affairs to be able to comply with the Code, and that they would suffer if it was put on them suddenly. Bearing this in mind, Sen. Hinch accepted a two year delay on bringing the new Code into effect.

But then something amazing happened. Over the long break Sen. Hinch talked to some people in the industry and rethought his position based on what he heard. Hinch’s own words speak best:

“I talked to a lot of people and they were not happy...I realised the bill that I had cast a deciding vote on—a bill I genuinely believed would help workers—was actually hurting workers. Subcontractors and several small and mid-level builders told me, in person, on the phone and by email, that they probably would go broke if they were forced to wait for two years for the new code to kick in. Some even hated the nine-month clause.”

The message from businesses, especially small to medium businesses was that they desperately wanted the Code – the sooner the better. Why? Because the Code helps businesses to stand up to the union, or to be more accurate, a business can hide behind the Code. They can effectively say to the union: “*you know we would love to sign this non-compliant EBA, but the Code just won’t allow it.*”

The union's reaction to the amended introduction timetable for the Code has been explosive. They have threatened nationwide industrial trouble. They are showing their true colours – they do not appear to be interested in the ongoing viability of our industry. It seems that they are only interested in their ongoing domination of the industry. To be clear, under this new law workers are quite properly still free to join a union, and any union can still do all its work around pay and conditions, including majority support determinations and the like. So why are unions so angry about a law that really affects what companies can and cannot do in an EBA?

Because the heart of the union's current model is EBAs, not membership. Across the country, union membership is in a steep decline. In our industry it is down around 9%, in the ACT it's probably closer to 5% - that's perilously low for any organisation based on membership. It's an interesting question as to why so many workers are choosing not to join a union, but that question is beyond the scope of this article.

EBAs serve a major purpose for the union movement – they help to keep the union relevant. By applying to all employees regardless of membership the union effectively represents the entire workforce, even though a majority of employees may not be union members. EBAs can inadvertently grant the union the power to determine who gets what job on a "union site". The union can then shop this power around to subbies to pressure them to sign union EBAs – effectively enabling union control over a whole site. The process is simple – the head contractor has a union EBA, and the union demands that the subbies have union EBAs as well. If the head contractor resists – they may risk facing real industrial problems. If the subbie resists, they may be denied work. Used in this manner, EBAs have long guaranteed the union a commanding role in the industry.

The Code stops this – not by targeting the union but by targeting the business – if the business enables or engages in this kind of behaviour, by signing a union EBA with jump up or lock down clauses for example, then the business is punished by being unable to tender for, or undertake Commonwealth work. To be clear, a business can still have a union EBA if it so wishes and/or their workers demand one, it is simply that if that business wishes to be able to tender for Commonwealth work, their EBA must comply with the Code.

The actual compliance rules for EBAs are fluid at the time of printing. There are a number of exemptions which members need to be aware of. For further information members are encouraged to contact the Master Builders IR team on 02 6175 5921.

For further information on the new Code, please also see the MVL article in this CBN edition.



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The objective of providing incentives is to develop a more skilled workforce and to increase the employment and training opportunities for Australian Apprentices in the ACT.

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- **\$2,000** after 12 mths

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For further information please call **Michael Doyle**—Industry Liaison Officer on **6262 5630** or email: **mdoyle@trainingfund.com.au**



WORK HEALTH & SAFETY ADVISOR
PHILIP EDWARDS

TECHNOLOGICAL INNOVATION

At the beginning of my working life, I worked one of the first mass produced digital computers, the Bunker Ramo BR 133. This 'device' had a 16-kilobyte active memory using all discreet components (no integrated circuits) and was the size of a domestic refrigerator. The 'boffins in white coats', who programmed it, used it to solve complex calculations for whatever they were working on. The US Navy used the military version of the computer (AN/UYK-3) to control submarine launched ballistic missiles. At that time, digital computer had no perceivable function in supporting safety.

From then to the current wave of technological innovation, especially smartphones are continually creating new opportunities in safety. We are living in an increasingly digitally connected society, with the majority of workers in the construction industry now owning smartphones. This means most of the workers in the industry have an incredible useful tool

Anecdotal evidence suggests the use of mobile telephones on construction sites has led to incidents, as within the wider community (for example, road crashes). The concerns of the distractions caused by smartphone technologies are real, especially with those who are more technically 'savvy'. The concerns are serious enough for some sites to ban mobile telephones. Another by safety professionals concern is the applications used by PCBUs (businesses) will see further outsourcing of safety. Safety systems must designed to support the operations of the PCBU—there is no one-size fits all application.

A further concern is the reliance on applications to 'observe' and communicate between duty-holders and workers. There is no substitute for observing the activities of workers (as required for workers working under a SWMS) and face-to-face conversation between workers and duty-holders—safety is about having a conversation.

Other concerns raised include the cost of devices and applications, and the complexity in using of the applications. While these are real

“There is no substitute for observing the activities of workers (as required for workers working under a SWMS) and face-to-face conversation between workers and duty-holders—safety is about having a conversation.”

in their pocket and sections of the industry are looking at leveraging the BYOD ('Bring Your Own Device') principles in supporting safety. The adaption of the technological innovation in using smartphones on construction sites has advantages in supporting safety; but also has some serious downsides.

The application of BYOD principles does open up new possibilities in the ability for workers and duty-holders (Principal Contractors, Project Managers, Site Supervisors) to deliver and receive information. Workers will be able simply and easily supply duty-holders with up-to-date information on incidents, near misses, hazards, and plant and equipment faults. It can also provide direct access for workers to current Safe Work Method Statements (SWMS) and Safety Data Sheets (SDS), as required. In addition, duty-holders will be able to provide everything from access to safety management system and plan, to providing latest site information and hazards. This ability to provide real time information will empower decision makers (workers and duty-holders) to implement timely solutions suited to the current situation.

concerns for some, the cost and the perceived complexity will be acceptable to others.

While the industry should look to embrace technology in supporting, managing and improving safety on construction sites, this must be done with the interest and needs of the PCBU taken into account, and continued empowerment our workers to raise issues on safety.

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Training dates for March, April and May 2017

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20, 21, 22, 27 and 28th March, 8, 9, 10, 15 and 16th May

HEALTH & SAFETY REPRESENTATIVE REFRESHER

20th April

WORK SAFELY AT HEIGHTS

16th March, 20th April, 17th May

PROVIDE FIRST AID

27th March, 28th April

ASBESTOS AWARENESS

28th March, 10th April, 1st May and 25th May.

TRAFFIC CONTROLLER

6th March, 10th April, 29th May.

IMPLEMENT TRAFFIC CONTROL GUIDANCE PLAN

7th March

PREPARE WORK ZONE TRAFFIC MANAGEMENT PLAN (2 DAY COURSE)

9th and 10th March

TRAFFIC CONTROLLER REFRESHER (1/2 DAY COURSE)

8th March, 12th April, 31st May

IMPLEMENT TRAFFIC CONTROL GUIDANCE PLAN REFRESHER (1/2 DAY COURSE)

8th March, 12th April, 31st May

LICENCE TO OPERATE A FORKLIFT TRUCK (3 DAY COURSE)

8 - 10th March, 19 - 21st April, 10th - 12th May

OPERATE ELEVATING WORK PLATFORM - UNDER 11M

15th March, 26th April, 24th May

LICENCE TO OPERATE A BOOM- TYPE ELEVATED WORK PLATFORM (BOOM LENGTH 11 METERS OR MORE) (3 DAY COURSE)

15- 17th March, 26, - 28th April, 24-26th May

LICENCE TO PERFORM DOGGING (5 DAY COURSE)

3- 7th April

LICENCE TO ERECT, ALTER AND DISMANTLE SCAFFOLDING BASIC LEVEL (HELD OVER 10 EVENINGS)

24th and 26th April, 1, 3, 8, 10, 15, 17, 22 and 24th May

LICENCE TO ERECT, ALTER AND DISMANTLE SCAFFOLDING INTERMEDIATE LEVEL (5 DAY COURSE)

20 - 24th March

LICENCE TO OPERATE A MATERIALS HOIST (2 DAY COURSE)

28th - 29th March, 29th - 30th May

LICENCE TO PERFORM RIGGING BASIC LEVEL (6 DAY COURSE)

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LICENCE TO PERFORM RIGGING INTERMEDIATE LEVEL

On request

LICENCE TO OPERATE A VEHICLE LOADING CRANE (CAPACITY 10 METRE TONNES AND ABOVE) (CV)

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LICENCE TO OPERATE SLEWING MOBILE CRANE (UP TO 20 TONNE) (C2)

On request

LICENCE TO OPERATE SLEWING MOBILE CRANE (UP TO 60 TONNE) (C6)

On request

ENTER AND WORK IN CONFINED SPACES (2 DAY COURSE)

6- 7th March, 10th - 11th April, 8th -9th May

ENTER AND WORK IN CONFINED SPACES REFRESHER

6th March, 10th April, 8th May.

MBA Group Training provides ongoing learning opportunities through industry training and education services. Safe work practices within the industry are a priority with the Master Builders and expert advice is available in a range of areas including occupational health and safety requirements, industry codes of practice, education and training.

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www.mba.org.au/training



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CHC partner with Master Builders ACT: Left to right: MBA ACT Deputy Executive Director Michael Hopkins, MBA ACT President Graciete Ferreira and CHC CEO Kim Sinclair.



MASTER BUILDERS ACT PARTNERS WITH CHC FOR EXCELLENCE IN BUILDING AWARDS

Master Builders ACT is pleased to announce that they have partnered with Canberra housing provider CHC for the Excellence in Building awards, Canberra's premium construction awards program.

This exciting partnership will see CHC as the naming rights partner for the next two years with an option thereafter.

CHC will join the ranks of Cbus, Boral and St George as only the fourth naming rights partner in the 27-year history of the Excellence in Building Awards.

CHC are Canberra's community developer, with a focus on homes for rent and sale. They provide a range of housing options with a focus on affordability, attainability and diversity. A major focus of CHC is the provision of rental accommodation for those on low to moderate incomes, ageing Canberrans and people with disability.

