

CONCRETE IQ

Concrete IQ is the official newsletter of Master Concreters Australia

ISSUE 2, 2017

EXCELLENCE IN INDUSTRY AWARDS 2017



**MASTER
CONCRETERS**

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**MASTER
CONCRETERS**

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 mid-year edition of the Association's newsletter. It's hard to believe we are in the second half of the year already. This is very much a reflection of an industry showing strong building activity levels and the high tempo required to deliver these projects by our members.

On the Association front our major industry event for the year the 'Excellence in Industry Awards' was held recently in Brisbane. As is normally the case our mid-year newsletter also doubles as our 'Awards Edition' and showcases the finalists and winners on the night. Thank you to all those who took time out of their busy schedules to join us for the night. This year saw an increase in the number of projects entered into the awards and our judges noted the very high standards achieved was a reflection of the professionalism and skill of our members and their staff.

The Association also took the opportunity to acknowledge Warwick Dingle who will be stepping down as a Director in the coming months. Warwick's input and support has been invaluable to the Association. While working in the manufacturing community, Warwick's unique position saw him sit on a board of directors made up of concrete contractors. In this respect he ably represented our manufacturing/supplier colleagues while supporting the goals and direction of the association.

On a wider industry front, solid to strong building activity is being reported over most sectors (construction engineering being a noticeable exception) along the Eastern States. NSW has seen particular growth in building approvals with almost 73000 homes approved over the previous 12 months (to April 2017).

On the training front MCA continues to improve the skills of our practitioners through its range of concreting specific courses and partnership with MiBT in delivering formal training and skills assessments. The training landscape can

INDUSTRY AWARDS SHOWCASES HIGH STANDARDS

be a difficult one to understand and the Association is well positioned to talk to members on the various aspects related to providing training to your staff, which you will receive in a non-biased manner. The next time you receive a cold call from a training provider offering supposedly free training, tell them our Association looks after this for its members.

Non-conforming products remain a topical issue and a separate article relating the Building Ministers Forum has been included in the newsletter. Following the recent tragedy in the UK it is timely that we confirm measures are in place to reduce the likelihood of a similar event occurring.

Members in Queensland should note the Government remains committed to the introduction of project banks despite a campaign by those who would lose control of the current payment regime. As advised in an article published in our newsletter last year, project banks are not an overnight phenomenon. They have been operating successfully in the UK for almost 10 years and had the model not improved conditions in the industry it would have been thrown out long ago.

I am also pleased to announce our business partnership with DMG communications. Members looking for telecommunications advice and competitive solutions should give them a call to discuss their requirements (see page 4).

On a final note the Association is continuing to raise its profile on a national basis and many are unaware that there is an Association established that represents and supports concreters and allied trades in the concreting industry. If members are aware of professional concrete contracting companies that would benefit from being part of the collective, pass their details on. A larger association means we can do more for our members and with a stronger voice.

David Lingard
CEO, Master Concreters Australia

CRETEK PTY LTD

MEMBER PROFILE



Cretek Pty Ltd is a Brisbane based business specialising in all forms of concrete placement and finishing. They currently employ 36 staff, and service the greater Brisbane, Gold Coast and Sunshine Coast areas. Joel Quillan is the Managing Director, with over 15 years experience in owning and operating in this industry. Cretek began in 2005, and has become a concrete placement contractor of choice for many large and high end builders and developers and has enjoyed long term relationships with many of their clients. Cretek has achieved this through prompt, reliable and high quality workmanship at an affordable price. The business structure has expanded over the years to include contracts administration, mobile operations management, internal operations management, scheduling and resourcing, supervision, quality assurance, a fleet of four fully equipped trade trucks, three light vehicles, and highly skilled staff.

Cretek's main area of focus has traditionally been residential, commercial and industrial applications for concrete placement, along with many forms of decorative finishes as well. They also offer detailed and bulk excavation where needed to facilitate various scopes of work. In driving these works, Cretek prides itself on its core policies of workplace health and safety, quality, code of conduct, working with respect and environmental protection. These are the areas they focus on in day to day operations, and is driven equally through the business. In line with

these - Cretek works hard to assist all of their clients to achieve quality work in efficient time frames, and communication through this process is at the forefront.

Whilst delivering on various commercial and industrial projects, including multi-storey and high-rise projects, Cretek still maintains its relationships with smaller, high-end builders, including extremely high quality finishes for \$1M+ residences. Some of these applications recently included an off-form finish raised-dome roof to a property in Hamilton as well as an architect designed, off-form concrete walled house on Mooloolah Island.

