

PLUMBING SA

Masters Plumbers Association of South Australia



Master Plumbers
SOUTH AUSTRALIA

September / October 2015



- Master Plumbers Expo
- Non Conforming Building Products
- Drugs & Alcohol in the Workplace





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Cover: Greg Lyng, Marilyn Sheffield, Paul Worthington, Mark Bickley & Steve Prisk at the recent Master Plumbers Name Change Launch Expo



**Master
Plumbers**
SOUTH AUSTRALIA

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Good people to know.



Editorial

As some of you may be aware, I appeared on Channel 7's Today Tonight program representing the association on a number of important industry issues. Those industry issues were based on installation of certified products, plumbers misleading consumers and complaints of overcharging. Industry stakeholders (including Master Plumbers Associations around Australia) have voiced concerns over non-compliant products entering the market and plumbers installing products that are not meeting the Watermark Accreditation Standards. In some cases, plumbers are installing products that are cheaper, non-compliant with no certification just to out price their competitors. There have been many cases throughout Australia where products have been replaced because they have not met the correct industry (Watermark) standards. This process is both costly and time consuming and creates mistrust between the consumer and industry.

So what does this actually mean?

In South Australia, Consumer and Business Services (CBS) refers to this statement on their website: *Avoiding unfair business practices.*

A guide for consumers – Misleading or deceptive conduct

Consumers have the right to expect that a business will not mislead or deceive them. A business is breaking the law if it creates a misleading overall impression about the price, value or quality of consumer goods or

services. It does not matter if the business intended to mislead or deceive – what matters is how its statements or actions affect the thoughts or beliefs of consumers. Media organisations are exempt from these laws when they are carrying out their business of providing information.

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- a buyer's need for them
- any guarantee, warranty or condition on them.

Let's hope all involved in the industry see the value in working together to ensure our industry is both protected and compliant ensuring our reputation and that of our members moves forward in a positive direction. Being a licensed trade, it is imperative that all plumbers are trained to comply and act appropriately. I wish to applaud the actions of the Fair Trading Commissioner in NSW with his investigation



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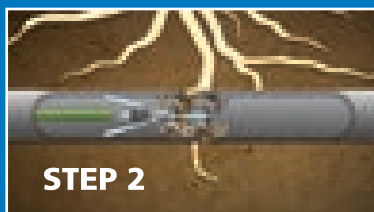
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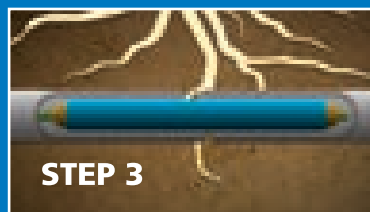
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Editorial

into the actions of a hairdresser who acted inappropriately with customers, A Current Affair – Wednesday 15th July. It was noted that the department had many complaints about this particular business and they acted in the right manner by pursuing an investigation. The last time I looked, hairdressing was not even a licensed trade.

No more comment on that matter!

Master Plumbers SA Marketing

During the month of May and all of June, the Master Plumbers SA ran a radio campaign promoting to consumers on the need to use a member of the Master Plumbers Association of SA.

This initiative was the result of an extensive marketing campaign to raise the profile of the association and send out a powerful message to use a MPA SA member that is industry backed. The result of the radio campaign has been outstanding with many phone calls from the public seeking the services of members either via phone or via the find a plumber tool on the Master Plumbers SA website.

We have also received numerous calls from plumbers who rang to inform us they were losing jobs from not being a member, as well as calls from members who had gained up to 4 to 5 extra jobs a week as a result of the adverts. We also had an increase in membership subscriptions during June and July. The good news is that there will be more ads running throughout August and October, so we expect the trend to continue.

Additional marketing for members has included running advertisements in eleven of local Messenger newspapers and in some regional newspapers, we hope this also provides a boost of work for members. For the fashion conscious plumber, we have available Master Plumber SA member caps, and polo shirts that look smart and help promote your membership of the association.

Retirement of Darryl Turner (Employers Mutual Limited)

On a personal note, I wish all the best to Darryl Turner (Client Relationship Manager) of Employers Mutual Limited, who retired on Wednesday 15th July 2015. Darryl has spent over 50 years in the general insurance and workers compensation. He is highly regarded within the industry. He has been extremely supportive of the association in ensuring the Master Plumbers have return to work and reduction of workplace injury strategies in place. He will be sadly missed but we wish him all the best.



Subcontractors get caught – again

Master Plumbers SA will be actively working with other subcontractor associations to look at what we can do to stop the ongoing issue of builders going broke, resulting in subcontractors (Master Plumbers SA members) being left with massive losses, often leading to the closure of their business. This results in huge debts that can destroy the livelihood, families and the quality of life of our members. This is not acceptable.

The government needs to review legislation and make changes to current legislation to protect businesses. Other states have acted and we applaud them for recognising the problem. The SA Government needs to act immediately to rectify this ongoing problem.

Andrew Clarke
Executive Officer



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Are Retention Monies a Performance Bond or a Penalty?



Construction contracts, which include the Standards Australia suite of standard form contracts, all have some form of retention or performance bond clause in them.

The reasoning behind these deductions or bonds is supposedly linked to performance – that is, the subcontractor places an amount of its own hard earned cash back on the table as a guarantee that it will perform its obligations under the contract.

What is supposed to then follow is that once the subcontractor/s have fulfilled their obligations under the contract, the retention monies or bonds are returned to them, supposedly intact. This is usually where the dream ends and the harsh reality of a different nature prevails.

The most common deviation in contracts on this point is that only half of the retention monies are returned at time of practical completion. Half! The other half is conveniently kept as a future performance bond against defect liability during the defect liability period (which can and does extend far beyond any reasonable period specific to the subcontractor's scope).

To add insult to injury, most contracts clearly forbid applying interest to retention monies, so not only is your money held by another for a period which is truly of dubious relevance to your scope of work, but it will gain no interest for this privilege!

Do the maths. You're on a \$10 million contract which will take you all of 16 months to complete. The project has a construction period of 30 months. Before you can start, you have to pay the main contractor an amount of five per cent of this contract sum, or \$500,000, as a performance bond.

This money will be held by the main contractor in an undisclosed account, and shall not bear interest for the period that it is held. The contract states that on receipt of a certificate of practical completion,

you will receive half of your money back, with the other half being paid to you 12 months after project completion, which is 14 months after you finished up your scope.

In more simple terms, the main contractor will have use of the full amount of your money for a period of 16 months, and continued use of half of your money for a further 14 months.

Assuming that the main contractor places your money in an interest bearing account for their own benefit and receives six per cent return per year on it, they will have earned \$40,000 on this investment during the 16 months that it takes for you to achieve practical completion.

They then return half of your money to you, or \$250,000, placing the other half back into the investment deposit, together with the interest from the first lot, and by the time you are due to collect the remaining half of your performance bond some 42 months after you initially began the work, they will have collected \$71,900.

I've specifically kept these calculations simple for this article, however you might want to ask your accountant to get a bit creative with dollar figures over a 42-month period and see what you come up with. You would be quite amazed.

The bottom line is to ask whether your retention monies are a performance bond to keep you honest, or a lurk by the main contractor which equates to a penalty? Are you being slugged twice?

Let's have a quick look at the most dangerous of all scenarios that every contract is exposed to – the upstream holder of the retention money goes broke! It happens every week, with monotonous regularity, and inevitably it is the small subcontractor and ultimately the project itself that suffers the most.

There is only one simple method that prevents abuse of retention monies either by loss or subterfuge, and that is to have in your contract a clause that clearly states that all retention monies must be held in an independent trust account, which must be interest bearing, and that the only beneficiary of the monies held in trust is you!

Like every other mitigation strategy that adds balance and value to a contract, it has to be negotiated and fought for. Otherwise it simply will not happen.



Mervyn Sher

Why are Australian Construction Firms Failing?



Even as building conditions pick up, the construction sector in Australia continues to be dogged by high rates of business failure and a shocking impact upon unsecured creditors such as subcontractors.

External administrators were appointed to no fewer than 764 companies within the building sector throughout Australia in the six months to December alone, ASIC data indicates. During 2013/14, ABS data shows that 52,945 operating businesses left the sector, implying the third worst 'exit rate' (15 per cent) of any sector throughout the Australian economy.

Horror stories keep coming

Creditors could lose an as-yet unknown amount in the latest collapse of the Integrated Construction Management Group, which went into liquidation on April 17 2015. Locally Tagara has collapsed with creditors believed to be owed \$20million. Kingsway Financial Assessments head of business information, Robert Jochelson, said subcontractors are often the worst impacted party.

"Subcontractors are definitely the biggest losers and fund the industry from the bottom up," he said.

"They are largely unsecured and often trapped in the contracts where they are afraid they will be in breach of their contract if they stop work even if they have not been paid, despite the fact that the head contractor has breached the contract by not paying them.

"They can get strung along from month to month with promises of payment and this increases the amount of money they eventually lose if the company fails." While opinions about the cause of failure vary and a relatively high rate of business entries and exits may seem normal for an industry characterised by low barriers to entry and a high number of very small entities, sentiments expressed by Jochelson as well as a number of parties who put forward submissions before a Senate inquiry into construction sector insolvency carry a number of common themes, including:

- Contractors being forced to bid for work at unsustainably low margins simply to retain enough work in order to keep their workforce intact

- Insufficient due-diligence on the part of some principals to ensure head contractors bidding for work have the appropriate financial backing to see the project through
- Poor business management and cash flow management
- Trying to grow too fast without appropriate systems and resources in place
- Pressure on subcontractors to agree to unduly onerous contract conditions and excessive payment terms
- Late payment from contractors to subcontractors and poor record keeping on the part of either party.

The pressure on contractors and subcontractors is a particularly common refrain. The Electrical Trades Union, for example, said in its submission that a recent depression within the construction industry (with the exception of housing more recently) had "promoted an unfair transfer of risk to main contractors, where main contractors need the work and feel forced to take on more risk on projects through inequitable contract conditions."

The Air Conditioning and Mechanical Contractor's Association, meanwhile, complains that "the structure of the commercial building and construction sector, typically characterised by a top-down chain of contractual relationships, propagates an environment whereby risk is disproportionately allocated to subcontractors."

Renowned construction sector advisor David Chandler took things a step further, saying the industry is beset by deep structural problems, including unsustainable workplace relations practices, a reluctance to change and a procurement culture which is "combative at every level.

Chandler described many enterprises in the sector as being "organisations whose business strategies are either non-existent or flawed," and added that many are "unsustainable and simply represent terminal outcomes waiting to happen.