"As a not-for-profit developer, CHC play an important role in shaping the Canberra community and are excited to partner with the Master Builders ACT. To deliver more housing opportunities, we have a significant development pipeline over the next 5 years and see the partnership as an opportunity to be more active in the industry," said CHC CEO, Kim Sinclair.

Entries are now open for the 2017 awards program and will close on Friday 10 March 2017. This year we have moved to a new online entry system. The Awardforce system has streamlined the submitting process, with all entries now being digital and not print.

Tickets are also on sale for the gala dinner, returning to the Canberra Convention Centre on Friday 30 June 2017.

All the details on entering and dinner tickets can be found at www.mba.org.au



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NEW POLICY TO SUPPORT LOCAL INDUSTRY

■ Michael Hopkins, Deputy Executive Director

When Master Builders ACT launched its Procurement Policy in May 2014, the appointment of a Local Industry Advocate and emphasis on local industry participation in government construction tenders, were identified as key recommendations.

In response to Master Builder's policy, the Territory's first Local Industry Advocate, Kate Lundy, was appointed in December 2015. Ms Lundy consulted closely with industry during 2016, resulting in a Canberra Region Local Industry Participation Policy (LIPP) commencing from 1 January 2017.

of criteria about how your company invest and has presence in Canberra. It traverses issues such as the number of local employees who are currently employed, but it also looks at the number of years you have been here and the sort of investments you have made over a long period of time."

Under the LIPP, the ACT Government must consider local capability and take into account the broader economic benefits for the Canberra Region when determining the best available procurement outcome.

The ACT Government's commitment to the new policy is a sign of confidence in the local construction industry and a significant achievement for the MBA and its members who have campaigned for greater local industry participation for several years. Under the LIPP, the ACT Government must consider local capability and take into account the broader economic benefits for the Canberra Region when determining the best available procurement outcome.

Local Industry Advocate, Kate Lundy commented on the new policy saying "This means that companies tendering for contracts valued at five million dollars or more will need to include a local industry participation plan as part of their response to the tender. The LIPP will account for 10% weighting in the evaluation of your response" "We have called it an Economic Contribution Test. It's a series

"This policy is owned by the industry and will only work with complete participation from the companies and with the guidance of associations like Master Builders ACT.

"The MBA was part of the genesis of this policy, and are equally important to the implementation, helping companies create successful responses to the opportunity that the economic contribution test of the Local Industry Plan presents."

Further information about the LIPP, including copies of the relevant templates are available from www.procurement.act.gov.au/canberra-region-lipp. Questions or comments on the LIPP can be addressed to: PCWExecSupport@act.gov.au.

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Commercial
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Manufacturer's campaign driveaway price for new and demonstrator vehicles sold and delivered by 31 March 2017. [#]Available only on new MY16 Amarok Core Plus 4x4 stock vehicles. Run-out model, limited stocks. Options available for an additional cost. Available in conjunction with 5 year warranty below. Volkswagen Australia reserves the right to change or extend all offers. *5 year warranty available at no additional cost at participating Volkswagen dealers to approved applicants of Volkswagen Financial Services (VFS) on MY16 Amarok Core Plus 4x4 new vehicles sold by 31 March 2017 and delivered by 30 April 2017. Demonstrator stock vehicle warranty only applies for the balance of 5 year term. While stock lasts. Your rights under this warranty sit alongside the consumer guarantees under the Competition and Consumer Act 2010 which cannot be excluded. VFS* reserves the right to extend or change the offer. Standard fees and charges apply. Full conditions are available on application. Extended warranty terms and conditions at au.volkswagen.com.au/offers-pricing/utes. *VFS is a trading name of Volkswagen Financial Services Australia Pty Limited ABN 20 097 071 460, Australian Credit Licence Number 389344.

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The **Automatic International Roaming Day Pass** allows you to stay in touch with friends, family and clients while overseas, which means you won't miss important calls and messages. It also lets you avoid using public phones or making expensive international calls from hotels and airports.

This particular day pass is unique to your Master Builders Connect account, as the once-daily fee includes 58 countries, while most travel passes are usually for specific 'zones', often creating bill shock for customers.

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ABCC MARK II, SO WHAT'S NEW?

■ **JOHN NIKOLIĆ**
Associate, Meyer Vandenberg Lawyers

An industry-specific regulator

On 1 December 2016, the Australian Building and Construction Commission (ABCC) (Mark II) was restored as the industrial regulator for the construction industry¹, achieving in large part a key election promise (and double-dissolution trigger) of the Turnbull Coalition government.

You wouldn't know it, but despite all the controversy, there has been bipartisan support for an industry-specific regulator in the building sector since 2005, when the ABCC (Mark I) was first introduced by the Howard Coalition government. Reflecting the findings of successive Royal Commissions that the industry was beset by serious breaches of industrial and other laws, the Gillard Labor Government maintained the regulator (re-badging it as Fair Work Building and Construction – FWBC) with Gillard acknowledging that 'serious problems existed' and that abolition of an industry-specific regulator 'would not have been a responsible course'.

So what's changed?

ABCC Mark II is similar to the first, including an armoury of increased penalties, broader definitions of unlawful industrial conduct and – most significantly – stricter procurement rules for companies tendering for Commonwealth government work.

Important changes include:

- a broader definition of 'building work', which will include supply of goods to construction sites and offshore sites;
- a greater disincentive for unlawful industrial conduct, with fines increasing from \$54,000 to \$180,000 (for unions and companies) and from \$10,800 to \$36,000 (for individuals);
- a capacity for the ABCC to prosecute, and affected persons to seek injunctive and compensatory relief from, pickets which prevent access / egress or would be reasonably expected to intimidate a person from accessing / leaving a site; and
- the ability to maintain prosecutions in the public interest, even where a private settlement has been reached between the parties.

The ABCC retains the compulsory interrogation powers held by FWBC, under which persons can be compelled to give evidence on pain of six months imprisonment, but receive immunity from prosecution.²

New procurement rules

Most significantly, the ABCC will oversee a new Commonwealth procurement code, the Code for the Tendering and Performance of Building Work 2016 (Cth) (**Tendering Code**).³ The Tendering Code commenced on 2 December 2016 (replacing the existing Building Code 2013 (Cth)) and imposes a number of new site management rules and enterprise agreement content requirements on tendering firms. The stakes are high – companies which fail to comply can be disqualified from tendering for Commonwealth-funded work.

Managing union rights of entry and freedom of association

In order to minimise site disruption, new site management rules require that any entry by union officials occur in strict compliance with relevant work health and safety laws and the *Fair Work Act 2009* (Cth) (**FW Act**). This means that union officials cannot be 'invited' on-site where they do not have a valid right of entry under those laws.

To assist head contractors in achieving Tendering Code compliance, Meyer Vandenberg Lawyers, in conjunction with the Master Builders Association of the ACT, has developed a right of entry app for iPhones, which can be downloaded from the app store.⁴ The app is designed to assist site supervisors in real time when navigating right of entry laws.⁵

The Tendering Code also requires head contractors to adopt policies which pro-actively support freedom of association. This broadly requires head contractors to supervise union officials while on-site, and to eliminate any impression of 'no ticket, no start' policies, including a prohibition on employers providing employees with union-branded clothing and on unsupervised union inductions of employees.

Workplace Relations Management Plans

For projects where the Commonwealth's contribution to a project is above certain thresholds,⁶ the Tendering Code also requires head contractors to submit a 'workplace relations management plan' (**WRMP**) for approval by the ABCC. WRMPs must detail how (among other matters):

- a productive workforce will be maintained, including the ability to flexibly deploy employees and contractors to meet project demands;
- productivity will be measured and recorded;
- freedom of association will be protected on-site;
- industrial risks will be managed, including detail about whether a tenderer has delivered projects on time and within budget over the last two years, and whether any failure to do so was due to the tenderer's inability to flexibly deploy labour to meet project demands; and
- drugs and alcohol will be managed on-site (including via mandatory testing).

The ABCC will monitor on-site compliance with WRMPs, which head contractors must ensure are also complied with by contractors. A breach of a WRMP will constitute a breach of the Tendering Code. It is anticipated that the ABCC will be issuing a model WRMP for use by head contractors.

Content of enterprise agreements

The Tendering Code imposes a number of content rules on enterprise agreements, with the central aim of ensuring that projects are not delayed by restrictive work practices, as well as a secondary aim of increasing competition in subcontract tenders.

¹ With the passage of the Building and Construction Industry (Improving Productivity) Act 2016 (Cth).

² Other than for a failure to give evidence. These powers are similar to those held by other regulators, such as the Australian Competition and Consumer Commission.

³ While currently law, the Tendering Code may still be disallowed in the Senate in early 2017.

⁴ To find the app, search for 'right of entry' in the app store.

⁵ The app is designed for the FW Act and ACT work health and safety laws.

⁶ Being \$10 million or more, or \$5 million, representing at least 50% of the total funding.

Enterprise agreements must not impose limitations on how an employer deploys labour or contain terms which otherwise prevent improvements in productivity. For example, the following provisions typically found in pattern CFMEU enterprise agreements are prohibited:

- mandatory scheduling of rostered days off around public holidays (so-called 'lock-down' weekends);
- the capacity for the CFMEU to hold paid meetings with employees (which can be called daily for up to four hours and used to take effectively protected industrial action without otherwise complying with the FW Act); and
- requirements for contractors to pay their employees the same terms and conditions found in a head contractor's enterprise agreement.

Firms with existing agreements previously had until November 2018 to renegotiate agreements that complied with the Tendering Code. However, in recent amendments led by Senator Derryn Hinch,⁷ the prior transitional rules have now been abolished, meaning that firms with non-compliant enterprise agreements will:

- be able to tender for Commonwealth-funded work (up until 1 September 2017); but
- cannot be awarded any contracts – until their enterprise agreement complies with the Tendering Code.

