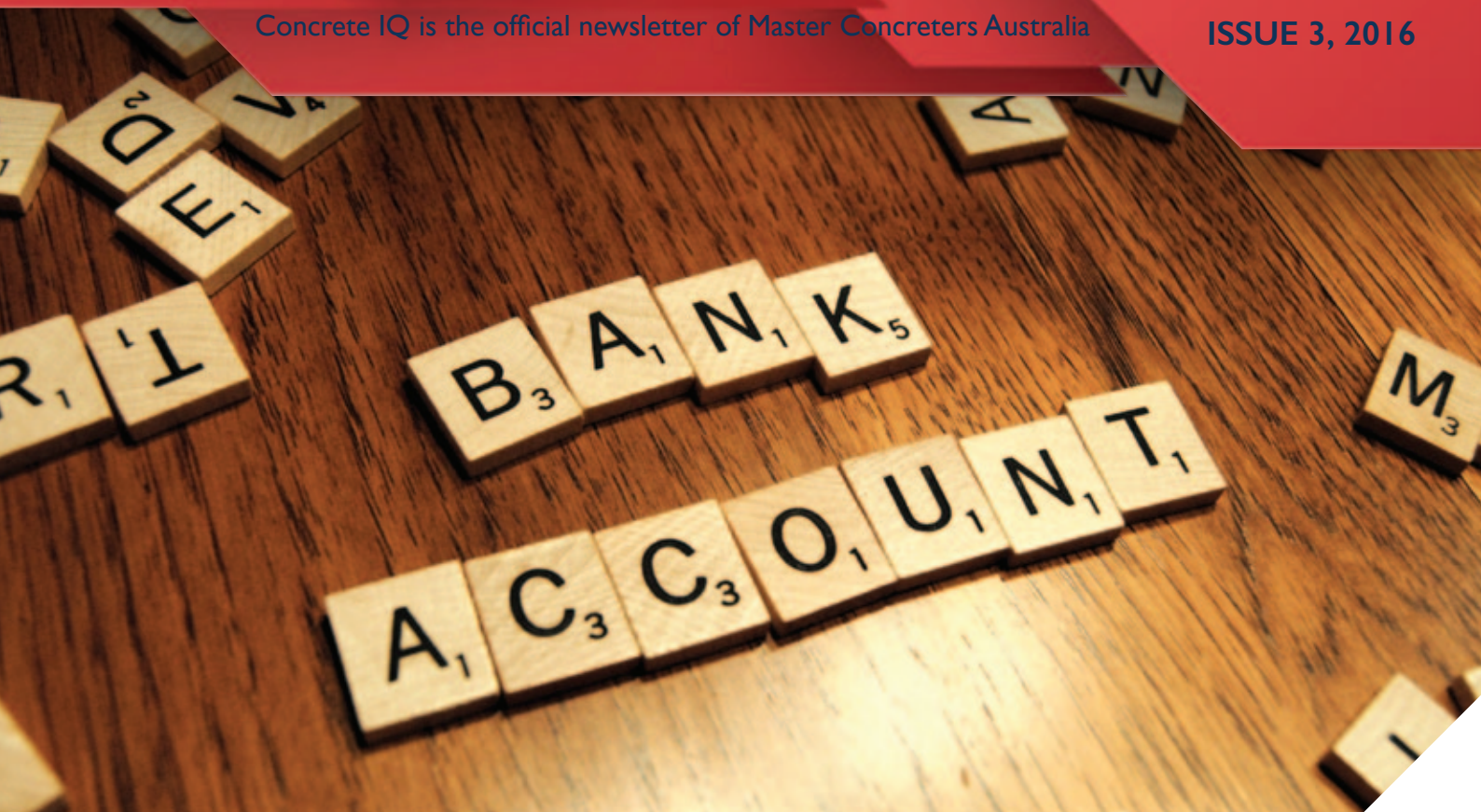


CONCRETE IQ

Concrete IQ is the official newsletter of Master Concreters Australia

ISSUE 3, 2016



PROJECT BANK ACCOUNTS AND SECURITY OF PAYMENT

We are all well aware of instances where the principal becomes insolvent and monies owed to subcontractors are taken up by the administrator or liquidator and the subcontractor is left carrying the loss. To address this issue members may be aware of Government trials in Western Australia and New South Wales in relation to Project Bank Accounts (PBA).