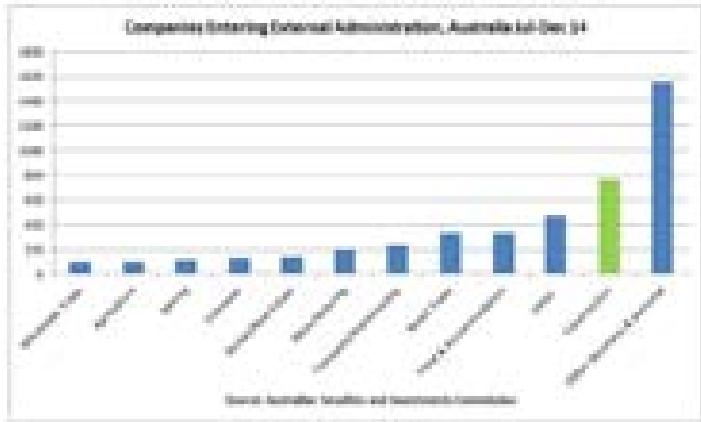
He said the sector costs 20 per cent more than it should and has delivery times which are 40 per cent slower than justified and an on-site workforce input which is 30 per cent more than needed. If nothing is done, he reckons more than 150,000 jobs throughout the industry could be lost by 2025 as rates of import penetration rises to as high as 40 per cent.

What can be done?

Industry groups such as Master Builders Australia want more emphasis on business management skills during training as well as greater consistency in harmonisation of regulation across the country to reduce construction costs and delays.

The Electrical Trade Union (ETU) wants financial and management skills to be introduced at the point of qualification, more financial probity checks when assessing licensing applications and a clearer definition of and increased sanctions and penalties for phoenix activity.

Why are Australian Construction Firms Failing?



Master Plumbers believes that there is a need for holistic change, including structural, legislative and better education.

The idea of imposing the mandatory withholding of retention payments in construction trusts to safeguard money owing to subcontractors – a recommendation by the Collins Inquiry in New South Wales which the government in that state is trialling – is popular with debt collection experts but opposed by industry lobby groups such as Housing Industry Association on the basis this would restrict the ability of principle contractors to use

money received from progress payments in a flexible manner. Again, Chandler wants the industry to go further, and has called for all public and private sector projects worth more than \$5 million to conform to a national construction productivity and modernisation strategy by 2020. He said the Senate Committee could follow the model of the Singapore Government's Economic Strategies Committee and work out a broad road map for construction productivity.

While not all business failure is avoidable, a broad consensus appears to be that insolvency rates within the construction sector are too high and that underlying structural factors leading to this need to be addressed.



Andrew Heaton

Editor's Note: There are many vested interests that will lobby hard for what they want. It will be up to politicians to show leadership and implement real change to serve the interests of the majority and that any changes will minimise the harm a sector of the construction industry brings down upon the vulnerable.

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The Joys of ‘Setoff’ in a Construction Contract



For the uninitiated, dumb and desperate, setoff is an evil tool used by the upstream client on the contractor/subcontractor on an ad hoc basis, without any check or balance in place to stop this filthy practice. Horror stories abound, and I have seen several cases where main contractors or clients use the setoff clause in the contract to milk any profit that there was once in the project, but that clearly will not be there at the end of the day.

However, let's put a bit of realistic perspective on this issue. Let's have a quick look at what setoff really is – an ability by one party to automatically set off an amount owing to it from a payment that it owes to another party. In other words, if the downstream person (subcontractor) owes the upstream person (main contractor) an amount of money (let's say for defective works that had to be completed by the main contractor), then the main contractor is entitled to deduct this amount from any amount it owes to the subcontractor.

Depending on the clause in the contract that was signed between the parties, the upstream person may well be entitled to dip into the retention monies and the (bank) guarantees (which I remind you all are put in place to ensure performance values only) as well as any certified amounts owed to the subcontractor for work properly done. Here's the part where you get the free set of steak knives strategically placed in your throat, heart and back...

If the upstream person is of a mind to be unconscionable, and to press a point knowing that you will most likely not resist (this used to be called standover bullying), they can and will rapidly erode your earnings which they have control over, and they will drip feed you your earnings until you fall over. I currently have a client that is in this exact position, whereby their \$800,000 retention monies should have been returned to them, together with payment for their certified payment claims shortly after achieving practical completion.

The issue is that the upstream person is playing hardball. All monies are being withheld pending “defective work” contra charges being claimed. This means that the upstream contractor is clearly making unsubstantiated frivolous and vexatious contra payment claims on the downstream person, because they can under the contract.

Unfortunately for my client, a family-owned business in Western Australia, they relied on someone completely incompetent - someone who talked the talk but could not walk the walk when it counted - to negotiate and settle the contract, which this bloke did by simply accepting all the terms and conditions of a design and construct contract, of which my client has no design scope or capability, but which finds them liable for it.

For those of you in similar positions, let's get one thing straight. If you sign a contract blind or uncaring, and you do not understand the risks attached to each and every clause, or you are of the opinion that if you “talk back” or query the contract you will not be awarded the work, then you, more than anyone else, are one of the parties responsible for this filthy behaviour in our industry. People who are either too feckless or lacking in intellect and backbone truly should not be allowed to run a company. Be that as it may be, the downstream person, the victim of this disgusting commercial behaviour is able to achieve balance and compensation in this issue, although they will have to push back pretty hard on the upstream person to get anywhere.

The best options available to you are to (a) immediately issue a formal Notice of Dispute to the upstream person pursuant to the relevant clause in your existing contract, which could well include the pathway to arbitration or litigation, and (b) without waiting for the upstream person to engage in the dispute, issue an Application for Adjudication pursuant to your local security of payment legislation (Construction Contracts Act 2004 in WA) on the “setoff” charge, or the contra charge, whichever it is, or (c) providing the contract does not bar this, prepare to litigate.

If there is more than one contra charge or setoff, then issue a Notice of Dispute for each and every contra charge/setoff, and likewise make separate and individual Applications for Adjudication for each and every contra charge/setoff. In WA, despite the very best efforts of the various parties involved in these processes to seemingly deviate completely from the spirit of such legislation as Parliament intended, to bend and twist, chop and dice, and pick the eyes out of each application, there remains a core band of adjudicators and may I respectfully include certain members of the judiciary who steadfastly apply the law and the intent of the Act to the benefit of the broader industry.

Your ace up the sleeve is that there are sufficient superior court authorities, which clearly state that a counterclaim such as a contra charge must be properly proven before it may become a setoff. Keep in mind for those in Western Australia that you only have 28 days from the date of the dispute to lodge this application, so get the wheels in motion sooner rather than later. If at the end of the day you cannot in all good conscience state that you did everything within your power to stand up for yourself and demand what is rightfully yours, then you do not have the right to complain about your circumstances.



Mervyn Sher



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Calls for Senate Inquiry into Non-Conforming Building Products



The Master Plumbers Association has joined the call for a Senate Inquiry into Non-Conforming Building Products, following the launch of a consumer awareness campaign by the Australian Competition and Consumer Commission (ACCC) into faulty electrical cables.

“The news that the ACCC is launching a campaign on Infinity Cables, which could have been installed in up to 40,000 properties, must surely be the catalyst for a formal Inquiry. We applaud the launch of the ACCC campaign, which is an essential public safety response.”

“However, campaigns such as this, initiated with the safety of thousands of Australians in mind, can be avoided by safeguarding against the use of non-conforming products in the first instance.”

“The problem of non-genuine and non-tested building materials and components making their way into building product supply chain is growing. Regardless of where something is manufactured, it should meet Australian compliance standards.”

“With more and more products being manufactured offshore, and increased access to these products by individuals, the need to focus on compliance has never been greater.”

“A key concern is that the evolution of compliance and enforcement in Australia has not kept pace with changes to our economy, global supply chains, and how or where products are manufactured or sourced.”

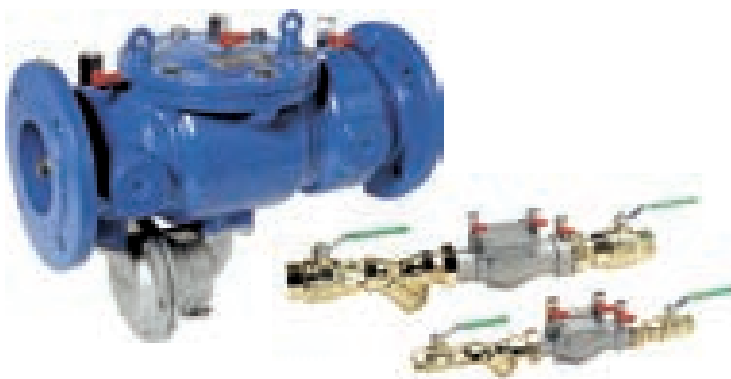
“Manufacturers who do the right thing are being disadvantaged against those who fail to test and confirm that products meet Australia’s compliance standards on an ongoing basis.”

The terms of reference for a formal inquiry should include:

1. The extent of building product non-conformance across the Australian building and construction industry.
2. The impact of building product non-conformance on Australia’s product supply chain, including the effect on consumers, building costs and compliance.
3. The current regulatory framework, including any gaps in regulatory coverage.
4. Recommendations on alternatives to improve the regulatory coverage of building product conformance, and options to enhance surveillance screening on imported building products.

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Quoting from Plans – Can it really be done?



Can a contractor be held to a quote made from plans?

One argument that says they can because the plans show the dimensions and therefore they are a reliable reference point for quoting. One of the arguments against that position, is that you can't know the dimensions of something fully, until it is built. The central issue underlying this is simply: to what extent can one rely on plans as a representation of the scope and extent of the work? In my experience, plans are fairly unreliable and can only ever be a starting point for pricing. After all, if plans were the final word then there would be no variations, no changes at all, and no payment disputes. Here are some of the shortcomings of plans or drawings that explain why contractors often do not actually get to build what is on the plan.

Plans are often Temporary

A plan is given a revision number and in reality only reflects the works at a particular point in time. As we know, they are often revised, sometimes half a dozen times if not more. So where does this leave the quoting party who has provided pricing for Revision B but is now asked to construct to Revision F? No matter how familiar you make yourself with the site and plans, if they change significantly, so must your price.

Prone to error and omission

Where there are humans, there is human error, and so it is with plans. Often the plans have errors in them. Some of the scope may be missing. Some of the dimensions may be wrong. Elements may be in the wrong place. Specifications may be incomplete. The list goes on and on. There is no substitute for actually building something to realise the applicability of the plans. Of course, errors like this usually result in amended plans, but nothing changes the fact that the poor contractor had to price off the erroneous plans to start with. That is the point.

Additions and Variations

Often the client will simply want a whole section or particular item included that was never contemplated. A homeowner may decide to add a courtyard. A builder's client may decide to change the roof design. This is just extra work and is a variation. In this instance, a totally new

drawing will be issued and will need to be quoted, but sometimes the manner in which this new work interacts with the existing scope may change the cost to build that existing scope. Of course, the contractor could not have known that. The same applies to plans that have clouded areas at time of tender. These are areas that are not specified until later revisions. Only then can a final cost be confirmed.

