

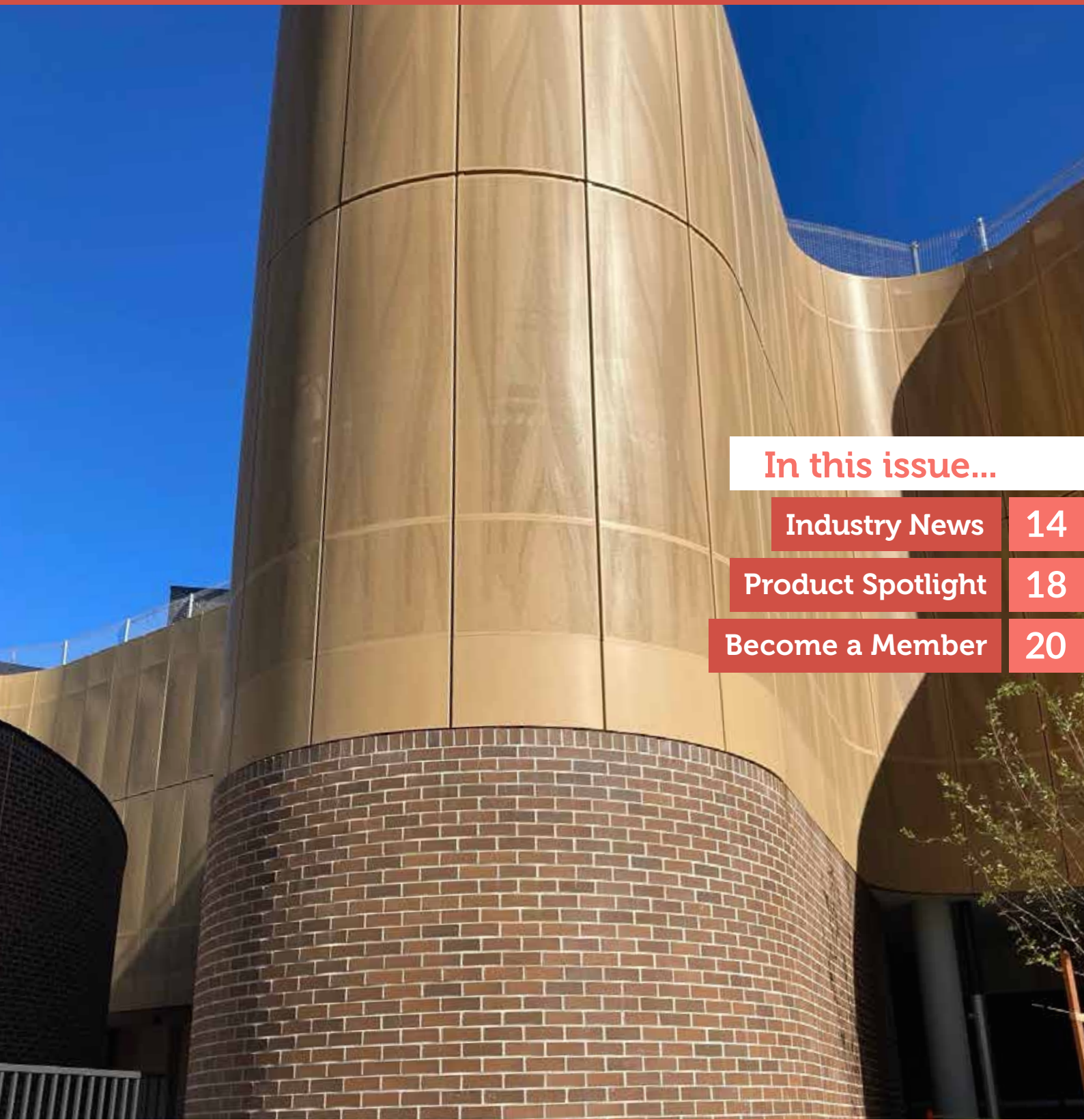
THE BRICKLAYER

magazine 

www.masonrycontractors.com.au

Official Publication of the Masonry Contractors Australia

VOLUME 6 | APRIL 2024



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PRESIDENTS REPORT

SEPTEMBER 2023



As we enter the 2nd Quarter of 2024 the Construction Industry, sadly but not unexpectedly has seen some, even well established, businesses collapse amid soaring labour and material costs along with numerous other challenges. With the

sector in high demand during the pandemic, in the past year Construction Companies accounted for a staggering 26% of businesses becoming insolvent.