Cretek Pty Ltd joined Master Concreter's Australia at the beginning of 2016, and their membership has provided them with access to a range of benefits including training and changes to laws within the concrete industry. As a business – Cretek works to a motto of 'continuous improvement', using new technologies and always looking for ways to improve safety, quality, cost, and delivery – for themselves and their clients.

For further information on Cretek Pty Ltd – please visit our website www.cretek.com.au, or contact the Managing Director, Joel Quillan at joel@cretek.com.au.



SUSTAINING MEMBERS





BUILDING MINISTERS' FORUM

The Building Ministers' Forum (BMF) was held in Sydney on Friday, 21 April 2017, for Ministers to decide on a range of significant measures that will benefit the Australian building, plumbing and construction industry and the wider Australian community.

Ministers discussed the revised Intergovernmental Agreement (IGA) for the Australian Building Codes Board (ABCB), to ensure it continues to support the BMF's priorities for the national building reform agenda. Ministers agreed in-principle to ratify the new IGA before 30 June 2017.

Ministers agreed to continue implementing measures through the Senior Officers' Group, to address risks related to non-conforming building

products. The implementation plan was due to be published in May 2017.

Ministers also supported the ABCB's research plan into possible measures that may contribute to a reduction in jumping suicide from newly constructed buildings.

Several important issues relating to accessibility were also discussed. State and Territory Governments have made progress towards increasing the stock of universal and accessible housing. Ministers agreed to propose to COAG that a national Regulatory Impact Assessment (RIA) be undertaken as soon as possible to consider applying a minimum accessibility standard for private dwellings in Australia.

Further, Ministers agreed an RIA will be undertaken to consider expanding the National Construction Code to include requirements for accessible sanitary facilities for people with a profound disability. Ministers noted that some jurisdictions may progress requirements for accessible sanitary facilities independent of the national process.

The BMF is an important way for jurisdictions to collaborate on matters of national significance to the building and construction industry. w

The BMF will reconvene in Brisbane in October 2017 to continue this important national dialogue.



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TERMINATING A CONTRACT – ARE YOU AT RISK?

Terminating a contract is one of the most important and risky business decisions you can make. Done properly, it can rid you of a troublesome client or unprofitable job, but make any mistakes and you could be facing a sizable claim for damages.

This article provides an overview of three key questions that you should ask yourself when terminating a contract, as well as our tips for effective termination.

IS THERE A VALID GROUND FOR TERMINATION?

The first step when terminating is to consider whether you have a valid ground for termination. Any invalid termination will likely expose you to a claim for the client's "extra over" cost of completing the works as well as consequential losses such as lost rent, which can be considerable, so naturally this is critical.

Contracts can be terminated by either exercising a contractual or common law right. Contractual rights will set out when they may be used and so are relatively clear, but common law rights depend upon particular circumstances so are less so. For that reason, it is usually prudent to first seek to use a contractual right (if one exists) rather than relying upon a common law right; however, this will be a question of strategy and other things you should consider include:

- the risk of invalid termination (i.e. whether the contractual right is clear and unequivocal);
- whether the common law right to terminate has been excluded (e.g. by the contract stating that the contractual termination rights are an "exclusive code" of the parties' termination rights); and
- your entitlement after termination (i.e. contracts may stipulate what can be claimed, whereas you may be entitled to lost profit on unperformed works at common law).

Importantly, terminating a contract in reliance on an invalid ground does not prevent a party from later relying on any other valid ground, whether or not they were aware or not at the time.

HAS THE RIGHT BEEN EXTINGUISHED?

When a right to terminate arises, the innocent party must decide whether to terminate or affirm the contract. If the contract is affirmed, that party cannot later terminate the contract in reliance on that same ground.

Termination must be unequivocal and expressed in clear words, while affirming the contract can be as simple as continuing to perform the contract after having become aware of the right to terminate. For that reason, it is important that you act quickly once you become aware of a right to terminate, rather than delaying in the hope that matters may improve. Of course, whether a right to terminate has been lost depends on the facts, and parties are usually afforded a reasonable period to seek advice and consider their options.

HOW SHOULD THE RIGHT BE EXERCISED?

Most contracts contain both immediate and conditional termination rights. For example, a party may be entitled to terminate immediately when the other party is insolvent, or after serving a show cause notice, where the other party fails to make a payment due. Contracts can also include a termination "for convenience" right, however only very rarely for the benefit of the contractor.

