

CONCRETE IQ

Concrete IQ is the official magazine of Master Concreters Australia

ISSUE 1, 2020



2020 MCA EXCELLENCE IN INDUSTRY AWARDS



MCA and our principal sponsor Holcim are pleased to announce the 2020 Excellence in Industry Awards will be held at the W Hotel Brisbane on Saturday 30 May, 2020.

Projects completed by MCA contractor members will vie for the various category awards and supreme award. The Awards will once again showcase the high standards and professional work of our contractor members. We look forward to joining with our members and guests at this major industry event and to acknowledge the contribution we all make to the construction industry.



**MASTER
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**MASTER
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MCA HOTLINE

Our highly experienced members can provide advice on various issues affecting concrete contractors through our MCA Hotline.

Members may contact our Hotline representatives or if it is more convenient, call the office on 1300 884 544 and they will start the ball rolling.

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CEO'S REPORT

Welcome to the first edition of the Association's magazine this decade. 2020 is a milestone to say the least for MCA as we rapidly approach our 10th Anniversary Awards. Our 10th Anniversary Awards will be followed by our 15th Anniversary (since Incorporation) occurring in 2021.

On the Association front we continue to provide support to our members across a range of services. The association and members are also working with University of Flinders staff who are evaluating the effectiveness of 'Workplace Impairment Training'. The research will evaluate awareness, knowledge and attitudes around issues that cause impairment at work. The information gathered will also capture workers drug and alcohol consumption patterns and will assist in developing future policy and procedures within the industry. The Association looks forward to reviewing the information gathered and how this can be applied to reduce workplace impairment.

Members will have seen recent reporting relating to the complexity of industrial agreements and awards. A valid argument has been put forward that the complexity is unwarranted and the Association supports the introduction of simplified agreements and awards, which do not require teams of specialists to decipher the various documents.

From an industry perspective building and construction activity levels are expected to remain constant for the remaining period of this financial year. Commercial construction has remained strong in comparison to the domestic market and both have performed considerably better than the engineering construction sector. Going forward new home starts are predicted to increase during the 21/22 FY and out until FY 23/24. Commercial construction, on the other hand, is predicted to contract by

CELEBRATING A NEW DECADE FILLED WITH ANNIVERSARIES

around 5%, year on year, over the 21/22 – 22/23 FY period before stabilising during FY 23/24. It should be noted that these are national forecasts and the activity level for each State and Territory will vary depending on economic growth and the quantity and size of projects.

As mentioned earlier we are well and truly on the countdown to this year's awards. The awards have continued to grow and we expect to see our Victorian members putting their best projects forward to showcase the work being delivered in Victoria and across Australia. Nominations and registration forms have been sent out to our contractor members. As always, I encourage all our members to either nominate or attend the event.

The awards are an industry celebration and also recognise the outstanding work of the manufacturing and supplier community who support our members in the delivery of the projects. The Warwick Dingle Supplier Representative Award is awarded to a representative who has provided outstanding service to our contractor members. The representative is required to be employed by an MCA Associate Member and nominations are made by our contractor members. Supplier representatives are encouraged to contact the Association to confirm their membership status and eligibility for this prestigious award.





MCA SYDNEY GOLF DAY



Members and guests came together on Tuesday 3rd of December 2019 for the annual MCA Sydney Golf Day at the Massey Park Golf Club. Conditions were superb with a bumper turnout on the NSW Industry Picnic Day.

Congratulations to General Beton who claimed the MCA Sydney Trophy despite a strong challenge from De Martin & Gasparini. In a first, General Beton took out 1st and 2nd in the team event noting the very close scores for the top three teams. Well done to all the players who took home prizes on the day and thank you to all our members who took time out

from their busy schedules to join us for the MCA Sydney Golf Day.

Master Concreters Australia would like to thank our principal sponsor Gunlake for anchoring the event. Also, a big thanks to the team at AUSREO for keeping the players watered on course. We would also like to acknowledge our numerous hole sponsors from the manufacturing, supplier and service sectors, whose support directly contributed to a very enjoyable day.

We look forward to seeing everyone at the annual Sydney Golf Day in 2021.



MCA Sydney Golf Day Winners General Beton with Simon O'Neil (L) Gunlake



SUSTAINING MEMBERS



SAFE PRACTICES FOR CONCRETE PUMPING

Safety on site is paramount for concrete contractors, which includes the pumping of concrete into the respective forms.

Members should be aware that the American Concrete Pumping Association (ACPA) has issued a new safety bulletin, *Safe Practices for the Intended Use of Concrete Delivery and End Hoses*. The bulletin addresses the proper methods for using concrete delivery hoses with two ends.

Concrete delivery hoses with two ends have different purposes from concrete delivery hoses with one end. It's important for concrete contractors and concrete pumpers to understand when and where to use each type, as double-ended concrete delivery hoses increase the potential for serious personal injury when used as an end hose.

