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EDITION 3 / 2019

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“It was a night filled with celebrations for the winners and finalists, as well as the industry, for the outstanding achievements and projects which have been created over the last year.”

A MESSAGE FROM PRESIDENT, GRACIE FERREIRA

## Another successful evening at the 2019 Building Excellence Awards

On Friday June 28, we celebrated the best projects, contractors and their teams within the building and construction industry at the MBA and Asset Construction Hire Building Excellence Awards, which were held at the National Convention Centre. The event, which was sold out a month prior, had over 100 people on the waiting list who unfortunately missed out on tickets to attend the night of nights in the local construction industry. From all accounts, the Building Excellence Awards remain the largest black-tie event held in the ACT.

The feedback from attendees was overwhelmingly positive, and I would like to congratulate the team that put it together, the sponsors and judges who made it all possible.

It was a night filled with celebrations for the winners and finalists, as well as the industry, for the outstanding achievements and projects which have been created over the last year. The quality of the work presented was to such high standards that it made the judging a difficult task and as such, several Judges Commendations were awarded on the night.

The Project of the Year was awarded to Cockram Construction Australia for the ACU Signadou, Campus Veritas Building and House of the Year went to Classic Constructions and TT Architecture for an outstanding home in Holt. Both of these spectacular projects showcase the talent within the construction industry in Canberra. These two projects, along with the winners in other categories are now entrants in the MBA National Awards which will be held at Uluru in November this year, where they will compete amongst the best in the country. In previous years, the ACT have done well at the National MBA Awards and have consistently made us proud of our members, I have no doubt this year will be the same.

Looking at some of the projects that are coming to completion around the ACT, I am confident that next year's awards will be even more competitive. To ensure you don't miss out on your tickets for next year, keep an eye out for the ticket sales announcements on the MBA website, social media and in your emails.

On the night of the awards I mentioned the need for a new, larger Convention Centre. Canberra is growing at a rapid pace, we have some of the best Universities in the country, international flights are directly flying to Canberra and we are attracting a growing number of tourists and visitors to our city. However, we are missing out on the potential of the "conference dollars" due to the lack of modern and large event facilities. It has been mentioned in the media that the newly created agency, Major Projects Canberra, will be tasked with its delivery. We hope it is high on their priority list and look forward to working with the agency to ensure we get the best outcomes for the community.

To add to the great success and achievements of our members this year, on August 22 the inaugural MBA Business Leadership awards were held in Melbourne where three ACT companies took home awards. A big congratulations go to Complex Civil, New Level Landscapes and Guideline ACT.

As you browse through this edition of Canberra Builder, take a look at some of the incredible winners at the Building Excellence Awards, who continue to create outstanding projects across the city.

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“Master Builders Australia has also been successful in receiving funding to encourage more women into the building industry by supporting the three-year Women Building Australia program.”

A MESSAGE FROM CHIEF EXECUTIVE OFFICER, MICHAEL HOPKINS

## An overview of this edition of Canberra Builder

In this edition of Canberra Builder we look at a number of recent Government announcements and provide the MBA ACT's Building Quality Inquiry Opening Statement.

So far this year, the ACT Government has been implementing an ambitious agenda covering everything from building reforms, the introduction of new procurement rules, amendments to WHS laws, and the creation of a new agency to deliver major infrastructure projects.

The head of Major Projects Canberra, Duncan Edgehill, introduces the new agency in this edition of Canberra Builder and explains the range of projects that will be planned and delivered by the new agency. Important for local contractor members is the ACT Government's announcement to release a 10 year infrastructure plan for the ACT. The MBA has called for a long-term infrastructure plan for many years. The ACT Infrastructure Plan will show the future pipeline of work opportunities for contractors, it will give local businesses confidence to invest in their business, train new staff, and gear up for future opportunities. Once the initial Infrastructure Plan is released, the MBA is hopeful future versions will have a longer

horizon, incorporate infrastructure being planned by local utility providers, and even show cross-border infrastructure.

Since the re-election of the Morrison Federal Government, announcements about National reforms have also been rapid. The MBA supports the Government's promise to move forward with the Worker Benefit Bill and Ensuring Integrity Bill.

Master Builders Australia has also been successful in receiving funding to encourage more women into the building industry by supporting the three-year Women Building Australia program. We will shortly be seeking both mentors and mentees to participate in this program.

Federal and ACT building regulatory reforms combined in July with a landmark agreement by State and Territory Building Ministers to implement the 24 recommendations of the Building Confidence Report. This agreement will hopefully provide a national framework for all building regulators to progress reforms in a nationally coordinated manner. The MBA will also continue to work with the ACT Government and allied industry bodies to review the ACT specific reforms currently underway. The most controversial of these include a new Documentation Guideline and Code of Practice for Building Surveyors which will place additional pressure on certain parts of the building supply chain, in particular developers and building certifiers.

Finally, I would like to congratulate all the finalists and winners of the MBA Building Excellence Awards. The winners of our local awards will now progress to the MBA Australia awards, which will be announced in November at Uluru. The national awards night is a great opportunity to visit Uluru. Tickets are now available to purchase, for more information turn to page 26.

**The MBA supports the Government's promise to move forward with the Worker Benefit Bill and Ensuring Integrity Bill.**

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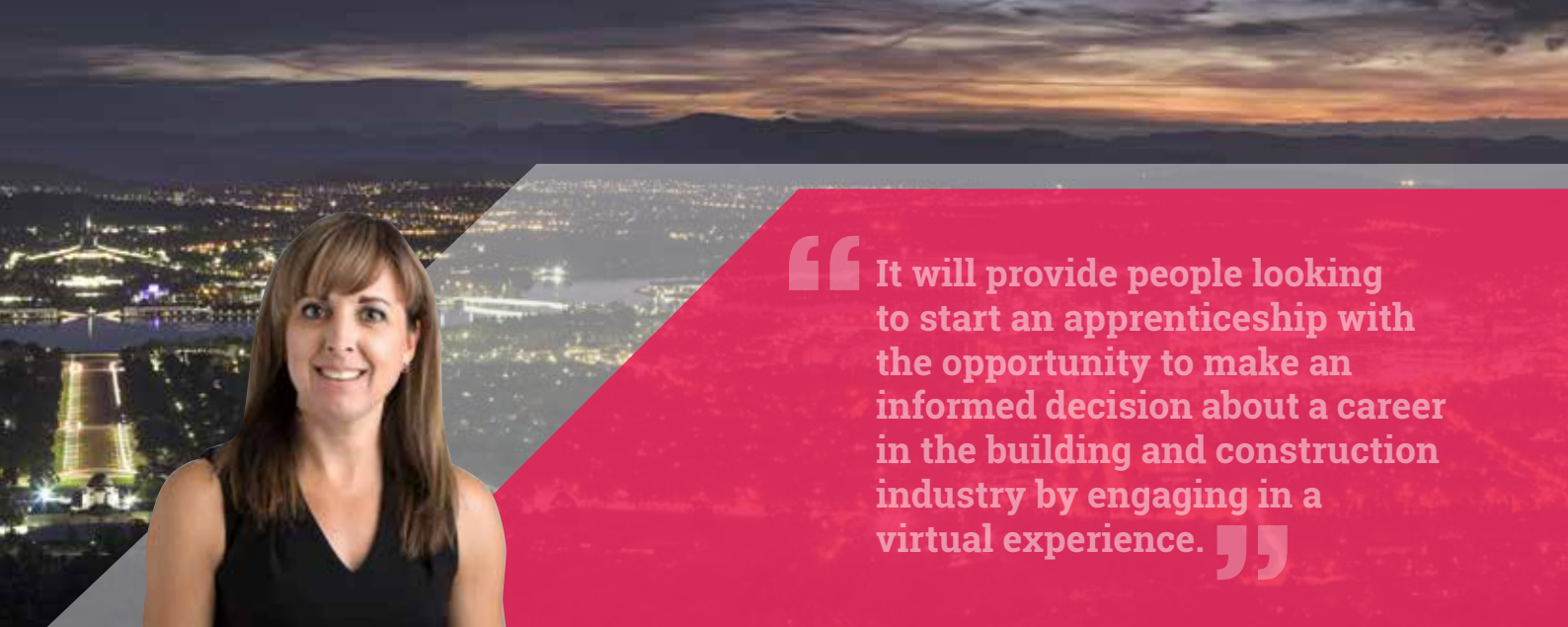
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“It will provide people looking to start an apprenticeship with the opportunity to make an informed decision about a career in the building and construction industry by engaging in a virtual experience.”

A MESSAGE FROM THE COMMERCIAL DIRECTOR, LIZ NAIR

## An Immersive Experience using Virtual Reality

In a previous Canberra Builder publication, I communicated how different industry sectors are preparing for the future workforce. This has been led by digital influences who are using technology to enhance work performance and problem-solving skills.

At Master Builders, we recognise the importance of supporting the building and construction industry through education and awareness in new technology

To that end, Master Builders has been successful in securing funding to create an immersive experience for apprentices using Virtual Reality (VR). The VR project will provide several virtual reality experiences on a building and construction worksite. This will allow for apprentices and course attendees to immerse themselves in the experience as if they were actually there. The VR custom built program will be interactive, with the ability to engage with the environment and walk through the experience.

The project will be facilitated in partnership with customised software created by Millpost Technologies. The project will have a key focus on safety, whereby people in the experience will be required to identify risks and hazards, experience working at heights and work in a safe manner through awareness of risks and work requirements.

