

AUSTRALIAN CAPITAL TERRITORY



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# CEO UPDATE MASTER BUILDERS AUSTRALIA

17 February 2015

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## Message from the CEO

### Pre-Budget Submission Addresses Business Confidence in the Industry

The Federal Treasury has now received one of Master Builders' most important submissions of the year.

The focus of our Pre-Budget Submission is boosting business confidence to create the positive business conditions needed for our industry to prosper play a greater role in filling the gap in investment and job creation left by the receding resources boom.

Master Builders Pre-Budget Submission recommends fiscal policy and industrial relations, taxation, housing policy, workplace productivity, workplace skills, regulation reform and immigration reforms including:



- Short term tax incentives to boost investment.
- Make building and construction a priority industry in funding to drive apprenticeship training.
- Work with state and local jurisdictions to tackle the barriers to building more new housing and easing housing affordability pressures.
- Ensure the Australian Building and Construction Commission (ABCC) is restored.
- Continue repeal of red and green tape to lighten the regulatory burden on building firms.

Master Builders will advocate between now and the May Budget for these and other common sense reforms to ensure the Government is aware of the importance of the industry's concerns and of the need to boost business confidence.

*Wilhelm Harnisch*

Chief Executive Officer

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## Workplace Relations

### Employment Termination User Group – Follow Up on Inequities of Telephone Lodgement

On 6 February 2015 a representative of Master Builders attended the Fair Work Commission's Employment Termination User Group meeting. A principal element of discussion was of the Commission's Rules relating to telephone applications, which was recently drawn into focus following a decision of DP Gooley (who coincidentally convenes the User Group). Rule 9 of the Fair Work Rules 2013 allow an applicant 14 days to lodge an application provided they have commenced their application (i.e. telephoned FWC) within the required 21 days. Master Builders raised its concerns over the inequity of the Rule, noting that providing a telephone applicant (who has the assistance of someone from the Commission in completing the form) an additional 14 days to lodge appeared both illogical and manifestly excessive given that all that should really be required is the applicant's signature. Additional discussion points included the proposal that an employer be notified that a telephone application has been made against it – so at least it can prepare, and potentially hold off in filling the position; as well as implications with respect to settlement offers caused by the potential 14 day delay in lodgement and subsequent listing for conciliation. There will now be internal discussions in the Commission on these points.

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### Modern Award Litigation – Accident Make Up pay and District Allowances

On 11 February 2015 the Full Bench which considered the ACTU application to make the transitional arrangements about accident make up pay and district allowances in modern awards permanent handed down its [decision](#). There had already been an interim decision on 31 October 2014 which indicated that the Full Bench had found in favour of employers. The Full bench has now permitted the unions, including the CFMEU, to lodge further submissions by 18 February 2015 in order to bring forward new applications to place fresh provisions in modern awards about these subjects. The 11 February decision has provided a "road map" to unions about how the Commission believes that the relevant provisions should be structured in order to be part of the ongoing safety net of modern award terms. Employers have until 20 March to respond to the latest union applications and submissions.

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## Fair Work Building and Construction court cases on the rise

Master builders and the Fair Work Building & Construction (FWBC) recently discussed its litigation profile and the effect that its actions are having on the culture of the industry. Despite the increase in litigation, there appears to be an intransigence on the part of the CFMEU in particular to change its way of doing things. Officials still act as if the law does not apply to them. FWBC currently has 43 matters before the courts around the country. In 2014 the agency launched 40 new proceedings compared with 11 the previous year. In its most recent case, FWBC alleges that a CFMEU official padlocked a smoko shed and threw non-union workers' food on the ground because "sheds were won for unionists by unionists".

When asked by a Health & Safety Manager if the workers could at least leave their lunches in the fridge the official allegedly replied "No. Maybe you can put Neil's stuff in the fridge. Neil's a union member and that's how fridges came about on sites mate." And "Get out of the shed you scab. You're a f\*\*\*en piece of sh\*t mate".