The purpose of the PBA arrangement is to ensure, as far as possible, that money paid to the head contractor for work undertaken by the subcontractor is passed on promptly. The trust status of the PBA prevents money paid to the head contractor from being used for other purposes or, in the case of a head contractor's insolvency, being available to an administrator or liquidator.

In essence a PBA is opened for each project as a trust with moneys held in the account for the benefit of beneficiaries of the money, which includes subcontractors. The difference between a PBA and a 'normal' bank account is that a PBA has trust status. Due to its trust status and the simultaneous payment of moneys to the head contractor and subcontractors, the PBA offers a higher level of protection for subcontract payments than traditional payment methods.

The Western Australian Government recently announced that from September 30 project bank accounts will be in place on all Building Management and Works projects worth between \$1.5 million and \$100 million after its successful three-year trial.

Continued on page 2



**MASTER
CONCRETERS**

CEO's Report	2
Compaction of Concrete	3
Get a Big Saving on Your Next Car or Work Truck Purchase	4
Member's Profile	4
Challenging Security of Payment Decisions in NSW and QLD	5
Thomson Geer Lawyers	5
Successful Meetings - The Key Ingredient to Getting Things Done!	6



PLATINUM SPONSOR



**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.

Chris Jones 0418 871 380
E: chris@qrc.com.au

Greg Bess 0411 416 146
E: greg@bessconcrete.com

Brad Nairn 0427 650 004
E: brad@manlyconcrete.com

Keith McGinn 0414 742 508
E: keith@mcginnconcrete.com.au

PRESIDENT

Chris Jones

VICE PRESIDENT

Peter Martino

HONORARY TREASURER

Greg Bess

CHIEF EXECUTIVE OFFICER

David Lingard

DIRECTORS

Warwick Dingle

Louie Mazzarolo

Keith McGinn

Brad Nairn

Albert Pizzinato

DISCLAIMER

In preparing the Master Concreters Australia newsletter *Concrete IQ*, the editor uses his best endeavors to ensure that the information contained in the newsletter is true and accurate, but accepts no responsibility and disclaims all liability in respect of errors, omissions, inaccuracies or misstatements contained in the publication.



CEO'S REPORT

Welcome to this edition of the Association's newsletter. In this report I would like to provide some background and an update on the Concreting Apprenticeship.

Members would be aware of our wider push to establish a Concreting Apprenticeship throughout Australia. In this regard each State or Territory makes their own determination on whether a training pathway is an apprenticeship or a traineeship. Following discussions with the NSW Department of Industry a formal request was forwarded to the NSW Construction Industry Training Advisory Board (ITAB) to raise a business case supporting the re-designation of the current traineeship to an apprenticeship. The first industry meeting with the ITAB and MCA employer members has occurred and the ITAB will outline their way forward shortly.

On a positive note members should be aware that the Western Australian Government has approved the redesignation of the Concreting Traineeship to an Apprenticeship and are already reporting increased sign-ups (practitioners/placers entering into formal training contracts). This readily supports our case that the skillset required by today's concreter is an apprenticed outcome and designating a concreting apprenticeship will improve the profile of our industry and increase the number of individuals entering into our industry under a formal training pathway. I would like to emphasise that this will not be an overnight process and there will be a number of challenges as wider industry consultation occurs. With our members support we will continue to press our case with the various governments.

Further information will be passed to members as details come to hand.

David Lingard
CEO, Master Concreters Australia

Continued from page 1

Further reporting advised that while the construction reforms were only targeted at mid-sized government projects for now, they would be used as a trial to test whether they should also be applied to larger works.

The NSW trial is still ongoing and further information will be passed to NSW members at the conclusion of the trial and in relation to the way forward identified by the NSW Government.

Queensland based members would be aware that the Department of Housing & Public Works called for submissions on the introduction of PBA's across the wider industry and not just for Government projects. The association has advocated strongly on the introduction of PBA's and will continue to engage the Government on this initiative. Further information will be passed to members contracting in Queensland once the submission review has been completed and the Government signals its way forward.