The VR solution will have multiple functions. Firstly, it will provide people looking to start an apprenticeship with the opportunity to make an informed decision about a career in

the building and construction industry by engaging in a virtual experience. Recruitment will commence by offering school students the opportunity to engage with this tool at career markets, the MBA Open Day and information sessions held onsite. Secondly, the scenarios will be aligned to work health and safety elements in the units of competency in carpentry, allowing the Australian Apprentice to visualise the projected work on site.

MBA sees the value of traditional training in the real world. Using VR to create an impact, supplementing training with a view to improve completion outcomes for apprentices is of great importance.

The overall objectives of the project are to:

- > Improve the recruitment rate of apprentices
- > Educate individuals about the opportunities available in the building and construction industry
- > Increase apprentice completion data
- > Enhance the ability and effectiveness of trainers to educate apprentices using immersive technology
- > Increase the awareness of safety on a construction worksite
- > Influence parents/guardians on the opportunities and experiences a trade provides
- > Support the skills shortage in the building and construction industry

Updates on this exciting project will be communicated in future Canberra Builder publications and member updates.

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“Being a member of the MBA provides you and your business with access to resources that could otherwise cost a fortune.”

A MESSAGE FROM MEMBER SERVICES DIRECTOR, ASHLEE BERRY

## Do you know the full range of services that the MBA has to offer?

With the Canberra winter almost behind us (who would have thought there would be snow at an AFL game!), it is a great time to remind our valued members of the services that are currently available to you, and what is in store for the next 12 months.

### WHAT'S COMING UP?

Development of an electronic document system is well underway, and an electronic version of the ACT Home Building Contract will finally be available before the end of the year. Other contracts, including the ACT Minor Works Contract will follow shortly after.

Over the next six months, our member workshops will be increased, to ensure that all members have multiple ways they can engage with the MBA team. The member workshops will focus on important issues like the National Construction Code 2019, continue to educate on the Secure Local Jobs Code and WHS Amendments that were introduced at the beginning of 2019, and provide updates on right of entry, security of payment and industrial relations.

### BUSINESS AS USUAL

Being a member of the MBA provides you and your business with access to resources that could otherwise cost a fortune. However, you only get value from your membership if you remember to use the services that are offered! The key services that are at your fingertips are:

- > **Industrial Relations Advice:** the MBA can advise on employment queries including contract drafting, disputes, award questions, the Enterprise Agreement process (including bargaining and lodging applications with the Fair Work Commission), as well as other matters before the Fair Work Commission.

- > **Technical Advice:** the MBA has a qualified technical expert who can provide you with guidance on the requirements of the National Construction Code, assist with planning or technical queries, and guide you through contract stages, tolerances and defects.
- > **Health & Safety Advice:** the MBA can provide assistance to you in interpreting and complying with your health and safety requirements in the ACT, including your obligations as a PCBU, completing SWMS and assisting with template safety documents.
- > **Training:** all members receive discounts on training that is undertaken with MBA Group Training. Arrangements can be made for specific or group courses, as well as additional courses for wet weather days.

Members are encouraged to reach out to the MBA team for assistance.

### SECTOR COUNCILS

Each member of the MBA is a member of a sector council – you are either a residential builder, commercial builder, civil contractor, supplier or subcontractor, or professional member. Each of our sector councils meet regularly to discuss industry issues and often receive a presentation from a relevant guest speaker. It is pivotal that as many members attend these meetings so that feedback can be provided directly to our team. Visit the MBA ACT website to find out when sector councils are being held for the rest of 2019.

If you have any questions about the services the MBA offers, please reach out to me.

## MASTER BUILDERS ACT CEO SLEEPOUT

On Thursday June 20 Master Builders ACT CEO Michael Hopkins, Commercial Director Liz Nair, Legal and Compliance Director Ashlee Berry, President Graciete Ferreira, and Board Members John Nikolic, Nick Zardo and Bryan Leeming spent the night sleeping in the Canberra Airport Hanger.

They were given a cardboard box, a beanie and a scarf as they braced the cold Canberra winter night which reached a low of - 4°C. Unfortunatley for far too many Australians this is the harsh reality that they face every single day.

Thank you to everyone who donated to this wonderful cause, as a result of such generosity the Master Builders ACT team beat their fundraising goal and raised \$15,466. The funds raised by Master Builders ACT have assisted in providing 49 individual support programs, 128 beds and 515 meals for people who are experiencing homelessness across Australia.

**MBA ACT  
Raised  
\$15,466**



L-R: LIZ NAIR, ASHLEE BERRY, GRACIE FERREIRA, NICK ZARDO, MICHAEL HOPKINS



L-R: LIZ NAIR, MICHAEL HOPKINS, ASHLEE BERRY, NICK ZARDO, GRACIE FERREIRA, BRYAN LEEMING, JOHN NIKOLIC



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- Drainage (Cert II)
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- Fire Protection
- Glass & Glazing
- Horticulture Turf
- Plant Mechanical
- Plastering – solid
- Plastering – Wall & Ceiling Lining
- Roof Plumbing
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- Wall and Floor tiling

## Financial Benefits for Employers

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.

The ACT Building and Construction Industry Training Fund Authority is providing funding for employers who employ a 1<sup>st</sup> year apprentice in the listed trades during 2019.\*

- 1st Year Apprentice in approved ACT Contract of Training
- Excludes existing workers
- ASBA payments at 50% rate
- **\$6,000** max per apprentice payable to employer
- **\$3,000** after 3 mths
- **\$3,000** after 12 mths

\*Applicable to First year Apprentices commencing with a new employer in the Building and Construction sector from 1st January–31st December 2019 under an ACT Contract of Training.

Additional funding may also be available for Indigenous Australians, women in a non-traditional vocation and a person with a disability.

## Improve your skills and professional development with the following courses\*\*:

- Wet Area Waterproofing
- Confined Space Training
- Traffic Control Management
- ACT Construction Induction Card
- Senior First Aid (Level 2)
- Computer Software
- ACT Work Safety Representative
- Work Safety at Heights
- Cert IV Project Management
- Testing and Tagging of electrical equipment
- Open Cable Registration
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\*\*These courses are examples of courses for which the Training Fund Authority may reimburse a percentage of the training cost (conditions apply).

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## HOW AN APPRENTICESHIP LED TO THE JOURNEY OF A LIFETIME

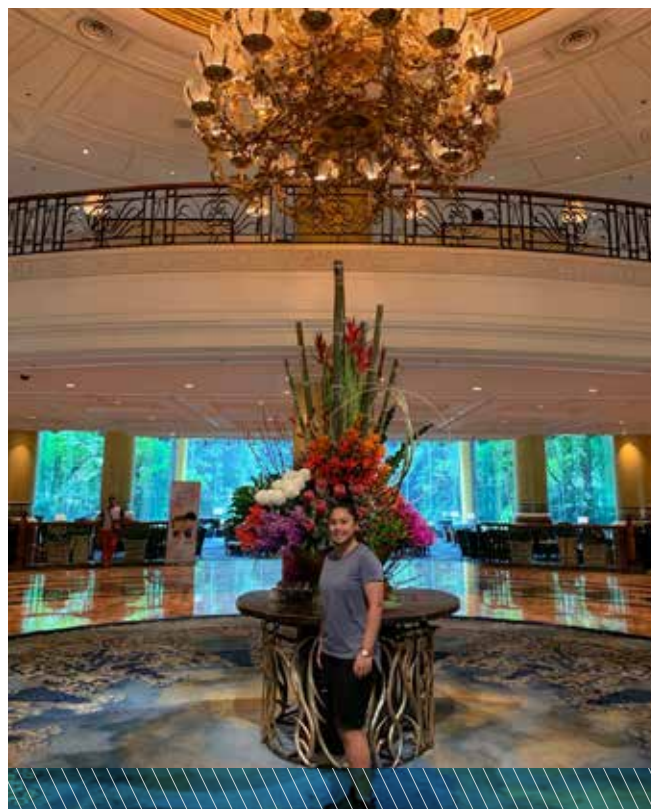
After completing a Degree in Architecture, Anita Hac decided to pursue an apprenticeship in carpentry. She knew it would expand her practical abilities and would provide her with a new skillset to combine with her previous knowledge. In 2018 she began her apprenticeship with Master Builders ACT after completing the Women in Trades Program. Since then, she has enjoyed learning and developing her skills with her host employer, Canberra Commercial Contractors.

Recently, an unexpected opportunity arose for Anita when she was selected to be part of a team that were working on a large scale project in the Philippines. Instantly she knew this was an opportunity she couldn't pass up, "I was called in for a meeting by a leading hand from my host employer and that's when he had told me I was selected for the job. I couldn't believe it, I was speechless. He told me I was chosen for the role because of my initiative, having the right attitude and being a hard worker. The opportunity to head overseas and be able to do what I love for a whole month has been phenomenal," Anita said.

Anita's time in the Philippines was nothing but spectacular, "The experience was incredible. I had the opportunity to work with people from all sorts of different trades. Everyone around me was supportive throughout my journey here and have taught me a variety of different skills, which I know I will use now and well into the future," she said.



L-R: MATTHEW DALE FROM AUDIT EXPRESS, ANITA HAC AND KEVIN EKENDAHLE FROM AUDIT EXPRESS



ANITA IN THE FOYER OF HER HOTEL IN THE PHILIPPINES

**The experience was incredible. I had the opportunity to work with people from all sorts of different trades.**

Anita also faced a few challenges along the way, "At times I felt home sick, and, at the start of my work experience, it was difficult trying to get into a routine because the work hours are so different to back at home and involve long night shifts. The challenges I have come across at work during my time in the Philippines has only made me more motivated to work harder and succeed," she said.