As a result of this alleged conduct, the Manager had to arrange for the workers to eat their lunch at a nearby shopping centre. In another recent case, two CFMEU officials entered a government funded construction site in Victoria to investigate purported safety breaches. However, once on site, they stepped onto an unsafe area that had been sectioned off with black and yellow safety tape. They then positioned themselves between a concrete agitator and a concrete pump, disrupting the pour, which caused the concrete to "cook", again ignoring OH&S requirements, knowing that it was unsafe to stand between the two machines. FWBC advises that reports of officials flouting safety rules on site are not infrequent. This is the fourth court case the agency has brought against the CFMEU within a month regarding officials not complying with safety rules. Most of the agency's current matters relate to coercion.

In one of the 17 coercion cases currently before the court, a CFMEU State Secretary and Assistant Secretary allegedly threatened the Head Contractor with industrial action, telling him "If you try anything there will be Armageddon. All hell will break loose and we will take this national".

The threats were intended to stop the Head Contractor from enforcing a Fair Work Commission order that required employees on the project not to take industrial action.

More information on these cases can be found on the FWBC website under [latest news and media](#).

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## Fair Work Ombudsman – Ordinary Hours for Shiftworkers

The Practitioner Assist arm of the Fair Work Ombudsman (FWO) is examining the practical application of clause 34 under the *Building and Construction General On-site Award 2010* and sought Master Builders' view on ordinary hours for shiftworkers. A submission was provided to the FWO on 3 February 2015 which noted there is a marked divergence between the provisions of clause 34.1 and clause 34.2. Master Builders' submission highlighted the differences and noted that these are part of the problematic instrument that governs the industry's safety net. The Award has been roundly criticised by Master Builders as unclear, internally inconsistent and antediluvian. The current exercise by the FWO reinforces that stance.

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**Legal and Contracts**

**National Contracts Advisory Committee to Workshop Major Australian Construction Contract**

Master Builders National Contracts Advisory Committee (NCAC) will meet in Adelaide on 24 February 2015 in order to workshop the terms of a new draft building contract. Standards Australia has released draft AS 11000: General Conditions of Contract (AS 11000) for public comment. The draft AS 11000 is the first standard in a proposed suite of contract conditions intended to replace AS 2124-1992 and AS 4000-1997, the two most widely used standard form contracts in Australia. The closing date for submissions to Standards is 27 March 2015. If any members have comments that they would like NCAC to consider, individual feedback is welcomed. The draft can be accessed here: [DR AS 11000:2015 Draft for Public Comment](#)

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**Work Health and Safety**

**Notifiable Fatalities Report Issued by Safe Work Australia**

Safe Work Australia (SWA) recently released the report for October 2014 which shows fatalities for that month and for the calendar year to 31 October 2014. The report relates to workers (both employees and self-employed) who suffered a fatal injury at work and bystanders who suffered a fatal injury as a consequence of work activity. Tragically, the building and construction industry recorded two further fatalities in October 2014 with the year to date number at 27. Go [here for the full report](#).

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**Streamlining the FSC Scheme in 2015**

Master Builders and the Federal Safety Commissioner on 12 February 2015 discussed the revamp of the accreditation scheme. The Regulations were changed with effect from 1 January 2015 (<http://www.comlaw.gov.au/Details/F2014L01736>). This means that the financial thresholds at which the Scheme applies have increased; accreditation is not required for projects involving detached, single dwelling houses; unaccredited companies can be head contractors on Scheme projects where they are in joint ventures with accredited companies and Australian Standard AS4801 is no longer required. A key remaining change which will be made focuses on the basis of and timing for reaccreditation. Reaccreditation will now be for up to 6 years. This maximum period will be for companies with a strong track record of compliance with Scheme criteria. Those companies will also have a greatly streamlined re-accreditation process. The current requirement to undertake the full application and assessment process again will be abolished for those companies. The new online application process, along with a portal for accredited companies, is on track to go live in April 2015. All changes to the Scheme are expected to be in place no later than 1 July 2015. Further consultation with the FSC is ongoing.