Buildability

For reasons that I have never been able to pin down, two complementary trades working from the same drawing will find that their interrelated works do not match up. For example, one party may build some large sliding doors to be inserted into a void in a wall, but when it comes to installing the doors in the void, they don't fit. The reason is that often the drawings do not account for some vital bit of preparation or some other work that relates directly to that product, or some other item that must be installed first. In this example, perhaps that brand of door requires some special associated elements before installation. Of course, that is the responsibility of the door supplier and installer to pick up but the point is that often such details are not on the plan.

Another aspect of a plan's buildability is that plans make little or no provision for voids to allow the installation of services or no design work was undertaken to avoid clashing eg, a sewer pipe running through where an air conditioning duct is drawn to run. This is only picked up when the work is being done. Now some trades will need to rework their services at extra cost. Again, none of this would have been obvious from the quoted plans.

Don't account for lack of trade coordination

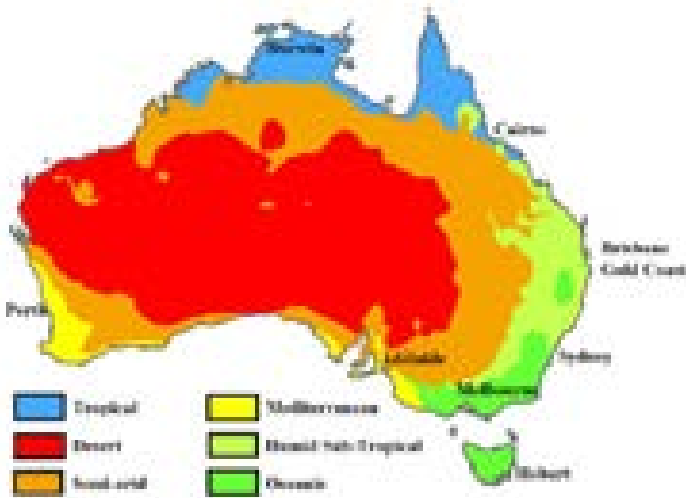
Often, plans do not indicate a correct or 'best practice' order in which elements are to be installed. So even though all contractors are building to their drawings, they still cannot accommodate their works alongside each other. For example, mechanical services often bang into installed plumbing, which then conflict with the fire sprinkler system and the air conditioning ducting.

One can now predict with the advent of 3D planning, the best order to install but this is often abandoned by the desperate need to meet the programme. Sadly, many subcontractors' costs are driven up in rework in order to meet the programme. The bottom line is that they ultimately do not build what their plans require them to build. They actually have to build endless workarounds. Whether you are quoting on a schedule or a lump sum, it would serve all parties well to realise that you often don't know what you've actually got to build until you build it. It follows that you actually don't know what it's going to cost until you build it either.



Anthony Igra

Is NatHERS Right for Australia?



Sustainability advocates have raised concerns that Australia's green building criteria are unsuited to the climate zones of many parts of the country, and will thus hamper efforts to raise the energy efficiency of the built environment. Problems with Australia's building efficiency criteria were brought to light last year by the winners of the 2014 Australian Institute of Architects Gold Medal, Adrian Welke and Phil Harris of the Northern Territory's Troppo Architects.

The pair made the point that current criteria are based upon the premise that maximising the energy efficiency of houses requires sealing them up and stuffing them with insulation instead of exploiting nature design features or enhanced ventilation to achieve more efficient temperature modulation. Harris noted that many of Troppo's early houses had received low or zero-star energy ratings despite not spending a single watt of electricity on cooling over the past few decades, and referred to these poor appraisals as being almost a "badge of honour."

The complaints voiced by Welke and Harris have been at least partially vindicated by a recent CSIRO report for the Department of Industry, which

investigated whether or not residential buildings with 5-star energy efficiency ratings under the Nationwide House Energy Rating Scheme (NatHERS) achieved higher levels of efficiency performance.

The CSIRO's evaluation of the 5-star energy efficiency standard for residential buildings found that while the 5-star standard did signify a reduction in the level of energy needed to maintain home temperatures in winter, it was also accompanied by higher cooling costs. This disparity in performance bodes poorly for the application of NatHERS tools to many parts of Australia, given the torrid nature of the country's climate zones.

"Heating costs were reduced and cooling costs increased in higher-rated houses," said the report. "The net annual impact was that Brisbane costs were greater in higher-rated houses, whereas Adelaide and Melbourne costs were lower for the higher-rated houses."

The report also noted that greenhouse gas emissions of higher-rated houses increased in the summer across all cities included in the study, although emission nonetheless fell by seven per cent for the full year. The reason for the inability of the NatHERS criteria to reflect this disparity in efficiency performance across the seasons is the use of a single rating that is created by adding together both heating and cooling loads.

As a result of this process, a higher rating may not necessarily ensure greater energy efficiency for cooling purposes, which is more important in many parts of Australia due to the country's balmy weather. If this shortcoming isn't remedied, then rating systems like NatHERS are likely to become even more disingenuous in the future as global climate change results in hotter summers, higher year-round average temperatures and indoor cooling assumes an even greater share of home energy consumption.



Marc Howe

SA Water Plumbers Claim Reimbursement payments Effective July 1, 2015

Every year SA Water reviews the Plumbers Claim Reimbursement payments, please find new fees effective from 1 July 2015.



Government of South Australia



Who can make a sewer blockage claim?

If you are a plumber, you can make a claim only if you have:

- attended a property to fix a sewer blockage;
- found that the problem is in SA Water's infrastructure;
- called SA Water to report the blockage;
- a job number that relates to your call.

How can I make a claim?

1. Complete the Plumbers Claims reimbursement form.

This must be done while at the property. You will need to get the customer's signature before you lodge the claim.

2. Attach a copy of an invoice for the approved reimbursement amount.

The invoice must be on your company letterhead. (Reimbursement amounts can also be found on the second page of the claim form.)

3. Lodge the claim with SA Water within 60 days of the work being performed to:

EMAIL:
plumbersclaims@sawater.com.au

POST:
SA Water,
Customer Service Centre –
Plumbers Claims
GPO Box 1751
ADELAIDE SA 5001

How long will it take for my claim to be processed?

Your claim will be processed within 30 days of its receipt. If the claim is not eligible, we will return it to you with further information.

Reimbursement amounts

Day	Time	Amount	GST	Total Reimbursement
Mon - Fri	7am - 4.30pm	\$86.27	\$8.63	\$94.90
Mon - Fri	4.30pm - 7am	\$135.56	\$13.56	\$149.12
Sat	before 11am	\$135.56	\$13.56	\$149.12
Sat	after 11am	\$179.92	\$17.99	\$197.91
Sun, Public Holidays	all day	\$179.92	\$17.99	\$197.91

Maintenance Plumbing

Mandatory Testing for Legionella Critical

Queensland Health has advised that legionella bacteria has been found in the plumbing fixtures and pipes at the Hervey Bay Hospital in Southern Queensland. The water testing was originally prompted by the death of a patient who had tested positive to the bacteria on April 20 2015, and relates back to the issues brought to light in the 2013 legionella scare at the Wesley Hospital in Brisbane.

This situation once again demonstrates the critical importance of being vigilant on testing for contamination and pathogens in our water supplies and air-conditioning systems. The Master Plumbers Association of Queensland (MPAQ) has called on their State Government to increase the requirements for regular and mandatory testing, inline with NSW, to ensure that hot water systems are tested every 12 months. The association also believes that tempering devices should be tested every 12 months.

Storage water heaters are required to store water at a minimum of 60°C in order to inhibit bacteria growth. The outlet of sanitary fixtures used primarily for personal hygiene purposes is 50°C. Australian Standards require that delivery temperature in areas primarily for personal hygiene for water must be tempered to 45°C for the aged, the sick, children or people with disabilities in healthcare, aged care buildings, nursing homes, early childhood centres, primary and secondary schools.

These temperatures are reached by the use of tempering and thermostatic mixing valves which mix cold water with the high temperature water from the

hot water heater (stored about 60°C in a storage system). In Queensland, it is a requirement to hold an endorsement on the plumbers licence to commission, service and test thermostatic mixing valves.

The Australian Standard (AS4032.3) requires thermostatic mixing valves to be tested every 12 months and a major service every five years. This standard also states that tempering valves are to be tested every 12 months. However, the afore mentioned is not a legislative requirement in Queensland. The association urges the government to consider implementing a mandatory maintenance scheme state wide for temperature control devices for hot water. MPAQ would welcome the opportunity to work with the government to try and reach a positive outcome providing safe hot water to Queensland homes, businesses and communities. Effective plumbing services are critical for maintaining and enhancing community health as well as protecting the environment.

Editor's Note: This article from the MPAQ is a mirror image of the lobbying Master Plumbers Association of South Australia has been undertaking here but with one exception. In Queensland at least, TMV servicing is an endorsement on the licence, something we are still seeking. Plumbers who are unable to demonstrate specific training in TMV maintenance, servicing and Legionella Guidelines they are exposing themselves to unnecessary legal risk. If you have not formal training we urge you to do it.

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jarvistoyota.com.au

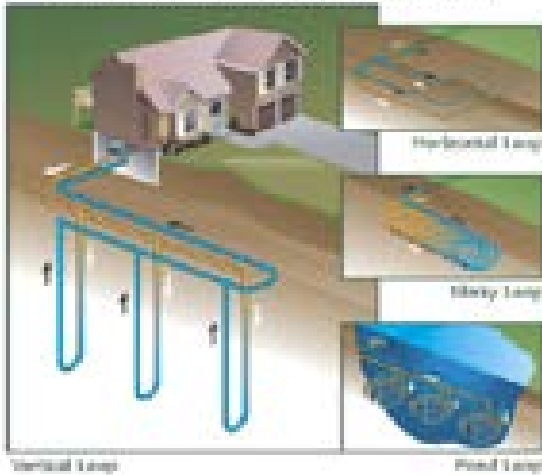


Oh what a feeling!

Residential Plumbing

New Research: Geothermal Outperforms VRF

Geothermal Energy for the Home



New research suggests that using Geothermal Heat Pumps (GHP) is the best solution when it comes to the energy performance of heating and cooling systems. More than two years of data has been collected and analysed at the headquarters of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) in Atlanta, where they have set up a living laboratory. A research team comprising the Geothermal Exchange Organisation, Oklahoma State University and Oak Ridge National Laboratory has conducted experiments to assess the relative performance of GHP and Variable Refrigerant Flow (VRF) systems within a commercial building. The building was originally built in the 1960s but then renovated and enlarged to incorporate the different systems for comparison:

- Variable refrigerant flow system serving the first floor
- Ground source heat pump system serving the second floor
- Dedicated outdoor air-system serving both floors

More than 1,600 sensors were then placed throughout the renovation project. The raw data indicated that the VRF system used twice as much energy as geothermal, and when differences in heating and cooling loads were normalised, the GHP system averaged 44 per cent less energy use than VRF. "Though the control strategy for the VRF system resulted in longer run times compared to the geothermal system, it is clear that the ground loop water supply temperatures were more favorable than ambient air temperatures for heat pump operation. This allows the geothermal equipment to operate at higher efficiencies," said Jeff Spitler, Regents Professor of Mechanical Engineering at Oklahoma State University and one of the researchers on the project.