A double-ended hose has mass attached to the end of the hose, which multiplies momentum and has the potential to cause injury or even death to people in its path, should the hose move unexpectedly or whip as a result of the release of trapped air. It is necessary that concrete contractors only use a single-ended end hose at the discharge of the boom and on the discharge-end of lay-down placing line.

As pipe and hose are removed, a single-ended end hose must be used as the end hose at all times.

For further information the full safety bulleting can be found at: https://www.concretepumpers.com/sites/concretepumpers.com/files/attachments/sb_endhoses_0.pdf

Acknowledgement: American Concrete Pumping Association



LEGAL

LESS IS MORE: AVOIDING THE MULTIPLE CLAIMS ISSUE

A recent decision has highlighted the need for clarity and certainty in submitting payment claims and the potential risk which can arise if you submit more than one invoice in respect of the same reference date and time.

It has always been the case that there can only be one valid payment claim in respect of each reference date. In the recent Queensland case of *J.R. & L.M. Trackson Pty Ltd v NCP Contracting Pty Ltd & Ors* [2019][1], the Court considered whether three separate invoices issued by NCP on the same project, under the same contract, bearing the same date and on the same payment terms, each endorsed under the former *Building and Construction Industry Payments Act* (BCIPA), constituted a single payment claim or three separate claims.

THE CASE

The issue arose in the context of an appeal from an adjudication decision under the former Act in favour of NCP. Trackson argued that the adjudicator's decision was void, as the claim was in fact three separate claims and under the Act there can only be one payment claim issued in respect of each reference date.

The manner in which the claims were communicated by NCP to Trackson (as separate email attachments under one covering email) was considered by the Court. The critical issue was whether, despite separate invoices each endorsed under the former Act, Trackson understood the documents received to be a single payment claim. The weight of New South Wales case authority cited by the Court strongly suggested the separate invoices were in substance a single claim.

In addition, NCP argued that the claims must be considered in the context of the history of the dealings between the two parties (prior disputes had arisen between the parties about whether some of the claims had been issued under

one or multiple construction contracts in an earlier adjudication). Trackson had conceded in its submissions in the adjudication that it had received a single payment claim (albeit allegedly issued under separate contracts) and had issued a single payment schedule in response. This conduct clearly suggested that Trackson suspected it was a single payment claim. Accordingly, the Court held NCP's claim was a single payment claim.

THE LESSON

The case demonstrates that issuing multiple invoices at the same time can result in disputes and could put you at risk of an allegation that only one of the invoices is a valid payment claim. That risk can easily be avoided by claiming all unpaid amounts in a single tax invoice under the *Building Industry Fairness (Security of Payment) Act* (under which there is no requirement for endorsement as there had been under BCIPA).

If the multiple invoices approach is adopted (issued in respect of the same project, under the same contract and bearing the same date and payment terms), it is strongly recommended the covering email or covering letter clearly identify the multiple invoices as a single payment claim, and state the total amount claimed.

QUERIES

If you have any questions about this article please get in touch with Julian Troy (Brisbane Partner) or a member of our Building & Construction team.

[1] *J.R. & L.M. Trackson Pty Ltd* (CAN 088 333 381) v *NCP Contracting Pty Ltd* (CAN 121 915 017) & Ors [2019] QSC 201



DISCLAIMER: This article is general commentary on a topical issue and does not constitute legal advice. If you are concerned about any topics covered in this article, we recommend that you seek legal advice.



WAGNERS EFC® IDEAL FOR HEAVY LOADBEARING AIRCRAFT PAVEMENTS

The first Qantas Group Pilot Academy in Australia, located at Toowoomba Wellcamp Airport, Queensland, constructed the runway, aircraft hangar and all concrete requirements at the Pilot Academy with Wagners Earth Friendly Concrete® (EFC®).

WHAT IS EFC®?

EFC® is a new class of concrete based on geopolymer technology developed by Wagners that contains no cement. The geopolymer binder system is based on the chemical activation of industrial waste by-products and concrete produced through this process significantly reduces carbon emissions compared to concrete produced with ordinary Portland cement. EFC® has better performance and durability than conventional concrete particularly in demanding applications such as corrosive sewerage and chloride environments along with heavy loadbearing pavement applications.

5,100m³ EFC used over project

1,000 tonnes of carbon emissions were saved by using EFC® instead of concrete containing ordinary Portland cement.

WHAT'S IN EFC®?

EFC® contains the binder, which is made up of unique chemical activators (customised by application), purpose made admixture, Ground Granulated Blast Furnace Slag (GGBFS) and flyash, plus standard aggregate proportions.