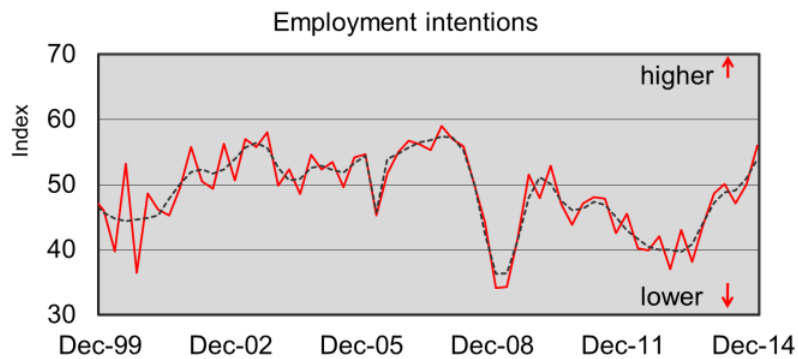
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## Survey Shows Rise in Builder Hiring Intentions

The latest national survey of building and construction shows more jobs are set to be created by the industry in 2015 as building activity continues to strengthen and confidence in the sector grows. Master Builders Australia's National Survey of Building and Construction shows employer hiring intentions rose in the December quarter 2014 to their highest level since before the Global Financial Crisis. The index reveals that builders intend to hire more staff and sub-contractors over the next six months. The index has struggled for seven years to climb out of a sub-50 range signalling contraction.



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## Builders to Employ More Apprentices

The Survey has good news for young people as the index measuring builders' intentions to employ apprentices rose to its highest level in seven years, with a third of respondents planning to put on more apprentices in the next six months. It's a clear and positive signal that the building and construction industry is creating more jobs and career opportunities in one of the nation's key growth industries. To ensure the increased demand for apprentices translates to the best outcomes for the industry and young people, Master Builders reinforces the need for new thinking by the Government to enable builders and education providers to enhance pathways from school to apprenticeships.

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## Builders More Confident but Recovery Needs to Broaden

Confidence in the building and construction industry continues to grow with the Survey recording a sharp rise in expected building activity to the highest level in seven years. The Survey indicates that builders see significantly higher industry activity over the next six months. Confidence in own business prospects has trended up over the past two years, back towards pre-GFC levels. The survey index on profitability of building firms recorded its highest level in nearly four years. The marked improvement in intentions to invest in plant and equipment will also benefit the wider economy. However, while the Survey reinforces Master Builders' forecast strong growth for residential building, conditions in the commercial construction sector have some way to go before they could be described as healthy. There needs to be a general, economy-wide, lift in business confidence before there is a sustained upturn in commercial or non-residential building. Master Builders, in its Pre-Budget Submission, has argued for a more pragmatic Budget repair strategy to ensure that business confidence is not undermined.

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## Rates Cut a Boost for Builders

Master Builders Australia welcomed the Reserve Bank's decision to cut official interest rates by one quarter of a percentage point, particularly in the light of waning confidence in the still fragile Australian economy. The rates cut should help reboot confidence and ensure the building and construction industry can play a key role in rebalancing the economy. The RBA's decision will benefit the housing market even as residential builders enjoy a solid uplift in activity driven by pent-up demand. Commercial builders will particularly welcome the RBA's move to lower rates as non-residential building continues to suffer from the effects of weak business investment.

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## Highest Ever Approvals Point to Looming Housing Boom

The latest data from the ABS show that Australia recorded annual dwelling approvals of more than 200,000 for the first time ever. The building approval figures support Master Builders forecast of a looming residential building boom in 2015, and challenge preconceptions that the approvals growth cycle had peaked.

The slight fall back in approvals for December 2014 of 3.3 per cent seasonally adjusted came after the spikes seen in October and November 2014 of 11.9 and 7.7 per cent respectively. The historic high is being driven by a boom in apartment building in Sydney and Melbourne that shows no immediate sign of abating.

Builder confidence will be boosted by the strengthening pipeline of work that will drive much needed job creation and investment in both the industry and the wider economy. The boom in approvals will eventually flow through to increased housing supply and work to help ease affordability pressures. However, urgent reforms to remove the shackles of poor land release strategies, inefficient developer charges/infrastructure levies as well as poor planning and development programs are needed if the housing upturn is to gain further traction.