The use of geothermal systems is certainly continuing to gain in popularity, and offers various benefits: The air temperature can be lower than in normal ducted systems, as long as you have warm surfaces around you. Maintaining these levels is cheaper than maintaining air temperature levels and also results in a better energy efficiency outcome. It is estimated that the system requires approximately 50 per cent lower maintenance than a traditional ducted system. Virtually none is required in the ground loop and, as it is more passive, it requires less user intervention. Radiant systems are the most

natural heating/cooling system. Early humans lived in caves for a reason. They have a greater thermal stability because the temperature of rocks naturally meets the human comfort zone. In a wine cellar on a hot day, you feel cool and comfortable because of the cool walled surfaces surrounding you. Geothermal systems have the potential to be used more widely than simply for HVAC. They could be part of a broader energy efficiency strategy for industrial sectors requiring process applications as they offer a thermal storage solution.

The dairy industry, wineries, aquaculture, mushroom farms, chicken farms and the like could all benefit from the approach. There are few climatic limitations but the system is more commercially viable in temperate climates, rather than in extreme hot or cold regions. It may not be as appropriate in Darwin, for example, although there are still examples of the system being used. It may be appropriate for mining towns in the desert because of the large diurnal temperature differences; it just requires more pipes in the ground to work. It is also better in certain soil types for the installation of the ground loops. Sandy soil is more difficult for effective drilling and more expensive, but this type of soil is good for heat transfer. There is usually a trade-off between soil performance and installation costs driven by soil type.

Geothermal is not a new concept but it is still relatively new in Australia. There are a small number of geothermal projects here, including the Birdsville Organic Rankine Cycle Geothermal Power Station (Birdsville Plant) which produces 80 kilowatts, which is enough energy to power the town of Birdsville. The plant is Australia's only Hot Sedimentary Aquifer project currently producing electricity. The Peninsula Hot Springs Bath House and Spa Centre in Victoria, is a tourist destination where natural hot water flows from aquifers more than 600 metres below the surface. The water temperature within the pools is between 37 and 43 degrees Celsius and the pools are reputed to have healing properties. The ACT government has also been looking at plans to heat a cordoned-off area of Lake Burley Griffin to create a year-round 'beach.' The possible urban beach development in West Basin is part of the ACT government's new city to the lake project. It would feature a swimming area which, while part of Lake Burley Griffin, would be separated by a barrier and treated with chemicals like a standard swimming pool. It would also be heated, potentially using geothermal electricity.

At RACV Healesville in Victoria, on-site ornamental lakes are used as a low grade heat source/heat sink for heating and cooling. The system also uses direct cooling from the lake during suitable lake water temperature conditions. Energy reduction at the resort is supplemented by a hydronic floor heating, cooling system and a positive displacement ventilation system. Fully automated controls ensure optimum system performance. Solar boosters supplement the domestic hot water supply. A perimeter lighting system with daylight compensation minimises the artificial lighting required and motorised blinds reduce direct sun penetration.

The design achieved dramatic cost savings and reduction in energy use:

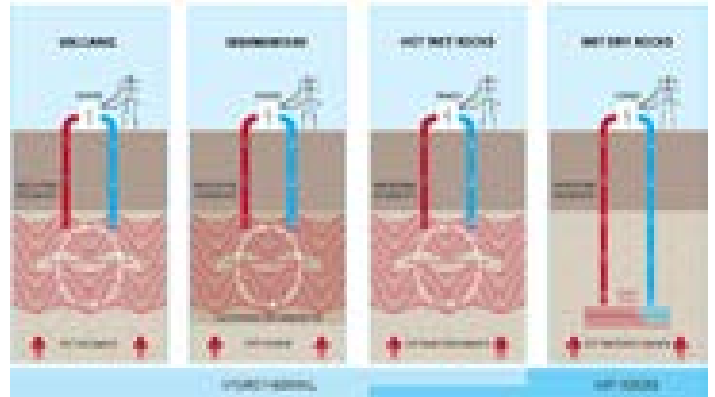
- the lifecycle costs were \$4,504 compared with \$5,923 for traditional systems
- annual energy consumption was 56kWh/m² compared with 126kWh/m²
- CO₂ emissions were 577 tons compared with 873 tons.

Residential Plumbing Cont...

New Research: Geothermal Outperforms VRF

With all of Australia's major cities on the ocean there are other opportunities to use water to heat and cool buildings as they do in Toronto, Canada, which in this case uses the coldness of the water of Lake Ontario. Savings of:

- More than 61 megawatts of electricity for Ontario's and Toronto's electrical grids
- 79,000 tonnes of carbon dioxide are removed from the air annually
- Removes over 145 tonnes of nitrogen oxide
- 318 tonnes of sulphur dioxide from the atmosphere
- Reduces the need for cooling towers, thus relieving valuable commercial office space for other uses and saving some 714 million litres of fresh potable drinking water.



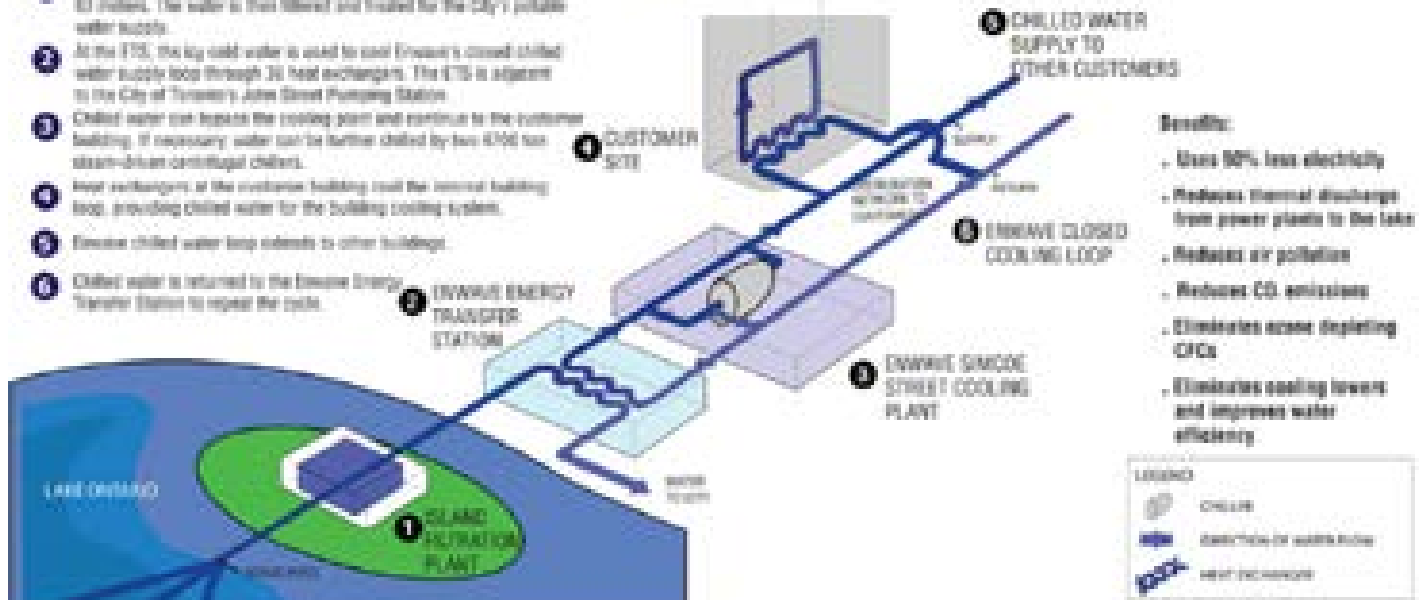
Justin McGar

Image credit: Australian Geothermal Energy Association
RACV Healesville ornamental lake



Deep Lake Water Cooling System

- 1 Three intake pipes draw 4°C water from Lake Ontario at a depth of 60 metres. The water is then filtered and treated for the City's potable water supply.
- 2 At the ETS, the big cold water is used to cool Enwave's closed chilled water supply loop through 26 heat exchangers. The ETS is adjacent to the City of Toronto's John Street Pumping Station.
- 3 Chilled water can bypass the cooling plant and continue to the customer building. If necessary, water can be further cooled by two 6700 kW steam-driven centrifugal chillers.
- 4 Heat exchangers at the customer building cool the internal building loop, providing chilled water for the building cooling system.
- 5 Enwave chilled water loop extends to other buildings.
- 6 Chilled water is returned to the Enwave Energy Transfer Station to repeat the cycle.





Rheem Apprentice Plumber Grants 2015

Are you an apprentice plumber? Could you use a helping hand to pay for your TAFE fees, tools or fuel to get you to and from work?

Have a go at scoring one of 25 grants from Rheem Australia worth \$1000 each!

Visit www.rheem.com.au/apprentice for more information

Applications open: Saturday 1 August
Applications close: Wednesday 30 September

ARE YOU AWARE?

Unless you are using the Acura Snap Floor Waste Fire Collar, you may not be using the correct one for the job!

Acura's Snap Collars are approved for use in many applications with many pipe types according to AS4072.1 and AS1530.4. In a floorwaste and shower application, a stack collar does not meet the code. The answer is the Acura Snap Floorwaste collar.

With a rise in retrospective building audits across Australia you cannot take risks with inferior products. It is re-assuring to know you can rely on Snap collars. To guarantee compliance always insist on a full test report. A test certificate is not evidence of compliance and some assessments pose risks. Do not be put off by claims of "commercial in confidence" – transparency is the name of the game.



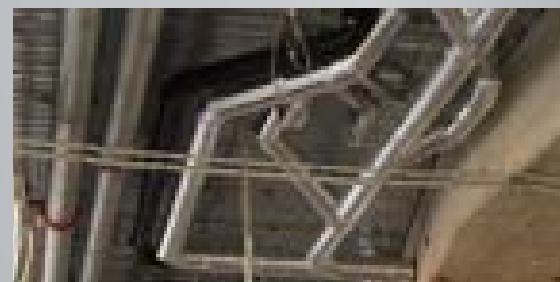
- Retro fit & Cast-in
- Easy to install
- No internal expansion device that is liable to cause issues later
- Available both in low and high versions

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Northern Territory



Commons Plumbing (NT) Pty Ltd celebrates its 10th birthday

Director, Richard Commons, began his working life as an apprentice with his father and then worked for him for the next fifteen years.

He gained experience in the trade and in running a business in the usual fashion of father and son working on site during the day then in the office at night doing wages, tax, super and the myriad of paper tasks all businesses have. Eventually they moved on to working together tendering for projects.

Upon Kevin's retirement, the business name of Commons Plumbing (NT) Pty Ltd was registered and the transition to Richard running the business evolved. Richard had been the main point of contact for all of the clients and the day to day running of works on site for some time prior to Kevin's retirement.

From here the business has grown from mainly domestic/small commercial works and a staff of 4 men and one backhoe, to becoming specialists in commercial/industrial and small scale sub-divisions.

