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January / February 2016



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Contents

January / February 2016

Inside this issue....

MPA Editorial	2
2015 MPA President's Lunch	6
Who is Wearing the CFO's Hat in Your Business?	10
Residential Plumbing	12
Government Enforces Drug Testing On Site	14
Removalist Company Pays The Penalty	16
Legal Advice	17
Northern Territory	20
Member Benefits	22
Apprentices	24
Training	25
SafeWork SA	26
Trade Licensing Update	28
Changes to Occupational Licensing Laws	29
Hot Products	30
MPA Industry Supporters	32
Industry & Affiliate Members	33

Cover: 2015 President's Lunch at Adelaide Oval



**Master
Plumbers**
SOUTH AUSTRALIA

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Good people to know.



Editorial

2015 MPA President's Lunch

The 2015 MPA President's Lunch was held on Friday 23rd October in the William Magarey room at the magnificent Adelaide Oval.

The event was attended by 350 industry participants with great support from a large contingent of industry sponsors.

I would like to thank the following organisations for their continued support:

Major Sponsor - Cooke Precast Concrete

Platinum Sponsors - Rheem, SA Water, GWA Bathrooms & Kitchens and Toyota

Key Sponsors - CITB, Hip Pocket Workwear, PEER, TAFE SA, Employers Mutual Limited, CBUS, Reece, Milwaukee, Tradelink and Training Prospects

I would like to thank those contracting members who purchased tables for the afternoon, the function is an important industry event and it is pleasing to get great support from both contractor members and industry members – we hope you all enjoyed the event.

I would also like to congratulate all the Milestone Award recipients and the two Apprentice Award winners.

A special mention goes to William Paynter who won the 2015 MPA Gold Medal (unfortunately he was unable to attend but was accepted on his behalf by his employer Ken Hall) to Kym Bohutki and Adam Morcombe who ended up as finalists for the prestigious award.

Photos and more information are detailed later in the magazine.

Annual General Meeting

The Annual General Meeting (AGM) was held on Tuesday 27th October 2015. I am pleased to announce the following changes to the Executive Board as a result and congratulate the following on their positions:

President – Rob Pavan (CDC Plumbing & Drainage)

Deputy President – David Hurst (Smith Brothers Plumbing)

Councillors - Steve Adams (Intelligent Plumbing Services), Dale Anderton (Jordan Plumbing), Louis Visintin (Butterfields Services) and Rob Dineen (Dineen Plumbing & Gas)

Independent Chair –Natasha Hemmerling

Treasurer – Damon Hammond

I would like to thank Dale for his excellent work and level of commitment as President for the past 3 years and for staying on the board for another year.

To the new board, the association is strong and sustainable and I look forward to our ongoing relationship to ensure all members and stakeholders are represented equally and at the highest level.

Industry Forums – Communicate, Collaborate and Connect

In the last magazine, I mentioned of the need to work closer with all stakeholders. We will be introducing a number of industry forums that will encourage members to attend and be informed on areas to assist their business as well as providing an opportunity to give feedback on industry trends or issues affecting their business.

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Editorial Cont...

The plan is to hold the workshops in the metropolitan areas – specifically North, South, East and West of the CBD. These will take place over:

February – North	March - West	April - East	May - South
July – North	August - West	September - East	October - South

Regional areas will be provided information on the roadshows by MPA staff. A flyer detailing times and venues plus speakers will be distributed shortly.

Rob Kavanagh's Retirement

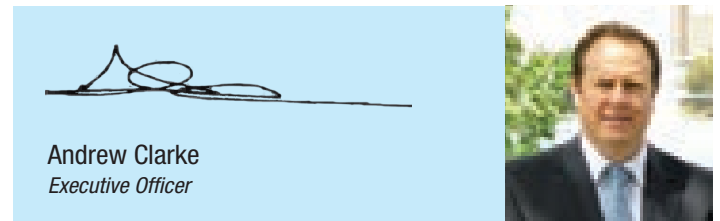
I wish to advise that our very own Trainer Rob Kavanagh is retiring on 11th December 2015.

Rob has been with us since 2009 initially in a part time capacity then moving into a full time roll as the VET in schools program progressed.

Rob has been instrumental in building a solid foundation in our VET in schools program and has an outstanding rapport with students participating in the courses and the school VET coordinators and principals.

Rob has also provided training of the Thermostat Mixing Valve (TMV) course to over 100 plumbers as well as White Card training.

Rob, we wish you all the best in your retirement and thank you for your outstanding service to the association and the industry.



Andrew Clarke
Executive Officer



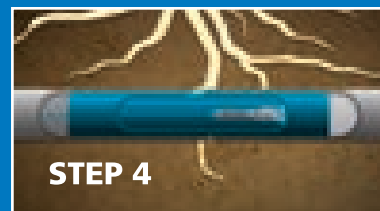
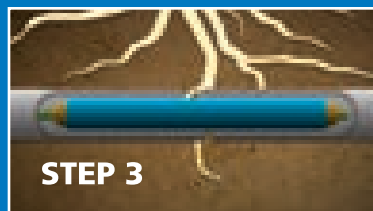
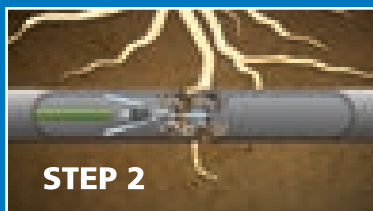
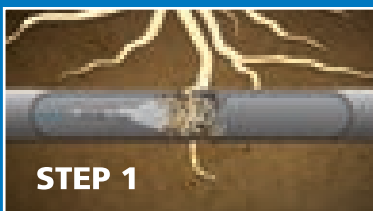
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2015 MPA President's Lunch



The Master Plumbers Association President's Lunch is the biggest plumbing spectacle of the year in SA and what better place to host it than the spectacular new Adelaide Oval. The event was held in the William Magarey room which provided a view over the Torrens as well as the magnificent oval. The MC for the day was none other than the curator who spent most his life at the venue, Les Burdett, proudly sponsored by GWA Bathrooms and Kitchens. Les welcomed guests and was prompt in getting the show off to a timely start.

The President, Dale Anderton gave a speech covering the success of the change of name back to Master Plumbers Association. He mentioned the successful radio advertising campaign spanning 4 months which sparked positive reactions from the public, seeking members of the association to perform work and the unexpected reaction from non-members phoning the association complaining of missing out on work.

Dale also mentioned of the importance to lobby Government to ensure standards are maintained and that the regulatory system is strong and vigilant in protection of the community in health and best practice. The collapse of another builder and the impacts this has on local subcontractors is an area that needs immediate attention, "sub – contractors should not be the banks for principal contractors".

His speech finished by raising awareness of the importance of the industry to bring the next generation of plumbers through the system either via work experience opportunities or by hosting / employing an apprentice. It was Dale's last speech as President of the Association and his term marked him as the 50th President of the Association, on behalf of all members, industry stakeholders, executive and staff, we thank you for efforts and contributions made over a very busy 3 year period.

The MPA Apprentice Awards followed with the 2015 Hip Pocket Work Wear Award for High Achievement in a 1st year or 2nd year category – was awarded to Brett Patman hosted by Commercial Plumbing. The 2015 Hip Pocket Work Wear Award for High Achievement in a 3rd year or 4th year category – was awarded Matt Davis hosted by Jordan Plumbing. The 2015

MPA Gold Medal and CITB Award for Training Excellence finalists, Kym Bohutinsky, Adam Morcombe and William Paynter were then invited to the stage. All three were selected as the top student from their respective registered training organisations in SA. Dale and CITB CEO Steve Larkin then announced William Paynter as the winner of the award. A panel from the plumbing industry interviewed all three finalists and selected William for his excellent technical knowledge, experience on all facets of plumbing, passion for the ongoing development of the industry and his career goals to be the very best at his trade.

Unfortunately William was unable to attend the event so his employer Ken Hall received the award and spoke on his behalf. Lunch followed after the apprentice awards, and during the break we were entertained by the alternative but highly skilled "Pipe Guy".

Our first guest speaker for the afternoon was Bob Clifford from Mates in Construction. Bob highlighted that there is a need for greater awareness in the area of mental health and importance of being aware of the wellbeing of other workers on site. There are an alarmingly high number of workers in the construction industry that are faced with all sorts of challenges and we all need to be aware and observant of people in the industry.