While there are already some subtle differences being identified, for example

in Western Australia the Government is responsible for setting up the trust account and in NSW it is the responsibility of the head contractor to open and maintain the PBA, there is no doubt about the benefits of establishing a project bank model. PBA's have been operating successfully in the UK since 2008 with benefits reported including:

- Certainty of payment.
- Security of payment.
- Speed of payment.
- Transparency.
- A reduction in the need for borrowing or financing credit.
- A reduction in the need to chase payments.
- A reduction in disputes.

While not all parties in the contractual chain would be as supportive of PBA's as subcontractors the association will continue to provide a unified voice to support their introduction. Further information will be passed to members as it comes to hand.



COMPACTION OF CONCRETE

When concrete comes down the chute and flows into forms it carries entrapped air (not to be confused with entrained air). If the entrapped air isn't removed, it leaves holes in the concrete (HONEYCOMBS), especially next to form surfaces. Poorly consolidated concrete is more porous and REBAR is poorly bonded.

Entrapped air can be removed by hand rodding—jamming a rebar or tamping rod into the concrete or using a flat-nosed spade.

This is effective for small placements (like cylinders) or with higher slump concrete, but it's not possible with a wall or column. Mechanical consolidation relies on vibration.

Concrete in a form is usually consolidated using vibration. Vibration can be applied to the outside (fig. 1) of the form (external vibration) or in the concrete.

External is commonly used for precast concrete. Vibration eliminates the air pockets, spaces out the coarse aggregate, and produces better surface finishes.

For most cast-in-place concrete placed in forms, consolidation is accomplished with an internal vibrator—a vibrating head on the end of a shaft—usually a flexible shaft.

The operator controls the power unit and a spinning cable rotates an eccentric weight in the head to create the vibration.

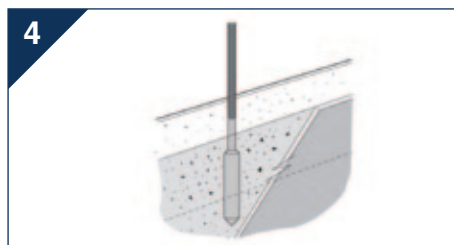
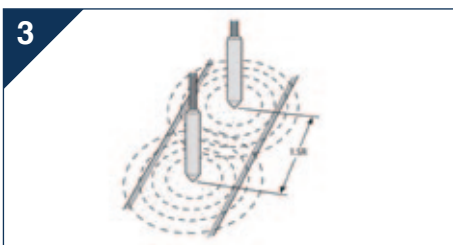
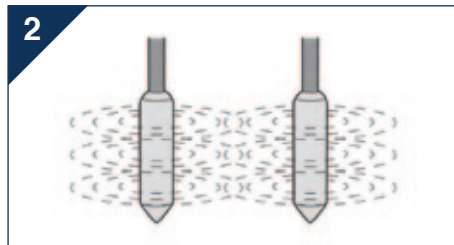
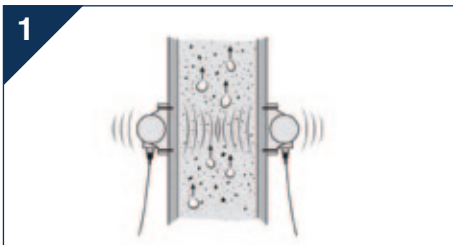
The important thing to know about a vibrator is its radius of influence (fig. 2)—the distance to where it can no longer effectively consolidate concrete.

This is a characteristic of the vibrator but is also influenced by the concrete mix. Select a vibrator with a radius of influence that will consolidate all of the concrete.

The two things the operator needs to know are how far apart to insert the vibrator and how deep to go. The center-to-center insertion spacing should be 1.5 times the radius of influence (fig. 3). To minimise lift lines, the total insertion depth is the depth of the lift being vibrated plus 15cm into the previous lift.

The vibrator should be allowed to sink under its own weight to the proper depth (fig. 4) then be moved up and down for five to 15 seconds. It is then pulled out slowly, about 15 seconds for every 60cm. When in doubt, vibrate more—with well-proportioned concrete mixes you are not likely to segregate the aggregate.