Today, Commons Plumbing employ a team of 16 with over two million dollars' worth of excavators, front end loaders, prime mover, backhoes, and skid steer loaders and other equipment.

Working mainly in the design and construct field, Commons Plumbing (NT) Pty Ltd prides itself on being able to offer its clients quality in both design and workmanship.

Richard and his team are now looking forward to the next 10 years of growth for Commons Plumbing.

NORTHERN TERRITORY MEMBERS

FULL MEMBERS

Aldirect Plumbing and Gasfitting Pty Ltd
 Ausplumb NT
 Centre Plumbing
 Commons Plumbing (NT) Pty Ltd
 Excel Pty Ltd
 G.J Wigg Plumbing Specialists Pty Ltd
 Gold Medal (NT) Pty Ltd
 Greg Harwood Plumbing and Gasfitting Pty Ltd
 Mousellis and Sons Pty Ltd
 Overland Plumbing
 Peter Rintel
 Selter Shaw Plumbing Plumbing Pty Ltd
 Stockwell Water & Gas Pty Ltd
 Symonite Pty Ltd t/a Tap and Drain Doctor

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www.mpasa.com.au

Membership

New Members

DJ Plumbing and Gas



DJ Plumbing and Gas is a small business specialising in domestic plumbing and gas maintenance and repairs. Customer satisfaction is a priority and building trust and relationships with my clients is paramount to the business' success.

Phone: 0422 579 365

Reef Plumbing



Located in Goolwa, Reef Plumbing services the Fleurieu Peninsula offering friendly, affordable & reliable plumbing services. Our services include general plumbing maintenance, bathroom renovations, blocked drains, septic tank installation, rain water tanks, water filtration, hot water systems, new homes & renovations.

Phone: 0434 965 720

Coastal Plumbing and Gas



Coastal Plumbing and Gas SA are enthusiastic workers who have a strong sense of pride in all work undertaken. The directors Luke and Sam each have been in the industry for over 10 years and come from different plumbing backgrounds ensuring they have a vast knowledge of all aspects of plumbing and gas fitting. Very friendly and competitive prices.

Phone: 0431 611 171

Blue Water Plumbers



Blue Water Plumbers started in 2008 when director Tom James-Martin recognised a need in the market for a customer orientated approach, which is honest, transparent and reliable. The business has grown through referrals and repeat business with a continued focus and pride in offering a first rate, exceptional quality service.

Phone: 1300 155 511

Billi Pty Ltd



At Billi we locally design and manufacture a range of energy efficient filtered water systems that offer our customers the very best in innovation, superior performance and reliability. Gary Grobitsch your local point of contact who is a certified Billi technician and plumber by trade, has a proven track record of providing excellent customer service. Technical sessions are regularly held at our Edwardstown facility.

Phone: 0499 400 477

Members Expo

A record 51 displays filled West Thebarton Community Centre on Tuesday 9th June, for the recent Master Plumbers Name Change Expo. Attendees commented that they found the breadth of displays very useful in learning about member benefits and about new plumbing products. Members attending were able to enjoy a sausage sizzle, collect their Master Plumbers Member Pack as well as spend time at the expo. We congratulate the members who won one of the many fantastic prizes drawn.

Pre-Registration Draw \$50 Coles Myer Voucher

Bolton Plumbing Services J & E Baldino	Ryan Bolton John Baldino	Hindmarsh Plumbing Alvin's Plumbing Pty Ltd	Kym Magookin Alvin Browne
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Main Prize Winners

Aaron Blackwood	AKB Plumbing & Roofing Pty Ltd	John Bader	Premier Plumbing XL
Mel Crawford	Horseshoe Bay Plumbing	Joshua Eden	Shane Stevens Plumbing
Gavin Patman	Swift Plumbing	Brian Fenton	Brown's Plumbing
Aaron Blackwood	AKB Plumbing	Mark Kidman	Kidman Plumbing
Shane Stevens	Shane Stevens Plumbing	Steve Hall	Industrial Plumbing

Studor Vent Winners

Steve Little	Steve Little Plumbing	Paul Gestl	Gestl Brothers
Peter Dineen	Dineen Plumbing	Spencer Hall	Tadpole Plumbing
Michael Cloke	Cloke Plumbing	Erin Clarke	Season Air
Alexander Georganas	AG Plumbing Services	Tom Brown	Brown's Plumbing & Gas
Grant Brett	Ecowise Plumbing	Brenton Portlock	LC & HPR Portlock
Gary Mott	Mott Property Services		





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Gas Plumbing

Shortage of Inspectors a Challenge for Home Gas Safety



A shortage of qualified service personnel could make it extremely difficult to fulfil the gas safety inspection needs of consumers throughout Victoria, even if testing was to be made mandatory by the government.

Concern over the hazards associated with the use of gas heaters has risen to the fore, following the revelation that as many as 12,000 of the devices installed in Victoria during the first decade of the new century could be leaking hazardous levels of carbon monoxide.

Cannon Appliances recently issued a warning that Cannon Fitzroy or Canterbury Inbuilt Heaters installed between March 20, 2001 and October 8, 2009 could pose a hazard to home occupants under certain conditions.

The news prompted 3AW radio host Neil Mitchell to announce that Cannon Appliances should be “screaming it from the rooftops” due to the potentially fatal nature of exposure to carbon monoxide.

One anonymous industry veteran who spoke to Sourceable said that the key to ensuring the safety of such systems irrespective of their make, come down to correct installation and regular servicing.

“The main thing is installing these systems correctly. You’ve got to install them correctly and test them to make sure that there aren’t any issues,” he said.

“The consumer should also be having these systems tested every two years anyway.”

According to the source, while Energy Safe Victoria is doing an outstanding job of apprising consumers of the dangers and servicing requirements of gas appliances, their efforts will only be limited unless inspections are made mandatory.

“I think Energy Safe Victoria, if you look at the ads that they’re running on television, are actually doing a good job,” he said.

“They’re telling everybody that that’s what you have to do – it’s not the law here that you have to do it. It’s just suggested in law that you get your gas appliances serviced.

At least they’re out there running advertising campaigns - how much more can they do?”

Despite the efforts of Energy Safe Victoria, who are investing in raising public awareness of the dangers of gas appliances and the need for regular servicing. This is still not a complete safeguard against mishap, given the lack of mandatory requirements and the negligent attitudes of many owners.

“You know what Australia’s like – everyone has the attitude that ‘she’ll be right.’ You ask every hundred people if they get their gas appliances regularly serviced, and most of them will tell you that they don’t.”

“They couldn’t care less because they don’t think anything’s ever going to happen to them. They prefer to spend their money on other things aside from gas safety.”

Given the potential danger to human safety posed by malfunctioning gas appliances, Victoria as well as other parts of Australia would be wise to look at the requirements of other countries around the world – such as the UK, where regular inspections are mandated by law.

Whilst there is some concern if there are enough qualified gas fitters to cope with such demand, Master Plumbers believes that market forces will rapidly move to meet this demand.

Governments may be deterred from making testing of gas appliances mandatory, after the pink batts debacle, due to the potential fallout of shoddy inspections.

Master Plumbers believes that if there is appropriate industry consultation, and the correct processes are put in place, there should be no concern on this matter.



Marc Howe

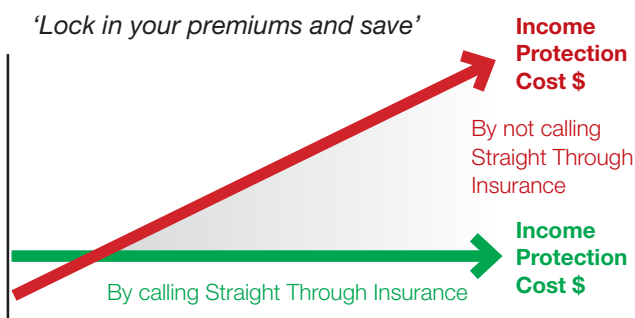
Member Benefits

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You can now stop your income protection premiums from rising every year.

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PREPARING FOR AN APPRENTICESHIP IN THE VET SYSTEM

One of the most important things a potential apprentice can do is ensure they are as well prepared as possible to enter the industry by gaining the necessary knowledge and experience to place them in a position to maximize available opportunities. The MPA, in conjunction with selected VET schools have designed tailored courses to assist the students towards achieving their goals. A process of interviews, aptitude testing, work placements and selection of the top ranked prospects as identified by the VET trainers ensures the MPA are offering premium quality candidates to the industry. Our network of schools includes Hallett Cove, Unley, Seaton, Paralowie and Banksia Park, providing us with excellent coverage of the metropolitan area. An outline of each of the courses is details below.

Greg Lyng – Group Training Manager



VET IN SCHOOLS

CPC10111 CERTIFICATE 1 IN CONSTRUCTION

(with a Plumbing Focus)

Course Objective

The purpose of this certificate is to enable learners to develop skills and knowledge that improves their employability and work readiness. Utilising practical theory learning, couples with an educational placement on site with working plumbing companies. It provides a solid foundation as a career education program for all High School students as part of the SACE Program.

Practical Workshops include the function, operation and maintenance of taps. To be able to construct a simple storm water system. To use plumbing specific tools in the brazing and bending of copper tube and the joining of cross-linked polyethylene pipe.

Content

CPCCCM1012A	Work effectively and sustainably in the Construction Industry
CPCCCM1013A	Plan and organise work
CPCCCM1014A	Conduct workplace communication
CPCCCM1015A	Carry out measurements and calculations
CPCCCM2001A	Read and interpret plans and specifications
CPCCCM2004A	Handle construction materials
CPCCCM2005B	Use construction tools and equipment
CPCCCM2006B	Apply basic levelling procedures
CPCCOHS1001A	Work safely in the construction industry
CPCCOHS2001A	Apply OHS requirements, policies and procedures in the construction industry
CPCCVE1001A	Undertake a basic construction project



D2C PLUMBING PLUS

Cluster of Competencies from Certificate III in Roof Plumbing CPC32612

Course Objective

The purpose of this certificate is to enable learners to develop skills and knowledge that improves their employability and work readiness. Utilising practical and theory learning, coupled with an educational placement on site with working plumbing companies. It provides a very solid foundation as a career education program for all High School students as part of the Stage 2 SACE program.

This program is delivered over a period of up to 240 hours, including 120 hours of structured work placement.

Content

CPCPCM2052A	Weld using oxy acetylene equipment
CPCPCM2049A	Cut using oxy-LPG-acetylene equipment
CPCPCM2053A	Weld using manual metal arc welding equipment
CPCPCM2047A	Carry out levelling
CPCPCM2054A	Carry out simple concreting and rendering
CPCPCM3022A	Weld polyethylene and polypropylene pipes using fusion method
CPCPCM3023A	Fabricate and install non-ferrous pressure piping
CPCPCM2050A	Mark out materials
CPCPCM2048A	Cut and join sheet metal
CPCPCM3021A	Flash penetrations through roofs and walls
CPCPRF3022A	Fabricate and install roof drainage components
CPCPDR2024A	Install storm water and sub-soil drainage systems
CPCPCM2043A	Carry out WHS requirements





Name: Liam Hounslow
Year Level: 1st Year
Start Date: 10/06/2015
Host: Adelaide Plumbing and Civil

Q1. What have you done prior to starting with Master Plumbers Group Training?