Whilst there are still cases for optimism, it is evident that both business owners and trades alike are in for a torrid time as the rate of businesses shutting their doors in New South Wales has jumped nearly 40% in this past year. Between July 2022 and mid January 2023, around 1,600 NSW businesses engaged an external controller. This figure jumped to more than 2,200 for the same period since July 2023 according to data from the Australian Securities and Investments Commission. The hardest hit industry however was construction with 80% more companies under administration in the sector than the next most affected - food and accommodation services.

The most common cause of failure nominated by construction businesses was inadequate cash flow, high cash use and trading losses. Construction Companies have had to deal with grappling challenges related to the escalation of project costs, factors such as energy cost increases, currency fluctuations, disruptions and the ever present rising material prices have all exerted financial pressure on construction projects. It is a welcome sign that construction costs are showing indications of stabilisation with potential decreases as the year progresses. Apparent ongoing respite may be forthcoming with the costs of structural timber and steel easing.

But what does the near future hold for Australia's Construction Industry?

The Australian Building and Construction sector performs over \$162 billion worth of building and construction work each year and accounts for around 10% of GDP, the fifth-largest sector within the economy.

The output however of the Construction Industry is expected to decline by 2.5% in 2024 owing to subdued investor and consumer confidence amid elevated inflation, high interest rates and rate uncertainty, high construction costs, anticipated falling building permits, labour shortages and continued downturn in the residential construction sector.

The Construction Industry is increasingly adopting a variety of new technologies. Many of these technologies involve virtual design and visualisation, ranging from Robots to Building Information, Modelling to Construction Management Software. The Construction Industry is still set for a slowdown in 2024 despite a solid increase in building approvals nationally in November 2023. The scarcity of skilled workers is a challenge construction business owners often have to face and 2024 will be no exception. Following a shortage of international workers created by the pandemic, there will be more than 100,000 unfilled construction roles in Australia in 2024. Government reform in the shape of the NSW Building Bill 2022 which has begun to filter through to existence will no doubt bring improvements for the industry but will unquestionably be accompanied by angst in the form of tighter regulation and required adjustment to practises and processes.

The most major challenges facing us in the Construction

- Industry include
- Cost overrun
- Delays
- Cash flow issues
- Labour shortages
- Slow adaptation to emerging technologies
- Inadequate communication
- Poor planning, forecasting, and budgeting
- Government reform

As your President it gives me great pleasure to welcome three new and fresh faces to the MCA Board, which is exciting, it's always great to introduce and add new ideas and thoughts to the mix. As a Board we work hard to support and contribute to innovative solutions to advance the Bricklaying and Blocklaying Industries for our Members. Let's not rest on our laurels.



Outlook

With a spirited new Board in place, let's work to continue and make the "Member Experience" the best it can be for all our Members.

The service we provide as a Board begins with communication, both internal and external. As we strive to exceed our Members expectations, we continually work on how we interact with each other. As we move forward on a shared path, we must keep in mind our mission and purpose: to advance Bricklaying and Blocklaying information management and education of project teams.

As the industry evolves and changes there will be many challenges, many unknowns and difficult times that we have all experienced in the past and will undoubtedly endure again. "Your positive action combined with positive thinking results in success."

Brendan Coyle
MCA President

Masonry Contractors Australia (MCA) and its members continue to be a fundamental part of the Construction Industry. Our Team have an ongoing goal to support and contribute to innovative solutions to advance the Bricklaying and Blocklaying Industries for our Members whether they are a Sole Trader or a Tier 1 or 2 Contractor. We cannot thank all of our Members and Sponsors enough for their continued support with which the MCA Team will continue to endeavour to surpass the potential of our Members.



Masonry
Contractors
Australia



BOARD MEMBERS & EXECUTIVE STAFF OF MASONRY CONTRACTORS AUSTRALIA

Masonry Contractors Australia (MCA) is a voluntary run/operated Association by Company Directors (of their private companies) to assist Bricklayers/Contractors and the Masonry Industry.