The next speaker, kindly sponsored by Toyota Australia, was Andrew Fagan CEO of the Adelaide Football Club. Andrew was asked a number of questions by Les and let us through some of the challenges he faced with his first year as CEO of the Crows. The room was silent as he mentioned the Phil Walsh incident and gave us an insight into how they and are still coping with this very sad tragedy. The support from the football community was outstanding and the management of the situation was very professional, a credit to all involved.

Andrew did manage to lighten up the audience with the Tex Walker and Nick Kyrgios twitter saga – plus other comments on the captains off field behaviour. We also got a brief overview of the new coach - Don Pyke and an overview of what is expected in season 2016.

The 2015 Milestone Awards followed Andrew and there were four 25 Year Membership Award winners and two 50 Year Membership Award winners.

25 Year Milestone Awards went to;

- **Allfix Plumbing** – Jos De Groen
- **Stephen Dawber Plumbing** – Stephen Dawber
- **Premier Plumbing** – John Bader
- **Sanitech Plumbing & Gas** – Bruce Morphett

50 Year Milestone Awards went to;

- **Dineen Plumbing** – Rob Dineen
- **Bruce Harris Project Management** – Bruce Harris

2015 MPA President's Lunch

A very special award was presented this year in the form of recognition of outstanding service to the plumbing industry and the association. The announcement of a new inductee into the Life Membership of the association – this special award was received by Mr Trevor Driver – Congratulations Trevor! Trevor was unable to accept this award but was received by his good friend Robert Farnham.

Following the Milestone Awards was none other than our very special guest speaker Mr Merv Hughes, proudly sponsored by Rheem Australia. Well, hold onto your seats was the feeling in the room as he was taking us for a ride down memory lane. Merv was outstanding, the stories that he pulled out back in his heyday with the Australian Cricket team was just hilarious.

He went through a number of the players and gave us insight into their weird and wonderful personalities as well as some of the strange things the players got up to on tour. Merv certainly had a huge repertoire of stories that continued to have the audience in stitches. It makes you wonder how the Australian Cricket team in his era ever managed to win a game with the antics that occurred off field. Merv also gave a great insight into the current team and where he sees the future for cricket in Australia.

Merv was certainly a big hit with the audience and we would especially like to thank the big fella for his support by signing 12 Kookaburra cricket balls which we auctioned off for the Movember charity. We also auctioned off a football donated by Toyota which was signed by the 2015 Crows squad. To all those successful purchasers of the cricket balls and the football – thank you for your support. Proceeds were donated to the Movember charity.

In closing, we would like to thank the sponsors for their continued support and recognition that this event is a special opportunity to network with industry and enjoy each other's company in a relaxed but fun environment. Guests and sponsors feedback to the association was that the event was once again very successful, enjoyable and a great opportunity to catch up and network. For those interested in attending the 2016 event – keep Friday 28th October free.

To view more photos of the President's Lunch, visit our website or our Facebook page.



Above: Steve Larkins (CITB), Adam Morcombe, Kym Bohutinsky, Dale Anderton and Peter Miles from Milwaukee Tools



Above: Merv Hughes



Above: William Paynter and Ken Hall

Interview with 2015 MPA Gold Medal Winner –William Paynter

1. How did you get involved in a plumbing apprenticeship?

After school I originally attended University studying Construction Management. After a few weeks realising I wanted to do something hands on, I decided to look for an apprenticeship. After emailing Ken and doing some work experience, I decided plumbing is what I wanted to do.

2. What types of work do you like the most in plumbing and why?

I like the problem solving side of plumbing, having an issue or problem and working a way of fixing the problem. It is a challenge and keeps plumbing interesting.

3. What are the biggest challenges you face in plumbing?

Finding gas leaks are usually a challenge, crawling in roofs and isolating different appliances.

4. Do you participate in any sport or other activities outside of work?

I play football and try to surf as much as I can.

2015 MPA President's Lunch



Interview with Bruce Harris – 50 Year Milestone Award Winner

In this interview Bruce recounts some of the highlights of his five decade service to the industry. Bruce Harris has been in the plumbing business for more than 50 years.

So, Bruce, what came first, you or flush toilets?

There were only flush toilets in homes but on the sites we worked at, there were only drop toilets.

Can you remember that first job?

Oval Avenue, Woodville, 1957. Ten water services to dig for the master plumbers. We excavated a shovel width trench and filled it with water every night and let it soak and the next day we would dig it out. The plumber would put in the pipe and I would have to back fill it. There were 10 houses I had to do and the whole job took me a month. I went to and from the job on a push bike. I was fit and skinny in those days. We had to take our own food and water to work. In between diggings, the plumber got me to cut and thread the galvanized pipe.

I was paid four pound 11 shillings a week for an eight hour day, five days a week. I was on three month probation and at the end of the probation period they must have thought I was pretty good because I got a half penny an hour increase or two shillings a week, which is 40 cents in today's currency. Mind you, 2 shillings in 1957 bought you plenty.

What was the first challenge you faced as a plumber?

When I was 21, I was working on the brand new then Hotel Australia in North Adelaide. It was a lift slab job where they poured all the slabs and lifted them to position on the levels they were supposed to go.

It was the first lift slab job in SA and all the services – hot and cold water, gas, sewer – were copper pipes and we had to pre-fabricate everything together, all seven floors. Imagine a person seven stories tall and it was our job to assemble the skeleton before the bricklayers came and added the body. If the skeleton was wrong in any detail it would have been a serious stuff up. I was the foreman of the pre-fabrication team, the skeleton builders.

Bert Billinger was the site supervisor who would drop me off and take me home in his FB ute. One day after dropping me off, Bert was driving along Days Road which was having sewers put in and Bert clipped an iron spike that freakishly killed him instantly, may he rest in peace, and I was given the responsibility of overseeing the completion of the job.

Wow, that's terrible, to balance that tell me about the happiest incident in your long career?

I was selected to assure the bidet in Government House in Adelaide, that was going to host Queen Elizabeth, was squirting water at the right temperature and would not scald the royal derriere.

I was obviously recognised as the bidet expert because every time after that when Government House was hosting someone important I would be sent for to check the temperature of the bidet. It was a really fun job because I knew it was a story I could dine out on and something to horrify my grandchildren within years to come.

Well I'm glad you decided to come clean on that, but did you receive any royal honours for such a delicate service?

Unfortunately, no. Not even a thank you note but I take comfort knowing I QA the Royal bidet.

Bruce, the building industry has a reputation for being a bit of a battleground what's the biggest war you've fought?

It was the year the Ansett Gateway was built (now known as the Stamford) on North Terrace. At the 13th level, the labourers advised our plumbers that they would lift all the pipes on the project and not the plumbers.

It was an intra union demarcation dispute and the plumbers said no that was our job so there was a stalemate. We had 56 plumbers and apprentices on the job and with the stand off it was always going to cost us plenty. I learned later that the labourers had been swelled by 35 imported agitators from Sydney whose express charter was to disrupt the building industry in SA.

The plumbers union pulled out their members and closed the site. A long five weeks later, Sir Reginald Ansett contacted me. How can you help us re-open the site he said to me. I accepted the challenge and met with Sir Reginald who flew in for the meeting and I called a meeting of all the labourers on the site. More than 20 turned up.

We met in the basement of this dark hole because all the electricity and water to the site had been disconnected. My wife Judy had made up a great big pot of soup and we put on soup, bread and tea. The light came from candles dotted around the place. It was bizzare because the workers who were not working helped themselves to Judy's soup, the bread and even pots of tea before settling down to read the newspapers they had brought.

They sat there from 7am until 10am and didn't say a word. Their heads were buried in their papers and despite every attempt on my part to engage them in conversation I got nothing back.

2015 MPA President's Lunch

Shortly after 10am I started one of the greatest speeches I have ever made when I pointed out my family had borne the cost of the five weeks of inactivity and if the dispute went on for another six weeks my family business would be broke and out of business and the project would have irretrievably collapsed.

That meant there would be no winners because everything would be lost leaving only a great big debt to be shared equally between all parties. By 3pm we were all in the pub drinking to each other's health and the next day they went back to work. This pay out exceeded \$175,000.