Completed Certificate 1 at Unley High School and is in the middle of completing Certificate III through Master Plumbers Association.

Q2. Why did you choose plumbing as your preferred trade?

I like hands on work and because every day is different.

Q3. How did you gain your apprenticeship?

Through contacts at Master Plumbers Group Training and completing work experience with various plumbing companies.

Q4. What do you intend to do once you complete your apprenticeship?

I wish to complete Certificate IV and continue working with Adelaide Plumbing and Civil.

Q5. What do you do after work hours?

I enjoy going to the gym and keeping fit, skateboarding, watching football and supporting the Hawthorn Football Club.

Q6. What are your goals for the coming year?

Apply myself in gaining as much knowledge as I can in my role onsite with Adelaide Plumbing and Civil.



Name: Eben Medwell
Year Level: 3rd year
 (4th year in April 2016)
Start Date: April 2013
Host: Lane Plumbing Service Pty Ltd

Q1. What have you done prior to starting with Master Plumbers Group Training?

Attended school at Norwood Morialta High School and worked at Bakers Delight. Then went on to Elizabeth TAFE to complete the Prevocational course to gain experience in plumbing.

Q2. Why did you choose plumbing as your preferred trade?

Always wanted to gain a trade. Was lucky enough to gain experience in plumbing through his father's workplace – Spotless.

Q3. How did you gain your apprenticeship?

Via enrolling into the Prevocational program in 2012 at Elizabeth TAFE and gaining exposure through work experience.

Q4. What do you intend to do once you complete your apprenticeship?

Gaining more experience and knowledge in plumbing while working for Lane Plumbing Service and also getting my Certificate IV in Plumbing after my apprenticeship.

Q5. What do you do after work hours?

Play basketball for the West Adelaide Bearcats district club.

Q6. What are your goals for the coming year?

Continually improve as a person and an apprentice plumber and learn new skills.

Q7. Anything you've created, gained or learnt you'd like to share?

With progressively improving site reports over the past 12 months via the Master Plumbers Group Training Scheme, Eben has been awarded the Apprentice of the Month for July 2015. His reward was a Garmin Vivofit fitness band valued at \$109.00 inc GST.

APPRENTICES

RECENTLY COMMENCED

Daniel Haak	Jack Hall
Benjamin Pearson-Brown	Liam Hounslow
Jackson Webb	Thomas Deegan
James Harrington	Angus Glidden

RECENTLY COMPLETED

Brett Vingerhoets	Jack Maiorana
-------------------	---------------

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Financial Advice

5 Steps to Business Confidence

Being in business is tough and it takes a lot of guts to stick it out. One word sums up those who can make it work, '**Confidence**'. Not to be confused with blind confidence or bravado, confidence is a key factor in business success. There are many aspects of running a business and successful business owners need to have confidence in all of them. You need to be confident in your:

- Product or service
- Marketing and sales
- Operations and Finance
- Human Resources
- Customer Service

What we will focus on here is '**Finance**'. This is the one that underpins everything else, because if you don't have financial confidence, it makes it very hard to achieve much else.

1. Profit has to come first, because if your business isn't profitable it will only be a matter of time before it fails or you run out of energy to keep trading water. In order to be profitable you need to:
 - a. Have a plentiful and reliable sales pipeline
 - b. Charge the right price for your product or service
 - c. Understand and closely manage the 'true cost' of your offering
 - d. Closely manage your overheads through budgeting and reporting
2. Cash flow is the lifeblood of your business. To have good cash flow you need to:
 - a. Have a good understanding of what impacts cash flow e.g.
 - i. Time customers take to pay you
 - ii. Time you take to pay suppliers
 - iii. Time stocks sits in store waiting to be sold
 - iv. Time jobs are in progress prior to being invoiced
 - v. The way assets are purchased e.g. with cash or borrowings
 - vi. Borrowings and interest
 - vii. Shareholder funds
 - b. Closely manage cash flow through forecasting, to ensure you won't run out of cash to continue. Constant cash flow problems are probably the biggest killer of business confidence. You're never sure if you can take advantage of opportunities. You may not know of a looming cash flow problem and take actions that make it worse, such as spending cash on items that aren't in the budget or could have been leased or hired.
3. Time management, because time is money. If you aren't doing things in the most efficient and cost effective way, this can have a big impact on all aspects of business. This includes having the right people doing the right things. Particularly business owners who find themselves doing loads of stuff they probably shouldn't be. The 'opportunity cost' of a business owner's time is a big consideration here. i.e. what else could you be doing with the time you are spending on low value work e.g. bookkeeping instead of speaking with customers and staff to improve things. Some people will say "but I enjoy the bookkeeping" or "I prefer to do it myself so I know it's right". If this is the case it's vital to have someone else to do jobs like sales, marketing and HR management. If you don't, business will dry up and there won't be any bookkeeping to do! Systems are the best solution to time management issues. They create an environment where others can perform tasks in a way that they can see and understand, rather than having to

be 'micro managed'. Systems help to eliminate mistakes and allow for constant improvement. Now is the easiest time ever to implement cost effective systems into just about any business, due to 'cloud commerce' delivery. If your competitor has systems and you don't, you can guarantee they are able to deliver more cost effectively and efficiently.

4. Growth opportunities and being able to take advantage of them is vital if you want to build a business that is worth something now and in future. Many business owners have aspirations to grow a business, but fail to get the basics right, such as ensuring it's profitable, has good cash flow and systems to cope with growth. Trying to grow a business that is unstable and not systemized is doomed to failure. You will not be able to cope with the demands of growth if you don't get these issues fixed first.
5. Exit options, whilst they may seem a long way off to younger business owners, are worth considering well before exit date. Depending on how you want to exit your business, you will need to consider if it's a business able to be handed over to others to run.
6. Irrespective of whether you sell or hand a business over to a successor, you will need to get the knowledge out of your head and into a system. Businesses that aren't systemized are generally worth less than those that are. Purchasers will perform 'Due Diligence', which is an investigation into a business prior to buying. They will look into all aspects of the business to ensure it is a good investment and the business has a solid future and financial footing.

One of the biggest issues affecting a business value is the ability of the owner to eventually 'walk away' and this is impacted by systems that can be understood and implemented by a new owner.



Sue Hirst

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J. H. HEBBARD
S. B. HALL

D. J. HEBBARD
D. J. HARGREAVES
R. R. FARNHAM

SAFE WORK

Bye Bye prosecutions - South Australia enters the world of WHS enforceable undertakings



In another first for South Australia, an employer has negotiated an enforceable undertaking in lieu of a prosecution under the Work Health and Safety Act 2012 (SA) (the WHS Act). Heralded by SafeWork SA in the lead up to the introduction of the WHS Model Legislation, the safety regulator has been true to its word in offering an alternative to the court room, witnesses and hefty fines. Of note for other harmonised states, is the lower level of investment accepted by SafeWork SA in enforceable undertakings, which is perhaps reflective of the smaller South Australian economy. When there is an alleged contravention of the Act, SafeWork SA has two choices:

- it can prosecute the alleged offender and seek a penalty, or
- if requested by the alleged offender, it can accept an enforceable undertaking in lieu of a prosecution.

What is an enforceable undertaking?

An enforceable undertaking is a legally binding agreement given by the alleged offender to commit to achieving specific WHS outcomes under section 216 of the Act. Any legal proceedings in connection with the alleged offence are dismissed once the undertaking is accepted by SafeWork SA. The purpose of an enforceable undertaking is to improve health and safety standards at the workplace, as well as for the wider community and industry. While a prosecution may fail to significantly change the behaviour of a workplace, an undertaking ensures that substantial improvements are made.

Although there are benefits to avoiding a prosecution (and the potentially significant penalty), enforceable undertakings can involve immense costs that could potentially be greater than the penalty's value. Nevertheless, undertakings are desirable because all costs determined go straight back into the workplace and community, ensuring future compliance and avoiding further contraventions of the Act. Possible strategies that may be proposed in an enforceable undertaking include:

- implementation of special training programs to address the needs of workers, supervisors and management
- publicity regarding the alleged breach
- industry-wide awareness programs
- donations to not-for-profit organisations that focus on WHS, and
- any other strategies that extend beyond compliance with the Act and provide a benefit to workers, the community and/or the industry.

The first enforceable undertaking

On 11 May 2015, Adelaide Resource Recovery Pty Ltd (ARR), a recycling company, agreed to spend approximately \$241,900 on safety initiatives set out in an enforceable undertaking. It was alleged that ARR had committed a category 2 offence in exposing an individual to a risk of death, or serious injury or illness, by failing to ensure the health and safety of its workers. As a body corporate, ARR faced a maximum penalty of \$1,500,000. On 24 May 2013, an employee of ARR was inspecting the mechanisms of a conveyor machine.

The employee was observing the mechanisms driving the rotating shafts within the machine from a maintenance platform. The safety procedure required the mechanism to be isolated before inspection, but the employee did not do this. During his observations, the employee dropped a torch he was holding. When he reached out to grab the falling torch, his glove caught in the mechanism and his thumb was pinched. As a result the employee's thumb was severed approximately 1 cm from the tip.

Before the incident, ARR had safety protocols, procedures, training systems, induction systems and safe work method statements in place. However, the machine involved in the incident was inadequately guarded, as it had been removed to allow for frequent maintenance. It was noted in the enforceable undertaking that ARR had no previous convictions and that its services and products played an important role in South Australia's recycling industry. ARR ensured the injured worker received immediate medical treatment and promptly complied with all notices issued by SafeWork SA.

As a result of the contravention, ARR spent approximately \$215,050 on rectifying any deficiencies in health and safety at its workplace, including installing appropriate guarding to the machine, upgrading lighting in the area, hiring an additional construction and demolition shed supervisor, and employing a site safety supervisor. ARR also made several mandatory commitments including:

- committing that the behaviour leading to the alleged contravention had ceased and would not reoccur
- committing to ongoing effective management of WHS risks
- committing to disseminate information about the undertaking to relevant parties
- committing to participating constructively in all compliance monitoring activities of the undertaking
- retaining the additional construction and demolition shed supervisor, and ensuring they conduct spot audits, site safety walks and revising the Safe Work Method Statements in consultation with workers
- retaining the site safety supervisor
- publishing a safety hazard alert for its industry on the importance of adequate guarding
- having a representative speak at a forum conducted by SafeWork SA
- assisting in running a training program conducted by Mission Australia, and
- paying SafeWork SA's costs associated with the undertaking.

What does this mean for employers?

This shows that SafeWork SA will accept an enforceable undertaking in lieu of a prosecution in South Australia and that it need not be at the financial level seen interstate. It also demonstrates that the costs associated with hiring new employees can be included in the undertaking.