While working in the construction industry, Anita has found many great mentors including her host employer Chris, "He has supported and mentored me every step of the way since my first day at work of my apprenticeship. I am truly grateful for his support, mentorship and giving me the opportunity to work overseas," Anita said.

While working in the Philippines, Anita also had the opportunity to explore the country, "The local people in the Philippines are wonderful and friendly, there's an abundance of food, shopping and plenty of traffic too. My journey in the Philippines has been incredible and I cannot wait to see what the future has in store for me," she said.



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# CIVIL CONSTRUCTION FEDERATION UPDATE

**From ACT CCF President Nick Zardo  
Civil Contractors Council Chair**



NICK ZARDO, PRESIDENT, CIVIL CONTRACTORS FEDERATION ACT  
& MBA CIVIL CONTRACTORS COUNCIL CHAIR

The highlight of the year to date as President of the ACT CCF was attending the SPARK, Women in Civil Construction Program Graduation. It was excellent to see nine women who had no prior experience or knowledge of the Civil Construction Industry complete the program and become full-time employees of local Civil Contractors. The program is set to run next year and the CCF board will be providing information on how members can benefit from this outstanding initiative.

## SOME NEWS FROM THE NATIONAL CCF OFFICE

### **CCF National is urging the Australian Parliament to pass the "Ensure Integrity Bill".**

The Bill amends the Fair Work (Registered Organisations) Act 2009, the overall effect of these changes to the Act will strengthen the grounds for the Fair Work Commission and the Federal Court to deal effectively with 'recalcitrant' unions and their officials who blatantly and repeatedly show financial misconduct, disregard for the law, abuse their rights of entry, and act in contempt of court. CCF National welcomes the passage of this Bill forthwith.

### **CCF National Earth Awards**

The CCF National Earth Awards are the most prestigious awards celebrating excellence in Civil Construction across Australia for more than 25 years. This year's Awards will be held at the luxurious Hotel Realm in Canberra on 22nd November 2019.

Locally, the CCF board has made some progress around the security and completion amounts debate with the Territory having made a commitment to negotiating with contractors on allowing completion amounts to be released in line with milestones and early use of infrastructure. They have also committed to moving landscaping consolidation to a post completion activity. As commitments, rather than firm policy, it remains a little grey, however this needs to be considered as a step forward.

Should you have any issues in negotiating these items please get in touch with a board member or the MBA for support, we must maintain a united front in our advocacy.

Recently, there appears to be a few more tenders to price than there has been lately and some of the major project's contractors have been waiting for, have finally kicked off. The future workload looks optimistic, with the Territory likely to increase activity into next year, pushing to get the second stage of the light rail underway together with planned upgrades of the Barton, Monaro and Kings Highways. The CCF continue to push for a pipeline of work to help our members with their businesses.

The MBA Civil Contractor Sector and CCF ACT support Stage 2 of the Light Rail, which includes involvement of Local Contractors. The board looks forward to engaging with stakeholders in ensuring a good outcome for all, taking into account the experience from Stage 1.

Lately, I've been talking to some of our smaller members who are reporting issues dealing with Government, some of which simply do not aspire to prequalification due to the challenges of dealing with the Territory. These smaller members are an important part of the local Civil Construction Industry. It is my intention to take these issues to the territory.

I encourage you all to attend our members meetings, the dates are listed on the MBA website. Most of the meetings are around a week before scheduled Roundtable discussions, this has been done so the board can take your fresh issues up with the Territory.

Looking forward to catching up with you all soon and in particular at our Annual General Meeting at 10am on the 18th of September 2019.



# Women in Civil Construction



PARTICIPANTS OF THE WOMEN IN CIVIL CONSTRUCTION PROGRAM

## Paving the way for a Bright Future in the Industry

On July 5th, nine women graduated from the Ginninderry Spark and Master Builders Women in Civil Construction Program. The graduates went on to gain employment with their program hosts. Meet some of the ladies who participated in the program.

### // DEIDRIE HALL

#### How did you find out about the program?

While I was at my Job Network Agency checking emails, I noticed a flyer about an information session which had the details of the Women in Civil Construction Program. I took the flyer with me and contacted Emma from Ginninderry's SPARK program. I attended the information session and watched inspiring women speak very enthusiastically about the program. All of the speakers on the day were so encouraging, informative, excited and supportive of the whole concept of Women in Civil Construction. I felt in that moment, that I was definitely meant to see that flyer.

#### You completed the program with Guideline ACT – what did this involve?

The first site that I attended was John Gorton Drive – Coppins Crossing. I learnt so much during my time there and the team were always more than happy to answer any questions I had. One aspect of the site involved the reinforcing of the Bulk Supply Water Main 900mm pipe with concrete slabs to keep the pipe stable under the road. I got to learn a lot about concrete including the different mixes and strengths required for different areas of a site. I observed concrete testing, which ensures the concrete is going to be strong enough for what

it's needed for. I was involved in fence removal, trench digging, relocating an aggregated vehicle passageway as well as filling sandbags with gravel for the storm water drains.

### // KAYLEE JOHNSON

#### What made you want to apply for the program?

A big motivator for me when applying for the program was the inspiration that I took from my dad who drives machines himself. The program seemed like a great opportunity for me to be able to trial a role within the civil construction industry.

#### What did you enjoy most about the program?

Something that I really enjoyed about the program was meeting women who are in the same situation. Initially we were all a bit nervous coming into a new industry that we had limited knowledge on, but by the end of the program we were all so much closer.

### // KERRY GIRVAN

#### What did you get to experience during the program?

I had a lot of really wonderful experiences on site including getting to meet some really knowledgeable and interesting people within the industry. In terms of practical experiences, some of the things I got to do included using a jack hammer, cementing, water proofing and laser levelling.

#### What do you hope to achieve with Base Contractors now that you are employed with them?

It would be amazing to be able to advance to be able to use other machines as I get more experience. Anything within this industry would be great though, it's a truly amazing one to be a part of and I enjoy it so much.



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## Ensuring Integrity Bill

The ACT is not immune to the bullying and intimidatory tactics that are employed by some union officials, and recent court judgments highlight this.

Recently, the Australian Federal House of Representatives debated, and passed, the *Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019* (**Ensuring Integrity Bill**).

The Ensuring Integrity Bill implements recommendations from the Trade Union Royal Commission and gives more power and greater flexibility to the Federal Courts to deregister lawbreaking unions and take action against certain parts of unions and their officials.

The Trade Union Royal Commission was held throughout 2014 and 2015 and ultimately uncovered systematic illegal practices by the CFMMEU, including alleged instances here in the ACT that have resulted in charges being laid against the now Branch Secretary, Jason O'Mara.

Since the beginning of 2017, penalties of over \$8 million have been imposed on building unions. There are countless cases that demonstrate this history of illegal and unlawful behaviour. Unfortunately, building unions wear this almost as a badge of honour, and are reticent to show remorse or apologise for their actions. There is no sign that building unions intend to change their behaviour; in fact, courts have found that some building unions see large fines as nothing more than the "cost of doing business"<sup>1</sup>.

The ACT is not immune to the bullying and intimidatory tactics that are employed by some union officials, and recent court judgments highlight this.

The Federal Circuit Court found that the ACT CFMMEU Construction and General Branch engaged in a targeted campaign against a building company by shutting down multiple sites during concrete pours with no valid reason. The campaign cost the builder millions of dollars, with the courts finding that one official admitted that there were no valid safety concerns, when he said 'Ever since we started coming here these Village guys [the Builder] have had bad attitude and it needs to be fixed, and they'll get plenty of trouble when they start that Harrison site across the road as well.'<sup>2</sup>

Safety should never be used as a tool to try and achieve industrial relations outcomes. Safety on all construction sites is of the upmost priority and must be taken seriously by employers and workers alike.

Master Builders ACT supports the role of employee associations and unions who do the right thing, but agrees that those who do not, must be held accountable and not allowed to simply pay their way out each and every time they break the law. Master Builders ACT is calling on all Senators to support the Ensuring Integrity Bill, and ensure that all registered organisations (which includes both building unions, other employee associations and employer associations, including Master Builders ACT) will be held to account.

<sup>1</sup> Tracy J, *ABCC v CFMEU (The Footscray Station Case)* [2017] FCA 1555 (21 December 2017).

<sup>2</sup> *Australian Building and Construction Commissioner v Dean Hall & Ors* [2018] FCCA 3532.

## Introducing Master Builders ACT WHS Manager, Alana Morris

### What is your role at Master Builders ACT?

As the WHS Manager with MBA, I have the opportunity to promote and educate staff, members, apprentices and host employers on safety related matters, changes to WHS legislation and policy and provide targeted training and workshop opportunities to help businesses meet their WHS obligations. My goal is to promote and champion safety, utilizing simple solutions, providing education and enhancing communication.

### What was your role prior to joining the MBA?

Over the past fifteen years, I have worked up from my first role as a Site Administrator, through to dedicated National and International Safety roles with Trades, Builders and the Defence Industry.

I have also worked with small training businesses in Canberra to develop and deliver safety related accredited and non-accredited training.

