

AMCAVIEWS

February 2008

NEW APPROACH TO INFRASTRUCTURE

The new federal government has introduced a statutory body called Infrastructure Australia. Its charter is to develop a strategic plan for infrastructure of national significance and to facilitate its construction.

Its first task will be to undertake a nationwide audit of Australia's current infrastructure to identify its current condition and its adequacy for the future.

A number of innovative ways to fund infrastructure development are to be pursued.

- The government will establish an intergenerational Building Australia Fund. This fund will include the existing assets of the Future Fund and contributions from the proceeds of asset sales. The Building Australia Fund will have the same corporate governance arrangements as the Future Fund;
- The government also intends to extend the ability of superannuation funds to invest in public infrastructure. This will provide super funds with an added avenue for investment but it will also help address the current shortfall of \$1Billion in infrastructure investment. It is hoped that this will make it more attractive for super funds to invest in assets within Australia rather than to opportunities offshore.

CONSTRUCTION INDUSTRY TRAINING

The building and construction industry is often criticised as one that does not spend enough of its profits on training the workforce.

The findings of a recent survey conducted by the National Centre for Vocational Education Research paints a different picture of what employers actually do. The construction industry is more active in training its people than many other industries.

- 96.0% of employers believe that the skill level of their workforce is adequate or above what is required to do the job;
- 77.6% of employers were engaged with the VET system;
- 59.7% of employers employ apprentices or trainees;
- 89.8% of employers are satisfied the qualifications of their workforce.



NSWNEWS

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My Say: Geoff Sheldon

OHS REFORMS BACK TO THE WILDERNESS IN NSW

After years of promises, the NSW government seems - unofficially for the moment - to have given up on its much anticipated overhaul of the state's OHS laws. There has been plenty of speculation about what has prompted the back-flip, who wanted the proposed changes dropped and why, but, regardless of the who and why of the matter, the sad fact is that OHS laws in NSW are set to remain grossly biased against employers and completely out of whack with the laws and procedures of other states.

Without the hoped-for changes, the OHS system in NSW will remain adversarial, legalised, criminalised and punitive rather than cooperative. It will continue to encourage altogether too many employers to go on seeing good OHS management as a way of better-covering their own backs rather than better-protecting their most valuable asset: their workers.

The NSW OHS laws are one of the very few areas of the law in any part of Australia in which one, and only one, party (the employer) can be assumed to be absolutely guilty from the outset, and where the purpose of the legal process is largely to determine the severity of the penalty. In what other area of the law is there a parallel to the bizarre situation in NSW, where a union can benefit financially by receiving part of monies from penalties and fines levied against an employer in an OHS prosecution? Further, in NSW, an employer can face charges of criminal OHS offences, and yet be denied recourse to the normal rights of appeal applying to other criminal law proceedings.

AMCA will continue to press for common sense changes to OHS laws in NSW.

NSW MODEL FOR A NATIONAL IR SYSTEM?

The NSW Government called for it in August 2007. Professor Williams delivered a report on it to the NSW Government in November 07. The NSW Government released the report on 25 January 2008. On 1 February 2008 the report was on the table when all the Industrial Relations Ministers, state and federal, met in Canberra to consider the way ahead towards a "simple" and "efficient" national industrial relations system. Will Professor Williams report to the NSW Government, "Working Together: Inquiry into Options for a New National Industrial Relations System" help to shape a new IR system? Let's hope not. A new system that relies upon an intergovernmental ministerial council to oversee coordination and cooperation, where a two thirds majority of states' votes is needed to change a federal IR law, and which leaves it to individual states to decide whether and in which areas and to what degree they will cooperate and in which they won't, is hardly the kind of "simple" and "efficient" industrial relations framework that anyone could sensibly want.

AMCA NSW SHORT COURSE TRAINING PROGRAM

The 2008 AMCA NSW Short Course Calendar has been released and can now be downloaded from our website www.amcansw.com.au, you will also find course flyers, booking forms and a matrix showing the breakdown of courses by job type.

We've added three new courses to this year's program.

1. Attracting and recruiting the right people for your Business
2. OHS and Profitable Projects: The Essentials for Project Managers
3. Testing and Tagging

We are now taking bookings for all 2008 courses - many of our 2007 courses booked out, so get your booking forms in early!