That wasn't the end of my war. The next battle in this continuing saga was to front the Industrial Commission that ruled I had illegally stood down the plumbers for whom I had no work and I was ordered to pay the plumbers an average of what they had earned in the previous six months when they had worked nine hours a day, six days a week.

Today, of course, I would not have to pay because of the secondary boycott provisions that have since became law, but that ruling and particularly the injustice of it all, nearly sent me to the wall.

Well, we certainly need some cheering up after that, so tell me some of the good changes that have affected the plumbing industry in the decades you've been part of it.

The most significant is the improvement in safety measures and procedures because nothing is more important than life. It wasn't that we didn't value life and health in the early days, it was just that safety first systems hadn't been developed and implemented.

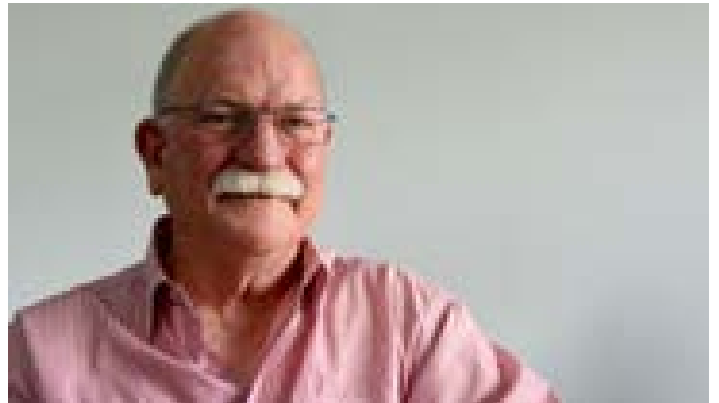
They have now and, quite rightly, not following those procedures can result in criminal sanctions. I think the evolution from clay pipes to PVC ones was a godsend to the industry. The PVC pipes are easier to work with and far more stable and I particularly like the improvement in plumbing fittings, where innovations such as water mixers to prevent children or the elderly being subjected to injury from scalding. Yes, it might well be a better world today but we really did have a lot of fun in the early years.



Above: Les Burdett, Andrew Clarke, Dale Anderton and Merv Hughes



Above: Dale Anderton and Brett Patman with his award



Above: Congratulations to Trevor Driver for becoming a Life Member with the MPA



Above: Dale Anderton and Matt Davis with his award



Above: Les Burdett & Andrew Fagan

Who is wearing the CFO's hat in your business?

CFO stands for Chief Financial Officer. It's a term used mainly in larger businesses, but is just as relevant to smaller business, in that someone has to do it irrespective of their job title. It's often the business owner or a family member.

What does a CFO do?

In a nutshell they ensure the financial management in a business runs smoothly. They ensure all aspects of the business are contributing towards the best possible financial result i.e. profit, cash flow and business value. It begins with strategic planning including:

- **Business planning** - to keep things on the right track and keep everyone focused on what needs to be done to achieve desired outcomes
- **Business growth strategy including budgets and cash flow projections**- Budgets help to ensure sales, costs and overheads stay on track to ensure planned profits. Cash flow projections help to ensure the business has enough cash to meet its commitments to avoid cash flow squeeze. This is particularly important if a business is growing, as this can cause cash squeeze if not properly planned
- **KPIs (Key Performance Indicators)** – Setting targets for individuals or teams within a business, to ensure targets are met. These are generally called 'Leading KPIs' i.e. they are the measures that create the financial results. For example to achieve a sales target, you need to calculate the activities needed to achieve the outcome... here's an example:

○ Website impressions	100,000
○ Click through rate at .016	1,600
○ Enquiry conversion rate at 20%	320
○ Sales appointment rate at 30%	100
○ Sales conversion rate at 30%	30

This level of activity, if achieved, would result in 30 new clients each month. It's valuable to understand this and set these targets to ensure actions are being performed to achieve them.

- **Finance sourcing** – a growing business may need to borrow funds from a bank or other lender. To support finance applications, lenders will want to see financial information including a business plan, financial reports, budget, cash flow, plus business owner's financial information. The more accurate and well presented this information is, the better chance the business has of securing finance. It pays for whoever is handling the application to have a good understanding of the way financiers look at things e.g. what they look for in the financial information to determine if the business is a good risk for them.
- **Break-even analysis** – this is a calculation of the amount of sales required to cover overheads e.g. If your overheads are, say \$30,000 per month. To work out break-even sales - take overheads of \$30,000 divided by gross margin of say 60%, which gives a figure of \$50,000. This is your monthly break-even sales. If your average product sale is \$100, divide the total sales break-even figure of \$50,000 by your average sale of \$100 to come up with a figure of

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Who is wearing the CFO's hat in your business? Cont...

500 units to breakeven. In simple language this means you have to sell 500 units per month at \$100 to break-even. It's important to know this so you can set targets to avoid losses and achieve better profit.

Reporting

- A business owner needs to know at least every month how the business is performing against its budget. This includes sales, costs and overheads and profit. The problem with leaving it until the end of the financial year is that you've wasted the opportunity of 11 months to fix issues affecting profit.
- The balance sheet needs to be managed regularly i.e. this is where you see items such as:
 - Accounts receivable – how much is owed by customers on terms.
 - Accounts payable – how much you owe suppliers.
 - Inventory held
 - Work in progress – jobs in progress not yet invoiced
 - Current liabilities such as lease payments due
 - Taxes due

Managing the balance sheet is just as vital as the profit and loss, because it's common to make a profit, but run out of cash, due to issues relating to the points above.

- **Inventory management reports**
 - How much is being held versus what's needed for sales. There could be obsolete items that can be disposed of to create cash to purchase better selling lines
 - How profitable are each of your products, categories, customers, divisions etc.
- **Job Management reports**
 - Where are jobs up to in terms of completion
 - How profitable was each job

- How did the 'actual' compare to the 'budget' on each job
- Where was there wastage on jobs to learn and avoid issue next time
- Productivity or Labour Utilisation Rate – i.e. how many hours are you selling compared to those you're paying for. You want service people to be working on billable activities as much as possible to achieve profit.

- **KPI reports** – as per the KPIs mentioned above, they need to be reported on to ensure actions are taken to achieve targets.

Other tasks

- **Operational efficiencies** – finding ways to do things more efficiently to avoid wastage and save time and money
- **Feasibility studies** – ensuring that new initiatives will deliver an improvement to the bottom line. For example new systems investment – before signing up for a new piece of equipment it pays to work out what sales can be achieved and how productive it needs to be to pay it's way
- **Bookkeeper** – recruitment, training and supervision to ensure information is being handled correctly and information is accurate, timely and can be relied upon.

The above is a general idea of what needs to be considered in the 'big picture' financial management of a business to ensure it's success. If a business wants to grow it must have this side of things covered one way or another. Hope won't ensure business success – it's all about setting targets, managing activities and reporting regularly to ensure you're moving in the right direction and taking corrective action quickly if not.

Sue Hirst

Co-founder & Director

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Residential Plumbing

Why the Consumer Protection Reform Strategy Fails



It is clear that the Domestic Building Consumer Protection Reform Strategy was created as a mirage, to give a vision of providing better protection for consumers. On close examination, just like a mirage, we see an illusion with no visible means of any real consumer protection. In reality, the 'strategy' was never intended to enhance consumer protection; rather, it was intended to delude and deceive both consumers and the public.

For the payers of the pipers, consumers who finance the domestic building industry and directly fund all the government agencies involved in its supposed 'governance,' all were denied any say in the 'strategy.'

Consumers' voices were forcibly silenced, just as has been the practice for two decades, which was critical to the successful passage of what is really the 'no consumer reform strategy.' Crushed, the consumer 'payers of all the pipers' were excluded from contributing even a line to the chorus, much less calling the tune!

How did this 'strategy' come about?

In order to understand the governance of the domestic building industry, it is important to consider some of the historical background. Deregulated in 1993 and effectively uncontrolled, the industry and its governance descended into lawlessness, this documented in many independent reports and reviews over the past 20 years.