Apart from removing restrictive work practices, the Tendering Code is also designed to disrupt the common practice of head contractors on major projects only letting subcontracts to firms with pattern CFMEU enterprise agreements,⁸ described by Minister for Employment Michaelia Cash as 'cartel-like behaviour between head contractors and unions'. Minister Cash argues that this practice restricts competition from new entrants which are 'small and medium businesses ... who ... do not have the power or the money to necessarily comply with ... pattern bargaining agreement requirements ... [and] are quite literally not able to participate in the industry.' Because the enterprise agreement content rules in the Tendering Code apply to head contractors and subcontractors alike, they effectively govern tendering by head contractors, opening up subcontracts to firms which do not have (and often cannot afford) pattern CFMEU agreements.

Large parts of Australia (including NSW, Queensland and Victoria) have recently completed bargaining rounds with the CFMEU, meaning that they will have non-compliant enterprise agreements which will need to be varied within their nominal period of operation, requiring majority approval of employees and certification by the Fair Work Commission (FWC). For those jurisdictions (such as the ACT) where the pattern CFMEU enterprise agreement has expired but has not (except for a handful of companies) been re-negotiated, employers will also have the option of unilaterally applying to the FWC for termination of an enterprise agreement, reverting back to a relevant modern award (which is sufficient for Tendering Code compliance).

It is likely that substantial delays will occur as the FWC is faced with upwards of 3,000 variation, approval and termination applications. Employers are encouraged to act now to beat the rush, which will also lend them an appreciable competitive advantage over those firms stuck in negotiations or with pending FWC certifications.

It is also possible that companies with non-compliant enterprise agreements will fail to have their WRMPs approved, as they may be unable to adequately demonstrate how they will flexibly deploy employees and subcontractors to meet project demands (given the restrictive work practices found in typical pattern CFMEU enterprise agreements).

The ABCC is currently assessing enterprise agreements for compliance. Tenderers can email their agreements to assessments@abcc.gov.au using the form on the ABCC website.⁹

Local labour, local materials

The Tendering Code also requires tendering firms to attempt to source labour locally before sponsoring foreign workers. As with existing migration laws, this requires employers to advertise jobs locally before hiring workers from overseas, but also specifies that the advertising be conducted on an Australia-wide basis. Tendering firms will also be required to provide information about the extent to which locally-sourced materials will be used on projects, and whether materials (especially foreign ones) comply with relevant Australian standards.

What should you do?

The return of the ABCC will see a far greater level of regulatory scrutiny applied to the construction industry. An immediate focus is likely to be on tendering, site management, enterprise agreements and WRMPs. Head contractors, as much as unions, are likely to be the focus of early regulatory action.

With new penalties in place, head contractors must act now to ensure freedom of association, including elimination of undue union influence in the awarding of contracts and any impression that union membership is mandatory (or even encouraged) for employees. Hiring arrangements for foreign workers should also be reviewed, along with an audit of the origin and Australian-standard compliance of building materials.

For firms tendering for Commonwealth Government work, site protocols dealing with union rights of entry must be implemented now. Tendering firms with CFMEU enterprise agreements (whether current or expired) – and especially head contractors which will need WRMPs – must commence negotiations for Tendering Code-compliant enterprise agreements, or else risk missing out on federal work.

Meyer Vandenberg is offering employers a special fixed fee price of \$5,000 (plus GST) for preparing a Tendering Code-compliant enterprise agreement covering construction workers, to assist them in adapting to the rapid changes imposed under Tendering Code.

Please contact Meyer Vandenberg's Employment, Workplace Relations and Safety Team for more information and to access the special fixed fee offer.

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MEYER VANDENBERG
LAWYERS

⁷ With the passage of the Building and Construction Industry (Improving Productivity) Amendment Bill 2017, (Cth) effective 17 February 2017.

⁸ In what is a largely institutionalised industry response designed to avoid union-coordinated disruption, but which is often in breach of anti-discrimination laws in the FW Act and anti-boycott laws in the Competition and Consumer Act 2010 (Cth).

⁹ <http://www.abcc.gov.au/>.



HOUSING FINANCE SUPPORTS GREATER STAMP DUTY RELIEF FOR FIRST HOME BUYERS

“Master Builders welcomes the findings of the latest housing finance statistics, which shows total dwelling finance increased by 0.4 per cent in December 2016, supported by a 1.3 per cent increase in owner occupied loans, offsetting a fall in investor loans of 1 per cent,” Matthew Pollock, Master Builders National Manager Housing said.

“The recent housing finance data supports Master Builder’s expectation nationally for another year of strong positive growth in housing construction, driven by a record for apartment construction in NSW and Victoria particularly. However, prospects will likely be more varied across other housing markets, particularly in resources states,” he said.

“The fall in investor loans is a reversal in an upward trend in investor loans that has extended since September 2016 and is early evidence that loan restrictions by the Australian Prudential Regulatory Authority (APRA) and the major commercial banks are beginning to taper investor interest in the housing market,” Matthew Pollock said.

“First home buyer challenges continue with loans down by 7.1 per cent in month, and is down by 2 per cent over the year-to December 2016. More needs to be done to improve first home buyers access to the housing market, but changes to negative gearing is not one of the solutions,” he said.

“There are no easy solutions, but in the short term, stamp duty relief for first home buyers for all types of housing, is the most obvious policy solution. Stamp duties can be equivalent to 10 to 20 per cent of the deposit required in most states/territories,” Matthew Pollock said.

“The housing data shows that the states that provide greater stamp duty relief for first home buyers also have a much greater share of first home buyers in the market,” Matthew Pollock said.

“There are no easy solutions, but in the short term, stamp duty relief for first home buyers for all types of housing, is the most obvious policy solution.”

***- Matthew Pollock,
Master Builders National Manager Housing***

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MBA LAUNCHES NEW DISPUTE RESOLUTION SERVICE

Are you having trouble getting paid? Do you have a dispute about building defects or the quality of work? Are the costs of seeking legal advice greater than the value of the dispute? Master Builders ACT has launched a new alternative dispute resolution service aimed at resolving small disputes, quickly and for a low fixed fee.

Calls from members and consumers about building disputes is one of the most common calls made to Master Builders ACT. Each year we receive more than 1,000 calls from members or consumers wanting help to resolve a dispute.

Master Builders ACT Deputy Executive Director Michael Hopkins said “one of the most common scenarios might be a home builder that has not received a final payment because the home owner is dissatisfied with minor defects.

“In a scenario like this the legislated process to resolve disputes can be costly for both parties and take a long time to resolve. Fairly quickly the cost of legal bills can exceed the value being disputed.” In response to this industry wide problem, Master Builders ACT has launched an alternative dispute resolution service targeting small disputes (up to \$40,000 in value). The new service will be available where at least one party involved in the dispute is a member of the MBA, or if an MBA contract is being used. While the service will be voluntarily, and only proceed if both parties agree, there is a strong incentive to use this service.

A fee will be payable to use the service (\$990 for disputes up to \$20,000 in value or \$1,540 for disputes up to \$40,000 in value), with both parties required to pay 50% of the fee upfront before the process starts.

A site inspection will be carried out if necessary, before a mediation meeting is held between both parties. If the dispute is resolved at the mediation, a Deed of Settlement and Release will be prepared and signed the same day.

Mr Hopkins said, “with the majority of Master Builders ACT members being small businesses, and most disputes involving relatively small amounts, this service was an ideal alternative to the “lawyers at 10 paces” approach to dispute resolution that often plays out.

“We trialled this service last year resolved the majority of disputes during a mediation meeting.”

For further information about this new service please contact the Master Builders ACT membership team on 6175 5900.

How the Process Works

STEP 1

Either party contacts the MBA about the dispute.

STEP 2

An Alternative Dispute Resolution Agreement is signed by both parties, the fee paid and any supporting information supplied to MBA.

STEP 3

MBA reviews information supplied and conducts a site inspection.

STEP 4

A mediation conference is held.

STEP 5

If a resolution is agreed, both parties sign a Deed of Release.



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FUN AND FITNESS FOR THE MONCRIEFF COMMUNITY

Construction has now started on a fantastic new community recreation park in Moncrieff for the residents of north Gungahlin.

With a variety of facilities and equipment to cater for a range of uses the new Moncrieff Community Recreation Park, at the corner of O’Keefe Avenue and Gussey Street, will be a destination for both fun and fitness.

One of three playgrounds in Moncrieff, the recreation park will be a well utilised community asset and popular meeting place for local residents.

Construction on the park was officially launched by Minister Yvette Berry with Labor members for Yerrabi Suzanne Orr and Michael Pettersson at a sod turning on Thursday 2 February 2017.

As well as having a Canberra-first learn-to-ride circuit, the park will include:

- playground areas to suit a range of ages
- barbecue areas with picnic tables, seating and shade
- outdoor gym equipment
- a multi-sport court to cater for sports such as basketball, futsal and volleyball
- table tennis tables
- volleyball nets
- cricket nets
- a drinking fountain
- bike racks
- toilets

Construction of the recreation park will be a complex project, with the procurement of specialist play equipment as well as the installation of large irrigated turf areas for sport and recreation activities. Construction of the project is being completed by Master Builders ACT member Canberra Contractors.



Canberra Contractors’ Paul Macor says “The great part of this project is the uniqueness of the development. Our young engineers get to experience something out of the norm.” Canberra Contractors have also built the Yerrabi Pond District Park in Franklin.

The government’s investment in quality physical activity infrastructure like this is one of the reasons the ACT has the highest physical activity participation rate in the country.

The Gungahlin suburb of Moncrieff is bound by Horse Park Drive to the north and the existing suburbs of Ngunnawal and Amaroo to the south and east. It is located about 4km from the Gungahlin Town Centre and includes about 2,200 dwellings, a group centre, community facilities, parks and playground areas.

As well as its three playgrounds the suburb has plenty to offer for active Canberrans including, significant hilltops and ridges that have been retained as urban open space.

There will be ponds throughout the estate, which include views to the open space and hills between Jacka and Taylor.

The recreation park is expected to be completed in late 2017.



Clockwise from main: An artist's impression of the community recreation park; The first sod is turned; An aerial impression of the park; representatives from the Land Development Agency, Canberra Contractors, Master Builders ACT and the ACT Government at the recent sod turn; A Canberra Contractors grader begins work on the park.



The government's investment in quality physical activity infrastructure like this is one of the reasons the ACT has the highest physical activity participation rate in the country.