When exercising any contractual termination right, it is vital to ensure that the notice is properly served under the contract in accordance with all requirements. While there has been some flexibility shown by the courts recently in relation to informal service of termination notices, it is always a better option to get it right first time.¹

When you are exercising a conditional termination right, there is a second layer of complexity as at least two notices are usually required to be served. Common issues with show cause notices that we see are:

- a lack of detail in the notice about the alleged default;

- failing to comply with time requirements in the contract; and
- improper service.

To ensure valid termination, the notice should clearly set out what breach is alleged to have occurred, and provide a timeframe for remedy that is more than the minimum amount provided in the contract.² It should be served within the required timeframe, and in the manner prescribed by the contract.

CONCLUSION

In summary, when terminating a contract you should first consider whether you have a valid ground to do so (either under the contract or at common law), act quickly to avoid affirming the contract, and seek to comply with all notice and timing requirements in the contract.

Failing to get these right may result in serious consequences and expose you to substantial claims by the client, and we therefore recommend always seeking professional advice before terminating a contract.

THOMSON GEER

LAWYERS

If you have any questions in relation to this article or for any other legal issues, feel free to contact the Thomson Geer Help Desk to discuss.

P: +61 2 8248 5810

E: legalhelpdesk@tglaw.com.au

1. This is known as the "Shepherd principle" after the 1931 High Court case of *Shepherd v Felt & Textiles of Australia* (1931) 45 CLR 359 at 377-8 per Dixon J.

2. See, eg, *Dura (Aust) Constructions Pty Ltd v Hue Boutique Living Pty Ltd (No 3)* [2012] VSC 99



EXCELLENCE IN INDUSTRY AWARDS 2017

Members and representatives from the building and construction industry gathered in Brisbane for the 7th Annual Master Concreters Australia Excellence in Industry Awards. The event once again brought together Master Concreters contractors to vie for the various award categories and the Supreme Award. Congratulations to our worthy winners and finalists who submitted outstanding projects into the various category awards. The Training Excellence Award was presented to Hau Willson from MG Constructions and our Supplier Representative Award recipient was Brad Mooney (Hymix). This year's event also paid special mention to

outgoing Board Director Warwick Dingle who was acknowledged on the night. Readers would note that the Supplier Representative Award has been renamed the Warwick Dingle Supplier Representative Award to recognise the outstanding contribution he has made as a Director on the Board. Thank you to everyone who joined with the Association from far and wide for what was another great night for the concreting industry. We continue to receive great feedback from those who join with us each year and our industry stakeholders who support our contractor members in many ways.

We look forward to seeing everyone at our 2018 gala event.



QBCC BEST DOMESTIC OR DECORATIVE DOMESTIC PROJECT AWARD

FINALISTS

McGinn Concrete - Hope Island, Outdoor Entertainment Area

Landcon - Yandina Residence

WINNER

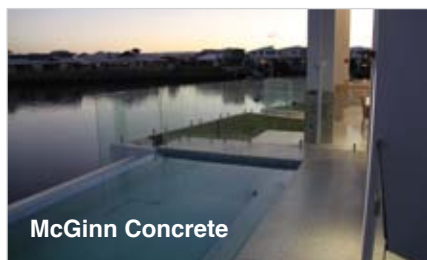
Honed & Polished Concrete - Palmview Residence



Shane Webcke, Christopher Bradley (Honed & Polished), Sue Van Eyk (QBCC)



Honed & Polished Concrete



McGinn Concrete



Landcon

CBUS BEST DECORATIVE (COMMERCIAL) PROJECT AWARD

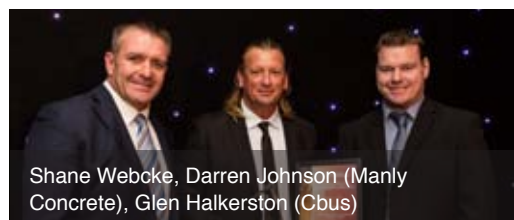
FINALISTS

McGinn Concrete - Target Redbank Plains

AAA Concrete Services - Sunshine Coast University Hospital

WINNER

Manly Concrete - Coomera Indoor Sports Centre



Shane Webcke, Darren Johnson (Manly Concrete), Glen Halkerston (Cbus)