### Why is safety so important to you?

Growing up on a farm, putting up steel post fences on a 40-degree day, driving tractors, roustabouting and falling out the back of Dad's ute on more than one occasion, was where it all started for me. I watched people around me work hard, and often, get hurt. It was acceptable at that time, to go to work and come home hurt. There had to be a better way. In safety, I first learned the consequences, before learning the controls and processes and I think this really shaped the way I see safety, not as a box ticking exercise, but as a conduit between policy and people to get the best outcome. I think achieving positive safety cultures and outcomes is more successful when it's taken personally and from our own experiences, rather than just a compliance requirement.

### What do you hope to achieve in your role at the MBA?

Education and communication are so important to a positive safety culture, practices and results. Raising the profile and visibility of safety for our stakeholders and providing WHS guidance is when I can feel accomplished and know that in some way there is a contribution to people going home safely. I also want to show our members, host employers and employees that safety does not need to be complicated, paper-heavy and burdensome.



I want to show our members,  
host employers and employees  
that safety does not need to  
be complicated, paper-heavy  
and burdensome.

### What can employees and employers in the construction industry do to ensure they promote and maintain a strong safety culture within the workplace?

I've seen dozens of sound Safety Management Systems throughout my career, but without leadership, commitment and education, it is just paper. There are hundreds of different safety initiatives out there but it's not one size fits all. Finding, or creating, the right safety initiatives and systems, specific to your business needs is a good place to start, then stick to it. Show your employees/ employers you are committed by being supportive, engaging and caring. Lead by example.

### What services can you offer MBA Members?

Staying on top of Safety Alerts, current safety news and events, changes to legislation, obligations and responsibilities, can be difficult and time consuming for some of our members. Through Q&A, phone calls, emails, Newsletters and the Member Updates I will provide current and meaningful updates to our members. With years of experience in developing and certifying Integrated Management Systems, I can also provide guidance, templates and advice on compliance, policy, procedures and system certification and accreditation processes.





## BE A SAFETY CHAMPION

### for National Safe Work Month this October

MBA ACT is excited to take part in National Safe Work Month this October (coinciding with Mental Health Awareness Month).

This year's theme established by Safe Work Australia is "Be a Safety Champion".

MBA ACT will be hosting a series of events, fundraisers and workshops in line with the campaign, with guest speakers, trainers and subject matter experts, bringing you the information that matters. We look forward to engaging our Members, Apprentices, Host Employers, Stakeholders, Women Working in Construction members and Staff in the month's plans.

Topics will include:

- > Mental Health Awareness
- > Wellness and well-being
- > Safety back to basics
- > Safe Work Method Statements (SWMS)
- > Silica and Airborne Contaminant Awareness.

Stay tuned for more information in our Member Updates and at [www.mba.org.au](http://www.mba.org.au).

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# Peace of mind.

The Master Builders Fidelity Fund was established in 2002 to **protect the interests of both home owners and builders in the ACT.**

For Builders, the Master Builders Fidelity Fund provides financial certainty as money held by the Fund remains in the ACT. It is securely invested and used for the betterment of the ACT builders and home owners and is therefore not subjected to the fluctuations of international markets and events.

The Fidelity Fund issues Fidelity Certificates which provide protection for owners of new homes and those making significant changes to homes, in the event that the builder dies, disappears or becomes insolvent, the Certificates protect the owner during construction and for up to five years from the date of practical completion.

Master Builders members receive reduced premium rates. For more information contact the Master Builders Fidelity Fund.

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## TALKING DESIGN WITH TONY TROBE, DIRECTOR OF TT ARCHITECTURE

EXTERIOR OF THE 2019 MBA HOUSE OF THE YEAR

Tony has been designing award winning homes across the Canberra region since 1990.

### How was TT Architecture created?

**TT:** I was on an around-the-world trip after leaving England and ran out of money in Canberra. I worked for a few architectural firms here in Canberra. One day while I was at work, an electrician named Gary Hallissey came into an office I was employed at and was fixing a large uplighter. We got to chatting and he said, "I'm thinking of building a house" and then he turned to me and said, "Would you like to design it?"

That was when I thought I could go out and try this on my own. That home became my first project. Becoming self-employed and beginning TT Architecture was really an accident.

### You've designed several homes which have won MBA House of the Year Awards – what goes into designing such a home?

**TT:** A really big thing that contributes to a home's success is having a great client who is willing to trust you and push the envelope. The quality of the builder is also of great importance, you can't help being seduced by good design, however ultimately if you don't have a quality builder then the final product won't be of an award winning calibre.

### What's been your biggest achievement to date?

**TT:** Being able to survive as a business and continuing to do something I really enjoy; which is residential Architecture.

I came here from a foreign country and have made a life for myself and my family.

### Have you designed any projects outside of Canberra?

**TT:** Yes! We've designed around 20 homes on the South Coast, I really enjoy getting to work on homes there where clients are often more willing to get very creative in terms of their brief. We have also designed homes in Adelaide, Melbourne and Sydney over the years.

### Where do you get your inspiration from?

**TT:** We all swim in a soup of other people's ideas. Although there is probably no such thing as a completely original idea in any area of human endeavour I like to think we add a positive design dividend to all our projects. You listen to your client's requirements, respond to the opportunities and constraints offered by the site and hopefully come up with some chemistry that is distinctly you.

### If a client comes to you with a really solid idea and concept of what they want their home to look like, does this ever completely change after a consultation with you?

**TT:** Certainly. That's my job, while the idea may be great there are always elements of the design which can be changed and it's my role to steer people in that direction of course while factoring in budgets and timelines. The best thing a client can say to me is "It's not what I initially thought I wanted but I love it."





HILLVIEW ENTRY STAIRS AND SCULPTURE

ASH CARTER

## TAKING LANDSCAPING TO A **NEW LEVEL**

With a passion for landscaping and the desire to be the best in the business Ash Carter, Director of New Level Landscapes, is taking the local Commercial and Residential landscaping industry by storm. Most recently, Ash won Small Residential Building Business of the Year at the MBA's National Business Leadership Awards held in August and Professional of the Year at the MBA ACT Building Excellence Awards.

At the age of just 25, after working for Dimension Gardenscape for seven years, he decided it was time to start his own landscaping business and that was when New Level Landscapes was created. Three years on, Ash hasn't looked back, "I enjoyed the independence and the opportunities that opened up after I went out on my own. There have been many challenges and I'm constantly learning every day. I think that if you're not learning then you're probably not pushing yourself hard enough," he said.

In 2018 Ash and the growing team at New Level Landscapes received the exciting news that they would be working on their first high end, large project. Commissioned by DSB Landscape Architects they worked on the Farmer Residence in the Canberra suburb of Campbell which was a finalist at the 2018 MBA Building Excellence Awards. Ash and his team worked extensive hours on the project to ensure it would be finished in time to be entered into the awards, "We had all hands on deck, with other suppliers and businesses coming to help out with the project. It really showed the comradery that exists in the landscaping industry in Canberra," he said.

Upon completion of the project, business began to boom for Ash and he now works with truly prestigious building companies such as Manteena and ProStyle Building Group. Ash believes attending the MBA Building Excellence Awards opened many doors for the company, "Even just attending the awards last year gave us so many opportunities to grow as a company. We met new people and networked with some leaders within the industry. I feel our name within the industry has become a lot stronger than what it was last year."

Between creating outstanding projects for clients and ensuring his staff are always thoroughly looked after, Ash also volunteers his time and money to give back to a variety of charities. He knows first hand the value of giving back, "When I was a boy, I spent a lot of time making the trip from Young to Sydney as my two brothers needed specialist care for a hereditary condition known as X-linked Lymphoproliferative disease. When we would go to Sydney, we would stay at the Ronald McDonald House and they provided us with meals and a safe, comfortable place to stay."

Ash was determined to be able to give back to the charity one day, in any way he could. He and his team at New Level Landscapes now provide meals to the local Ronald McDonald House. In October of 2018, the team hosted a Meals from the Heart dinner at the charity house with a construction theme, "It was great to see my whole team





get involved in the evening and I enjoyed being able to show them how good it feels to be able to assist someone who really needs it. It's not hard to give back, you can make a huge difference to someone's life just by doing merely what you can for them," he said.

Several years ago, Ash received the devastating news that his mother had been diagnosed with a neurological disease. He swiftly made it his mission to assist other families going through the same heartache and raise funds for Neuroscience Research Australia (NeauRA). After attending a charity gala ball for suicide prevention in February this year, he discovered the hosts of the event were two nurses in their 20's from the Canberra Hospital. Setting his sights high, he decided he would hold his own charity gala ball in February 2020, "Neurological conditions affect two out of three people at some stage in their life, and to be able to host this Gala Ball with the help and support of the people around me is really exciting," he said.

In a short amount of time, Ash has made leaps and bounds within the local landscaping industry, so what's his advice for anyone looking to do the same?

"Just go for it, if you're thinking about starting your own business then try it and see where it can take you. Whether it's plumbing, carpentry, landscaping or something completely different, it's absolutely worth a shot."



DEAKIN FIREPIT DETAIL

If you or anyone you know would like to assist Ash in his fundraising efforts for Neuroscience Research Australia, whether it be through a donation of time or money, please contact him by email, [ash@newlevellandscapes.com](mailto:ash@newlevellandscapes.com) or call the New Level Landscapes office (02) 6293 3003

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# PROJECT SIMPEL

## Construction World's Digital Toolbox

Technology continues to shape the construction sector as developers and builders realise the ever-increasing need to drive innovation to improve efficiency and management practices.

Project Simpel, an Australian construction technology company headquartered in Canberra, identified the market need to develop an application that seamlessly brings together the diverse operational functionalities needed to take a project from concept to completion.