NON-CONFORMING AND NON-COMPLIANT BUILDING PRODUCTS (NCBPS)

NCBP's are present in the building supply chain. They can cost millions of dollars to rectify and are damaging the construction industries reputation and reducing consumer confidence. It is important that members know the difference between Non-Conforming and Non-Compliant Building Products to protect themselves from the issues they create.

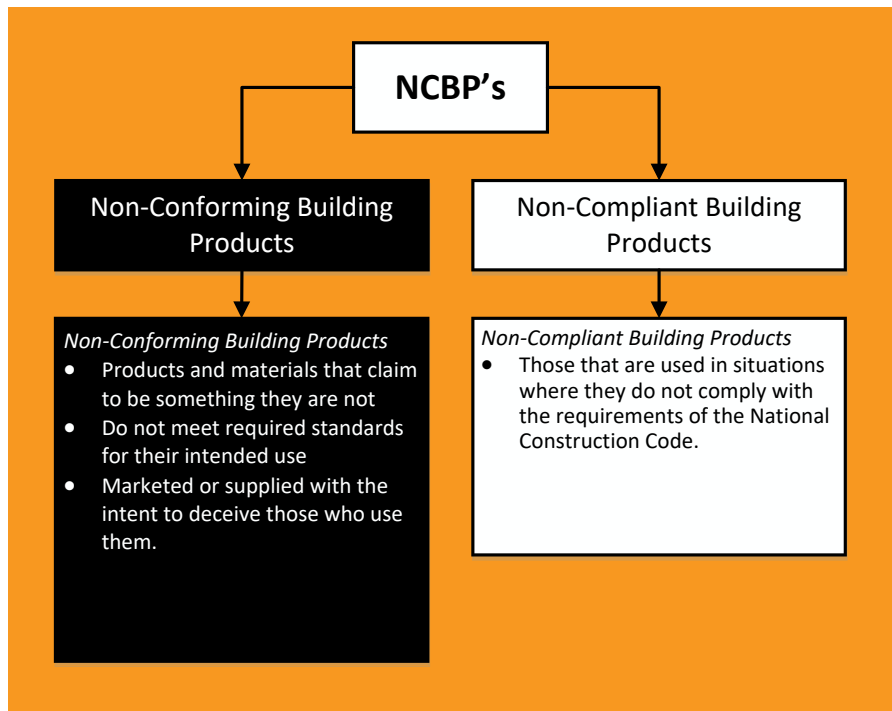
NON-CONFORMING BUILDING PRODUCTS OR NON-COMPLIANT BUILDING PRODUCTS?

It does not matter which definition you use; the results are:

- the wrong product in the wrong place
- a noncompliant building
- a liable Builder

All products have potential non-conformance and non-compliance issues. However, with a little care you can protect yourself, your business and your clients by making sure you have processes in place to purchase product that are fit for purpose.

Under Australian Consumer Law products must be of *acceptable quality* and *fit for purpose** and as the Builder you are responsible for the products you choose to use, and supply to your customers.



FOCUS ON:

- **NCC Volume 1** - Building Code of Australia (BCA), Part A2 – Acceptance of design and construction for building class 2 to 9
- **NCC Volume 2** - BCA section 1.2 A2 – Acceptance of design and construction for building class 1 and 10
- **NCC Volume 3** – Plumbing Code of Australia Part A2 – Acceptance of design and construction for stormwater

If you cannot determine that the product meets the requirements of the NCC do NOT purchase it.

PROTECT YOURSELF

- Understand the function of the product
- Understand the requirements of the National Construction Code
- Only use products that can demonstrate compliance
- Check and understand certification documentation

	Non-Conforming Building Products	Non-Compliant Building Products
1.	Understanding the requirements of the National Construction Code(NCC)	Understanding the requirements of the National Construction Code(NCC)
2.	Only purchasing products that meet compliance requirements of NCC for their intended use.	Understanding the function of the product
3.	Using reputable suppliers and brands	Understanding the specification and Building Approval
4.	Employ a Building Surveyor to assess product suitability	Employ a Building Surveyor to assess product suitability
5.	Document your decisions – keep all relevant product information.	Have processes in place to: <ul style="list-style-type: none"> • check that products specified meet the requirements for their intended use (the specification may be wrong) • Check products purchased are being used correctly

*acceptable quality and fit for purpose - See Competition and Consumer Act 2010 - Schedule 2—The Australian Consumer Law s54 & 55. https://www.legislation.gov.au/Details/C2015C00327/Html/Volume_3#_Toc424644306



JOHN MURRAY_{AM} APPOINTED TO REVIEW SECURITY OF PAYMENTS LAWS

The Turnbull Government has appointed Mr John Murray AM to conduct a Review of Security of Payments laws in the building and construction industry.

Across Australia there are significant differences in approach to security of payment laws, which impacts on the level of protection afforded to sub-contractors. In order to identify best practice Mr Murray will undertake a wide-ranging Review in consultation with business, governments, unions and other relevant interested parties. The Review will deliver a final report no later than 31 December 2017 and will include a range of recommendations to be considered by Government.

Mr Murray became a Member of Order of Australia in 2014 for his service to the building industry. Specialising in building contract disputes and security of payments legislation, Mr Murray is eminently qualified to undertake this review.

The ABCC legislation includes enhanced protections for building industry subcontractors by requiring compliance with security of payment legislation.

The Government is committed to exploring further ways in which security of payment rules can be strengthened in order to ensure the building industry is fair and productive for all participants.

TERMS OF REFERENCE: REVIEW OF SECURITY OF PAYMENT LAWS

Background

The lack of consistent security of payment across jurisdictions has been identified by various reviews and inquiries as an ongoing issue in the building and construction industry.

The Senate Economic References Committee on insolvency in the Australian construction industry heard evidence, that while well-intentioned, the often vastly different security of payment laws operating in each jurisdiction are not working as well as intended and there are barriers to access. The Committee also found that it is a fundamental right of anyone that performs work in accordance with a contract to be paid without delay for the work they have done.

The Review

The Review will:

- examine security of payment legislation of all jurisdictions to identify areas of best practice for the construction industry
- take into account any reviews and inquiries that have recently been conducted in relation to security of payment, including the December 2015 report by the Senate Economic References Committee on insolvency in the Australian construction industry and the draft legislation developed by the 2003 Cole Royal Commission into the Building and Construction Industry
- consult with business, governments, unions and interested parties and the Security of Payments Working Group
- consider how to prevent various types of contractual clauses that restrict contractors in the construction industry from obtaining payments for work that has been completed

In making recommendations, the Review should consider other models including the model that operated in the Queensland jurisdiction prior to 2014.

The Review is to provide a progress report to the Minister for Employment by 30 September 2017 with the final report, which includes recommendations, provided to the Minister no later than 31 December 2017.

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CONSTRUCTION TECH 101:

HOW TO CHOOSE THE RIGHT SOFTWARE FOR YOUR BUSINESS

■ by Mitch Harmer, CEO and Nick Wodzinski, Account Manager - [Sign on Site](#)

If you own or run a construction company, chances are you're aware of technology's potential to improve safety, streamline processes and support informed decision-making. And while you might be a long way from adopting technologies like drones, 3D modelling and mobile apps, you probably know of companies that have.

However, like many industry professionals, you may also be unsure about where to begin. How do you select software products? What outcomes can you expect? Where could technology fit in your business? In this upcoming series, we'll pull back the shroud of choosing software for your construction business.

These questions don't have one correct answer. Every company will have varying technology needs depending on their objectives, existing IT investments and business challenges. What's important – especially if you're in the early stages of your technology journey – is to identify the problems you'd like to solve, and understand the ways in which software can impact your business.

Doing your homework before you start looking at software options will guide your research in the right direction. It will also increase the likelihood of ending up with a solution that delivers lasting results.

PUT THE PROBLEM FIRST

Think back to the last time you heard about a new construction technology. Maybe it was an unmanned robot that 3D prints bridges, or a drone that conducts site inspections. (Both are real technologies used by construction companies around the world today.) When it comes to tech, we see two types of reactions:

- a) "Wow, how could I use that technology in my business? I need this now."
- b) "That technology is interesting, but it doesn't solve my biggest problem."

There's nothing wrong with being excited about innovation. But chasing shiny things because they look nice (answer A) shouldn't come at the expense of investing in technologies that will make the biggest impact (answer B).

We see this in construction all the time. Someone says, "We've got all these paper forms. We want an app to replace them. We need the app to work on iPads, and we want our guys out in the field to use it."

Then we dig deeper, and discover that paper forms aren't actually the problem. The issue might be that workers have to fill in lengthy reports to mark jobs as complete, when there may be a more efficient way to access the same information.

For this reason, we encourage companies to define the core problem they need to solve well before they're ready to purchase. Few things sting more than implementing a new software product, only to discover it has low adoption and little impact on business performance as a result.



OPTIMISATION OVER REPLICATION

When you've spent years navigating the same processes, it's difficult to imagine doing things differently. Even if you have a clear idea of the challenges you'd like to solve, you can't always identify how technology can help.

The problem is that if you stick with what you know, you risk replicating your current procedures with minimal changes, just in a digital format. One example that we see often (as you might expect in our line of work), is a business moving its sign on register online, while keeping all other processes the same.

In this scenario, a worker arrives on site, parks the ute, walks into the site office and types his or her name into the register instead of writing it by hand. At lunch, they report back to the site office to sign off. While this approach is more advanced than an end-to-end paper process, signing on is only slightly more efficient. The business benefits become limited.

The smarter way to harness technology is to view it as a tool of optimising existing processes and potentially introducing improved ones. For example, instead of replicating paper sign on processes online, a company might consider the bigger picture. They might think about how they can make sign on processes more convenient, and introduce an app so workers can sign on with their smartphones.

Once workers are comfortable using their phones to sign on, the company might then identify new problems to solve. They might look to streamline other site management processes like evacuation by delivering evacuation messages directly to workers' smartphones, and giving site managers mobile access to a list of everyone on site at any time. They ask, "Okay, how can we achieve the same outcome in a better way, rather than repeating the process in a different way?"