Underpinning the governance scheme was, and is, a weak 'regulator' and a meaningless 'registration regime.' There is virtually no industry oversight, no enforcement of laws and regulations, no monitoring of conduct and few practitioners are ever penalised. As a consequence of the 'no punishment for recalcitrant practitioners' policy, there has been no deterrent to their abuse of the system. In reality, the cowboys have been encouraged to increase in number, with their ever-worsening misconduct sanctioned.

Known in the industry as 'gods' and 'untouchable', those officials purported to be in control of the industry, with a supposed duty of care to protect consumers, in fact abrogated their responsibilities. Instead, these officials have acted as collaborators, authorising and enabling cowboy misconduct. In truth, consumer protection has been sacrificed with consumers' rights misappropriated; the building practitioner offenders - and not consumers - have been protected by the public officials. This certainly seems incongruous, but shamefully, this is the consumer reality.

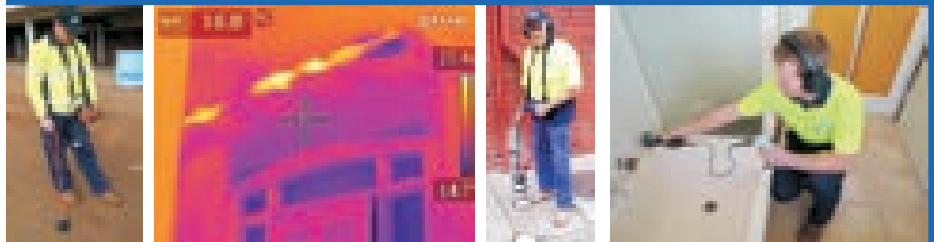
The Building Commission/Victorian Building Authority has acted as a 'no touch' regulator, this leading to the inevitable artificially-created 'building disputes' - a direct result of a total lack of regulatory enforcement combined with disregard for all building and consumer laws. In turn, this has spawned an ever-increasing 'building dispute industry'; one in which owners who seek justice are forced into a biased and unfair legal system, where consumers have virtually no access to justice. Instead, we have a 'legal system' functioning as a 'no justice system', every year delivering large-scale consumer harm.

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Residential Plumbing Cont...

Why the Consumer Protection Reform Strategy Fails

Finally, we have the 'last resort' or 'no resort' insurance scheme, another government stratagem compelling owners to pay for insurance premiums that are in fact donations to the VMIA and insurance brokers. Yes, building consumers must pay for insurance that 99 per cent of them can never claim!

Following the extremely damning report by the Victorian Auditor-General on compliance with building permits in 2011 and the even more damning ombudsman's report on the investigation into the governance and administration of the Victorian Building Commission in 2012, the then-Liberal government was forced to make some response. The conduct of the senior executives of the commission, the building practitioners board and the Department of Planning and Community Development were severely criticised, with both reports offering scathing rebukes of the bureaucrats' conduct over two decades.

These officials were put under the spotlight, but no action was taken against any individual. A small number of very senior officials were allowed to resign, but the majority remained. Additional replacements were recruited at the senior levels, these predominantly from a similar background and culture.

Thus, the 'no regulation', 'conflict of interest' and 'capacity for corruption' culture continues unabated, and for the government officials in all the responsible departments and agencies, it is business as usual. By 2012, the government was forced to make some policy-type response to a domestic building industry under siege. Not only was the industry in crisis, but decades of appalling governance had been exposed.

The public officials responsible for the calamity were called upon to create a 'solution' that could be sold to consumers as 'meaningful reform' but not deliver any amelioration or genuine improvement for consumers.

The construction of the Domestic Building Consumer Protection Reform Strategy was the outcome. Of course, the 'strategy' appears to have been aimed at calming the disquiet, placating the media and the community and most importantly, pretending to deliver some improvement in consumer protection.

Those responsible officials rose to the challenge, cleverly crafting a set of stratagems, utilising illusion to feign 'real reform' and better protection for consumers. As a close examination of the scheme reveals, the officials managed to go beyond 'no reform' and 'no improvement' for consumers.

They excelled in 'strategic thinking', exceeding all consumer expectations, such that if this proposed 'reform' is fully enacted, building consumers will be worse off than under the current ruinous regime.

The last official statistics from Consumer Affairs Victoria in its Consumer Confidence and Market Experience Study 2010-2011 were shocking. We learned that 256,000 building owners, or 40 per cent, suffered financial damage in one year. This is without considering all the other serious harm to owners - work, health, relationships, families and loss of 'normal' lives.

This detriment totaled in the billions of dollars just for 2010. Building is by far the worst consumer market sector in Victoria, causing the greatest damage to owners and their families, year in and year out. Five years on in 2015, we know that this disaster is far worse than in 2010. It may be 300,000 or 400,000 owners who are negatively impacted in 2015.

Whatever the number, it is scandalous. It is inexcusable that there is no political will to initiate genuine reform, to protect those that fund the building industry and drive the Victorian economy.

Beneath the cleverly crafted marketing and the splendid spin contrived to sell the Consumer Protection Reform Strategy, what is uncovered as 'reforms' are exceedingly 'unreal reforms', with present and future consumers' outcomes as per the 'strategy' fated to be even worse than under the current dysfunctional system.

The word from industry repeatedly is "everyone knows, but no one cares!" This reflects poorly on a society where the "greed is great!" Worse still, it is a sad indictment on those in positions of power and privilege, those who are paid by owners, not out of the taxpayers' purse, and those who we have elected to govern in the interest of the greatest good for the greatest number.

For building consumers who pay all the pipers, if they were in any other consumer market sector other than 'domestic building', as payers of the pipers, they would be calling the tune!



Anne Paten

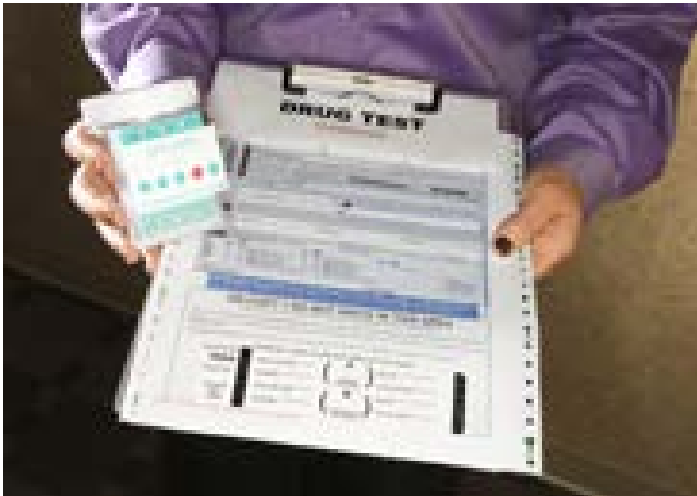
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Government Enforces Drug Testing On Site



Two weeks ago, the Coalition Government introduced changes to the Building Code which will make drug and alcohol testing mandatory on most commonwealth funded projects.

Fair Work Building Commission (FWBC) will be responsible for monitoring compliance with these changes, which come into effect on October 16, 2015. The Australian Government spends billions of dollars every year on building and construction projects, and the Building Code sets out the Australian Government's expected standards for building contractors or building industry participants involved in commonwealth funded construction projects.

As the client, the Government, like any other client, is entitled to set behavioural standards for its sites. Under the changes to the Building code, principal contractors must have a comprehensive policy for managing drug and alcohol issues in the workplace, including mandatory testing and a zero tolerance policy for drugs and alcohol.

At a minimum, frequent and periodic drug and alcohol testing of both construction and site office workers should be conducted as follows:

- Where there are less than 30 workers on site – at least 10 per cent of the workforce per month
- Where there are between 30 and 100 workers on site – a minimum of five workers per month
- Where there are more than 100 workers on site – at least 10 workers per month

These changes apply to both new and existing Federal Government projects that meet the financial threshold. A fitness for work policy is required on projects with the following value:

- Where the value of the commonwealth's contribution to the project is at least \$5 million and represents at least 50 per cent of the total construction project value; or
- Where the commonwealth's contribution to the project is at least \$10 million.

The fitness for work policy of the principal contractor must require the use of an objective medical testing method to detect the presence of drugs or alcohol in a worker's system.

It must also outline which detection method is to be used on the project and outline the processes in place when a positive test is returned. There is no mandatory form of testing.

Urine testing and saliva testing are both permitted. When a person returns a positive result for any of the substances listed they will be deemed not to be fit for work.