Acknowledgements; Concrete Construction & Oztech Industries



SUSTAINING MEMBERS



GET A BIG SAVING ON YOUR NEXT CAR OR WORK TRUCK PURCHASE

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

WHAT DOES THAT MEAN FOR YOU?

It means the next time you're looking for prices on a new car or work truck, you can post your request to AutoTender.com.au and use their network of reputable dealers to get you the best deals around. Forget the stress and bother of going to dealership after dealership, or spending hours looking through websites.

Login to the members only section of the MCA website and click on the autotrader link to get your tender rolling.

FREE FOR BEING AN MCA MEMBER

Normally we charge a fee of \$49 to put a request up on AutoTender, however because you're a member of MCA, you can place requests for FREE.

A GREAT WAY TO BUY A CAR

Instead of hunting around from dealership to dealership, trawling through pages and pages on confusing websites, AutoTender gives you one simple way to make the dealers do the work for you.

SAVE MORE ON YOUR VEHICLE DEAL

AutoTender pits the dealers against each other, so you know you're getting the best deals around - no hard sales tactics, no stress. Just the best deal at the best price possible.

FULLY LICENSED FINANCIAL SERVICES

Through our partnership with UFleet.com.au, we can help you with the best financing and salary packaging options for your new car, and streamline the application process.



MEMBER'S PROFILE

MARK BLACK

Landcon

Landcon was established in May 2006 as a landscaping company in South East QLD. Landcon's owner, Mark Black had recently completed degrees in landscape architecture and while he appreciated good design, bringing projects to life through construction became Mark's passion. Prior to studying (and during every university break) Mark worked with SDC Group on the Sunshine Coast, working across all facets of the business from screeding and finishing, through to estimation.

By 2008 Landcon was registered with the BSA to perform structural landscaping and concrete works. In the following years Landcon began to specialise in decorative flatwork and off-form work with most of their clients being commercial landscapers and civil contractors.

In 2013 Landcon got their first taste of mild success being recognised as a finalist in the Master Concreters QLD awards for their concrete works undertaken at Seaforth Resort, Maroochydore. From then on they were hooked, winning several more awards over the coming years in the decorative commercial and residential categories.

One of the more iconic projects they have worked on is Frew Park in Milton (the old tennis centre). This project won Landcon the 'Best Decorative Commercial' project in 2015 at the Master Concreters awards. The award was even more rewarding, noting the original principal contractor went bankrupt owing Landcon (and many others) substantial sums of money. It was particularly satisfying for them, to not only complete the project for the new contractor but also to be recognised for

the quality of their workmanship in what was a very challenging time.

Mark and the team at Landcon appreciate that to maintain their professional standard takes hard work, strong networks and good contacts. In addition to membership of Master Concreters Australia, Landcon are members of the Master Builders QLD and the Concrete Institute of Australia.

Being acknowledged by their peers and being recognised by their professional industry body has substantially improved the company's profile and the marketing of Landcon's services. Having easy access to industry professionals in the field also makes some of those tough elements of the work, much easier to navigate. Landcon has been able to receive top level advice simply with the sending of an email or making of a phone call.

Landcon has been able to carve a niche for themselves in supplying not only decorative flatwork, but also in the off-form realm as well. They have become the go-to contractor for many commercial landscapers who are looking for a contractor who can offer the complete package for decorative seats, retaining walls and even those one-off feature panels. Landcon's most recent Master Concreters Australia award was for their board-formed walls constructed at a new high rise development in Hamilton, Brisbane.

Landcon has jumped into the social media world and many of their recent and current projects can be found on Instagram, LinkedIn and Facebook (as well as the more traditional website as well).



MASTER CONCRETES AUSTRALIA | CONCRETE IQ

CHALLENGING SECURITY OF PAYMENT DECISIONS IN NSW AND QLD

Nowadays, most contractors should be aware of the existence and benefits of Security of Payment legislation. In Queensland, the relevant legislation is called the *Building and Construction Industry Payments Act 2004* while in New South Wales it is the slightly more long-winded *Building and Construction Industry Security of Payments Act 1999*. Both Acts entitle a contractor to submit payment claims and, in the event they are disputed, access a fast-track adjudication process to resolve disputes “up the chain”.