There is no one-size-fits-all approach for choosing construction software. There are, however, ways to make the process easier. Define your key problems, adopt an optimisation mindset, and you'll be better prepared to start your technology journey on the right foot.

Stay tuned to learn about how to choose and compare the apples and oranges of software out there.



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CORPORATE SOCIAL RESPONSIBILITY

Corporate Social Responsibility (CSR) is about an organisation taking responsibility for the impacts of its decisions and activities on all aspects of society, the community and the environment.

CSR is more than just donating money or printing double-sided to save trees, it's about contributing to the health and welfare of society, operating transparently and ethically. More importantly, this way of operating should be embedded in the business, rather than an afterthought.

The construction industry has proven to be leaders in community support and we think it is important to highlight some of these good deeds.

The Master Builders ACT is one of the ACT and region's peak business organisations and it has established a real presence in the community by virtue of its community engagement, the essence of which is their approach to CSR. The Master Builders ACT is a leader in its industry and is seriously engaging marketplaces and society.

Hands Across Canberra is a community foundation which seeks to change the way Canberrans think and act with respect to local philanthropy. Master Builders ACT has been a generous collaborator since Hands Across Canberra was formed in 2009.

Peter Gordon, CEO of Hands Across Canberra recently commented that 'Master Builders ACT is a leader in the community, offering influence and guidance to business, governments and the community on matters which are relevant to the local community and economy. It has generated very substantial funds which have been donated to community organisations and it intends to grow its efforts in collaboration with Hands Across Canberra. The benefits of the recent Deakin Charity House Project saw the single largest donation into the Canberra community sector ever.'

Peter Gordon went on to say 'Hands Across Canberra cannot achieve its ambitions without the express and active support of the Canberra business community, and the MBA will continue to be a leader in this endeavour.'

Zoe Routh is passionate about team facilitation and leadership development. She is also passionate about Community Contribution

Zoe says 'we start a business for many reasons: being our own boss, building wealth for ourselves and our family, following a passion. Running a successful business satisfies all these things.

Business is the engine room of the economy: we provide jobs, we deliver products and services in demand, and we pay taxes to support our community.'



Charity House Project: Through the generous contributions of Master Builders ACT members, over \$2 million was raised for local charities.




The International Organisation for Standardisation's Guidance Standard on Social Responsibility, ISO 26000, published in 2010 says:

Social responsibility is the responsibility of an organisation for the impacts of its decisions and activities on society and the environment, through transparent and ethical behaviour that:

- a) Contributes to sustainable development, including the health and the welfare of society
- b) Takes into account the expectations of stakeholders
- c) Is in compliance with applicable law and consistent with international norms of behaviour, and
- d) Is integrated throughout the organisation and practiced in its relationships.

WHY DO MORE?

Contribution creates energy.

It feels good to give! It's a biological response: when we perform a generous act, we get a rush of oxytocin, a feel good hormone. When we witness others doing a generous deed, we also get a shot of oxytocin. Staff who see their leaders acting generously experience the oxytocin hit, as well as a sense of pride in being part of an organisation that does good. Generosity drives loyalty.

Contribution enhances community.

Our business can be partners in making the community a better place. When business partners with the community sector, the whole community benefits through increased well-being, greater inclusion, and civic pride. Proud locals support locals.

Contribution builds business.

Social researcher Adam Grant reveals that those who give the most are the most successful, with one caveat. The most successful givers are the ones who are ambitious not just for those they help, but also for themselves. Having a strong social agenda is good for business. When we do good in business, we do well. And when we do well, we can do more good. Philanthropy and good corporate citizenship creates a virtuous circle for all parties.

Zoe is showcasing a great social agenda in the local Canberra business community with the one-day leadership development Un-Conference, the **Edge of Leadership**, 28 March 2017. All proceeds to local charities Menslink and Outward Bound Australia.

More information can be found at www.edgeofleadership.com.au



Top: Hunter Cocks from Asset Construction Hire is the platinum sponsor of the MBA ACT annual charity golf day. Pictured here handing over a cheque for \$10,000 to Diabetes NSW and ACT.

Above: Ross Barrett OAM, Chairman of the Land Development Agency with Renaissance Homes' Andrew Kerec who received the 'Build the Community' Award for his outstanding contribution to the Deakin Charity House Project.

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- Bank Australia

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AFFORDABLE HOUSING

One way we help our customers to be better off is by lending to affordable housing. In the ACT, Bank Australia provides home loans under the ACT Land Rent Scheme allowing borrowers to rent land instead of buying it.

CONSERVATION RESERVE

We recognise that the housing construction we finance causes changes in natural habitat. With our projects such as Conservation Reserve, a private nature reserve where we regenerate the land through on-going planting of native trees, we offset the loss of habitat by protecting an amount of land equal to the size of each building lot we finance.

By banking with Bank Australia, every customer becomes a part owner of this 954-hectare reserve as we invest in this program on behalf of our customers.

It contributes to the environmental protection in the region, by providing habitat for endangered species such as the iconic South-eastern Red-tailed Black Cockatoo, the Fiery Jewel Butterfly and the Growling Grass Frog.

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MORASCHI ROOFING

In 2016 Moraschi Roofing completed the roofing and wall cladding on the Leukaemia Foundation residence at Garran with Project Co-ordination. We also donated \$7,500 to the charity.

There are 6 units, a playground a BBQ area. There are communal areas and a kitchen which is used to teach patients how to take care of themselves when they go home.

The residence is for families from out of town to stay while receiving treatment.

Also in 2016 Moraschi Roofing completed works at cost for the Deakin Charity Houses project. Working with Renaissance Homes we completed two houses that were sold at auction resulting in over \$2m profit being donated to local charities.

In 2015 Moraschi Roofing completed a roof at cost for the St Edmunds scholarship fund on a house to be auctioned off with the proceeds going back to the scholarship fund. DJ Homes completed the build. The scholarship offers financial support to boys who would otherwise be unable to attend St Edmunds College due to financial difficulties.

For several years we have been involved in the MBA Group Training "Kids Assist Program". In association with Master Builders ACT and PBS group training Year 10 students.

Moraschi Roofing has sponsored numerous local sporting clubs:

- Queanbeyan United Blues - Seniors and Masters (rugby league)
- Queanbeyan Kangaroos (rugby league)
- Kaleen Fishing Club
- Queanbeyan Sunrise Netball Club
- ACT Tennis - Juniors
- Cooma Cats - AFL



Main photo: In 2016 Moraschi Roofing completed works at cost for the Deakin Charity Houses project; Above: Roofing and wall cladding on the Leukaemia Foundation residence at Garran

MORASCHI ROOFING. COMMITTED TO CORPORATE SOCIAL RESPONSIBILITY.



Deakin Charity House project



Leukaemia Foundation residence at Garran



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WINNER - Specialist Works Project under \$300,000 Roof Cost at the 2016 Metal Roofing and Cladding Industry Awards run by MRCAA for the John James Village in Garran for the Leukaemia Residence (pictured above).

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CHC PROVIDING AFFORDABLE HOUSING FOR CANBERRANS

With their foundation in Canberra, CHC's focus is on expanding the provision of housing opportunities for our diverse and growing community.

The company has a clear vision on how they will continue to deliver on their mission to make affordable housing attainable. CHC CEO, Kim Sinclair explains that while homes for sale are one way the company delivers to the Canberra market, the key driver for this not-for-profit developer is delivering housing options for moderate income Canberrans who require access to affordable and appropriate rental accommodation.

"Canberra faces significant challenges and social issues affecting the provision of affordable housing, and those at most risk are young people, single parents, older people and single workers. With these specific areas a focus, our development profits go back into retaining stock and creating new rental housing options," said Ms Sinclair.

"We do this because that is where the gap is and what is needed in Canberra."

Last financial year, the company provided affordable rental accommodation for 1,084 individuals, including people with a disability, refugees and asylum seekers; all eligible low and moderate income earners.

"Everything CHC does has purpose and each project we develop has purpose. We believe that everyone deserves to know the feeling of home and we take a strategic socially responsible approach to ensuring that we are delivering what is actually needed within our community."

With the company approaching their 20-year anniversary, Kim is taking the opportunity to reflect on the achievements to date but also driving the company full steam ahead to deliver on an exciting development pipeline over the next 60 months, with projects underway in Downer, Moncrieff, Throsby, Macgregor, Richardson and Kambah.

"The focus for 2017 and the years that follow is where we can add the most value. At the moment, that is quality homes for rent and sale, growing the delivery of disability and specialist housing programs and the roll-out of independent seniors living product at our upcoming site in Downer."

CHC's pending release in Moncrieff is a reflection of the demand for programs that focus on relieving the barriers of entry to home ownership. The company will offer the site to the market under the Land Rent Scheme and is going a step further to assist first-time buyers by retaining ownership of the land, and all associated costs, until settlement.

"Land rent creates an opportunity to enter the housing market but the reality of committing an upfront deposit, sourcing a builder, making contributions to land rent payment and sustaining current rental accommodation while the property is under construction, renders the scheme unachievable, and too daunting, for many eligible buyers," Kim said.

"The response to our approach has been overwhelming and current interest in the development would allow us to sell the project three times over so there is demand for us to be considering sites that allow CHC to offer similar opportunities."

Despite the interest for homes for purchase at the Moncrieff site, CHC will retain a portion of the properties for the company's rental portfolio.

"I feel very privileged to be CEO of an organisation that plays such an important role in the Canberra development community. Our new partnership with the MBA will allow us to play an important role in shaping the Canberra community and be more active in the industry," Kim concluded.

Other examples of CHC developments include City Edge in O'Connor, Symphony Park units and terraces, located on Flemington Road in Harrison, a mix of rental properties and courtyard homes on compact blocks in Lawson; accessible, purpose built homes including 'Disability House' in McKellar and 'Apprentice House' in Lyons; and the masterplan for the redevelopment of the Downer Primary School site, which has been designed with input from the Downer Community Association and aspires to reinvigorate the local community. Downer is a diverse precinct and will be home to townhouses, apartments and independent seniors living.

For further information about the work of CHC, visit chcaustralia.com.au.