SAFE WORK

Bye Bye prosecutions - South Australia enters the world of WHS enforceable undertakings

However, it is important to note that SafeWork SA will only consider an undertaking proposed by the alleged offender and will not propose it themselves. Undertakings will not be accepted for a Category 1 offence or where the alleged contravention has resulted in a fatality or serious injury and there is a suggestion that the offender has been reckless under the Act.

Can you force the regulator to accept an enforceable undertaking?

Unfortunately there is no power to compel SafeWork SA to accept a proposed undertaking, it is at their discretion whether or not they will proceed with prosecution.

What factors will the regulator consider in making an assessment?

SafeWork SA will require the undertaking to benefit individuals at the worksite, the sector in which the incident took place and the community at large. It is only where an undertaking meets these three objectives that it will be considered.

For practical purposes, the undertaking's action items must be tangible strategies with defined time frames and costs. The undertaking must also demonstrate an overall commitment to effective risk management, compliance monitoring and preventing a reoccurrence of the alleged contravention.

An undertaking is an acknowledgment by the offender that changes need to be made in their workplace to address and safeguard against further incidents,

consequently it must not contain or imply any denial of liability. In addition, an undertaking cannot set up defences for non-compliance or for contraventions through its terminology. In assessing whether to enter into an undertaking, SafeWork SA will also consider:

- the proposed undertaking's merits and benefits
- the person's financial ability to meet the terms of the undertaking
- the significance of the commitment compared to the capability of the person
- the person's compliance history
- the support the person has provided to the injured person
- input from the injured person, and
- the likely outcome should the matter be dealt with through legal proceedings.

An undertaking becomes enforceable once it is accepted by SafeWork SA.

What happens if there is non-compliance with an enforceable undertaking?

There are penalties for not complying with an enforceable undertaking. SafeWork SA can apply to the court for an order to enforce compliance, with the maximum penalty for a body corporate being \$250,000 and \$50,000 for an individual.

In the event of an incident, employers should seek advice as to whether an enforceable undertaking suits your needs. We would like to acknowledge the contribution of Georgia Wells to this article.

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2015 GAS ROADSHOW *METROPOLITAN*

Master Plumbers Association of SA Incorporated and the Office of the Technical Regulator are proud to invite Gasfitters to our **2015 Gas Roadshow**. This session will include the annual Gas Standards presentation by the Office of the Technical Regulator, as well as an update from Master Plumbers Association.

Day	Date	Time	Location	Venue
Thursday	15th October	5.30pm - 7.30pm	Thebarton	Master Plumbers Association
Thursday	29th October	5.30pm - 7.30pm	Thebarton	Master Plumbers Association
Wednesday	4th November	5.30pm - 7.30pm	Seaford	The Beach Hotel Seaford

Gas Roadshow Presentation

Topics include:

- Spillage test
- Rating gas escapes without a gas meter
- New developments for Type A and Type B gas appliance certification
- Electronic certificates of compliance - update
- Feedback of audits, incidents and recalls

Plus

- Update from Master Plumbers Association of SA

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* Please note that Apprentices do not receive CITB funding for this course.



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SAFE WORK

Ice – It's Time to stamp it out of the Workplace



Use of the drug Ice is particularly endemic in construction and a number of other blue collar sectors such as transport and manufacturing. In a submission to the Parliamentary Joint Committee on Law Enforcement's inquiry into crystal methamphetamine, otherwise known as Ice, the Australian Industry Group says prior evidence has shown that ice is particularly prevalent in a range of blue collar industries.

Previous data from the National Centre of Education and Training on Addiction (NCETA) showed that amphetamine usage was higher in the industries of hospitality, transport, construction, agriculture, retail and manufacturing compared with the four per cent average across the overall workforce. The data suggested that tradespeople and unskilled workers (with usage rates of 3.9 per cent and 3.7 per cent respectively) had the highest prevalence of going to work under the influence of illicit drugs compared with the general workforce (2.6 per cent).

Ai Group executive director Innes Willox said, "These are industries where work health and safety is paramount and Ice users are placing the lives of their co-workers and the community at greater risk. However, despite the safety concerns, instinctive opposition from some unions when workplace drug and alcohol testing is raised has inhibited many employers in managing work health and safety risks."

Willox's call comes amid criticism from industry lobby groups toward blue collar unions over what they see as a reluctance to embrace an employer's right to test an employee to ensure that they are not turning up at work while under the influence of illicit substances.

The call also comes as the construction division of the Construction, Forestry Mining and Energy Union (CFMEU) announced a proposal in March which would include a proposal for drug and alcohol testing as part of a broader impairment policy that the union would discuss with its members. Under that policy, mandatory testing would take place across the board, and would include not only labourers, machinery operators and tradespeople but also employers, project managers and anyone else

involved with operations on building sites. Emphasis would be placed on help and support for those who need it rather than punishment of individuals for problems they experience, the union said at the time.

In a rebuttal to critics, CFMEU national secretary Dave Noonan wrote recently that the type of across the board testing that the union was proposing would ensure the safety of all workers on site. By contrast, he said, the type of testing the union had opposed – random testing of a percentage of workers or focusing on one specific section of the workforce – was not adequate in terms of guaranteeing worker safety.

Meanwhile, the Transport Workers Union hit back at Willox's statement, saying that the union had won a decision as far back as 2006 forcing employers to adopt a drug and alcohol policy and that since then the union had included drug policy in every inquiry opened by the road safety watchdog, the Road Safety Remuneration Tribunal.

Both Coles and Ai Group, the union said, had consistently opposed the tribunal and refused to get on board with the issues it examines.

In its submission, Ai Group argued that a number of steps were needed to tackle the Ice epidemic, including recognition of the importance of workplace tests of drug and alcohol use, health and safety campaigns about the dangers of operating vehicles or heavy machinery while under the influence of methamphetamines, liaison services and dedicated hotlines, and educational resources for employers. Willox said unions should do away with what he describes as opposition to drug and alcohol testing regimes.

"Ice is a particularly insidious drug as its usage is often difficult to detect without testing. Ai Group members tell us that unlike alcohol and other drugs, Ice users often have no prior history and initially show no unusual behaviour. It was only when it was too late and an incident had occurred or when testing was conducted that the Ice usage was revealed," he said.

"Unions need to drop their opposition and accept drug and alcohol testing regimes that will deter drug and alcohol use and lead to safer working environments. They need to work with employers to make drug and alcohol testing regimes effective."



Ahn Jae Wook

Editor's Note: Yet again when is individual responsibility for the health and safety of not just your colleagues but yourself going to apply? As a society it's about time individual responsibility and not expecting others to take responsibility for an individual's actions became a part of daily life.

DRUG- AND ALCOHOL-FREE WORKPLACE

The debate surrounding whether urine or saliva sampling are the most appropriate methods for workplace drug testing, has been put under the microscope in a recent decision of the Fair Work Commission (FWC). In *Construction, Forestry, Mining and Energy Union v Port Kembla Coal Terminal Limited* [2015] FWC 2384, the FWC gave an employer the right to randomly test its employees for drug use using either a urine or saliva test.

Facts and arguments

In July 2014, Port Kembla Coal Terminal Limited (the Employer) advised the Construction, Forestry, Mining and Energy Union (CFMEU) that it intended to implement a new workplace drug testing regime. The parties were able to reach agreement on all aspects of the regime, except for the utilisation of urine sampling, which the CFMEU opposed. Consequently, the parties requested the FWC to arbitrate the dispute.

At the arbitration, the CFMEU argued that the use of urine sampling interfered with the privacy of an employee because it identified an employee's historical use of drugs, which it argued would bear no relevance to their capacity to safely perform work. CFMEU further submitted that saliva sampling was a much more effective means for identifying recent drug use. This would have direct relevance to an employee's fitness for work. The employer argued there were a number of aspects of urine sampling which were superior or more beneficial when assessed against saliva sampling, such as the detection of long-term use of opioids, cocaine and amphetamine related psycho stimulants.

Judgment

In its consideration, the FWC examined the following points:

1. Privacy

The FWC found that the benefit of using urine and saliva sampling in random combination outweighed any privacy detriments that could be identified. Further, the Commissioner noted that any discomfort or embarrassment that may be associated with providing a urine sample must be evaluated against the prevention of workplace death or injury.

2. Information gained from urine sampling

The FWC noted that urine sampling presents another privacy concern, as there is greater potential for an employer to obtain information about an employee's long-term drug use. However, the FWC concluded that it is irrelevant how many days have elapsed between consumption of the drug and detection of it at the workplace. What matters is the detection of the drug at a level which can create a risk to the safety of that employee and others.

3. The 'either or scenario'

The FWC acknowledged that in an "either or scenario" saliva sampling would probably be a preferable option to urine sampling as it can detect immediate and acute intoxication. However there are a number of shortcomings of saliva sampling including not adequately detecting long-term cocaine, amphetamine and cannabis use.

Take home messages

The decision highlights the benefits and shortcomings of urine and saliva methods of testing, with the FWC concluding that urine sampling is the more 'established' method. Though urine testing in the workplace cannot yet be described as commonplace, it is becoming more prevalent, particularly in large-scale primary industry, manufacturing and transport industry sectors. For employers that are considering implementing drug or alcohol testing, this decision demonstrates that workplace safety can outweigh privacy concerns. However it is important to keep abreast of changes to testing methods, as each method will be modified over time due to technological and scientific developments.

For more specific information on any of the material contained in this article please contact Sathish Dasan on 8210 1250 or sdasan@normans.com.au or Michael Foley on 8217 1355 or mfoley@normans.com.au.



Legal Advice Cont...

Before you consider “performance managing” an employee, read this!

We often meet with clients who are frustrated with an employee, and commonly they ask: “Can’t I just performance manage him/her out of my business?”

While performance management is certainly an option for dealing with under-performing employees, it is by no means a “quick fix” and there are many legal traps employers need to be aware of before proceeding down this path.

Unfair Dismissal

An employee may have an unfair dismissal claim if performance management is not carried out properly. Specifically, under the Fair Work Act 2009 (the Act), a dismissal will be unfair if it was “harsh, unjust or unreasonable”. The Act contains a number of criteria for the Fair Work Commission (FWC) to consider the harshness (if any) involved in a dismissal, including:

- Whether there was a valid reason for the dismissal related to the person’s capacity or conduct; and
- If the dismissal related to unsatisfactory performance by the person, whether the person had been warned about that unsatisfactory performance before the dismissal.

Accordingly, employers must not dismiss an employee for minor performance issues, or fail to provide the employee with a reasonable opportunity to improve.

If the FWC determines that an employee was unfairly dismissed, it may order the employer to give the employee his/her job back, or to pay the employee compensation of up to 6 months’ pay.

Adverse Action

In addition to the unfair dismissal provisions, the Act prohibits an employer from taking adverse action against an employee (eg. disciplining/dismissing them) for reasons relating to a “protected attribute”, such as the employee’s age, sex, political opinions, or a temporary absence from work due to illness/injury.