Manly Concrete



McGinn Concrete



AAA Concrete Services

ONESTEEL BEST PROJECT OVER \$20M AWARD

FINALISTS

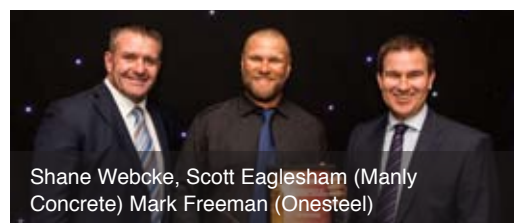
QR Contracting - North Lakes Link Mall

General Beton - Sundale A1 South Port Qld

Azzurri Concrete - South West Plot Apartments Haymarket

WINNER

Manly Concrete - Sunshine Coast University Hospital HUB



Shane Webcke, Scott Eaglesham (Manly Concrete), Mark Freeman (Onesteel)



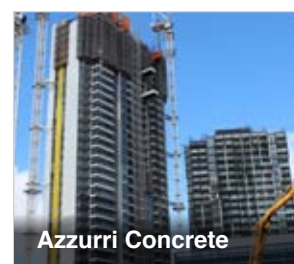
Manly Concrete



QR Concrete



General Beton



Azzurri Concrete

EXCEL GROUP BEST PROJECT
UNDER \$20M AWARD

FINALISTS

Azzurri Concrete - Torino Foods Distribution Centre

Azzurri Concrete - Oakdale Multipurpose Industrial Facility

WINNER

Bess Concrete - Couriers Please, Salisbury



AUSREO SAFETY, INNOVATION
AND SUSTAINABILITY AWARD

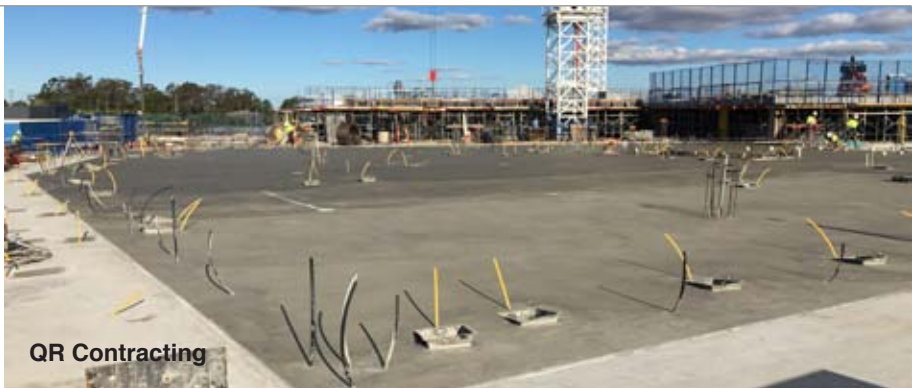
FINALISTS

Azzurri Concrete - Frasers Development Western Sydney

De Martin & Gasparini - Zero Harm Process

WINNER

QR Contracting - North Lakes Link Mall



CBUS BEST DECORATIVE (COMMERCIAL)

HIGHLY COMMENDED

McGinn Concrete - Target Redbank Plains

BELOW: Shane Webcke, Simon Benson (McGinn Concrete), Glen Halkerston (Cbus)



EXCEL BEST PROJECT UNDER \$20M AWARD

HIGHLY COMMENDED

Azzurri Concrete - Torino Foods Distribution Centre

BELOW: Ryan Spencer (Excel) Jayson Gomez, Judd Lyon, Mario D'Angola (Azzurri Concrete), Shane Webcke





Shane Webke, Darren Johnson (Manly Concrete), Andrew Freer (Wagners)



WAGNERS SUPREME AWARD

MANLY CONCRETE - COOMERA INDOOR SPORTS CENTRE

The Coomera Indoor Sports Centre was the stand out project for the judges at this year's awards. The project covered an expansive area with a range of decorative finishes designed for both functionality and aesthetics. The result achieved was a testament to the skill, professionalism and dedication of the staff at Manly Concrete. From the raised aggregate

areas outside the building to diamond polished floors in the concourse area, the eye-catching design was central to this very successful project.

The judges were universal in their decision to award the Coomera Project as the Supreme Award and felt the project best showcased the application of concrete which had been placed to an exceptionally high standard.