Building opportunities

The foundation is set and our vision is clear, we're leading the way in making quality and affordable homes for the community.

chcaustralia.com.au



Homes for
the community



Photo courtesy of the Land Development Agency.

NEW URBAN RENEWAL AUTHORITY TO BRING ECONOMIC OPPORTUNITY TO THE ACT

■ Michael Hopkins, Deputy Executive Director

When Chief Minister Barr announced during the 2016 ACT election campaign that the Land Development Agency (LDA) would be split into two – one focusing on suburban development and a new authority to focus on urban renewal principally along the Northbourne corridor – he presented an opportunity, which if positively supported by government, community and industry, could provide an unprecedented economic boost to the ACT.

Earlier this year I accompanied the Minister for Planning Mick Gentleman, together with ACT community and business leaders, on an urban renewal delegation to the USA and Canada. One of the key learnings from this tour was that the biggest benefit from investment

Next, the new authority requires a strong and fearless leader. This task is simple, we just need to clone the late Trevor Reddcliffe, the former Chairman of Queensland's Urban Renewal Task Force. Appointed in 1991 to control the urban renewal of Brisbane's inner city waterfront, Reddcliffe was legendary in his ability to convince politicians, government departments, community members and developers alike of his vision. His hands-on determination to see high quality building design and delivery was crucial to the success of the redevelopment of many riverside precincts in Brisbane.

Whether the new authority has development approval powers will likely test the ACT Government. Whether powers rest with the

“The best urban renewal authority in the world will fail to deliver a vision that is not communicated, understood, tested and agreed by all stakeholders.”

in transport infrastructure (such as light rail) is the economic returns to the local community. Now that Canberra's light rail is under construction, the Territory needs to maximise the potential economic returns from government's investment. A new authority focused on urban renewal could provide the key to unlock this potential.

The idea of an Urban Renewal Authority is not new. Across Australia there are numerous examples where agencies, in various forms, have successfully transformed precincts in South East Queensland, Sydney, East Perth, Subiaco and South Australia. These agencies have already demonstrated that an urban renewal authority can achieve amazing outcomes. Lessons have already been learnt, and solutions already identified.

Maybe the most important factor to be considered is the degree of political involvement. Broad political support is a must, but too much political oversight will bog the authority down with unnecessary bureaucracy. The Chief Minister, Planning Minister and other key Ministers need to find the appropriate balance between giving political support, without political interference.

But political support is not enough. The vision for the City and Northbourne corridor must be clearly understood by all – senior Ministers, MLA's from all parties, community members, builders, developers, investors and other stakeholders. The best urban renewal authority in the world will fail to deliver a vision that is not communicated, understood, tested and agreed by all stakeholders.

new authority or remain with the existing planning department, the critical factor will be issuing development approvals in a timely fashion, resolving disputes quickly, and providing maximum certainty for investors along the corridor. Provided development proposals fit with the Gateway and Northbourne vision, third party appeal rights should be removed, or severely diminished. After all, the ACT community had its say on the development of light rail and the Northbourne corridor at the ballot box on 15 October.

Assuming the ACT's urban renewal authority succeeds (like I do), its geographical influence should not be limited to the city and Northbourne corridor. It would be wise to allow the authority to deal with other urban renewal precincts across Canberra including the Yarralumla Brickworks, Manuka oval and the remainder of the Kingston Foreshore.

It will remain to be seen how the current members of the ACT Legislative Assembly wrestle with the key decisions that will determine the final form of the ACT's urban renewal authority. I for one, remain optimistic that the new authority is the key to unlocking the economic potential of the ACT's light rail stage 1.

Michael Hopkins is the Deputy Executive Director of Master Builders ACT.



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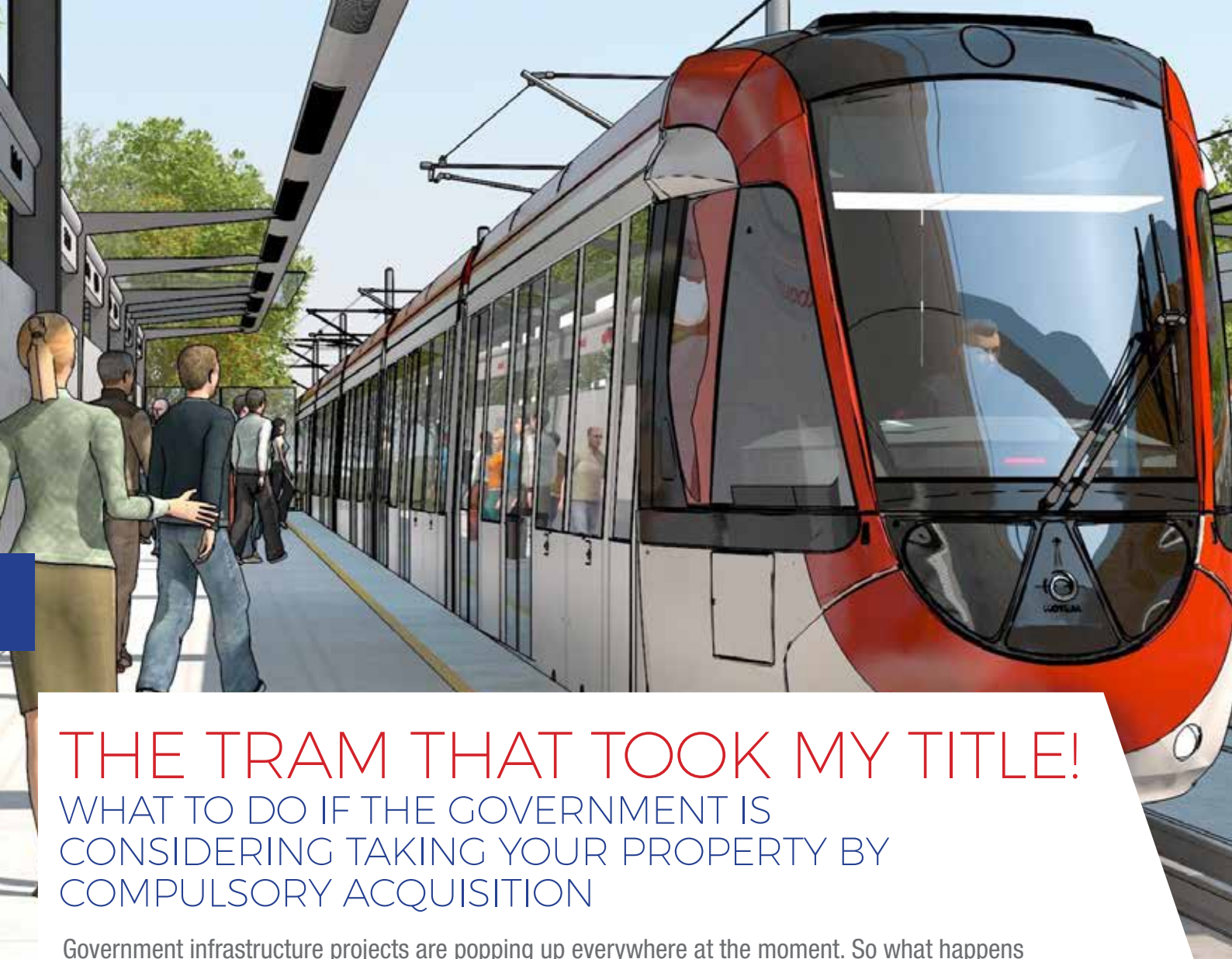
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WHAT TO DO IF THE GOVERNMENT IS CONSIDERING TAKING YOUR PROPERTY BY COMPULSORY ACQUISITION

Government infrastructure projects are popping up everywhere at the moment. So what happens when one of those projects affects your land?

In short, not much can be done to prevent the government taking your land (called compulsory acquisition) but there's a lot you can do to make sure you don't get short-changed.

All Australian governments have the power to acquire any privately owned land, or an interest in privately owned land (such as an easement) for government use or projects. In the ACT, that power is provided by the *Lands Acquisition Act 1994* ("the Act"). The Act sets out the process the ACT Government must follow to acquire your land, the compensation you're able to recover for your land and the steps you need to take to claim your compensation.

How does the Government take your land?

If the Government has earmarked your land for a government project, it can acquire your land by either:

1. Coming to an agreement with you about what bit of your land (whole or part) it will take and the amount of compensation it will pay (ie acquisition by agreement); or
2. Taking your land by force, with the amount of compensation to be determined after your land has been acquired (ie compulsory acquisition).

If your land is compulsorily acquired, you'll be compelled by law to vacate your land regardless of whether you're willing to part with it.

While you'll be dispossessed of your land, you'll be entitled to compensation for your loss.

What's the process?

You'll be notified

If the Government is considering acquiring your land, it's required to give you written notice of its intention to do so by way of a Pre-Acquisition Declaration. The Pre-Acquisition Declaration will set out the details of the land the Government is considering acquiring and the purpose for acquiring the land.

You can try negotiating

Once you receive a Pre-Acquisition Declaration, you can start negotiating with the relevant Government authority facilitating the acquisition of your land to reach an agreement about the terms of the acquisition and the amount of compensations payable to you.

If negotiations fail, they'll take it anyway

If an agreement can't be reached between you and the relevant Government authority, the Government must make a Compulsory



Acquisition Declaration that your land is to be compulsorily acquired. Once the Compulsory Acquisition Declaration is notified in the Legislative Assembly and published in a newspaper, the Government will own your land free from any other encumbrances such as a mortgage.

Why bother negotiating?

The advantage of negotiating an agreement with the Government is you'll have certainty about the amount of compensation without having to go through a claim process along with quick payment. The disadvantage is you may not be compensated for all you're entitled to.

How are you compensated?

You, and every other person who has an interest in your land (eg tenants or holders of a license over your land) are entitled to an amount of money that will justly compensate for the Government's acquisition of your land. Put another way, the Government's acquisition of your land must be on "just terms".

The amount of compensation payable to you can be negotiated with the Government, as discussed above. However, if you believe the offers being put to you by the Government don't accurately reflect your loss, you can make like Darryl Kerrigan and "tell him he's dreaming".