Principal contractors must outline in their policy how a person who returns a positive result will be prevented from performing work until they can prove they are fit to return to work, and other processes that will apply in the event of a positive result or deemed positive result (i.e. a failure to submit to a test).

Principal contractors must also outline in their fitness for work policy how workers who attend for work affected by drugs or alcohol will be counselled and assisted, apart from any disciplinary process that might apply.

Whilst drug and alcohol testing is not required on private sites, all building contractors covered by the building code must ensure that the management of drugs and alcohol is reflected in their workplace health, safety and rehabilitation management system.

This will help to ensure that no person attending a site to perform building work does so under the influence of alcohol or other drugs. FWBC will audit a principal contractor's fitness for work policy to ensure that the minimum standards for drug and alcohol testing are adequately addressed.

FWBC will also audit projects to ensure that the drug and alcohol requirements of the fitness for work policy are being implemented. Companies or subcontractors found to be in serious breach of the building code can be sanctioned.

The sanctions may include being banned from working on commonwealth funded projects. In the first instance, FWBC will be educating building industry participants on the requirements and seeking rectification measures where non-compliance is found. FWBC will continue to monitor all other aspects of the building code.



Cathy Cato



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Government of
South Australia

Removalist Company Pays Penalties for Alleged False or Misleading Online Testimonials

Citymove Pty Ltd (Citymove) has paid penalties totalling \$30,600 following the issue of three infringement notices by the Australian Competition and Consumer Commission (ACCC).

The ACCC issued the infringement notices because it had reasonable grounds to believe Citymove made false or misleading representations concerning testimonials about its furniture removal services that were published on the social network website Google+ and on YouTube, in contravention of the Australian Consumer Law.

The infringement notices relate to allegations that Citymove used fabricated customer identities to post two testimonials on Google+ and one testimonial on YouTube. Posting positive testimonials and attributing them to fabricated customers can increase overall ratings on Google+. Testimonials on Google+ also appear in Google search results. Citymove's overall rating featured prominently on the first page of Google search results for removalists within particular locations.

"Consumers should be able to trust that testimonials online are posted by genuine consumers about genuine experiences. Businesses that post testimonials using fabricated customer identities risk enforcement action by the ACCC," ACCC Deputy Chair Dr Michael Schaper said.

"Fake testimonials can mislead consumers and disadvantage competing businesses. Falsely generated ratings may lead a consumer to purchase a business's product or service under a mistaken belief about the popularity and perceived quality of the business, in preference to other businesses," Dr Schaper said.

"The ACCC encourages consumers to seek information from multiple sources before making a purchasing decision," Dr Schaper said. The ACCC identified the Citymove testimonials as being potentially false or misleading when the same testimonial appeared on different review websites under different customer identities.

This is the second occasion in recent years in which the ACCC has issued infringement notices against Citymove. In 2011 Citymove paid a penalty of \$6,600 after the issue of an infringement notice by the ACCC, and provided a court enforceable undertaking to the ACCC, after allegedly publishing false consumer testimonials on a website created by Citymove called movingreview.com.au.

The payment of a penalty specified in an infringement notice is not an admission of a contravention of the Australia Consumer Law. The ACCC can issue an infringement notice where it has reasonable grounds to believe a person has contravened certain consumer protection laws.

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MEMBER

Employers no longer need to feel quite so helpless when they are faced with an employee taking excessive leave. In *Construction Forestry Mining and Energy Union (CFMEU) v Endeavour Coal Pty Ltd* [2015] FCAFC 76, the Federal Court of Australia (FCA) found that Endeavour did not take prohibited adverse action when it moved an employee from a weekend to weekday roster following excessive periods of personal leave.

It was held that the driving force for the change to the roster was not the personal leave itself, but the interruptions that the employee's unreliability caused to Endeavour's operations. This decision shows that the employer's exercise of a workplace right to alter an employee's shifts (to their detriment) can be lawful, if the employer's operations are impacted.

If the impact of the repeated personal leave (and not the personal leave itself) is the reason for taking adverse action, then the employee will not be protected. It is a significant win for employers who often lose time and money when excessive personal leave is taken.

Background

Mr McDermott, a maintenance fitter at Endeavour's West Cliff Colliery, was absent from work for a significant number of days between December 2007 and September 2010. As a result of these absences, Endeavour moved Mr McDermott from the weekend dayshift roster to the weekday roster. Mr McDermott argued that this was unlawful adverse action due to his preference for the weekend shifts. Mr McDermott worked weekday shifts for two months and then returned to the weekend dayshift roster after agreeing to sign an Attendance Management Plan, which required him to provide a medical certificate for any future absences.

On 18 March 2011, Mr McDermott was absent from work without a medical certificate and as a result was moved back to the weekday roster. Mr McDermott claimed that this was also unlawful adverse action. Section 340 of the Fair Work Act 2009 (Cth) prohibits an employer from taking adverse action against an employee if they have exercised a workplace right. In this case, the workplace right was the entitlement to take personal leave and the adverse action was the alteration of the employee's roster to their prejudice (s 342 of the Fair Work Act).

The Federal Court trial judge found that Endeavour did not take adverse action against Mr McDermott for exercising his right to take personal leave. However, the CFMEU, on behalf of Mr McDermott, appealed the initial decision to the Full Court of the FCA. On appeal, Justices Perram and Jessup stated that they were satisfied the action taken against Mr McDermott in September 2010 was due to Endeavour not wanting workers on the weekend shift who were unreliable.

They held that there was an insufficient connection between the personal leave taken by Mr McDermott and the roster change, and that Endeavour was concerned about the impact of the absences on its workplace and not the reason for the absences.

The Full Court also held that the action taken in March 2011 was due to Mr McDermott's failure to provide a medical certificate in breach of the Attendance Management Plan and not because he had taken personal leave, which was a lawful reason.

Effect of this judgment

This judgment demonstrates that an employer may be entitled to take action against an employee when regular periods of personal leave mean they cannot be relied upon and subsequently disrupt the employer's operations. However, it is important for an employer to be able to demonstrate the actual reason for taking any action. In this case, it was noted that Endeavour had included in its written final warning to Mr McDermott a Record of Discussion Form stating that the reason for the warning was the breach of the Attendance Management Plan. Evidence of this nature is important to demonstrate an employer's motives for taking action.

Dissenting judgment

The dissenting judgment of Justice Bromberg was significant in this case. He stated the protection that the adverse action provisions give to workers would be "largely illusory" if the effect of a workplace right could be used to justify adverse action. He went on to say, "If the content or an effect could never be the basis for a prohibited reason, it is difficult to identify what feature of the exercise of a workplace right would provide a basis".

Justice Bromberg stated that it can be presumed that when the Fair Work Act was drafted, Parliament would have considered that people usually react and take action when something affects their operations. As such, it should be assumed that s 340 of the Fair Work Act considers this and incorporates the impact of workplace rights. Fortunately for employers, the majority overruled this conclusion.

What's next in this matter?

The CFMEU lodged an appeal on 3 July 2015, so it is possible that we may see a reversal of this decision and a return to the prohibition of adverse action, even if it is undertaken because of the impact the exercise of a workplace right has on an employer's operations.

If Justice Bromberg's position is adopted on appeal, it is likely that employees will face an even higher level of protection under the Fair Work Act and employers will find it more difficult to effectively deal with unreliable employees.

Daria McLachlan
Senior Associate

Sparke Helmore Lawyers

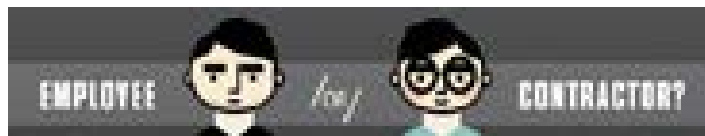
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Legal Advice Cont...

Independent Contractor v Employee



Traditionally within the building industry, the amount of work that may be available at one time is constantly changing. With workloads constantly fluctuating employers will often need to engage additional personnel to help them through these high workload periods.

The employer will need to consider whether the increased workload is likely to be permanent or only for a limited period of time. The major consideration for the employer is whether to hire additional employees or contract with independent contractors.