It follows that employers must not use performance management as a guide for disciplining or dismissing an employee for reasons relating to a protected attribute.

Employers who breach the adverse action provisions of the Act may be ordered to reinstate the employee, or to pay the employee uncapped compensation. Further, an employer may be penalised up to \$51,000 per breach.

Bullying

On 1 January 2014, the Act was amended to include an anti-bullying jurisdiction. Since then, a number of claims made by employees have included allegations of bullying by their employer via performance management.

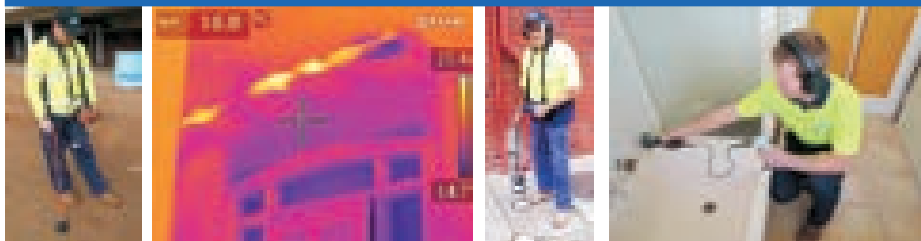
The Act contains a definition as to when an employee will be “bullied at work”, which expressly states that bullying does not include “reasonable management action carried out in a reasonable manner”. In a recent decision on this issue, the FWC stated that for management action “to be considered reasonable, the action must not be ‘irrational, absurd or ridiculous’”.

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Legal Advice Cont...

Before you consider “performance managing” an employee, read this!

The FWC provided the following examples of unreasonable conduct in the performance management process:

- Vexatious allegations being made against a worker;
- Spreading rude and/or inaccurate rumours; and
- Conducting an investigation in a grossly unfair manner.

If an employee succeeds with their bullying claim, the FWC has the power to make any order it considers appropriate to prevent the worker from being bullied at work. Arguably, this may include an order that the employer cease with an unreasonable performance management process.

Tips for effective Performance Management

It's not all doom and gloom for employers seeking to performance manage an employee; there are a number of things employers can do to ensure an effective, lawful performance management process:

1. Consider whether the under-performance is significant to justify performance management and a potential dismissal (we suggest that you seek legal advice on this point).
2. Meet with the employee and explain the performance issues. The meeting should be followed by providing the employee with a letter to confirm the performance issues requiring improvement and state that failure to improve within the

stated timeframe (which must be reasonable) may lead to termination of the employment.

3. Re-visit the employee's performance on the agreed date. If the employee's performance has not improved, you should consider obtaining advice regarding your next steps.

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Solicitor

Lynch Meyer Lawyers

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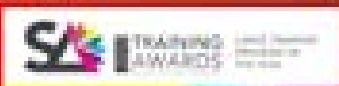
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Hot Products

Milwaukee® Introduces Next Generation Bi-Metal Hole Saws

Milwaukee Power Tools new Hole Dozer™ bi-metal hole saw. Built to withstand the toughest job-site conditions and applications, the new Hole Dozer allows users to cut through almost anything, bringing increased productivity and efficiency to users on the job-site. Integrating extensive job-site research and design, the focus of the developed category is to improve the 3 user needs; durability, life and plug removal. When cutting through any soft or hard materials, the teeth must remain intact in order to complete the task in an efficient manner. The Hole Dozer features Rip Guard™, which integrates teeth that are built with more steel and 8% cobalt behind the cutting edge increasing life and hole quality for multiple applications. The Hole Dozer provides relentless durability through the most demanding applications, giving the user confidence when making their purchasing decision.



Inability to access lodged material in the plug or apply leverage to release the plug can dramatically decrease productivity and waste time for the user. The new Hole Dozer integrates a Plug Jack™, an all access slot design that allows full access during plug removal with multiple positions to apply leverage. It gives access deeper in the cup for thick material and higher in the cup towards the teeth for thin material, resulting in increased efficiency and eliminating wasted downtime between cuts. Made in the USA, the Hole Dozer will be available in 51 different diameters in a range of 16mm to 152mm as well as in a variety of general purpose and specialty mix kits.



Milwaukee® expands Hand Tool line-up with innovative solutions

Adding to the current 160 plus product line-up, Milwaukee Power Tools continue to rapidly expand their Hand Tool offering with a focus on delivering innovative solutions for the user. Boasting a robust design, the new Hammer Tacker is equipped with a rust resistant, all metal frame and can endure drops from heights of 3 metres or more. For added convenience, the Hammer Tacker features an integrated staple puller making it easier for the user when pulling and re-seating staples if necessary.



Milwaukee has introduced the new Staple and Nail Gun, an apt addition to the existing Hand Tool range. The new Staple and Nail Gun is designed to work with T50* staples and

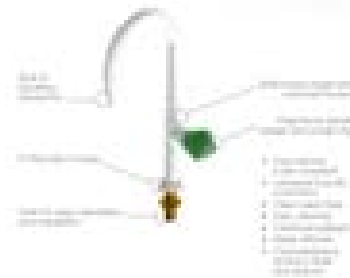
18 gauge brad nails for various fastening applications. The new Staple Gun features an all metal construction protecting the Staple Gun from harsh jobsite conditions and offers a dual-mode power switch allowing the user to maintain control when stapling into delicate or tough materials. Together with the new Staple and Nail Gun and Hammer Tacker, Milwaukee are releasing the 75mm (3") Speed Seamer and the 5-Blade HVAC Crimper. Suitable for various HVAC ductwork applications, the new Crimper and Speed Seamer feature a forged metal head and overmould handles that accommodate both overhand and

underhand use, adding comfort for the user when completing tedious jobsite applications. Milwaukee has also introduced the new M18™ Compact Right Angle Impact Driver. Offering a 2 Mode DRIVE-CONTROL™ torque setting, the Impact Driver is armed with multiple speed/torque modes which allow the user to drive screws with greater control and precision without putting strain on their forearms. It also features an extended paddle switch which allows operation from multiple gripping positions, and a built in LED light to illuminate the work surface leading to a more productive and safe work area.



Milwaukee® Fuels Up the Jobsite with M18 FUEL™ 7/16" Hex High Torque Impact Driver

The Impact Driver is equipped with a 7/16" Hex Quick-Connect for fast, secure insertion of augers and socket adapters. It also features robust attachment points that help prevent tool loss when being used in an elevated position. Delivering a maximum impact rate of 2,300ipm, this powerful tool is ideal for unique applications that require high rotational torque when drilling larger holes more frequently. For more information on the full line of Milwaukee® power tools and accessories call 1300 361 505 or visit our website milwaukeetools.com.au



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Upgraded RainBank PRO Range



Davey Water Products, the inventors of the hugely popular RainBank, have upgraded their RainBank PRO range to include an exciting new range of single and multiple pump systems with variable speed drive. Using Davey's Monsoon Compact controllers and available in a variety of installer friendly configurations the new three phase RainBank PRO models have already been grabbing the attention of contractors across the country.

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Above: Winner Zetco Press-fit Mike Grobitsch St Agnes SA

Zetco Winners are (Grinners) Pressers!

The Zetco Press-fit Win a Trip to Italy has been run and won. 5 lucky plumbers will be taking their partners on the ultimate holiday to Milan. The winners of the major prize of a \$15,000 trip to Italy were:

- Craig Mackay, NSW
- Paul Barnes, QLD
- Mike Grobitsch, SA
- Mark (Ernie) Barrett, NSW
- Matthew Boston, NSW

There were also 20 runner up prizes of a \$650 Adrenalin prize of either Hot Air Ballooning, Rally car driving or V8 Hotlaps. The winners were:

- Toks Kosoko
- Tim Von Behr
- Malcolm Neal
- Michael Gray
- Steve Murray
- Grant Brett
- Marcus Priem
- Mick Ferguson
- Anthony McIntosh
- Peter Gleeson
- Stephen Renzella
- Anthony Jones
- Neil Puckeridge
- Ralph Fiorini
- Marco Di Donato
- Alf Patane
- Ben Russin
- Col Gilbert
- Mitchell Weir
- Brandon Totten

Zetco Press-fit ball valves are available through Tradelink, Reece and Plumbers Supplies Co-Op. More information is available at www.zetco.com.au. Congratulations to Mike from M & K Plumbing Services. Mike has been a member of the Master Plumbers for over 20 years and it is great to see him win this prize from Zetco.

Separation of SafeworkSA Functions

SafeworkSA is to separate the functions of compliance and education into two separate and discrete units:

- An educator; and
- A regulator.
- The educator will contain NO inspectors at all.
- The regulator will be staffed ONLY by inspectors.
- The educator and the regulator will have direct but separate reporting lines to the Executive Director of SafeWork SA.

This is not just about structural change

This separation of education and compliance functions will deliver a business transformation where people will not get bogged down with legal jargon and complicated processes. Instead they will receive practical support and advice on how to comply with the law from the educator AND they will experience strong, fair and consistent responses to non-compliance from the regulator.

The Education Team

A team of WHS consultants will be available to visit worksites on request to help employers and workers understand their legal obligations and how to meet them. Pro-active visits will also support employers. WHS consultants will also be available to present at workshops, industry and union conferences etc. The communications and community engagement team will develop resources in partnership with unions and industry/business (web material, apps, fact sheets etc). These tripartite materials will ensure that everyone has the same understanding of what compliance looks like and how an inspector will measure compliance. The educator will be externally focused and will service workers, employers, industry and business representatives, Health and Safety Representatives and unions. Everyone will be clear about where they can go for WHS advice.

Compliance

The Regulator will be managed by a Chief Inspector. He or she will be responsible for industry based teams of inspectors. Each team will focus on the priority industries which are generating the most injuries and fatalities – for example construction, mining and transport, community services, agriculture. Inspectors will have had experience in or will be recruited from those industry sectors. They will be supported by a comprehensive and continuous training program, they will work within clear operational guidelines and policies and they will be accountable for delivering key performance indicators. This will ensure that inspectors are confident to exercise their powers when necessary, will be consistent in exercising those powers and will be responsive to complaints and requests for mediation providing clear direction to both workers and employers. As well as responding to complaints and undertaking unannounced, random inspections, and reactive worksite visits these inspectors will be responsible for a regular program of targeted workplace audits.

In advance of these audits, the regulator will inform the relevant sector of the proposed campaign. The regulator will be clear upfront with businesses and employers on what the law requires of them and how inspectors will measure compliance with the law. This approach will ensure that the regulator is open, transparent and inclusive. The transformation will lead to cultural change and behavioural change reflected in:

- Customers being clear about where to go for help and trusting that they will get it
- Confident, well informed, energetic, and reliable staff
- Collaboration across teams internally and across industries, unions and businesses externally,
- More efficient delivery of services
- Staff taking personal responsibility for work outcomes with no blame shifting
- Strong support for professional development complemented by active performance management when required; and
- Customer service that starts with 'yes'.



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