■ **BRENDAN COYLE** **PRESIDENT**

Brendan has more than 30 years experience in the Masonry Industry. He has worked as a bricklayer in Ireland, England, New Zealand and across Australia. With more than 20 years' Senior Management experience, being employed by two Australian major brick manufacturers for approximately 15 years. Brendan also has Masters in Business (MBA).



■ **TIM MURPHY** **EXECUTIVE MEMBER**

Director – Fugen Holdings NSW Pty Ltd

Tim and his brother Dan established FUGEN (Bricklaying) in 1984, which Tim and Dan still operate today. Tim was a founding member of the MCA, under the leadership of 'Jock' Cameron (and John White). Tim is proud to still be involved with the MCA and the Masonry Industry.



■ **CON ZARAFETAS** **EXECUTIVE MEMBER**

Executive Director – Conrina Masonry Pty Ltd

Con Zarafetas, founder of the Conrina Group, has been involved in the Masonry Industry for more than 30 years. His love for the industry manifests in his commitment in promoting the positive aspects that masonry delivers, through his involvement with the MCA. Con, an experienced Director, demonstrates an ability to grow organisations to be both financially and ethically sustainable, rewarding all stakeholders in the process. Con has a Graduate Diploma of Management from Macquarie University and is currently completing his Master of Business (MBA) at MGSM.



MARK FORBES

EXECUTIVE MEMBER

Area Manager – Mid North Coast & New England NSW –
CSR Masonry & Insulation – Bradford, Monier, PGH

Mark has dedicated over 30 years to the building industry. One of Mark's goals is to encourage and motivate more youth to acquire an apprenticeship so we can see our industry continue to grow into the future. Mark has a strategic plan to educate builders about the Masonry Contractors Australia (MCA) with commitment to drive growth and innovation within the construction sector.



JENNIFER BRAYBROOK

EXECUTIVE MEMBER

Area Manager

Jennifer began her career with Leviat (Ancon) in the UK in 1999. In 2017 she seized the opportunity to bring her experience and skills to Leviat in Australia.

In her role as Masonry Division Manager, she brings a wealth of masonry support and restraint experience to the industry. She shares her passion for brick buildings and supports others in creating them.

Fun fact, she is also a qualified Zumba instructor.



TRACEY VAN BREUGEL

EXECUTIVE SECRETARY

Master Builders Association of NSW &
Secretariat to Masonry Contractors Australia

Tracey has been employed by the Master Builders Association of NSW (MBA NSW) for eight years working Tuesdays – Fridays 8:30am – 5:00pm. She administrates for three Industry Sectors: Masonry Contractors Australia (MCA), Metal Roofing and Cladding Association of Australia (MRCAA) and Livable Housing Australia (LHA).

WE'RE HIRING

POSITION VACANT

MCA EXECUTIVE COMMITTEE MEMBER

2 YEAR APPOINTMENT

Committee Members will be nominated at the Annual General Meeting, or via email, with the appropriate Nomination Form. Their duties are to attend any Executive or General Meetings, continuing education events, Annual Awards Dinner and representative role as delegated by the President. The Executive Committee provides the office bearers with opportunities to discuss their respective duties and to develop collegiality and team-work.

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POSITION VACANT

MCA EXECUTIVE COMMITTEE MEMBER 2 YEAR APPOINTMENT

The Executive Committee is convened by the President and may be called on to exercise leadership between General Meetings if quick decision, actions or statements are required on the Association's behalf.

The Executive Committee is also competent to call special meetings of the Association.

All major decisions taken by an Executive Committee between meetings should be fully reported to the next General or special meeting of the Association with a view to securing the meeting's endorsement for the decisions taken. All work performed and provided to the Association including intellectual, and where not previously claimed legally by others, is irrevocably the property of the Masonry Contractors Australia.

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Attention all members & guests...