You will need to correctly determine whether the person is an employee or an independent contractor. As the Australian Tax Office is quick to point out, it is against the law for a business to incorrectly treat their employees as independent contractors and not meet their taxation and superannuation obligations.

There is no single indicator to determine whether a person is an independent contractor or an employee therefore the courts will examine the totality of the relationship between the parties in order to determine their actual status. Matters considered by the court include (see table below):-

Employers often see considerable advantage in engaging independent contractors as they can significantly reduce their costs and avoid having to pay superannuation contributions, leave entitlements, Workcover and taxes. Employers need to avoid sham contracting arrangements.

A sham contract is where an employer attempts to disguise the employment relationship as an independent contract when, in fact, it is not.

There are consequences if you treat an employee as an independent contractor, which include:-

1. **Taxation** – PAYG withholding penalty for not meeting the PAYG withholding obligations.
2. **Superannuation** – A super guarantee charge (for not meeting your superannuation obligations), payment of amounts that should have been paid by way of superannuation, and interest and fees.



	EMPLOYEE	INDEPENDENT CONTRACTOR
CONTROL OVER WORK	Perform work under the direction and control of the employer.	Must comply with the contract but has control and flexibility as to how the work is done.
DELEGATION	Cannot delegate or subcontract work as they are employed to perform the role.	Can delegate work or subcontract and employ other persons to perform the work.
EXCLUSIVITY	Generally works exclusively for the employer.	Free to work for multiple clients and free to refuse additional work.
WORK HOURS	Their hours of work are set by the employer.	Contractor sets their own hours of work subject to site access being restricted to certain hours.
RISK	No risk as the employer is responsible for any poor work of the employee	Contractors must rectify all poor work at their own cost. They are also responsible for quoting for their work and ensuring the work is completed so as to make a profit.
TOOLS AND EQUIPMENT	These are generally provided by the employer or the employee may receive a tool allowance.	Provide their own tools and equipment to complete the work.
PAYMENT	They are paid regularly, e.g. weekly, fortnightly or monthly.	Contractors must provide a tax invoice upon completion of the work to receive payment.
	EMPLOYEE	INDEPENDENT CONTRACTOR
LEAVE	Entitled to statutory leave such as annual leave, long service leave, carer's leave, sick leave.	No leave entitlements.
TAXATION	The employer is to deduct this from their salary.	Pay their own tax and GST.
SUPERANNUATION	The employer is to pay Superannuation contributions into their nominated fund.	Pay their own Superannuation.

Legal Advice Cont...

Independent Contractor v Employee

3. **Payroll tax** – This will become payable together with any interest and penalties.
4. **Workcover** – Failing to register under Workcover can involve significant penalties and interest.
5. **Salary** – The worker will be entitled to be paid any amount they would have received under the relevant award together with any leave entitlements accrued during the employment period.
6. **Prosecution** – Potential investigation and prosecution under the Fair Work Act 2009.

It is important that you make a proper assessment as to whether a person is an employee or independent contractor as there can be severe consequences for your business if you get it wrong.

If you are unsure we recommend you seek legal advice and ensure that you have the proper documentation in place for the type of employment relationship you have established.



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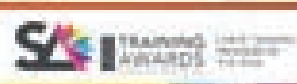
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Future Direction for NT

MPA SA has for many years worked hard to grow the membership in the Northern Territory, with a business plan dating back to 2010.

The objective was to give plumbers access to information, training and a contact point for advice as well as access to services and benefits that assist in running ones business.

Without doubt it has been challenging but there again, we face the same obstacles in SA, as the industry constantly changes and demands on compliance and regulation for all organisations is a shifting feast.

The association has discussed these challenges with other associations and it has become apparent that we are not alone! So, what does this mean to those plumbers and stakeholders in the NT? It just so happens that the Electrical Contractors and Air-conditioning and Mechanical Services Contractors based in the NT are in similar positions – having representative bodies based in Adelaide.

MPA SA has met with both the National Electrical and Communication Association of SA (NECA SA) and the Air Conditioning and Mechanical Contractors' Association of SA (AMCA) to propose a joint venture to look at a part time resource that could benefit all parties.

The three Associations have similar views on what is required in the NT and have members who are seeking similar outcomes. MPA SA conducted a survey in September seeking feedback and there was unanimous support for a joint arrangement.

The survey results in summary are;

- Would you like a local representative in the NT – Yes (100%)
- Would you support a joint arrangement with NECA and AMCA – Yes (100%)
- Would you accept a slight increase in membership fees to help assist in having a resource – Yes (100%)
- Do you believe a local resource could assist in growing membership in NT – Yes (100%)
- Do you believe that the resource needs to have specific plumbing industry knowledge – No (100%)

The results from the survey also provided a snap shot of what skills would be required for the local resource and they included;

- Construction knowledge
- Good communication
- Good organisational skills
- Knowledge of Government agencies involved in the construction sectors
- Business skills
- Ability to advocate with Government, understanding of training / apprenticeships and compliance and regulatory knowledge.

I would like to thank all those members who made the time available to give feedback and help contribute to this process.

We will keep all members up to date with developments, but as you can understand there is much to consider in this process and we all want to ensure the structure is achievable and beneficial for all parties.

NORTHERN TERRITORY MEMBERS

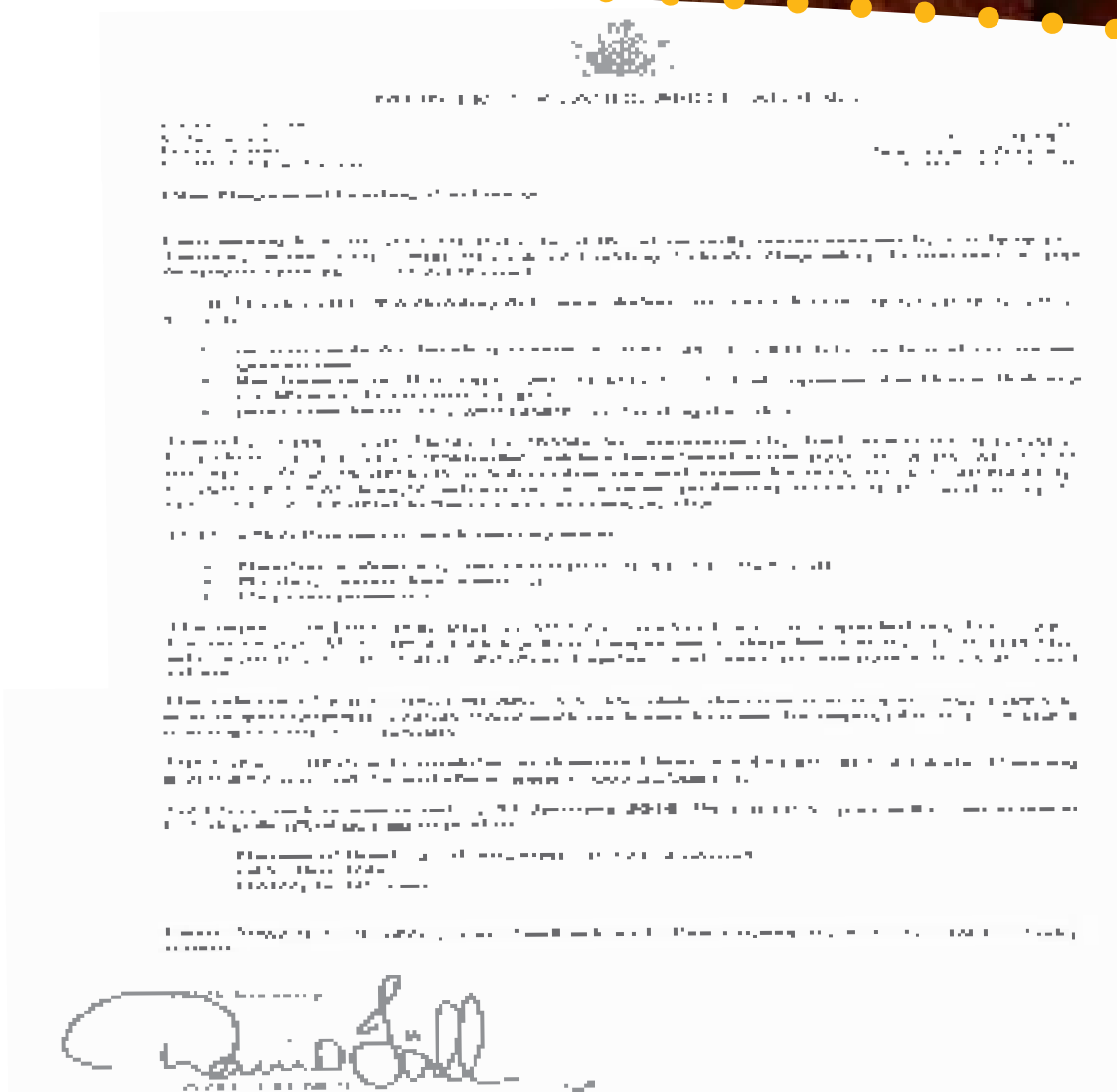
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"I would like to take the opportunity to thank the MPA for recommending the services of Tristan Winen from Work Life Smart Systems. We were looking to implement a Work Health Safety Management System into our company, I called Tristan and explained some of our needs and made an appointment.