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## Finance Flows Continue to Underpin Residential Building Resurgence

In contrast to the lift in headline owner occupied commitments, lending to build new dwellings was muted in December however finance flows will continue to underpin resurgence in residential building. Data released by the ABS show the total number of owner occupied housing finance commitments was up a seasonally adjusted 2.7 per cent in December. Commitments for construction rose by 0.8 per cent but those for purchase of new dwellings fell by 1.8 per cent resulting in combined 'new' dwelling commitments being unchanged over the month.

Builders will be reassured by the 8.7 per cent rise in owner occupied commitments for 'new' dwellings in calendar year 2014 compared to the previous year, another healthy annual increase following strong increases in 2013 and 2012. Investor housing commitments for the construction of dwellings rose sharply in December, with the total for calendar year 2014 up 17 per cent on 2013. Yet to be reflected in the data, the Reserve Bank's decision to cut interest rates in February will flow through to the housing market working to release pent-up demand and providing a further boost to residential building activity.

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## Unemployment Rate Rises

The Australian unemployment rate reached a new cyclical peak in January, at 6.4 per cent. Given ongoing sampling difficulties, not much should be read into one month's data, however, the improvement in December may have been an aberration. Analysts expect a further rise in the unemployment rate this year, and it appears likely there will be a follow-up rate cut from the RBA in coming months, possibly in March.

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## Business Confidence Uptick Fails to Reverse Deterioration

According to the National Australia Bank, the small uptick in business confidence recorded in their survey for January, was not enough to reverse the deterioration in confidence over the previous six months. Business confidence is now substantially lower than the average recorded in the first half of last year. Business conditions have also weakened, with a flat result in January. NAB said “the fundamental story painted by the January Business Survey is still one of a soft economy, with little momentum, weakish confidence and considerable difference across sectors.”

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## Improvement in Business Investment Outlook Needed

The RBA's quarterly Statement on Monetary Policy did not provide much additional information to explain the February rates cut decision. There was a small downwards revision to economic growth forecasts due mainly to lower non-mining business investment. The next quarterly survey of capex expectations, business confidence surveys and labour market indicators appear to be key factors in terms of influencing the timing of any further RBA cut.

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## Housing

### Foreign Investment in Land

The Federal Government has announced changes to the rules covering foreign investment in Australian agricultural land. The new rules follow a recent report by the Federal Parliament into foreign investment in Australian real estate. Under the new arrangements, the threshold for screening purchases by foreigners of agricultural land will drop from \$252 million to \$15 million, with the latter figure being based on cumulative values and include proposed purchases. Other elements include establishing a national register of foreign ownership of agricultural land, with the Australian Taxation Office performing a stocktake of such land holdings.

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### Industry Confidence

A new survey from the ANZ Bank has found business confidence in the property sector eased slightly in the March Quarter of 2015. However, sentiment for 2015 as a whole remains positive with expectations of improving levels of activity as the year unfolds. The ANZ Bank survey also reported continued optimism for the outlook for the housing sector, reflecting expectations of elevated rates of auction sales, more moderate rates of growth in house prices and strong dwelling approvals. Business confidence in the property sector was strongest in New South Wales, Victoria and Queensland, with a strong result in Tasmania reflecting a sharp increase in expectations for the tourism property sector.

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### Mortgage Gearing

Mortgage gearing rates have increased substantially across most age cohorts over the past twenty years, according to a new analysis by the Australian Housing and Urban Research Institute (AHURI), a federal government funded housing think tank. The largest increase in mortgage gearing rates (measured by loan-to-valuation rates) was in the 25 to 34 year age cohort (up from 41 per cent in 1990 to 60 per cent in 2011), and in the 35 to 44 years cohort (up from 32 per cent to 48 per cent over the same time frame). Interestingly, there was also a substantial rise in the loan to valuation rate for persons aged 65 years plus (from 14 per cent to 22 per cent).