Designed using extensive construction and property knowledge, Simpel's functionality encompasses site access; HSE management; project communications; document management; tendering; workflows; forms and task toolkit; site scheduling with intelligent analytics and reporting into a single software platform.

Kurt Robinson, Co-Founder and CEO said "The contech sector is characterised by single function applications that lose purpose and efficiency in their inability to speak to one another, often resulting in increased risks, cost and loss of accountability."

"We saw an opportunity to create one intuitive whole of project solution whereby all participants are empowered to collaborate in a multifaceted way".

The application is structured into modules allowing companies, whether a developer, contractor or design team, to select what functionality is needed at the relevant stage of the project. A key to Simpel is its ease of use, whereby all tasks can be completed on any device type with three keystrokes, an element designed to quickly identify, prioritise and manage tasks.

Within seventeen months of launching, Simpel has amassed 150 projects worth over \$3.2bn on its application, including many leading companies such as FDC, Construction Control, Richard Crookes, Geocon, Ganellen and Chase.

Simpel recently received an MBA award for the "WHS – Targeted Risk Management System" category relating to its site access and safety modules which are implemented on some of Australia's largest construction projects. The application improves safety culture and the workplace risk profile becomes defined by clear communication, agility of reaction, and unity in operations.

Simpel is focused on continual innovation and ensuring its software is flexible to meet the real and changing market needs of its clients. Having established and refined the application in the Canberra construction market, Simpel is now rapidly expanding into the other states and will soon be looking towards international markets.



### For Further Information Call:

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## RIVOLAND TILES

### CELEBRATING 25 YEARS OF MEMBERSHIP WITH THE MBA



In 1976 Antonio and Gabriella Guglielmin created Rivoland Tiles. Initially operating out of a small warehouse in Queanbeyan, they diversified and have since expanded to showrooms and trade centres in both Mitchell and Queanbeyan. Rivoland are now known as Canberra's largest tile stockist and pride themselves on having a diverse range of quality products. In 1982, Antonio and Gabriella's eldest child, Denis Guglielmin sought an active role within the company and has since gained extensive knowledge of the tile industry, formed long standing relationships with overseas suppliers and builders in the local region. Antonio and Gabriella's children, Denis, Ronny, Jeanette and Daniela have since taken over the family run business.

In 1994 Rivoland Tiles became even more well-known after being involved in the MBA House of the Year and since then have won MBA supplier of the year in 2005, 2009 and 2017. Rivoland Tiles are an associate sponsor of the MBA Building Excellence Awards and their support for the industry continues to shine each year.

Since Rivoland Tiles inception, they have been involved in many memorable and high profile Canberra and interstate projects including:

- > Government House and Parliament House renovations and restorations
- > MBA House of the Year 2019
- > Display Homes in Googong and Denman Prospect
- > Marquee Sydney
- > Willinga Park
- > Brindabella Business Park
- > Shaw Winery

While Rivoland Tiles have been a well-known supplier within the Canberra community for over 40 years, they understand the importance of providing outstanding service. James Hibberson, General Manager of Rivoland Tiles said, "We take pride in knowing that we provide every client with the very best service possible in order to make something that can be a very emotional investment, a great experience."

"We are always willing to go the extra mile for our clients, including going above and beyond to ensure we meet their needs, whether that's importing an exclusive tile they are looking for or a certain product that they need for the job. Of course, there are challenges when it comes to these things, but we are always willing to try to make it work," James said.

During the last 40 years, Rivoland Tiles have become involved with the local community and currently support charities including Youth Care Canberra, Rise Above Convoy, Black Dog Institute, Hear Research Institute and Variety the Children's Charity. Rivoland Tiles also worked alongside The Ricky Stuart Foundation to develop Canberra's first respite house.

Antonio and Gabriella's grandchildren are now making their mark at Rivoland Tiles as they continue to provide the local region with outstanding products. James said, "We plan to keep doing what we do best and building those excellent relationships with our clients. When people think of tiles, we want them to think of Rivoland Tiles."

Rivoland and other members are celebrating membership anniversaries at the MBA Annual Dinner on October 17. Go to the MBA website to get your tickets now.



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- Eliminates various harmful bacteria such as E.coli, MRSA, Salmonella, Listeria, Legionella and more
- Concrete penetrating technology that is suitable for with most floor systems including vinyl
- Cures, waterproofs, densifies and provides an impermeable moisture barrier
- Highly resistant to bacteria, moulds and fungi



## CREATING HYGIENIC CONCRETE FOR HEALTH SENSITIVE ENVIRONMENTS

Maintaining a sterile environment is imperative in areas such as hospitals, aged-care and childcare facilities. We focus on keeping exposed surfaces clean; however, we don't often consider what is happening below flooring coverings and within the concrete underneath. Concrete is highly porous and absorbs fluids including biological matter, urine and bacteria or viruses that are dangerous in these high-risk environments. As such there are various concrete treatments marketed towards these projects – but are they really beneficial?

### BARRIER METHOD:

Many concrete sealers that are currently marketed towards these environments create an impermeable barrier as a coating, or near the surface of the concrete slab as a penetrative technology. By preventing the ingress of contaminants into the pores of concrete, they allow for easier cleaning and disinfecting. However, while these products do prevent migration into the concrete slab, they do not often offer true antimicrobial protection allowing bacteria, viruses and other contaminants to thrive between the slab surface and flooring systems above.

### NANO-SILVER METHOD:

Silver has been used for decades for its antimicrobial properties as it can kill viruses and bacteria on contact. Scientists are currently unaware of the effects that prolonged exposure to nano-silver could have on the environment and human health. In-vitro studies have demonstrated that nano-silver is toxic to mammalian liver cells, brain cells and stem cells; and as such there are calls to regulate the use of these particles in Australia. Despite the potential risks, nano-silver is still currently used in a number of antimicrobial floor coatings.

### IONIC-SILVER METHOD:

Ionic-Silver can be incorporated into a penetrative sealer, embedding itself within the substrate. Silver-ions are released via ambient moisture. They destabilise the cell, stop respiration and inhibit cell division whilst blocking the replication of DNA thus killing the cell. With FDA approval this is by far the most safe and effective antimicrobial solution.





DUNCAN EDGHILL

## Major Projects Canberra Agency

It's with pleasure that I introduce to you Major Projects Canberra. Established on 1 July, Major Projects Canberra is the new ACT Government agency which leads the delivery of significant Territory infrastructure projects.

I'd also like to introduce myself as the initial head of the new agency. In my new role of Chief Projects Officer, I'm looking forward to working with the Master Builders Association and its members in the delivery of Canberra's infrastructure needs.

Canberra is a rapidly growing city heading towards a population of 500,000 people. To maintain the liveability and productivity of our great city, the ACT Government is making significant investments in our city's infrastructure. \$2.8 billion is committed over the next four years.

In order to effectively deliver these infrastructure investments, Major Projects Canberra houses the ACT Government's infrastructure delivery resources within a single ACT Government agency. There are two main components of the agency.

The first part of Major Projects Canberra is its 'major projects' responsibilities. The agency will deliver the Surgical Procedures, Interventional Radiology and Emergency Centre at Canberra Hospital, as well as the second stage of light rail from the City to Woden. In time, the agency will be responsible for delivering other major projects as they are announced.

The second part of Major Projects Canberra is what we now call our 'Infrastructure Delivery Partners' group. This was formerly known as the Capital Works area within 'ICFW' – that team has also transferred into Major Projects Canberra. Many MBA members work closely with that team in the delivery of essential infrastructure for Canberra, from roads to schools, parks, health infrastructure and everything in between.

Importantly, the ACT Government's Chief Engineer, Adrian Piani, is a senior leader within Major Projects Canberra.

We have a number of key priorities. Clearly, delivery of the SPIRE and light rail projects is a significant focus for us. But there are also other priorities vital to our success.

We are committed to further enhancing the relationship between ourselves, the MBA and its members. Over the coming months we've been kindly invited to attend a number of MBA events and we will approach them with an open mind.

Canberra is a rapidly growing city heading towards a population of 500,000 people.



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We're very much aware that the ACT Government and local industry are vital to each other's success. We need to maintain close and pragmatic relationships.

At the same time the ACT Government is preparing the ACT Infrastructure Plan which will outline Canberra's priorities and emerging needs. We are an important part of that process and will ultimately work with industry to deliver the ACT Government infrastructure program.

The role of the ACT Chief Engineer will continue to grow and evolve as we focus on its development. Very importantly, we wish to maintain safe worksites for our partners, colleagues and community.

I look forward to working with the MBA and its members.



## “ A UTE IS A UTE, RIGHT?”

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## What keeps you well

At OzHelp we consider that a focus on employee mental health and wellbeing is an essential component in the leadership of any workforce so I was pleased to see members of the ACT Master Builders Association attend OzHelp's National Workplace Wellness Forum last month.



OZHELP CHIEF EXECUTIVE OFFICER,  
DARREN BLACK

You may be pleasantly surprised at how quickly a return to your healthy habits will make a difference to your mental and physical health.

Our event highlighted the strong correlation between mental health and physical health and safety, and much of the forums content was around best practice as we look to the future of workplaces in Australia.

Much of the literature and indeed the training available today on mental health and suicide prevention focuses on the statistics, the signs and symptoms of depression and anxiety and the causal factors. Whilst it is important to be able to recognise risk factors for poor mental health in yourself and your colleagues, what we believe is equally important is to know what keeps you well.

As a supervisor, support worker or friend, being able to ask the question "What keeps you well?" when you know someone is struggling can be the critical question to change the frame of reference from problem to solution.