The AMCA Certificate in Fire Dampers is especially popular and has been booking

out 6-8 weeks in advance, so we've added extra dates to the calendar this year.

The complete list of short courses for 2008 is shown below:

- AMCA Certificate In Fire Damper Installation
- Fire Damper Installers Workshop
- OHS On-Site For Supervisors
- Managing Hot Works
- Customer Service For Administration Staff
- Customer Service For Service Technicians
- OHS & Risk Assess For Service Technicians
- Attracting & Recruiting The Right People For Your Business
- OHS & Profitable Projects: PM Essentials
- Testing & Tagging
- Understanding Project Estimating for Project Managers and Engineers – Stage One
- Understanding Project Estimating for Project Managers and Engineers – Stage Two

Contact Lucie Booker, our Learning and Development Manager if you have any queries about our existing courses, ideas for future courses or would like to find out about having training run in-house for your staff.

A NEW FACE...

...and a new voice to answer your phone call to the Sydney office. Emma Fay joined the AMCA NSW staff on 29 January 2008. Emma will be handling most telephone enquiries, keeping the membership and training data bases up to date, taking bookings for training courses and attendance at members' briefings and social events, co-coordinating the events calendar, putting together our regular e-newsletter, maintaining the web site and preparing agenda papers for committee meetings for the National Fire Industry Association and the Australian Elevator Association, as well as for AMCA NSW. Sounds like more than enough for one person to handle, but Emma has already shown herself to be well and truly up for it.

What's on in NSW?

Date	Event
21 Feb 08	Members Meeting
21 Feb 08	Council Meeting
10 Mar 08	OHS Onsite for Supervisors Course

Contact
Geoff Sheldon
Geoff Sheldon
Lucie Booker

My Say:

David Eynon

HAVE A LAUGH AT WORK BUT

Sending a new apprentice to get a left-handed screwdriver is one of the oldest hoaxes in the workplace. In itself there has never been anything wrong or harmful with a prank.

In early January a young person however was injured when a prank went wrong. The incident did not involve an AMCA member or our industry, but nevertheless there are some lessons to be learned.

January/February each year is the time when many young people come into the workforce. For our industry this traditionally is when most apprentices commence.

The inexperience and naivety of young people in the workplace might at times encourage older workers to have a little bit of fun at their expense. There is a line that should not be crossed in this regard.

Often young people will be very nervous in their first days at work. The workplace should not be so serious that people never laugh and enjoy themselves, but pranks must not cross the line which places anyone in some physical danger, demeans the person, or does psychological damage.

Make the workplace enjoyable, have a laugh, but respect everybody's safety and beliefs.

LEADERSHIP CHANGE IN VICTORIA

After completing a two year term Earl Sakareassen stepped down as Victorian President at the AGM in December.

The new President is Alex Hall, proprietor of A C Hall Air-conditioning. Alex will hold the position for the next two years.

Earl Sakareassen spoke about the achievements over the past two years at the annual general meeting and made special mention of-

- The growth and development of the comprehensive training program conducted by the Association;
- Expanding the policy influence of the association in Victoria. He said giant steps were taken already but this work must continue.

Finally he thanked the staff in the secretariat for the assistance and guidance they provided to him during his presidency.

Alex Hall praised the work put in by Earl Sakareassen and a commemorative plaque was presented.

Both the outgoing and incoming presidents recognised the significant contribution of Doug Langford who has completed his term of office on the executive and who did not seek re-election. Both said that his contribution to the association at the state and national levels was significant.

Two new executive members were elected. They were Greg Andrews and Stephen Aulich.

HIGHER PAY RATES FOR PLUMBERS

Pay rates for plumbers paid under the current Collective Agreement (Enterprise Bargaining Agreement) are due to rise from the first pay period commencing on or after 1 March 2008. Also employer superannuation contributions will increase to \$125.00 and the training levy rises to \$5.45 per week.