BREAKFAST MEETING

Wednesday 15 May 2024

VENUE: Pennant Hills Golf Club, Vicars Room

ADDRESS: Cnr Copeland Rd & Burns Rd, South Beacrott

COST: \$50 +GST

TIME: 7:30am - 9:30am

AGENDA

- **7:30am** - Registration
- **7:45am** - Breakfast Served
- **8:15am**
 - Welcome address by President
 - Guest Speakers
 - Cameron Spence, MBA Industrial Relations - New EBA for Builders
 - Complete Lintels Building Supplies - New Products or Technologies
- **9:30am** - Meeting conclusion

EARN 1 CPD POINT FOR ATTENDING

Please advise your attendance by completing the registration form below and returning by email

tvanbreugel@mbansw.asn.au - NO LATER THAN 8 MAY 2024

NAME	COMPANY	Breakfast Meeting (\$50+GST)

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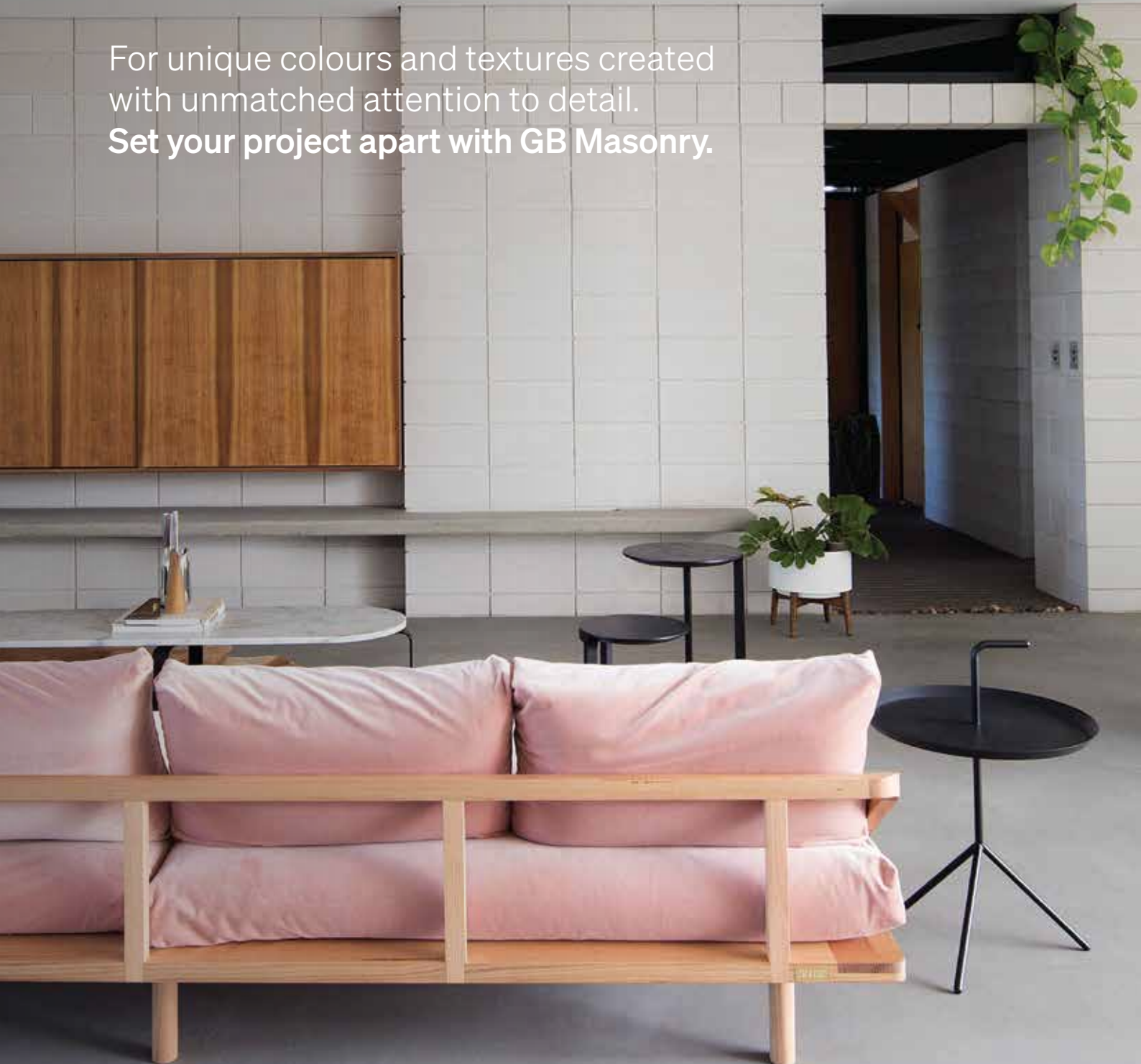
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Closing Loopholes: Timetable Updates.