Tristan came out the next day with appropriate information, and answered all our questions, and in turn asked us the appropriate questions for our business and our employees. He was more than helpful, in finding out our particular needs, and guiding us into implementing the system for us. I would highly recommend his services, in the fact I didn't feel like I was dealing with another sales person, and that he was working for us." Jane - Horsman Plumbing

"Frog Plumbing is our small, family run business that has been running for 33 years. Frog Plumbing recently employed Work Life Smart Systems Pty Ltd to set up our Work Health Safety (WHS) Management System. With younger members now taking the helm at Frog Plumbing, the implementation of a Safety System was a little concerning for the old guard as "the old way" had been engrained for so long.

Tristan's system and approach has confirmed that our (old way) is safe, as we were already carrying out some procedures and using protective equipment to safeguard ourselves & our clients. Work Life Smart Systems has provided all documentation needed to formalise and ensure we are working to the required WHS standards.

Our system was up and running within a month. Tristan made him self available after hours to ensure a speedy setup. Work Life Smart System's slogan "We make safety work" is the core to their successful business and this was demonstrated seamlessly. Tristan took all the necessary time to teach and assured we understood and were confident to operate out our new System.

Work Life Smart Systems offers quarterly scheduled checks. We are confident that having our system set up and regularly maintained is the key to ensure we maximise our investment. Utilising these additional services ensures the completion of the necessary tasks. Frog Plumbing would recommend Work Life Smart System to design a System to suite any industry." Kye & Warren - Frog Plumbing



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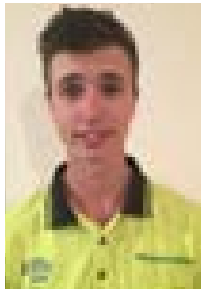
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Name: Daniel Haak

Year Level: 1st

Start Date: 17/11/2015

Host: Environ Plumbing (Whyalla)

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

Finished year 12 in 2014. Participated in White Card training in 2012. Completed First Aid Cert in 2013. Participated in work experience placements with local plumbing companies.

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

I enjoy working with my hands. I believe that it is a good industry to get into and the job security is high as people will always need plumbers.

Q3. How did you gain your apprenticeship?

I contacted Master Plumbers Association and then applied online. I emailed my cover letter and resume through and then participated in a trial. My field officer, Steven Prisk helped me to gain work experience through a member of the association which turned into an apprenticeship.

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

Travel and continue to work in the plumbing industry.

Q5. What do you do after work hours?

Gym, martial arts, footy, gaming.

Q6. What are your goals for the coming year?

Continue to keep learning at work, save enough money for a motorbike, get a tattoo and travel.

Q7. Who is your idol?

Bear Grylls.

Q8. What do you do in your spare time away from work?

Hang out with friends, visit family, DIY projects.



Name: Daniel Aebi

Year Level: 1st

Start Date: 22/09/2015

Host: Swift Plumbing Services

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

I was enrolled as a year 12 student at Paralowie High school and was completing my certificate I in plumbing through the Master Plumbers Association training program. Since starting with the MPA GTS I have started my apprenticeship and have learnt lots of plumbing skills in maintenance.

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

I chose plumbing as my preferred trade because I enjoy hands on work and I love to think with a mechanical mind.

Q3. How did you gain your apprenticeship?

I gained my apprenticeship by undergoing a week of work experience with Gavin at Swift Plumbing Services. The experience was arranged via my school and the MPA GTS.

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

Once I complete my apprenticeship I intend to continue my plumbing pathway by gaining my certificate IV qualifications.

Q5. What do you do after work hours?

I like to catch up with friends and family whenever possible.

Q6. What are your goals for the coming year?

My main goals for the coming year is to start trade school in the best way possible, learn how to undergo plumbing tasks independently and many more.

Q7. Who is your idol?

My dad is my idol. This is because he is a great role model towards me when working and because he always supports me with everything.

Q8. What do you do in your spare time away from work?

In my spare time away from work I sometimes go camping and fishing with some of my mates.

APPRENTICES

RECENTLY COMMENCED

Peter Farrimond

RECENTLY COMPLETED

Christopher Cooper

Mathew Hayden

Michael Thomas

Justin Fuller

Following an extremely difficult year in the construction industry, the Master Plumbers Group Training Organisation would like to reflect on and sincerely thank the hosts who have supported the industry and our apprentices. The concept of group training has become an extremely important aspect for a myriad of industries. Through the provision of flexibility where the commitment of taking on a direct indentured apprentice for the full term of 4 years can often be a daunting prospect in an unstable economic environment. With the sustainability of our industry being a primary objective, we would therefore like to recognise and acknowledge the contribution of those hosts who have supported the industry that provided them with a start to their career. We are extremely confident that our VET in Schools Program complemented with our selection process provides premium quality candidates to the industry.

The RTO's that we engage provide excellence in teaching theory and practical skills, however it is the transfer of knowledge and experience provided by the host plumbers that enhances the overall learning experience and subsequent competency levels that are required for the future of our industry. Providing an apprentice has completed their required training blocks at the RTO and on the job experience over the required 4 year period, they are signed off as competent. This is where the importance of comprehensive on the job training and variety of experience becomes vital. In order to be deemed as competent, we would ideally like all apprentice to have experience in all aspects of plumbing, however we

accept that this is not always possible. If you do however have the capability to move apprentices between sites to provide additional experience and exposure to the various industry sectors, we are confident that our apprentices will be able to meet the challenges to enhance your business towards a more adaptable, dynamic and flexible workforce. The investment of time into the training of a quality employee will always produce a positive impact for your business.

Greg Lyng

Group Training Manager MPA



Above: Congratulations to Todd Eshmade has won a grant through the Rheem Apprenticeship & Youth Scheme.

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SAFE WORK

Do Your Designs Meet Safe Design Requirements?

Back in 2013, a near tragedy unfolded after a crane carrying an 85-tonne load collapsed at a Karara mine site in Western Australia and narrowly missed workers as it plummeted five storeys to the ground. According to media reports, the crane should have been designed to carry loads greater than 80 tonnes and was being tested at 110 per cent capacity when the structure folded in half. According to a report in *The West Australian*, the incident was a legal first in that the crane's designer, Wally Entschmann of Entschmann Engineering was fined \$16,000 in the Perth Magistrate's Court for failing to design the crane to the Australian standard.

In that case, the court was told the crane was not strong enough because of a design modification which had reduced the thickness of the plates which were designed to take the weight of the boom. Entschmann pleaded guilty to breaching the Mines Safety Inspection Regulations. The case underscored the need for engineers and others to understand their responsibilities with regard to the safety of any buildings or structures of which they are involved in the design.

Under recent changes to occupational health and safety legislation, those who conduct any form business that involves the design of buildings or structures which are expected to be used as workplaces (i.e. offices, hospitals, shopping centres, power plants, mines etc.) are required to ensure as far as practical that the structure in question does not pose a risk to health or safety.

The requirements apply to anyone whose business involves drawings, plans or material decisions relating to the design, including architects, engineers, building surveyors, interior designers, building service designers (such as mechanical engineers) and any contractors who carry out design work as their part of a contribution to projects in which they are involved.