This particular adjudication process has been described by some senior judges as “rough and ready” and “draconian” and often provides results that one (or both) of the parties disagrees with. In those situations, parties may take their objection to the Supreme Court which, for a long time, has had a very limited ability to overturn decisions in which the adjudicator had committed “jurisdictional error”. Recently, however, the Supreme Court of New South Wales handed down a decision which may considerably expand the ability of parties to overturn adjudication decisions, at least in that State.

In *Probuild Constructions (Aust) Pty Ltd v Shade Systems Pty Ltd* [2016] NSWSC 770, the Court decided that it had jurisdiction to overturn an adjudication decision on the basis of an “error of law on the face of the record”. What this means is that adjudicators who make decisions on law which can be shown on the face of the adjudication decision to be wrong, may have their decisions overturned by the Supreme Court. This is a considerable widening of the ability of the Court to review those decisions and should not be understated.

The practical consequence of this may be that parties who are dissatisfied with the adjudication outcome are more likely to apply to have that decision overturned.

For that reason, it is more important than ever that contractors who wish to make an adjudication application obtain legal advice before doing so. While the cost of engaging lawyers to prepare statutory declarations and adjudication applications can sometimes outweigh the benefits where the claimed sum is not significant, a range of assistance can be provided, tailored to the circumstances and amount of the claim.

It is important to note that this decision runs counter to a long line of authority in both New South Wales and Queensland limiting the ability of the courts to review adjudication decisions. On that basis, it will be interesting to see if it is followed by other courts. We believe that it is unlikely to be followed in Queensland in any event, due to the relevant legislation in Queensland that allows the Supreme Court to review decisions expressly excluding adjudication decisions. This exclusion is not found within the corresponding New South Wales legislation.

UNFAIR TERMS FOR SMALL BUSINESSES

In March this year, we wrote about the upcoming unfair terms protections for small businesses. Those protections will come into force from 12 November this year. All contractors should be taking steps to ensure their standard form contracts account for these changes. Failure to do so may result in the loss of important contractual rights, such as notice requirements and time bars. For more information, feel free to contact our Help Desk.

Written by:

Andrew Kelly, Partner
07 3338 7550, akelly@tglaw.com.au

Andrew Mackintosh, Senior Associate
07 3338 7551, amackintosh@tglaw.com.au

THOMSON GEER

LAWYERS

Thomson Geer is a large Australian commercial law firm with offices in Brisbane, Sydney, Melbourne and Adelaide.

Our Construction and Infrastructure team is particularly well-regarded as having an in-depth understanding of, and extensive experience in, all aspects of construction and infrastructure projects. We provide pragmatic advice to subcontractors and contractors through every stage of a project, from drafting and negotiation of contracts at a tender stage to resolution of disputes post-completion, with a particular focus on ensuring timely payment for our clients.

In conjunction with Master Concreters Australia, we are offering all members complimentary access to the Thomson Geer Help Desk. This service enables you to access specialist legal advice from experienced practitioners at no cost to you and with the convenience of a phone call, so that you can make timely and considered decisions for the benefit of your business.

To access this service, simply follow these steps:

STEP 1

Contact the Help Desk using the below details and provide us with a brief outline of your query.

STEP 2

We will arrange for the specialist who is best suited to answering your query to contact you within 24 hours for a phone conference of up to 30 minutes.

STEP 3

During this conference, the specialist will attempt to resolve your issue or, if that is not possible, provide you with guidance on what steps to take and the costs involved.

For more information on the Help Desk, please contact:

P: +61 2 8248 5810

E: legalhelpdesk@tglaw.com.au



SUCCESSFUL MEETINGS – THE KEY INGREDIENT FOR GETTING THINGS DONE!

For a professional football team to succeed, it needs a rhythm of communication to ensure all players are focused, aligned, and are working towards a common goal. Your business should be no different.

Often, as a part of a professional football match, there is a series of pre-game meetings to set the team's plays.

- The coaches brief the full team
- The captain reminds them to focus and gives them a brief 'gee up' before the game begins
- At half-time there is a review of the first half and setting the plan for the second half
- Finally, after the game, a review of what worked, what was missing and what they can repeat again to produce the same results if they won, or different results if they lost.

YOUR BUSINESS CAN BENEFIT FROM THE SAME STRUCTURE.