Members are advised of the following key commencement dates for the now assented Closing Loopholes No 2 changes. As previously advised and summarily addressed in the previous e-Circular (dated 19 February 2024), some of the key changes that are effective now are:

Jump Up Orders - (aka Regulated labour hire arrangement orders) The Fair Work Commission (FWC) can hear "Same Job, Same Pay" claims concerning labour hire and sub-contractors. These "jump up" orders can be lodged with the FWC and made now, but they will not take effect until **1 November 2024**.

Union workplace delegates rights - The new law contains a slew of new rights for union delegates at all workplaces, and new offences for employers if they fail to deal with delegates properly. These include paid time off for union delegate training (excludes small businesses) and new Right of Entry powers for safety purposes under which a union delegate will no longer need to have a valid right-of-entry permit to access a workplace if they have been invited in by a health and safety representative.

Sham contracting - The definition of sham contracting has been watered down to now cover mistakes, inadvertent errors and misclassification of work arrangements. The impact of this change is particularly concerning given additional amendments (outlined below) which make it far more difficult to navigate the employee / independent contractor distinction.

SOME OF THE KEY CHANGES THAT STARTED ON 27 FEBRUARY 2024 ARE:

Intractable bargaining workplace determinations - The FWC has the power to suspend unsuccessful agreement negotiations by issuing an intractable bargaining declaration. In circumstances where post-declaration negotiations fail to result in agreement being reached, the FWC can arbitrate by making a determination setting out mandatory and previously agreed terms, plus set other terms the FWC considers appropriate. Disputed terms of the Agreement that are subject to intractable bargaining declarations cannot result in a term being less favourable than the terms of an enterprise agreement applying to one or more employees or to any bargaining representative of any of those employees.

Transitioning from multi-deal to single agreement -

Employers and employees who have a single-interest multi-employer agreement or supported bargaining deal can now apply to the FWC to transition to a single enterprise agreement. An employer will only be able to put a single-enterprise agreement to its Employees for a vote prior to the multi-employer Agreements nominal expiry date and after securing agreement from each Employee organisation (union) to which the multi-enterprise agreement applies. The FWC also has the ability to issue a 'voting request order'.

Single interest bargaining for franchisees - Franchisees of the same Franchisor are now able to bargain together for a single-enterprise agreement.

Tightening industrial organisations demerger rules - The FWC can no longer accept de-merger applications made more than five years after an amalgamation has occurred. The definition of a "separately identifiable constituent part" has been broadened which the FWC is required to consider when determining whether a part of an organisation is capable of de-merging.

SOME OF THE KEY CHANGES THAT START ON 1 JULY 2024 ARE:

Right of entry for investigation of suspected underpayments of wages - A union delegate will no longer need to give 24 hours' notice to enter workplaces to investigate suspected underpayments. One key change made includes a requirement that the FWC must consider whether or not giving the usual notice would hinder an effective investigation of an alleged underpayment.

Unfair contract disputes - The Fair Work Commission (instead of the Federal Court) is to gain a new jurisdiction to hear unfair contract claims for independent contractors earning below the contractor high income threshold (to be determined by regulation). Master Builders has strong concerns that this change will open the door for union interference in commercial disputes and also result in a loss of protections for independent contractors.



Closing Loopholes: Timetable Updates.

SOME OF THE KEY CHANGES THAT START ON 26 AUGUST 2024 (SIX MONTHS AFTER ASSENT) OR AN EARLIER DATE BY PROCLAMATION ARE:

Casual employment - There is a new definition of 'casual' and an employee-driven conversion process to full/part time employment. There is some tightening of the rules as to how you define 'casual' but overall the new laws will make using casual employment risky as it will be harder to determine whether an employee is legitimately engaged as a casual. In regards to conversion to ongoing employment there will be only one 'employee-driven' conversion process (employers will no longer need to offer conversion). There is also the addition of 'reasonable business grounds' for employers to refuse an employee-driven request to convert to ongoing employment.

FWC to have powers over 'employee-like' workers - The FWC is to gain a new jurisdiction to make minimum conditions orders for people engaged through digital platforms (aka gig workers, such as Uber and Deliveroo). However, Master Builders has concerns that this change may capture tradies who use digital platforms. The Government did make some concessions to try and exclude tradies. Master Builders will advise on this area as it progresses.