At OzHelp we encourage people to think about wellbeing through 5 important wellness domains:

- > Sleep – If you are getting enough sleep each night (7-8 hours is a good guide), then life is typically easier for most people;
- > Diet and Nutrition – 'You are what you eat'. Good healthy nutritious food provides healthy fuel for our minds and bodies;
- > Exercise and Activity – Humans are made to move, not be sedentary. What exercise do you do each day that keeps you active and that you enjoy (minimum 30 minutes' exercise is suggested each day);
- > Social Connections – Humans are social creatures. How are your relationships with the people you care about and how often do you spend with people who give you positive energy?
- > Mood – How is your mood? What influences it positively? Interestingly it is important to remember the simple things like sunshine, particularly during winter. Try to get outside during daylight hours and soak up some sunshine.

So if you find yourself struggling with the daily challenges of life – whether they be workplace related, family or personal health remember the *simple things that keep you well*. You may be pleasantly surprised at how quickly a return to your healthy habits will make a difference to your mental and physical health.

For more information about OzHelp and our workplace wellbeing programs reach out to [info@ozhelp.org.au](mailto:info@ozhelp.org.au) or connect with me directly at [ceo@ozhelp.org.au](mailto:ceo@ozhelp.org.au)



## MBA ACT BUILDING QUALITY INQUIRY OPENING STATEMENT

7 August 2019

While there are many building practitioners that perform high quality work and display integrity, this is not universal.

Where an instance of poor quality design or building is identified of course the practitioners involved have a responsibility, however the government also has a responsibility to enforce the minimum standards. The building regulatory system is complex and it relies upon everyone in the building supply chain – industry and regulators – to do their part.

Master Builders believes that improving building quality should be an urgent priority of this Government. We have made numerous submissions over at least the last 10 years with solutions to improve building quality. We have also written or spoken to Government with warnings about individual license holders. Unfortunately, very few of our suggestions have been acted on.

In the past, the ACT Government's response to implement the BCR recommendations, the ACT building reforms, and to investigate and respond to complaints, has been too slow, and has only gathered pace in very recent months.

To understand the different parts of the building regulatory system, the Committee would be well advised to refer to the Building Confidence Report commissioned by the Building Ministers Forum and prepared by researchers Shergold and Weir to understand all of the inter-related issues associated with design and building quality – there are many.

The Building Confidence Report is the most recent national review of building regulation in existence. It is a thorough and well considered report. And it has been supported by industry and governments alike.

The report addresses some issues which are not ACT Government policy including compulsory professional development training, and a broadening of the license regime to include practitioners from the architect to the site supervisor.

A site supervisor is employed by the builder to oversee all of the building work on a construction site. This role is critical to building quality. A new category of licensing, as recommended by the Building Confidence Report, to capture the role of the site supervisor would provide a real and material improvement to building quality. Importantly this role should have mandated training and experience before a license is granted.

The Building Confidence Report also highlights the importance of design. Many building defects start with poor design, or poorly documented drawings. We note that the Architects Institute has made some valid comments on this issue.

One part of the discussion that hasn't received much attention of the committee or other submissions is the role trade contractors play in building quality. We believe the role of trade contractors, and potential extension of the licensing regime for critical high-risk trades, should be considered by the Committee.

### ENFORCEMENT

If Government wants to make the greatest short-term improvement to building quality it should resource Access Canberra, the building regulator, so that existing building laws and standards are enforced, and so that there is a easy to access, fair and responsive team to respond to complaints from industry and consumers.



Guidance notes to assist in interpretations of building laws, and in response to common defect issues, would assist further.

While the attention by Government to the enforcement of minimum standards has recently improved, due to a history of poor enforcement the Territory has a legacy of poorly designed and constructed buildings which future building reforms will not address. Many submissions have identified these buildings. The Committee should consider how Government will address this legacy problem.

### STAKEHOLDER RIGHTS & OBLIGATIONS

It is also important that all stakeholders understand their rights and obligations in the building system.

Government, for example, has an obligation to set the minimum quality standard through building laws and regulations, and to ensure that this minimum standard is enforced.

Industry Associations have an opportunity to demonstrate industry best practice to their members. Associations like the MBA do that by setting membership Codes of Conduct, delivering industry training, providing advice to members, sharing information with their members about new regulation, industry issues and new innovations.

Finally, clients have an obligation to set the quality culture. By clients, I refer to Government, developers and home buyers.

Quality starts with the example set by clients. Clients set budget and quality expectations, establish program and completion dates.

Government should be a model client, and for the most part, it performs that role well.

The example set by developers and home-owners, however, is variable. In most cases our regulatory system does not allow developers or home-owners to be held to account. Security of Payment regimes, which exclude developers and consumers, are one example of that.

### CONCLUSIONS

A final word on Government engagement with industry on the current building reforms.

Since the commencement of this inquiry, a number of the ACT Government's 43 reform priorities have been completed or are underway. It is critical that these reforms be undertaken in partnership with industry and community stakeholders. Our experience has been that the quality of engagement to date has been poor. This is despite our members and MBA staff are available to volunteer their time to assist Government on the building reforms. Our suggestion is that the level of engagement with local industry should be improved, and also that future reforms align with the now agreed 24 recommendations of the Building Confidence Report, and the expertise of other States and Territory's be used to make sure that the ACT's building regulatory system is the best in Australia.

**We believe the role of trade contractors, and potential extension of the licensing regime for critical high-risk trades, should considered by the Committee.**



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**OH WHAT A FEELING**



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## Why your behaviour on the work site really matters

The phrase “let’s put the contract in the bottom drawer” is a noble sentiment. However, that may have unintended consequences. If there are problems, there may be the unintended consequences that you cannot rely on parts of your contract.

The overarching approach to contractual interpretation is to first look to the four corners of the document. The fundamental presumption being that the parties have intended what they have said leaving their words to be construed as they were written.<sup>1</sup> Contractual interpretation is an objective exercise which requires looking at what a reasonable businessperson would have understood the terms to mean.<sup>2</sup> A court will give clear express terms their plain and ordinary meaning. What the party privately thought, believed, understood or intended regarding their rights and obligations is irrelevant to what the contract means.<sup>3</sup> Further, parties who enter into written contractual arrangements will be held to their terms whether they have read them or not.<sup>4</sup>

However, no matter how rigid or how much protection your contract may provide, if by conduct you depart from what is required under the contract or simply do not have the administrative systems to implement and manage the contract terms, you may find yourself in a position where your behaviour

is viewed as a variation or waiver of the contract terms or an acquiescence. To rely on your contract terms, you must ensure that you stay in control of it. Your management, representatives and systems must comply with the contract requirements and should not depart from it. An equally essential part of contract administration is making sure the other party does what they have agreed to do. This will result in far more positive results, and allows you for purely commercial reasons to compromise or concede from a position of strength (if you wish to).

**To rely on your contract terms, you must ensure that you stay in control of it. Your management, representatives and systems must comply with the contract requirements and should not depart from it.**



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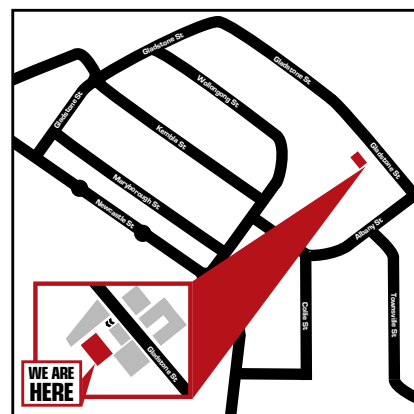
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Constructions disputes are always viewed by reference to the facts of the matter. While the intentions of the parties may be clear from the terms of the contract in place, clear words or inconsistent or non-compliant conduct can result in a conclusion that certain rights have been varied or waived. Even if your contract has a “waiver” term to circumvent this, traditionally courts have interpreted the effect of waiver terms very narrowly. Adjudicators in the security of payment context where the standard of evidence is generally lower may accept that “estoppel” or “waiver” has occurred where this uncontrolled behaviour, and displace a clause in a contract which requires for instance that variations are to be agreed in writing. As a result, any claimant is able to depart from what was originally promised and intended. In a dispute context you may be no longer able to rely on those contractual clauses. The policy behind this is ensuring fairness in the event that a pattern of behaviour develops which is contrary to the contract but which has been accepted and relied on by the parties.

Behaviour could also lead to other claims arising under legal principles such as misleading and deceptive conduct, negligence, unjust enrichment, duress, undue influence which put aside the contractual terms. Usually, you are in a stronger position if you can demonstrate consistent compliance with the terms of the contract and therefore are still protected by those clauses.

What you should do?

- > Understand your contract and its requirements;
- > Have administration systems in place to ensure compliance with the contract terms;
- > Be aware of behaviour which may be inadvertently amending your contract;
- > Address any items of non-compliance with the contract as soon as it happens;
- > Whenever a right arises for variation, claim or if you have a discretion be clear in what you are doing so avoid losing that right;
- > Write everything down.

*Trinity Law*

<sup>1</sup> Attorney General v Homeland Community Ltd [2013] NSWSC 723 (at [23]).

<sup>2</sup> Simic v New South Wales Land and Housing Corporation [2016] HCA 47 (at [78]).

<sup>3</sup> Byrnes v Kendle [2011] HCA 26 (at [98]).