Think back to the last five challenges you have had in your business involving your team. It is most likely that they may have been avoided with clearer communication.

I hear you say... "But meetings are boring and a waste of time!" Meetings don't need to be boring. Boring meetings are usually run by boring people!

In fact a successful meeting structure in your business will:

1. Provide clarity; reduce the gaps in communication within sections of the team, minimising reactive conversations and the need to 'put out fires'
2. Ensure key priorities are being executed
3. Help you act quickly, maximise opportunities and relieve bottlenecks fast and effectively

4. Build a solid, stable team and culture
5. Align your team to focus on a common goal/outcome and embrace the power of focused collective intelligence
6. Over time, reduce the reliance of the business on the owner.

These meetings can be powerful, prompt and to the point when you follow a structure. Below are some points to consider when creating a meeting rhythm so that all of your team are aligned, focusing on the key goals, and helping the business to win.

ROUTINE AND STRUCTURE SETS YOU FREE

Optimal Meeting Rhythm

Annual (1-2 days)

Strategy – setting the game plan for the year

Quarterly (1 day)

Implementation – clarity on 90 day goals

Monthly (2-4 hrs)

Review and big issues

Weekly (60-90 mins)

Focus and priorities

Daily (7-12 mins)

Synchronise and align

Above illustrates the optimal meeting rhythm for a growing company. Some companies do annual and quarterly meetings, where they measure progress toward year-end goals or set new goals, yet many miss out on the weekly and daily connection.

Quarterly meetings should focus on the alignment of your team, review and ensure all your Core Values are alive and discuss the top three priorities of the company.

Monthly meetings should focus on gathering your leadership team for 2-4 hours and dealing with one important issue that is impacting the organisation.

Weekly meetings should focus on improving what you do and most employees should be in a few of these longer meeting huddles. Include a training segment to improve skills.

Daily meetings (office and site) should focus on where we are today and every employee should be in one of these meeting huddles daily – keep it to teams/departments/location. Daily huddles act as an early warning system – particularly if a team is ‘stuck’ with a particular challenge.

KEY POINTS

- Each meeting **MUST** have an agenda and a purpose
- Only have the people present who need to be there
- Start on time. Finish on time.
- Have ground rules (i.e. only one person at a time to speak)
- Don't hold a meeting if it does not

help you in moving the business forward

- Commit to your meetings!

Implementing a rhythm of effective communication takes time, especially if this concept is new to your business. However, adapting the above to your business, committing to a plan and learning how to run effective meetings could just transform your business!



Article kindly provided by

PROTRADE United

1300 76 77 74

www.protradeunited.com.au



MCA BRISBANE GOLF DAY

MONDAY 17TH OCTOBER 2016

VENUE: OXLEY GOLF CLUB

SHOTGUN START 12.30pm

Arrive 11.30 at venue for sausage sizzle, drinks and briefing

Treat your staff to an afternoon of golf on this industry RDO

\$100.00 +GST PER PLAYER | TEAMS OF FOUR

Includes: Golf Carts, on course drinks, post round meal and prize giving.

CONTACT THE MCA OFFICE TO REGISTER

P: (07) 3205 6675

E: info@masterconcreters.com.au

www.masterconcreters.com.au



**Make super easier for
your business and your
employees with**

cbus

Cbus invests back into the building and construction industry, supporting your local economy, creating more jobs and delivering returns for members.*

As a business, you can count on Cbus to meet your super needs. We offer:

- Quick and easy administration
- Reliable service and support
- Useful super updates and information

**To join Cbus as an individual
or as a business, visit
cbussuper.com.au**

*Cbus Property commercial project,
1 William Street, Brisbane*

For your business super needs contact:

Tim Waterson

Business Development Manager, NSW



0413 636 750



tim.waterson@cbussuper.com.au

Glen Halkerston

Business Development Manager, QLD



0447 113 282



glen.halkerston@cbussuper.com.au

*Past performance is not a reliable indicator of future performance.

This information is about Cbus. It doesn't take into account your specific needs, so you should look at your own business needs and objectives before making any financial decisions. Read the Cbus Employer Handbook and other relevant documents to decide whether Cbus is right for you. Call **1300 361 784** or visit **www.cbussuper.com.au** for a copy.

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