PERFORMANCE ADVANTAGES OF EFC®:

- High acid resistance (sewer)
- High sulphate resistance
- High chloride ingress resistance (marine)
- High fire resistance
- 30% higher flexural tensile strength compared to GP concrete
- Low heat of reaction
- Low drying shrinkage

The high durability properties make this concrete an ideal choice for TBM tunnel segments in metro and sewer applications. EFC® is also an excellent product for use through extruded/ machine placed concrete such as kerbs and road barriers, or machine laid thick pavements such as roads and aircraft pavements.

Visit Wagners for more information and downloads about EFC®: <https://www.wagner.com.au/main/what-we-do/earth-friendly-concrete/efc-home/>

TOLERANCES FOR CONCRETE SURFACES

Tolerances can be defined as the allowable variations from the specified values or performance levels. They are provided to ensure the finished concrete surface is acceptable for the application and the intended function. Setting tolerances also demonstrates that some degree of variation is inherent in all building work.

The position of the concrete element, its function, appearance and the influence of these on the total project would, in many cases, define the appropriate tolerances. On the other hand, tolerances must also be reasonable, ie. both achievable and able to be checked in the field using the available techniques and at acceptable cost. The importance of specifying appropriate tolerances becomes apparent when the outcome fails to meet the original expectations.

Some Australian Standards specify tolerances for concrete surfacers and it is important to understand their relevance or limitations for particular applications. CCAA has developed a Data Sheet on Concrete Surface Tolerances which reviews the tolerances requirements in various codes and standards, provides guidance on appropriate tolerances (particularly for unformed surfaces) and discusses the issues involved in achieving the specified tolerances. For further information the Data Sheet can be downloaded at <https://view.publitas.com/p222-10238/datasheet-tolerances-for-concrete-surfaces/page/1> or through the CCAA website via the publications section.





SUPER FOR CONTRACTORS



As an employer, you are responsible for paying super to your employees but do you know that you may also have to pay super to contractors, even if they quote an Australian Business Number (ABN)? Make sure you know your super obligations for employees and contractors.

CONTRACTORS OR EMPLOYEES

There are a number of ways to differentiate between contractors and employees but it can be tricky to determine your super obligations to contractors as there isn't a single determining factor that sets them apart from employees. It's important to consider the whole working relationship.

WHEN TO PAY SUPER TO CONTRACTORS

While the general guideline is for contractors to pay their own super, the ATO details exceptions when the contractor is:

- contracted wholly or principally for labour – i.e. more than half the contract value is for labour
- paid for personal labour or skills – e.g. physical labour and mental or artistic skills – and not to achieve a result
- expected to perform the work personally and are not able to delegate the work to somebody else.

Under Superannuation Guarantee legislation, the current contribution rate payable is 9.5% of ordinary time earnings (OTE).

Employers cannot pay an additional 9.5% wages to the contractors as the super contribution. The minimum super contribution must be paid to their super fund.

If you are unsure, use the ATO's employee/contractor decision tool to work it out.

To learn more about super contributions, visit cbussuper.com.au/employers or call 1300 361 784.

This article was brought to you by Cbus, the industry super fund for building, construction and allied industries.

The information above is of a general nature only. It does not take your specific needs or circumstances into consideration. You should look at your own objectives and business requirements and seek financial advice and legal advice where appropriate before making any decisions. You should read the Employer Handbook, Cbus Industry Superannuation Product Disclosure Statement (PDS) and other relevant documentation to decide whether Cbus is right for you. Call 1300 361 784 or visit www.cbussuper.com.au

INDEPENDENT CONTRACTORS	INDIVIDUAL EMPLOYEES
Have the option to outsource to others to complete the work	Cannot outsource or pay someone else to complete the work
Provide their own tools and equipment	Are provided with tools or a tool allowance by the employer
Are responsible for the commercial risks	Are not responsible for the commercial risks
Operate their own business and have freedom in the way the work is done subject to terms in their contract	Follow directions from the business on how to perform the work

Visit the ATO's website for more details on the differences.

Cbus' Trustee: United Super Pty Ltd ABN 46 006 261 623 AFSL 233792 Cbus ABN 75 493 363 262

EXCELLENCE IN INDUSTRY AWARDS

REGISTRATIONS OPEN

DATE: SATURDAY 30 MAY 2020

VENUE: W BRISBANE

6.30PM PRE DINNER DRINKS FOR 7PM START



CELEBRATING
10 YEARS



PORTABLE
LONG SERVICE
LEAVE

Employer obligations

- Register your business with QLeave
- Complete your worker return by 31 July
- Claim back long service leave you paid your worker

1300 QLEAVE • www.qleave.qld.gov.au

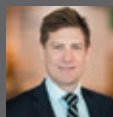


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**JOIN
NOW**

Master Concreters Australia is the industry trade association working for and supporting concrete contractors.