<sup>4</sup> L'Estrange v F Graucob Ltd [1934] 2 KB 394



## New Builders Code of Practice coming soon

Are you aware that for the first time in the ACT a Builders Code of Practice will be introduced? The code sets out the minimum requirements for licenced builders in the ACT and is designed to support the safe and professional construction of buildings.

The draft code outlines builder's responsibilities when engaging or contracting people to carry out building work; levels of supervision; critical stages to check that work is compliant with codes and standards; a process for handling client complaints; and record keeping requirements. The Builders Code of Practice will form part of the Construction Occupations (Licensing) Act 2004, which is enforceable under the ACT Construction Occupations Registrar.

The Builders Code of Practice forms an important part of the government's comprehensive reform program to improve building quality and further safeguard the integrity of the local construction industry. For a copy of the code visit [www.act.gov.au/buildbuyrenovate](http://www.act.gov.au/buildbuyrenovate)

### NEW BUILD, BUY OR RENOVATE WEBSITE

You can view all the latest building reforms online at the ACT Government's new Build, Buy or Renovate website. The website brings together all the important information you need, in one place, to get the job done. This includes information on:

- > the legislation that construction practitioners operate under
- > your professional and legal responsibilities
- > how the construction industry is regulated
- > how to apply, renew or update your construction licence
- > prohibited developments, exemptions and government approvals
- > building contracts, warranties and insurance, and building certification
- > your obligations for construction site management
- > tips for avoiding or resolving a dispute
- > other industry resources.

The new website also provides the community with advice on the building, buying or renovating process – making important decisions easier. Go to **[www.act.gov.au/buildbuyrenovate](http://www.act.gov.au/buildbuyrenovate)**



## Women Working in Construction

### MEET ROSA MARCANTONIO

MANAGER OF GUNGAHLIN CONCRETE SERVICES AND  
WOMEN WORKING IN CONSTRUCTION MEMBER

**Q. What does your role at GCSP involve? And how long have you been in that role?**

**RM:** I have now been in this role for 16 years. I am responsible in looking after all day-to-day running of the office. I oversee things such as payroll, accounts payable and receivable, and invoicing and client interactions. I also oversee EBA negotiations, all employee interactions, BAS and general accounting. There are many other things that happen behind the scenes in the office, your job is never done.

**Q. What are some challenges you've faced as a woman in the construction industry, if any?**

**RM:** There have been many! When I first started in this industry, I did feel that as a woman, many did not see my role as important. I found on numerous occasions that I was dismissed in many dealings (meetings, negotiations etc.) that potentially affected the Business.

I do also believe that my knowledge for everything Business has grown, and with that comes more confidence to be able to have input into the way you want to see the business grow. Also having a husband who helped break these barriers was helpful.

**Q. Have you connected with other women in the construction industry? How has this assisted you in your role?**

**RM:** I have one dear friend who introduced me to this group. She is my confidant and one who I always turn to. When times are tough, or you just need someone to talk to. To have someone that understands what you are going through is a wonderful thing. I do hope that I can help other women facing the same challenges as I have experienced in the past.

**Q. What are some of the challenges you've experienced being in business with your husband?**

**RM:** Not being seen as his equal. This isn't necessarily a reflection on him, but a general perception from those around you. As explained earlier it is very difficult to keep your head up, when others see you as just "office staff" rather than



To have someone that understands what you are going through is a wonderful thing. I do hope that I can help other women facing the same challenges as I have experienced in the past.

someone in the background who is helping drive the Business, helping make decisions that benefit the Business and someone who has been there to help grow the business since the beginning.

**Q. What advice can you provide other women who are finding their own roles in a business with their partner or husband?**

**RM:** Establish your roles early on. Find your strengths and weaknesses and focus on how you can both be of benefit to the business. You will learn that you have strengths in different areas. Both of you can bring something different to the table.

You also have to learn that work is work and when the day is done that's where it stays. Separating Business from family life can be very difficult but it is necessary. There must be clear boundaries for peace and harmony.

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## **BUILDING IN CANBERRA: SIGNS OF SOFTNESS STARTING TO APPEAR**


By national standards, the ACT is punching above its weight in the building space. Latest figures indicate that the volume of construction work done across the Territory reached \$3.85 billion over the year to March 2019. This represented an increase of 7.4% compared with a year earlier – a solid rate of growth by any standard. Construction activity is comprised of three distinct components: residential building, commercial building and engineering/civil construction. The behaviour of each of these categories is quite different and for this reason it is useful to explore them in turn.

While most parts of Australia have experienced a downturn in new home building over the past two years, the ACT has gone in the opposite direction and the year to March 2019 was the strongest 12-month period on record for new home commencements. Over that period, work began on 6,715 new homes across Canberra – an increase of some 56.2% on a year earlier. The vast majority of new homes built in Canberra are in the apartment/unit space, with detached houses accounting for just 21.4% of new homes started over the past year in the ACT. The continued growth of new home building activity in the ACT reflects the particularly strong economic performance of the nation's capital – at 3.4%, the local unemployment rate is easily the lowest of any state or territory.

This is despite the fact that employment growth in the ACT has been patchy. Numbers at work actually dropped during 2018 but growth has resumed in recent months and over the year to June 2019 the ACT economy generated about 4,300 new jobs.

Across Australia, there is a very strong linkage between the health of the labour market and the strength of population growth. This is because people are attracted to those parts of the country where their labour market prospects are most favourable. In the case of the ACT, the solid state of the jobs market locally has been a big draw for migrants both from overseas and other parts of Australia. This effect contributed to population growth of 1.8% over the course of 2018, equivalent to an additional 7,600 additional residents. The housing demands of the new Canberrans means that the city is one of the few parts of Australia where house prices are still on the way up: over the year to June 2019, Canberra house prices rose by 2.4% - pretty modest of itself, but a faster pace compared with every other capital in Australia bar Hobart. The solid demand conditions created by a steadily rising population and a solid labour market have also contributed to relatively robust rental prices which rose by 3.0% over the past year compared with a much weaker national growth rate of just 0.4%.





**Across Australia, there is a very strong linkage between the health of the labour market and the strength of population growth.**



SHANE GARRETT SHANE GARRETT, MBA AUSTRALIA

Even though the recent picture for Canberra's residential building market has been positive, there are some signs that the softness affecting the national market is starting to make its presence felt locally. A few recent indicators suggest that the pipeline of residential building work is moving into reverse: approvals for new home building totalled 6,728 over the year to May 2019, a reduction of some 19.3% on a year earlier. There is also a clear softness in demand from some homebuyer segments: the value of housing investor loans in the ACT totalled \$1.31 billion over the year to May 2019, a reduction of 18.7% on a year earlier and consistent with the national trend. Over the same timeframe, the volume of First Home Buyer loans dropped by some 25.8%. There is no doubt that the fundamental ingredients of demand for home building in the ACT are solid – it's just a case of how we manage to negotiate the short-term challenges.

Along with the market for new homes, population growth is also a key driver of commercial building activity in the ACT. The recent performance here has been strong – the volume of commercial building work done totalled \$1.22 billion over the year to March 2019, an increase of 18.3% on a year earlier. The simple fact is that a growing population needs more schools, hospitals, shops, cafes and restaurants – and building activity will tend to meet this demand sooner or later, so long as planning and regulatory

conditions are reasonably accommodating. As well as the effect of population growth, the environment of very low interest rates has been supportive in getting new commercial building projects over the line. Growth in the number of people at work has also had a major effect – more jobs means more workspace which requires more office building. Job creation also puts more money in people's pockets, which drives more activity on the retail side as well as support activities like wholesale, warehousing and distribution infrastructure. The cyclical nature of building activity means that the strong upturn of recent years is likely to be followed by softer conditions for some time to come, despite the solid fundamentals. The next few years in the ACT are likely to reflect this pattern, with the volume of commercial building activity set to retreat from recent strong levels.

On the engineering side of the construction market, Phase 1 of the Canberra Light Rail project was the biggest show in town over the last couple of years and the completion of work on this earlier in 2019 means that the ACT's engineering and civil construction sector has temporarily drifted into the doldrums. Activity will kick into life again when work begins on Phase 2 of the light rail project. The expansion of work in this stream of construction activity will be welcome at a time when activity will struggle on the residential and commercial building sides.



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## Cheat your way to a better digital presence!

Every year in the digital landscape, existing technologies get smarter, artificial intelligence gets creepier, and users get savvier.

At the heart of it, the goal of digital marketing will always stay the same: get your audience's attention, keep your audience's attention and then get them to do what you want them to do (such as make an enquiry, look at your gallery or download your brochure).

However, the choices and channels available to business owners are endless, making it hard to determine where you should be spending your online marketing dollar or dedicating resources.

So, we've compiled a cheat sheet of digital features that every business should utilise to improve their digital presence (quickly and easily).

### 1. Video Marketing Helps Customers Find You

Video is now a vital tool for search engine optimisation. Having an optimised video on your website makes it 53 times more likely to achieve a first-page spot in search results (Wordstream.com 2019).

When someone is searching for information, Google also now serves video content to people in search results. This is because Google owns YouTube and wants to drive more traffic to its platform to increase their ad revenue. So, if someone searches "How do I purchase land at Ginninderry?" and you have a video about this on YouTube, Google will prioritise this content and show it to them before organic search results.

### 2. Terminator 2 was right!

The machines are taking over but trust us, they are actually going to help your business.

Choosing what image, headline and text to use in your Google and Facebook ads to convert your customers is HARD! Google and Facebook know this, so they have introduced tools to

help. They've done this because if you are not getting results from your ads, you'll stop running them and spend your budget elsewhere. Mr Zuckerberg and the Google Team don't want this.