The Government will then compulsorily acquire your property and you'll be required to put together your own claim for compensation. This will involve determining the amount of compensation you believe you're entitled to receive and obtaining evidence (including experts' reports) to support that view.

The Act sets out what matters are taken into account when assessing your claim for compensation. They include the market value of your property, any special value that you derived from your property, any loss that you suffer as a result of the acquisition and any reasonable expenses you incur.

Sound costly?

You're right, it does, but we can help.

Depending on what was acquired, there may be considerable cost and time involved in briefing the relevant experts to obtain the evidence required to properly support your claim. The Act says you'll receive compensation for any legal or other professional costs reasonably incurred by you in relation to the acquisition of your land.

In the matters that we've been involved in, we've been able to negotiate with the Government for an advance payment of compensation to cover our clients' legal fees and professional costs so their cash flow isn't greatly impacted by the acquisition process.

What you should do?

Don't panic; get advice about your legal rights. The process involved in compulsory acquisition of land can be complex. For this reason, it's important the process is properly managed from the outset by or for you to ensure you get compensation for the loss of your land as quickly as possible, and for the full amount you're entitled to receive.

Meyer Vandenberg is working on claims for landowners whose land has been acquired by the ACT Government for a range of projects, including the light rail project. If you think your land may also be in the firing line tram line, or affected by another Government project, please call us to talk about how we can get you the most money possible to help you move on once your land is gone.

Who to call?

Bernice Ellis

Partner (02) 6279 4385

Bernice.Ellis@MVLawyers.com.au

Justine Harper

Lawyer (02) 6279 4400

Justine.Harper@MVLawyers.com.au



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HIRING ELEVATED WORK PLATFORMS

With greater understanding in risk management, more organisations are hiring EWP equipment; however, hiring the wrong EWP can introduce new risks.



It is important to consider all the factors that will affect the use of the EWP, such as the type of job being undertaken at height, the loads to be raised including workers and equipment, and working environment.

Make sure EWP operators are trained and have the correct licence (if required).

EWP operators must be competent in operating the hire equipment. MBA Group Training regularly conducts "Elevating work platform operator's Card - operate Elevated Work Platform up to 11m" training to fulfil this requirement. Boom lifts, with a boom length over 11m, operators require a High Risk Work Licence – Class WP. Again, MBA Group Training regularly conducts "Licence to operate a boom-type elevating work platform (boom length 11 metres or more)" training to fulfil this requirement.

Does the type of job being undertaken require the EWP to lift vertically or to reach at an angle, perhaps to gain access over an obstacle?

With the ability to vertically raise the platform up to 18m, and carry tools and materials, scissor lift are used on construction sites in a variety of indoor and outdoor tasks, including applying cladding, installing lighting, painting, etc.

Boom lifts and knuckle boom lifts have the ability to manoeuvre workers over and around obstacles. Booms lifts have restricted working load limits (WLL). Remember, boom lifts, with a boom length over 11m, operators require a High Risk Work Licence – Class WP.

Vertical mast lifts are suitable where space and access are issues. They are capable of raising a single worker up to 11m vertically.

Will the job be indoors or outdoors (or both)?

Vertical mast lifts are for indoor use only, while scissor lifts and boom lifts can be used indoors and outside. The manufactures' wind restriction must be taken into account outdoors.

Will the job be on smooth, flat surfaces or uneven ground?

Electric scissor lifts have small wheels so can only operate safely on flat surfaces, while rough terrain scissor lifts and boom lifts feature are suited to rough ground and slopes.

It is also important to be aware of any access issues between the designated machine drop-off point and the work environment.

What is the weight of workers, tools and equipment being used?

The weight placed in an EWP is critical, because overloading can lead to destabilisation. All machines supplied must have the WLL indicating the maximum load, so hirers can calculate the weight of the workers, and any tools and/or equipment to make sure the total weight is below the WLL.



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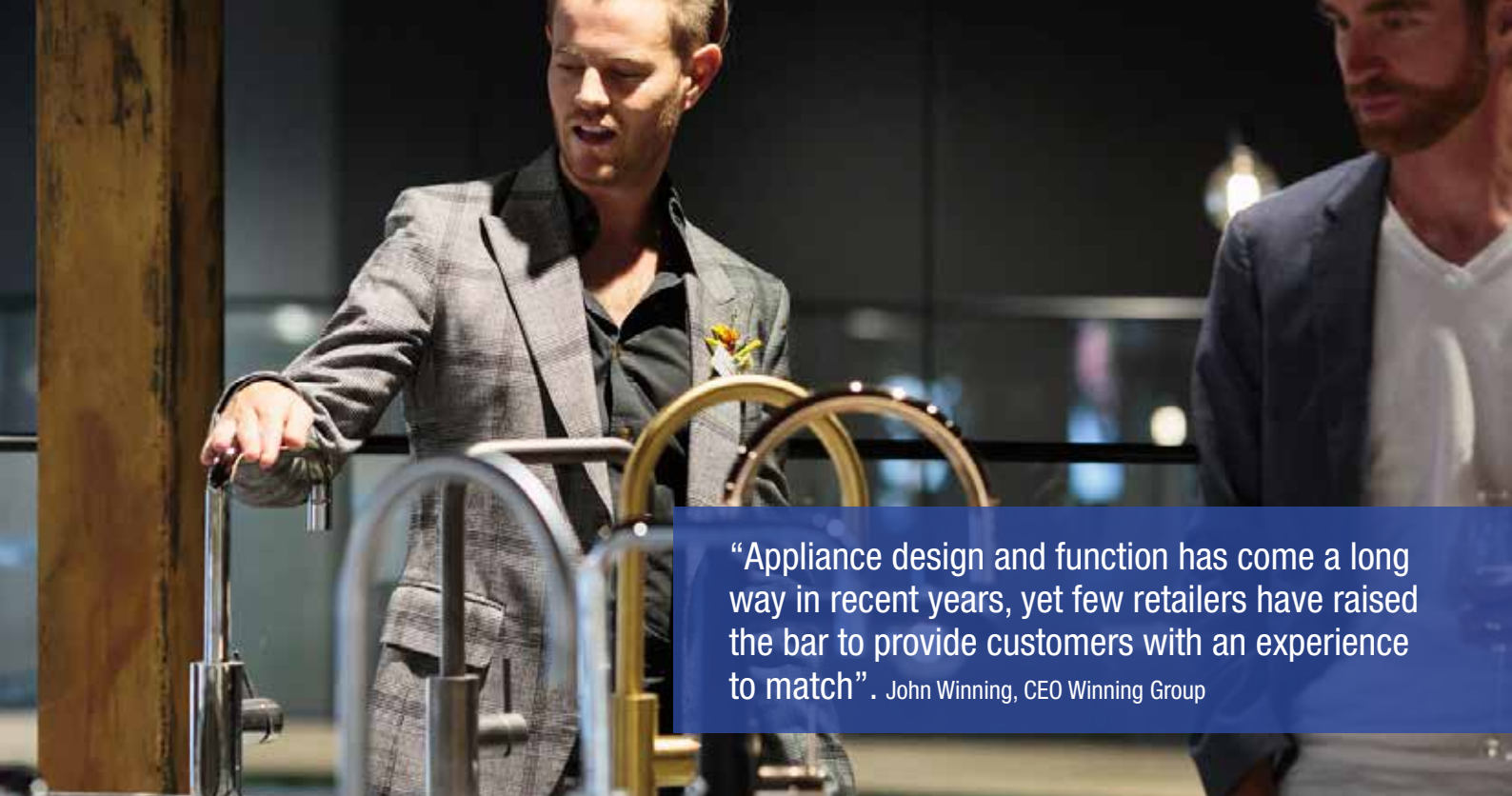
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“Appliance design and function has come a long way in recent years, yet few retailers have raised the bar to provide customers with an experience to match”. John Winning, CEO Winning Group

WINNING APPLIANCES’ KINGSTON SHOWROOM OPENS

The Kingston showroom is Winning Appliances 13th showroom and its first in the ACT. Spanning more than 2600 sqm across two levels, the Kingston showroom is among the largest laundry and kitchen appliances showrooms in the Southern Hemisphere.



On the evening of Thursday 9 February, 300 of the ACT’s most influential people gathered in Kingston for the official launch of Winning Appliances’ Kingston showroom. Guests included French Ambassador, His Excellency Christophe Lecourtier, Ambassador of the Republic of Slovenia Her Excellency Mrs Helena Drnovšek Zorko and Italian Embassy representative Carlo Cosentino along with several high profile locals.

The event included a ribbon cutting ceremony, speeches from John Winning, CEO of Winning Group, and David Woollcott,

CEO of Winning Appliances, and a Welcome to Country by Auntie Agnes Shea OAM, Senior Ngunnawal.

Oliveri’s Steve Booton won the prize for \$10,000 worth of appliances and generously nominated to donate this to The Leukaemia Foundation, a donation that Winning Appliances will be matching in full.

The Kingston showroom is Winning Appliances 13th showroom and its first in the ACT. Spanning more than 2600 sqm across two levels,

the Kingston showroom is among the largest laundry and kitchen appliances showrooms in the Southern Hemisphere.

Like all Winning Appliances flagship showrooms, the Kingston store provides the ultimate platform for Australians to see, touch and interact with the latest and greatest appliances.

John Winning, CEO of the Winning Group said the new store builds on Winning Appliances’ successful multi-sensory retail concept, which was first unveiled in Sydney in 2013.

“We’re thrilled to not only bring Canberra a truly unique shopping experience, but also access to a broader range of the world’s best appliance brands. Appliance design and function has come a long way in recent years, yet few retailers have raised the bar to provide customers with an experience to match.

“With a distinct focus on engaging customers with cooking classes, live product demonstrations and exceptional customer service, our unique approach to appliance retailing aims to heighten customers’ senses by showcasing the latest appliance innovations in an interactive, lifestyle setting that connects with Australians’ shared love for their homes. Like our other Flagship Showrooms, Winning Appliances’ Kingston store provides the ultimate platform for Australian

Showroom opening: Main photo: John Winning, CEO of the Winning Group at the Kingston showroom opening night; Inset: The showroom’s entry in Kingston.