Plumbers

The following rates will apply from the first pay period commencing on or after 1 March 2008:

	Plumber	Unregistered Plumber	Irrigation Installer	Plumbers' Labourer
Hourly Rate	\$31.33	\$30.57	\$29.66	\$27.71
Total Weekly	\$1,127.88	\$1,100.52	\$1,067.76	\$997.56
Fares (per day)	\$14.77	\$14.76	\$14.76	\$24.27
Travel (per day)	\$23.50	\$22.93	\$22.25	
Overtime				
2 time	\$62.66	\$61.14	\$59.32	\$55.42
2.5 time	\$78.33	\$76.43	\$74.15	\$69.28

TRAUMA INSURANCE

Members will now have received an invoice detailing arrangements regarding trauma insurance for employees in the month of January 2008. For those who are involved in the scheme there is no requirement to make a payment for January 2008. Based on the excellent OHS performance on site during 2007, AMCA has been able to use the claims experience bonus received because of this good performance to pay for the otherwise January contribution.

NEW EMPLOYEES

The association is pleased to welcome two new staff members. Both commenced employment in recent weeks.

Laura Steedman has taken up the position as Training Manager for the Association. Laura will manage Victoria's training activities along with several national programmes including the project management course.

Rachel Paradowski commenced employment in January as the association's Training Field Officer. Rachel will work closely with the new joint plumbing industry training fund to promote skills training and advise members on training options.

What's on in VIC?

Date	Event	Contact
03 Mar 08	IR Committee	Peter Verberne
18 Mar 08	Vic Executive Meeting	David Eynon
31 Mar 08	Members' Golf Day - Metropolitan Golf Club	Lyn Dyason

My Say:

Graham MacKril

One of the first functions to which I was invited in January 2008 was a Press Conference held by Prime Minister Kevin Rudd at the Construction Training Centre (CTC) located at Salisbury. In his announcement the Prime Minister committed, as a first tranche, an additional 20,000 training places to assist in the skills challenge facing the nation.

Two aspects of core business for the new Labour Government were announced as: Maintaining tight fiscal discipline; and secondly, to boost capacity in skills and infrastructure. We welcome the renewed commitment to boosting the skills capacity as core business for the new Government.

The visit to the CTC Centre included some discussions with apprentices and it was evident that Prime Minister Rudd is able to connect very quickly with young people.

As the trend grows in super-sizing and clustering of construction and infra-structure projects, it will be a real test for industries to meet budgets with the tight labour market. The skilled labour shortage is likely to impact the growth prospects for industry but could also be an opportunity for innovation.

According to ABS data issued, the Construction sector in 2005-2006 was \$62.4B in gross value, an increase of 42% over 2001-2002.

A current mantra of "if not you, then who?" is setting the scene in several training and education circles, a slogan worthy of further consideration.

ADVICE IN RELATION TO QUEENSLAND PAYMENT LEGISLATION

The following guidance is offered by John Lowry, Lowry Consulting, based on recent experiences.

If you are to be successful in the event of an adjudication of a payment claim (or any other action), you MUST identify the proper entity or person that you contracted with.

This was brought home in a recent NSW Supreme Court case, where an adjudicator's decision was overturned by a judge. Here is a brief synopsis of events.

Payment Claims and the subsequent adjudication application were made against Berem Interiors, although the contract was clearly with Berem Constructions. The adjudicator, no doubt thinking it was common sense, decided that Berem Constructions and Berem Interiors were, for all intents and purposes the same, being part of the same group and he made a decision for the applicant.

The judge disagreed that there was any contract between the claimant and Berem Interiors and, on the basis that a "construction contract" between the parties is an essential prerequisite for an adjudication decision (determination in NSW), he declared the adjudication void.

(Berem Interiors Pty Limited v Shaya Constructions (NSW) Pty Limited [2007] NSWSC 1340).

An otherwise, probably deserving, contractor lost his payment as a result of this slip. Make sure it does not happen to you.

NEW WORKPLACE HEALTH AND SDAFETY SERVICES FOR QUEENSLAND MEMBERS

We have entered into an agreement with Stack Masula Pty Ltd for the provision of a variety of Workplace Health and Safety Services.

Compliance with various aspects of Workplace Health and Safety and Electrical

Regulations are an ongoing challenge for industry and the need for a service of this nature has been identified for some time now. The services provided will include:

- Telephone support for WH&S enquiries;
- Information sessions;
- Development of a uniform Job Safety Analysis form;
- Appraisal of AMCA members OH&S compliance with the provision of a compliance report.