The structure must be safe for workers involved in all phases of the building's life cycle. In other words, it must be able to be built, operated and used, maintained, and altered or demolished in a safe manner using existing techniques. The new laws are in place in every state except for Victoria (which has existing rules upon which the new laws were modelled) and Western Australia, where the legislation to implement the new laws is currently before Parliament.

While the above-mentioned case was in Western Australia, this related to a breach in Mines Safety Inspection Regulations rather than the new safety in design rules, though the case did relate strongly to the safety in design concept. John Giles, owner of Sydney based HV engineering and safety in design training provider Appleaseed Engineering, says responsibilities placed upon designers have become more onerous since the inception of the new legislation. "They've got a hell of a lot of key responsibilities now – they've got to make sure all of the safety in design is there so that people aren't injured throughout all of the life cycle of the product," he said. "That's the building, the operation, the maintaining



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and the demolition.” While the responsibilities are many and varied, Safe Work Australia recommends a systems-based approach involving a number of steps throughout the various phases of the design process. During pre-design, significant areas of hazard should be identified along with relevant legislation and codes, while the project brief should reflect a shared understanding of expectations and requirements from a safety perspective.

All major hazards as well as broad strategies to mitigate these should be considered during conceptual and schematic design, while detailed measures to mitigate all risks should be decided upon during detailed design and adopted solutions should be reviewed during later stages of the design process and evaluated after construction.

Elimination of relevant risks altogether is preferred – by, for instance, designing components that facilitate pre-fabrication on the ground and avoid the need to work at heights – but other measures will need to be considered where this is not possible. Examples of such measures could include:

- Replacing a hazardous process or material with one which is less hazardous (substitution), such as using pre-cast panels as opposed to building a masonry wall
- Separating the hazard from people (isolation) by, for example, designing building layouts so that noisy machinery is isolated from work stations
- Using engineering control measures to minimise risk by, for example, designing and positioning permanent anchorage and hoisting points into buildings where maintenance needs to be undertaken at height
- Using warning signs or exclusion zones where a hazardous activity is carried out
- Using hard hats, respiratory protection, gloves, ear muffs etc. to protect workers from residual risk.

Giles says a challenge for engineers revolves around not so much the ability to deliver sound design but to understand how structures are going to be built, operated and maintained. He says many are having to learn to talk with people about how they maintain, operate and demolish things in order to incorporate such considerations into their design.

In response to the Entschmann case, Western Australian Department of Mines and Petroleum director of mines safety, Andrew Chaplyn said he hoped the case sent a strong message to designers working across the mining industry. Indeed, architects, designers and engineers not only in mining but right across the building and construction sector are having to take note.

The responsibility to design offices, warehouses, shopping centres, power plants mines and other structures which are safe to build, operate, use, maintain, alter and demolish has never been greater.



Andrew Heaton

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Trade licensing update

Plumbers, gas fitters, electricians and building trades

Consumer and Business Services is making a range of improvements to occupational licensing starting in early 2016.

Red tape reduction for apprentices

A new system of electronic information sharing between Traineeship and Apprenticeship Services (TAS) and Consumer and Business Services (CBS) will cut red tape for apprentices and employers.

The sharing of information will ensure that an apprentice plumber, gasfitter or electrician who registers with TAS will no longer be required to separately contact CBS to apply for an occupational licence card.

In addition, at the end of an apprenticeship, CBS will email any plumbing, gas fitting, electrical or building trade apprentice a pre-filled application form. Evidence of completion of the apprenticeship will no longer be required.

New entry point for trade apprenticeship completion

After **31 December 2015**, the entry point for licensing of plumbers, gasfitters, electricians and building tradespeople will change to demonstrated completion of an approved apprenticeship instead of completion of an Australian Qualifications Framework qualification (usually a Certificate III).

To be eligible for a trade licence from **1 January 2016** an applicant must have:

- Completed a trade apprenticeship in a licensed trade

OR

- Completed a *Certificate III* in a licensed trade that was issued on or before **31 December 2015**

Building trades other than plumbing, gas fitting and electrical may still be assessed through a technical interview.

New look apprentice card

A new apprentice card will help industry and consumers to easily identify plumbing, gas fitting and electrical apprentices. It has a yellow background and the word 'APPRENTICE' on the front. The card will also highlight the type of work that can be done by the apprentice.

Simplified categories for plumbing

CBS aims to improve community safety and awareness by simplifying the title of some plumbing licence categories for example an *In Training Worker* will be known as an *Apprentice Plumber*. This does not alter the scope of work for the licensee, only the title of the licence category. A licensee does not need to do anything as these changes will happen automatically and upon renewal the licensee will receive a licence card with the updated category. Further information on changes to plumbing categories will be available on the CBS website in early 2016.

Please contact Consumer and Business Services on 8204 8501 for further information.



Changes to Occupational Licensing Laws commencing 21 November 2015

Occupational licensing amendments were passed in 2013 to reduce red tape and enhance consumer protection. The majority of the changes commenced in November 2014, with the remaining changes to commence on 21 November 2015. These are outlined below under the three Acts, as well as the changes that relate to trust accounts (for conveyancers, land agents and collection agents).

Building Work Contractors Act 1995

A registered plumbing, gas fitting or electrical worker will be able to be approved as a building work supervisor for work covered by their registration without needing separate registration as a building work supervisor.

Certain types of work will be prescribed in the legislation so that it is clear they fall within the definition of “building work”:

- Painting
- Solar panel installation
- Air-conditioning installation
- Plumbing, gas fitting and electrical work

There are new disclosure requirements for contracts that contain a charging clause (where the contractor would have a legal right to lodge a caveat over the property if the consumer does not pay what they owe under the contract). This will increase transparency for consumers.

Plumbers, Gas Fitters and Electricians Act 1995

The disclosure requirements for charging clauses as outlined above in relation to the Building Work Contractors Act will also apply under the Plumbers, Gas Fitters and Electricians Act.

Plumbing, gas fitting and electrical contractors must include their licence number in any advertisement (other than an advertisement offering or seeking applications for employment or directed to other licensed contractors).

For more information:

Complete details of the changes can be found on the [South Australian Legislation](http://www.southaustralianlegislation.gov.au) website.

Consumer and Business Services
Customer Service Centre
91 Grenfell Street
Adelaide SA 5000
Tel: 131 882
www.cbs.sa.gov.au



Government of South Australia
Attorney-General's Department

The information provided on this sheet is of a general nature only and should not be regarded as a substitute for legal advice and/or reference to the appropriate legislation.

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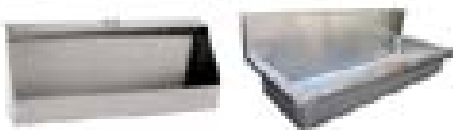
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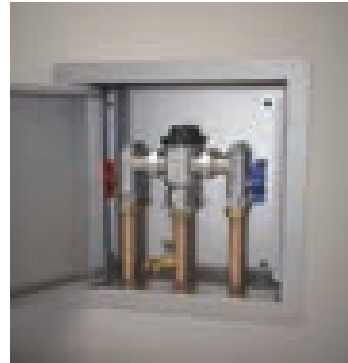


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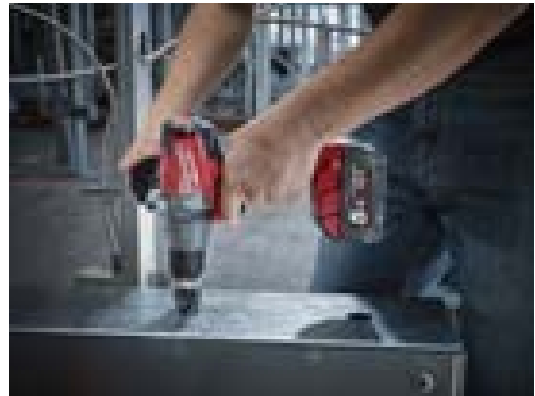
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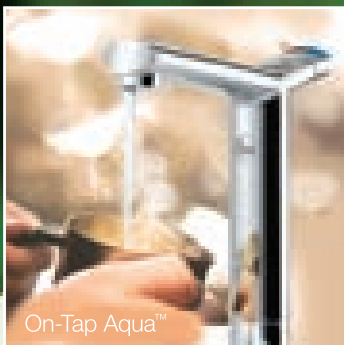
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