MiBT TRAINING EXCELLENCE AWARD

WINNER

Mr Hau Willson

BELOW: Shane Webcke, Hau Willson (MG Constructions), Allan Janicijevic (MiBT)



PUMP ACTION WARWICK DINGLE SUPPLIER REPRESENTATIVE AWARD

WINNER

Mr Brad Mooney

BELOW: Shane Webcke, Brad Mooney (Hymix), Warwick Dingle



SPECIAL ACHIEVEMENT

Mr Warwick Dingle

Presented in grateful recognition of his invaluable contribution as a Director of Masters Concreters Australia

BELOW: Shane Webcke, Warwick Dingle, Chris Jones (President)



THE TOP 5 BUSINESS ROADBLOCKS FOR CONTRACTORS

The best intentions of a successful year in business can come undone for a number of different reasons. Now that you have settled back into the swing of things after the holiday break, you should be focusing on what you intend to achieve for 2017. This year, ensure you are aware of the five key things that get in the way of business owners achieving their goals.

1. Lack of Clarity

Clarity is the pre-requisite to mastery. Vague goals and outcomes produce vague results. For example, you may have a goal to increase your turnover, number of jobs, gross profit, net profit, type of work that you wish to do, etc. The fault is in the word 'more'. What exactly does 'more' mean? Is it one dollar more? Is it one percent more? Is it one more job? When you apply specifics it becomes real. An example of a clear, specific goal is "I would like to ensure a consistent gross profit per job of 65% throughout the year". You then have a measurement to which you can relate, rather than just the intention of more gross profit.



WINNER
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2. Saying YES

The word NO is one of the hardest words for many tradespeople to say. It appears too hard to say NO to the wrong work, NO to the wrong employees, NO to doing work with little margins. Yet if you continue to say YES you become all things to everyone and nothing to no one. This year toughen your NO muscle and say NO to more and YES to less; YES to less, but with better quality.

3. Poor Systems and Processes

In business, people don't fail, systems do. One of the requirements of a successful business that produces consistent and sustainable results for the owner, is the quality of the back-end procedures that are written. Ensure that your top 10 to 20 key processes are documented from start to finish, and that you refine them, and train your team in them so that the same outcome is delivered, consistently, regardless of the small changes that takes place on site.

4. The Wrong People

Procedures and processes are important, but mean nothing without the right people. Hiring smart and having the right people doing the right things in the right way, is essential to your success this year. If you hire the wrong people who do the wrong thing in the wrong way, then you are headed for a disaster. Hire slowly, be clear on the attributes you want in your team players (more importantly attitude and values over skills) and ensure that you get the wrong people off the team as quickly as you can.

5. Distractions

We live today, in a sea of distractions. From the moment that you wake in the morning, until the time you go to bed, on any given business day your conscious and subconscious mind will have been bombarded with up to 10,000 messages. Beeps, alerts, rings, pings, emails, SMS, notifications and the list goes on. Many could be important; however I am going to suggest that at least 80% of them are irrelevant to you accomplishing your key goals for the year. Once you are distracted and your focus is lost, it takes energy and time to reapply yourself. As a suggestion, unsubscribe from all notifications, social media, unnecessary email, in fact anything that's going to take your focus away from what matters the most.

Achieving success in business is actually quite boring. It's the repetition of simple structures over and over. Minimise distractions, be clear on the outcome and you will be in a much better position than the majority of the business owners around you.

For more information on how to achieve your business goals, contact the team at PROTRADE United.

Written by Jon Mailer

Founder and CEO - PROTRADE United
www.protradeunited.com.au
1300 767 774





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MCA has partnered with AutoTender to give you FREE access to their vehicle tendering system!

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OTHER BENEFITS INCLUDE:

- Access to technical information
- Industry helpline for concrete contractors
- Discounted training for members
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- Networking opportunities with other contractors

To join Master Concreters Australia complete the application form below.

2/193 South Pine Rd,
Brendale Q. 4500

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E: info@masterconcreters.com.au

www.masterconcreters.com.au

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



APPLICATION FORM

COMPANY DETAILS

Company name: _____

Contact name: _____

Postal address: _____

Telephone: _____

Email: _____

Signature: _____

Send your completed application for to:

Master Concreters Australia, 2/193 South Pine Road, Brendale Q 4500

Or scan and email to info@masterconcreters.com.au

MEMBERSHIP DETAILS

MEMBERSHIP CATEGORY (Please tick main area)

☐ Contractor Domestic
\$500 +GST per annum

☐ Contractor Commerical
\$900 +GST per annum

PAYMENT DETAILS (Please tick)

MEMBERSHIP CATEGORY (Please tick main area)

☐ Credit card nnumber and expiry date

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Expiry date: ____ / ____

☐ Master Concreters Australia to contact me for a payment via EFT or Direct Debit.

*Members must hold appropriate license for scope of works.