QUEENSLAND BUILDING SERVICES AUTHORITY - SITE SUPERVISOR LICENSING

In response to ongoing complaints primarily within the domestic sector of the building industry in relation to the quality of site supervision, BSA has introduced Site Supervisor Licensing. This licence allows an employee (of an individual or company) to supervise building work under the employers licence. The applicant is only required to meet the technical qualifications.

This licence is to be held by any person who is supervising the carrying out of building work as an employee – where the supervision of the work does not require the applicant to hold either a Nominee supervisor or Contractor licence.

A transitional period of 12 months (until 19 December 2008) has been given for site supervisors to apply for this licence. This transition allows an option for employers to provide a declaration on behalf of site supervisors. This declaration verifies that the individual has carried out site supervision work for a period of 12 months for that employer and that the appropriate skills and competence are suitable for the scope of contracting work undertaken by the employer.

What's on in QLD?

Date

5, 12, 19, 26 Mar 08
20 Mar 08
25 Mar 08

Event

Drafting Cert IV.
Council Meeting
RDO

Contact

Graham/Jannie MacKril
Graham MacKril

My Say:

Alan Layton

GETTING THE INDUSTRY'S MESSAGE ACROSS IS CRITICAL

Part and parcel of running an effective employers' association is getting the industry's message across to those in government who have an impact on determining the commercial operating environment of the industry participants.

This over-riding objective is clearly in focus following the election of a Rudd Labor Government which has an agenda of change highlighting workplace relations, education & training and the environment.

Challenges facing the industry in 2008 we predict will be shortages of workforce skills and labour as well as yet another workplace relations regime. This mix of challenges clearly has the potential to adversely affect industry productivity and add to the operating costs of specialist contractors serving the building and construction industry.

Added to these industry challenges is the over-arching prospect of a worsening world economic situation. The USA could be headed for recession, domestic inflation and interest rates are on the rise and stock markets around the world, including the ASX, continue to 'bungee jump' from day to day.

Effective communication with the new government is a must for the air conditioning industry which is a significant user of energy, both in the commercial and residential sectors. For our industry, the 'green challenge' is more than a popular slogan. It is critical the industry plays its part in meeting the challenge and demonstrating to government and the wider community that we are actually playing our part.

A way forward for our industry in the next twelve months and beyond will involve developing our communication pathways, delivering state-of-the-art training programs, implementing strategies to ensure that members become part of the solution to energy efficiency and climate control issues and implementing strategies that raise the profile and influence of our industry in the eyes of government and the wider community.

My expectation is that we're in for a challenging and exciting year! We're also in for a rewarding one if we effectively communicate our positive messages to those in the government and the community who affect the prosperity of our industry.

AMCA MEETS WITH DHW RE INDUSTRY LICENSING

Greg Waters, AMCA President, and Alan Layton, Executive Director, met with Peter Gow and Donielle Watt of the Department of Housing & Works (DHW) to discuss the issue of industry licensing. Peter Gow confirmed that it is an issue that the WA Building Commission proposes to examine when it gets underway in the middle of next year. The AMCA representatives left the meeting with the impression that there is not any particular enthusiasm on the part of the bureaucracy in WA to license additional trades. Existing trades, notably electricians and plumbers, will continue to be licensed.

"FAST TRACK' APPRENTICE SCHEME GETS UNDER WAY

At a meeting with Greg Waters and Alan Layton held on 22nd February, Graham Boyle of Swan TAFE confirmed that the "Fast Track" apprentice scheme will be offered to the air conditioning and refrigeration industry this year. AMCA WA wrote a letter in support of TAFE's submission to win the contract to offer the program to industry. The letter stated, "As a peak body for the air conditioning and mechanical contracts industry we are firmly of the view that a collaborative approach for the Fast Track proposal would be beneficial to industry, apprentices and Swan TAFE. The proposal demonstrates Swan TAFE's commitment to being flexible and responsive in meeting the needs of both the industry and the workforce's development in the resources boom that the State is currently experiencing."

WORKSAFE INTRODUCES SAFETY MANAGEMENT PLANS

WorkSafe WA has introduced the new National Standard for Construction Work into Western Australia. The new standard applies to the general construction sector from 3rd January and to the residential sector from 21st April 2008. The new standard requires any person in control of a construction project where 5 or more persons are working (or likely to be working) on a construction site to ensure that a site-specific OHS Management Plan is prepared before the work commences. The person in control of the project must ensure that any person engaged to carry out work on the site is provided with a copy of the OHS Management Plan. Further information is available at www.worksafe.wa.gov.au.