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## Mortgage Pain

Mortgage delinquency rates continue to ease, largely on the back of low and stable interest rates. A new report by Fitch's, a commercial credit rating agency, found the highest incidence of mortgage delinquency in the nation were in the northern Melbourne suburb of Hume (with 1.67 per cent of mortgagees in arrears), the Central Coast of NSW (1.58 per cent), and in Caboolture and Ipswich in Queensland (1.49 per cent and 1.46 per cent, respectively). By contrast, the lowest incidences of mortgage delinquency were in north-west inner Brisbane, and lower northern and inner western Sydney.

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## CBD Office Space

Almost 336,000 square metres of new and refurbished office space was added to the commercial stock in the major CBD markets last calendar year, according to Knight Frank, a consultancy. This figure is well down (40 per cent) on the 561,000 square metres added in 2013, and 36 per cent below the 10 year average (528,000 square metres). The largest additions in commercial office space in 2014 occurred in Melbourne (almost 110,600 square metres) and Sydney (87,700 square metres), while Brisbane saw the least amount added (just 13,600 square metres).

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## Training

### Apprentices and Trainees – Early Trend Estimates

The National Centre for Vocational Education Research (NCVER) released its 2014 December Quarter Apprentices and Trainees Early Trend Estimates Report on Friday 13 February.

Early indications for the December 2014 quarter show that, seasonally adjusted, trade commencements increased from 19,900 in the September 2014 quarter to 21,500. This ended a series of declines in apprenticeship commencements since September 2013.

Further information at the disaggregated level for the December 2014 quarter will be released in June later this year.

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## Technical

### Seismic Actions on Structures

Standards Australia has released for industry comment a proposed draft international standard on seismic actions on structures. The proposed international standard specifies principles of evaluating seismic actions for the design of buildings (including both the super structure and foundation), and other structures. Certain structures such as bridges, dams, geotechnical works, tunnels, are beyond the scope of this Standard. Copies of the draft international standard are available from National Office upon request.

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## Underwater Acoustics

Standards Australia has released for industry comment a proposed draft international standard on underwater acoustics. The proposed Standard has been developed to provide a standardized method for the measurement of the underwater noise radiated during percussive pile driving, as takes place during construction on or near rivers and/or sea fronts. Copies of the draft international standard are available from National Office upon request.

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## Measuring Acoustical and Vibratory Levels

Standards Australia has released for industry and public comment a draft international standard on the methods for measuring acoustical and vibratory levels. The draft International Standard specifies reference values used in acoustics, in order to establish a uniform basis for the expression of acoustical and vibratory levels. The reference values are mandatory for use in acoustics for sounds in air and other gases, sounds in water and other liquids, and for structure-borne sound. Copies of the draft international standard are available from National Office upon request.

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## Emissions Reduction – Methods of Determination

The Federal Government has released the first of its methodological determinations which will operate under the Emissions Reduction Fund, covering three approaches to measuring emissions reduction: the commercial buildings method; the alternative waste treatment method; and, the land fill gas method. The commercial buildings method focuses on improving the energy efficiency of such structures; the alternative waste treatment method deals with projects which look to deal with solid wastes; and, the landfill gas method covers projects designed to reduce emissions from combusting land fill gases. Further information on the methods can be found at [environment.gov.au/emissions-reduction-fund](http://environment.gov.au/emissions-reduction-fund).

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## Events

### Master Builders National Conference



We are excited about the Master Builders biennial National Conference heading to the Gold Coast in November, what will undoubtedly be the industry event of the year once again.

Unlike many traditional industry conference that have a program full of just technical sessions the Building Australia conference stands out amongst the rest.

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The Master Builders National Conference 'Building Australia' focuses on leadership and assisting members to make informed decisions in continuing to grow their business whilst developing and maintaining strong leadership attributes within their business ethos. With high profile speakers that will examine the building industry outlook and topics relevant to today's building and construction industry.

The conference program and registration including partners and social program will launch in mid-May along with a Super Early Bird end of financial year special registration price.  
<http://www.masterbuilders.com.au/Events/national-conference>

The Master Builders Excellence in Building Construction Awards will be presented as part of the National Conference on the Saturday evening as the grand finale to an exciting conference on the Gold Coast.....We look forward to seeing you there!



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