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THE FOUR D'S OF WEATHERPROOFING

At the core of our work, as builders...we build buildings. This may sound obvious but it's important to remind ourselves that construction is the most important part of our work. It's the work that our clients remember, judge and recommend us to others on.

The primary function of our building work is to provide shelter from the elements – rain, wind, sun and sometimes snow. So, weatherproofing our buildings is critical; because we all know that water will ruin a perfectly good building.

This is where the four D's of weatherproofing come into play.

1. Deflection 2. Drainage 3. Drying 4. Durability

The 4 D's concept originated in modern building as a response to Canada's 'leaky condo syndrome', an ongoing construction, financial, and legal crisis that typically occurs in multi-unit condominium (apartment) buildings that have been damaged by rainwater infiltration.

The concept also found traction closer to home in New Zealand where ingress of water was making houses structurally unsound due to damage to the timber frame. It also created unhealthy living conditions due to mould and spores developing in the damp timber.

In both cases, the main problem was water ingress due to failure of the external skin of the building (walls and roofs) doing its job (deflecting weather).

At Master Builders, we are going to use the four D's as our mantra for 2017 to help us avoid the issues like leaky homes and apartments.

1. Deflection

Deflecting and shedding water away from the building.

Do not let water pond! Keep it moving and give it somewhere to go, use fall, overlaps and overhangs to deflect water; and remember wind-blown rain can change how exposed joints and openings are to water ingress.

Guide water away from the footprint of the building, into gutters or onto the ground (remembering that as part of a Deem-To Satisfy (DTS) solution there should be fall away from the building for at least a metre. (NCC. 3.1.2.3 Surface water drainage).

Deflection can be achieved in several ways, including by providing:

- Overhangs and shelters - eaves, porches or verandas
- Drip edges - horizontal projections
- Overlaps of both vertical and horizontal junctions.

2. Drainage

Providing paths for water to travel. These paths start at the top and move water away from the structure as quickly as possible, keep them direct and have good fall – keep it simple. Always provide a way for water to overflow to the exterior; this will allow for a 'worst case' event.

It all starts with the roof, ideally you want a steep pitch that finish past the footprint of the building. As you decrease the pitch, or provide drains over the habitable areas of the building there needs to be extra focus on the drainage system, its performance and this will cost time and money to get right.

Sarking will create secondary protection to the structure and help any water lodged behind the roof or wall cladding to drain. It is important to remember to give the water a path back outside the building, fast, before it can damage wall components and structure.

3. Drying

Allowing any residual moisture to evaporate through ventilation.

A clean cavity is the first step to helping the drying process. Keep cavities free from mortar dags and other materials (like sarking and insulation) that may inhibit air movement and the remove remaining moisture by ventilation or diffusion (vapour migration).

Managing vapour migration - it is important that migration of water vapour is not hindered. Water vapour needs to be able to move through the wall system to the outside to dissipate, without damaging materials. Speak with your local supplier to figure out what kind of sarking will work best in your environment and where in your wall system it should be located.

Remember: A fast drying cavity decreases the risk of fungal growth and decay.

4. Durability

The use of materials with the sufficient level of durability for the environment within which they operate. This includes roofing, cladding, drainage, flashing, sarking, damp-proof course, fixing, sealing, framing and packing materials.

AS 4200.1 Pliable building membranes and underlays (materials) is focused on the requirements for materials and can be used for sarking membranes, thermal insulation or vapour barriers in buildings.

AS/NZS 2904:1995 - Damp-proof courses and flashings outlines requirements for materials used for Damp-proof courses (DPC) and flashings. Nominating whether a material is appropriate for use as a DPC or a flashing, that is either concealed or exposed, and the minimum thicknesses for those materials.

For more information contact:

Max Rafferty, National Technical Services Manager
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The Fidelity Fund issues Fidelity Certificates which provide consumer protection for owners of new homes and those making significant changes to homes. The Certificates protect the owner during construction and for up to six years from the date of practical completion.

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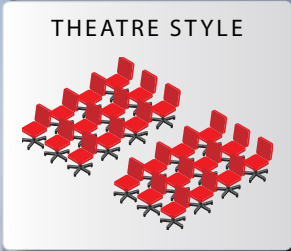


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NATIONAL UPDATE

A SNAPSHOT OF INDUSTRY NEWS
FROM AROUND THE COUNTRY

A MESSAGE FROM NATIONAL CEO WILHELM HARNISCH

The year of the rooster is shaping up to be an interesting year, where we will be living in interesting times. In early February the Prime Minister and Leader of the Opposition put forward their visions and policy priorities for the coming year in speeches to the National Press Club. It's clear that while there is some common ground, the significant differences in their competing domestic policy agendas mean the contest of political ideas will be intense, particularly as they begin building to the next Federal Election.

The game-changing impact of the Trump Presidency and two state elections on the domestic political front will also add to the interesting times we live in.

The outlook for our industry overall is looking positive, noting of course the significant differences in conditions across the states and territories.

The direction of interest rates and the significant change in the global geopolitical environment will significantly shape how we fare as an industry.

Master Builders Australia, in representing member's interests, will put forward policies that will provide greater stability and certainty in these uncertain times.

Top of the list is making sure that economic conditions remain positive. Master Builders in its Pre-Budget submission will urge the Government and the Parliament to accelerate the Budget repair process. Businesses like yours need confidence and a stronger economy to remain viable and profitable.

Overall, acknowledging some significant differences between states and territories, our industry is set to be one of the better performing sectors in the economy. Master Builders will urge the government to build on this in the reshaping of the Federal Budget and setting an economic course for stronger growth.

New housing activity should enjoy strong building conditions, certainly in the first half of this year, given the strong pipeline of work that came about from near record housing loans and building approvals last year.

The return of the ABCC should signal the beginning of a more stable industrial relations environment for the commercial building sector, allowing it to play a stronger role in boosting the economy.

Master Builders has been lobbying for changes to improve the building code that will make it harder for the unions to bully contractors. The Government has announced that it will move two amendments to the ABCC legislation that will reduce the implementation time for complying from two years to nine months.

Master Builders will lobby the Cross-Bench Senators to pass the Government's proposed tax cuts for small business and for other essential reforms to keep your business strong and viable. As you will see in this update there are many other opportunities and challenges for our industry and Master Builders is well placed in working with the Government and the Cross-Bench Senators in representing your interest in the year ahead.

BUILDING ACTIVITY SET TO PEAK IN 2017

Building activity, particularly for home building businesses, is set for a strong start in 2017, according to the latest national survey of builders.

"Master Builders National Survey of Building and Construction shows that the positive outlook at the national level reflects the strong pipeline of work in the housing sector, reflecting the record building approvals and housing loans approved in 2016 and over 70% of survey respondents indicating their books are full for at least the next six months," Matthew Pollock, National Manager – Housing said.

"Business conditions improved during the December quarter 2016, with positive sentiment shared across the residential building and non-residential construction sectors. Sales and profitability have edged up and employment intentions are the highest since 2014," he said.

"Business confidence is also at its highest level in over two years and reflects a growing sense of optimism in the non-residential construction sector, particularly since the return of the ABCC. But commercial builders are looking for business friendly policies from Government such as



a company tax cut and a credible structural Budget repair strategy to boost prospects in the sector," Matthew Pollock said.

"Residential builders are also looking to the Government for leadership in promoting a collaborative approach from all levels of government to take concrete action to remove the structural impediments that stand in the way building more new homes to ensure home ownership is within reach of all Australians," he said.

"The results stand in contrast to some of the gloomier outlooks currently circulating for the industry, particularly housing. While some commentators are saying the housing market is about to hit a wall, sentiment from Master Builders members shows that activity in the home building sector will be strong at least for the first six months. There are more new dwellings being built right now than ever before," Matthew Pollock said.

"2017 should usher in the peak of the current housing cycle, with activity projected to peak at \$66.7 billion. The wind down in activity, set to commence in the latter half of 2017, is likely to be a slow decline rather than a sharp fall because of low interest rates and relatively strong demand remaining," he said.

"Meanwhile, sentiment in the non-residential sector has come full circle in 2016. After reaching a low point of 46.3 in the June quarter 2016, the December quarter 2016 marks a return to positive sentiments (reaching 52.7 index points)," Matthew Pollock said.

"Business confidence is the highest in over two years, recording an index of 57.6, due to a turnaround in future expectations in the non-residential construction sector, where we are likely to see more positive growth prospects in some markets in 2017," he said.

"The positive outlook sentiment expressed in the December 2016 Survey must be supported by pro-business policies in the May Budget," Matthew Pollock said.

INFRASTRUCTURE AUSTRALIA PRIORITY LIST

Infrastructure Australia recently released its January 2017 priority list of infrastructure projects, a prioritised list of nationally significant investments (see table below). It provides decision makers with advice and guidance on specific infrastructure investments that will underpin Australia's continued prosperity.

These projects are selected based on their national significance and potential contribution to productivity in the economy. Despite recommendations from Infrastructure Australia and a \$1.2 billion commitment by the Commonwealth Government, the Labor Party in Western Australia has threatened to scrap the Perth Freight Link project if elected in March.

INFRASTRUCTURE AUSTRALIA PRIORITY LIST

Proposed Project	Cost (\$ millions)	Location	Start / End date	Status
WestConnex (including the M4 motorway upgrade – Parramatta to Lapstone)	16,800	NSW	2015 - 2023	Under construction
M80 Ring Road upgrade	300	Victoria	2016-2019	Under construction
Ipswich Motorway	400	Queensland	2016-2017	Under construction
Perth Freight Link	1,900	WA	2017-2023	Under consideration
Western Sydney Airport	5,000	NSW	FID due in 2017	Under consideration

The full list can be found at: Infrastructure Priority List, January 2017
<http://www.tmr.qld.gov.au/Projects>

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The winner will be advised by SMS on Sunday 2 April 2017 and published in The Canberra Times on Wednesday 5 April 2017. Lottery permit number ACT R 16/00106. This prize is not redeemable for cash. Prize can not be altered in any way. Proudly supplied by our major sponsor, Lexus of Canberra. Car colour white.



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