SANEWS

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My Say:

A YEAR OF GREAT EXPECTATIONS

We open the year in South Australia with the promise of great things.

Construction activity is up, as the adjacent article shows. General business activity surrounding the mining and defence sectors look to add significantly, in the medium to long term, to the state's economy.

We have just been through a Federal election that sees the new government, led by Prime Minister Rudd, "hit the ground running" with the management of the country and for the first time in a long time - a new government is taking over a federal treasury that is in surplus.

The Unions have already indicated that they have expectations of improving wages and conditions over the next year, while employer groups are already sounding some concerns about the likelihood of inflation acceleration.

In S.A. the AMCA office started back at work a week early, in anticipation of a very busy year - in contractor activity, training, service provision to members and member recruitment.

With some clouds on the horizon - not least of all the impacts that may flow from the big issues such as credit crunch in the United States, the prosecution of the War on Terrorism, Climate change and its effect on our economy and in particular the air conditioning and mechanical contract sector, the stage is set for some impact on all of our collective - Great Expectations.

Have a good month and from all of us in South Australia may the New Year be all that you hope for.

AMCA MEMBER APPOINTED CHAIRMAN OF THE CIF IN SA

Mr. John Yorston (General Manager - Frigrite Air Conditioning) has been appointed the new Chairman of the Construction Industry Forum Executive - South Australia.

Upon his appointment as Chairman John announced a range of initiatives that he would seek to implement over the coming months.

Some of the initiatives included regular key note presenters at the future meetings, a regular attendance over the year from organisations that link to the construction industry, priority given to the distribution of documents from each meeting and the follow up on any actions required and to identify issues and provide solutions for direct referral to the responsible Minister.

AMCA SA CONSTRUCTION FORECAST - A STATE PERSPECTIVE

The latest forecast figures distributed to AMCASA members shows a continuing growth of construction activity through the first half of 2008.

Based on a selected data set, which the AMCASA has used for its construction reports, so far in 2008 - 315 projects have been registered (with known construction start dates).

The value of these projects is in excess of 2.5 billion dollars.

There are already 49 projects with a construction value of \$10,000,000 or more registered for commencement during 2008. These major commercial / industrial construction projects (ranging from \$10 million to \$200 million in value) are balanced by over 250 smaller projects with a mean of \$1.8 million each.

WORKPLACE RELATIONS FACT SHEET - COMPULSORY

As of 20 October 2007, all employers in the Federal workplace relations system should have provided all of their current employees with the Workplace Relations Fact Sheet. It is a legal requirement that all employers under the Federal Workplace Relations Act 1996 were to supply this Fact Sheet to all of their existing employees, regardless of their position within the company. New employees are to be supplied with the Fact Sheet within seven days of beginning their employment. Employers that have not complied with this obligation risk being fined up to \$110.00 per employee.

The Workplace Relations Fact Sheet is available from the Workplace Authority website, www.oea.gov.au, or by calling the Workplace Infoline on 1300 363 264.

INDUSTRY LEVEL PRODUCTIVITY

The ABS has released the latest data on productivity at an industry level. Over the year to June 2007, multifactor productivity changed by the following amounts:

- Agriculture, Forestry and Fishing: changed by -23.9%
- Mining: changed by -1.3%
- Manufacturing: changed by 1.3%
- Electricity, Gas and Water Supply: changed by -4.7%
- Construction: changed by 1.3%
- Wholesale Trade: changed by -4.2%
- Retail Trade: changed by 3.1%
- Accommodation, Cafes and Restaurants: changed by -1.9%
- Transport and Storage: changed by 2.7%
- Communication Services: changed by 3.6%
- Finance and Insurance: changed by 0.8%
- Cultural and Recreation Services: changed by 3.5%
- Total: changed by -0.6%

What's on in SA?

Date	Event	Contact
13 Feb 08	A/C Services Group meeting	Chris / Maureen
18 Feb 08	Women in Air Conditioning	Chris / Maureen
25 Feb 08	RDO 2	
4 Mar 08	Executive Meeting	Chris / Maureen
17 Mar 08	Women in Air Conditioning	Chris / Maureen