This is where Dynamic Ads (Facebook) and Responsive Ads (Google) come in. You can input multiple ad components (images, headlines, text, call to actions, etc.) and then let the programs serve different combinations of these. Their artificial intelligence will then determine the perfect combination (i.e. image 3 with headline 1 and call to action 5 converts the most people). It takes all the guesswork out of it!

### 3. The Future is Stories

First, it was Snapchat. Then Instagram and Facebook introduced them, and YouTube even came out with them. Stories are everywhere.

What most people don't know is that stories achieve better organic reach than Facebook's first-born child, the news feed post. So, we recommend jumping on the stories bandwagon before Facebook takes the reach away like they did with organic reach in the news feed (rest in peace, news feed organic reach).

### 4. Optimise your Google My Business

When someone searches for your business on Google, they'll find your Google My Business (GMB), a nifty index of your info, location, reviews and posts. Essentially, think of it as a Facebook page on Google.

Again, Google gives priority to these pages in search results. So, if you want to jump to the head of the queue, claim your page and start optimising it by treating it like your Facebook page. Update the info, add posts and images, and write back to people who review you.

A 9 ENCY



### BEAUMONT CONCRETING



Founded by Nathan Beaumont in 2014, Beaumont Concreting has grown from one employee doing small garage slabs in the local area, to now having ten employees divided into two teams. Each with their own trucks and equipment to undertake medium to high scale developments, working on projects with some of Canberra's leading builders and developers. Specialising in waffle pod slab systems, Beaumont Concreting are now laying the foundations for residential homes, housing development's and multi storey projects.

Nathan and the management team from Beaumont are consistently trying to find new ways and processes to give clients the best possible outcome for their projects. Having great systems in their business is what sets them apart. Quality, communication with clients and staying on program are what they believe are the key components that every company from tier 1 builders to cottage crafters are looking for in their contractors. Beaumont concreting invests heavily on their workforce. They challenge their team to push their limits and capabilities which delivers quality results time and time again.

#### Contact Beaumont Concreting

Email: [nathan@beaumontconcreting.com.au](mailto:nathan@beaumontconcreting.com.au)  
Website: [www.beaumontconcreting.com.au](http://www.beaumontconcreting.com.au)  
Phone: 0420 701 167



### METONIC CIVIL

Metonic Civil is a small Civil Construction business, based in Bungendore but working predominantly in the ACT. A new business, we started trading in April 2019, and our focus to date has been site preparation services and the provision and installation of communications infrastructure. Employing 14 staff, we have experience in various other aspects of civil works as well. Recent works include pit removal and replacements at ANU, Optus comms works with Global Utility Constructions and ongoing comms works with MRB Communications. Works with LMWQCC for biosolid waste removals and concreting at Holy Cross Church show our diversity and willingness to adapt to requirements from external Contractors. We welcome new opportunities to grow and learn and would be happy to discuss any works you may need completed.

#### Contact Metonic Civil

Email: [info@metoniccivil.com.au](mailto:info@metoniccivil.com.au)  
Phone: 0417 412 252



### JSK CONCRETING AND EXCAVATION

Established in 2008, JSK Concreting and Excavation has the experience and resources to provide residential, commercial, industrial and civil concreting services, in addition to bulk and detailed excavation in the ACT. JSK's aim is simple; to exceed the expectations of their customers by supplying superior service with a continuous commitment to environmental, quality and safety management.

The team has over 35 years combined experience in the industry and work directly with their clients to ensure delivery of custom solutions and outstanding results. JSK's highly skilled and experienced management and employees are passionate about their work and are committed to providing honest, expert, personal advice that offers solutions to difficult problems and cost-effective outcomes.

#### Contact JSK Concreting and Excavation

Email: [admin@jskconcretingandexcavation.com.au](mailto:admin@jskconcretingandexcavation.com.au)  
Phone: 0488 857 539





## PAUL BARNETT DESIGN GROUP



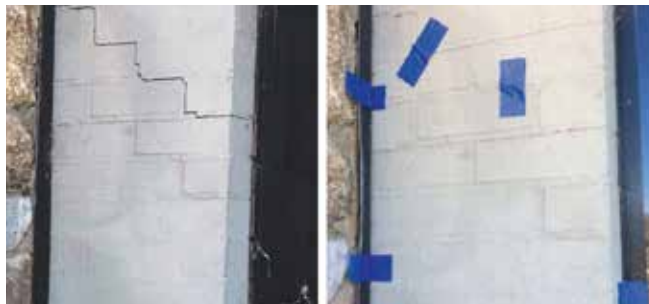
Paul Barnett Design Group (PBDG) is an award-winning, quality assured, Canberra based architecture firm. We are a multi-disciplinary firm specialising in Passiv Haus principles within buildings, and Water harvesting throughout landscapes. Delivering full architectural services from beginning to end, incorporating interior design, landscape design, contract administration and project management. We work with Artists, Artisans and tradespeople to ensure high quality craftsmanship and promote the importance of skill in the building trades and beauty in architecture. With over 25 years' experience in the industry, PBDG continues to deliver a diverse range of projects throughout Canberra and regional NSW, with a company philosophy that is strongly underpinned by sustainable design, commitment to quality management systems and intelligent design methods. The buildings we create are extremely durable, robust and create a joyful environment.

### Contact Paul Barnett Design Group

Email: [info@pbdg.com.au](mailto:info@pbdg.com.au)  
 Website: [www.pbdg.com.au](http://www.pbdg.com.au)  
 Phone: (02) 6213 5555

## mainmark

## MAINMARK



Mainmark offers innovative solutions for rectifying ground engineering and asset preservation problems in residential, industrial, commercial, civil and mining sectors. Mainmark works globally with offices in New Zealand, Japan, South East Asia and the UK. We service the whole of Australia, including the ACT, and can mobilise in purpose-built rigs to almost any site. For more than 20 years, Mainmark has built a reputation by providing cost effective and efficient solutions, great products, and excellent service. We lead the world in offering some of the most advanced and accurate solutions for structural re-levelling, including our proprietary engineered resin injection solution Teretek® - a cost-effective, non-invasive alternative to traditional underpinning. Worldwide, Mainmark has completed thousands of projects, delivering bespoke ground strengthening, liquefaction mitigation, and asset remediation solutions. Our highly skilled technicians can deliver your solution with ease, no matter the environment or challenge.

### Contact Mainmark

Website: [www.mainmark.com](http://www.mainmark.com)  
 Phone: 1800 623 312



## RITEWAY CLEANING SERVICES

RITEWAY Cleaning services is a family owned business that has been operating for over a decade. We cater for a broad range of services including Construction, Site Amenities,

Shop fit outs, Window cleaning, Hoarder clean ups, Regular office / Business clean, Mould removal, End of Lease / Carpet Steam Cleaning. We are fully compliant and all insurances are in place. For more information on what we offer visit our website or give us a call to have a chat about your cleaning needs.

### Contact RITEWAY Cleaning services

Website: [www.ritewaycleaningcanberra.com.au](http://www.ritewaycleaningcanberra.com.au)  
 Phone: 0427 044 836

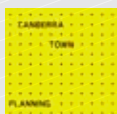
### 28th May

#### Guest Speaker:

**Mr Ben Ponton, Environment Planning and Sustainable Development Directorate**

*(L to R) – Michael Hopkins (MBA), Pieter Van der Waalt (Canberra Town Planning), Ben Ponton (EPSDD) and Frank Porreca (MBA)*

Sponsored by:



### 30th May

#### Guest Speaker:

**Mr Steve Bracks, Cbus Chairman**

*(L to R) – Tim Waterson (Cbus), Ashlee Berry (MBA), Steve Bracks (Cbus), Simon Butt (MBA) and Jim Docherty (Cbus)*



### 7th June

#### Guest Speaker:

**Mr John Barilaro, NSW Deputy Premier**

*(L to R) – Michael Hopkins (MBA), John Barilaro (NSW Deputy Premier), John Gibson (Hays) and Bryan Leeming (MBA)*

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## 24th June

### Guest Speaker:

**Mr David Nicol, ACT Under Treasurer**

*Photo (L to R) – Michael Hopkins (MBA), David Nicol (ACT Under Treasurer), Stuart Hancock (St George) and Frank Porreca (MBA)*

*Sponsored by:*



## 30th July

### Guest Speaker:

**Mr Adrian Piani, ACT Chief Engineer**

*Photo (L to R) – Michael Hopkins (MBA), Gracie Ferreira (MBA), Adrian Piani (ACT Chief Engineer) and Roger Poels (Shaw Building Group)*

*Sponsored by:*



President's Luncheons are held bi-monthly through the year. The luncheons are hosted by the President of the Master Builders, Gracie Ferreira, and include a presentation from a prominent Guest of Honour.

The Luncheons provide an intimate forum for 20 guests in a boardroom situation to discuss topical industry issues, under Chatham House Rules. They are a fantastic way to network with key clients and to keep up to date with current activities within the ACT's building and construction industry.

Sponsors of these events have the opportunity to invite 10 guests to the 20 person boardroom luncheon, have their company logo featured on all event based promotional material, the opportunity to raise issues and direct discussion. The event also features in promotions across MBA channels including social media and Canberra Builder Magazine.

If you would like further details on the sponsorship opportunities available, please contact:  
Bethany Mason, Marketing and Events Coordinator, Ph: 02 6175 5968, E: [bmason@mba.org.au](mailto:bmason@mba.org.au)

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**\$5**

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& Sprints**

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