Definition of employment - There is a new definition of employment. This is a deliberate move by the Government to reverse the clarity and certainty provided by the High Court of Australia in the Jamsek and Personnel Contracting decisions handed down in February 2022 and return to the bad old days of the common law multi-indicia test. As a result of these changes there will now be rampant uncertainty as to exactly who is an employee versus who is a contractor.

Some positive changes were made during the debate over the amendments and as a result, an independent contractor earning above a (yet to be determined) high income threshold can now give notice that they elect to 'opt out' of the new definition of employment. The effect of 'opting out' is that the new vague definition of employment will not apply - meaning an individual can choose to have their engagement defined by the clearer test established by the High Court..

Right to Disconnect - There will be a new workplace right for employees to refuse to connect with employers after hours. This creates a legal right for employees to refuse to monitor, read or respond to contact or attempted contact from their employer outside of their working hours unless the refusal is unreasonable. This will cover things like calls, emails, texts, MS Teams messages and any other contact by an employer after hours that is not reasonable. In determining what is reasonable, FWC will consider things like:

- The reason for the contact or attempted contact.
- How the contact or attempted contact is made and the level of disruption the contact or attempted contact causes the employee.
- The extent to which the employee is compensated to remain available to perform work during the period in which contact or attempted contact is made; or for working additional hours outside of the employee's ordinary hours of work.
- The nature of the employee's role and the employee's level of responsibility.
- The employee's personal circumstances (including family or caring responsibilities).

A KEY CHANGE THAT STARTS ON 1 NOVEMBER 2024

is that any "Same Job, Same Pay" Labour hire orders already made by the FWC now take effect.

A KEY CHANGE THAT STARTS ON 1 JANUARY 2025

is that the Criminalisation of wage underpayment offence commences. The new offence will carry a maximum of 10 years' imprisonment, and/or a maximum fine equal to the greater of:

- 3 times the amount of the underpayment, if the court can determine that amount, or,
- For an individual: 5,000 penalty units (\$1,565,000)
- For a body corporate: 25,000 penalty units (\$7,825,000).

MBA NSW

Members with further enquiries can contact the MBA Workplace Relations department on:

industrial@mbansw.asn.au 02 8586 3555.



Brick and Block Careers has launched a new initiative to address the labour shortage in Australia's bricklaying industry.

BRICKLAYER CONNECTION AUSTRALIA

Brick and Block Careers is taking a dual approach to help resolve the labour shortage. This initiative targets employers who are expected to experience increased activity, particularly in anticipation of a boom in the commercial and housing industry next year.

In addition to apprenticeship support, which is the core business of Brick and Block Careers, a new launch called "Bricklayer Connection Australia" is currently underway. This introduction is aimed at attracting suitable migrants to relocate to Australia. The success of our business initiative hinges on collaborating with brick and blocklaying employers who are willing to support the right candidates with sponsorship to facilitate their migration. Although visa approvals have been relatively swift lately, the arrival of migrant workers can still take up to 12 months. Therefore, we must take a partnership approach and work together to effectively plan the workforce needs of our bricklayer employer network.

To spearhead this program, Kate Haywood has been appointed as the International Project Manager. Kate's role is crucial to the success of the program. She will be responsible for identifying, interviewing, and screening potential candidates. Kate's responsibilities extend to reverse marketing these candidates to Australian employers and serving as a liaison between migrants and employers.

Bricklayer Connection Australia will not provide immigration advice, they will collaborate with immigration experts to ensure the right calibre of bricklayers are coming to Australia. To help attract these candidates, a dedicated website, "Bricklayer Connection Australia," has been developed to promote brick and blocklaying opportunities in Australia. Enquiries will be streamlined and managed through a comprehensive database monitored via the company's CRM system.

The main objective of Bricklayer Connection Australia is to collaborate with employers in finding the most suitable bricklayers for their businesses.

Michael Morrissey | CEO | Brick and Block Careers

To learn more about Bricklayer Connection Australia, please contact Kate Haywood:



Kate Haywood
International Project Manager
M: 04967 905 522
E: Kate.H@brickandblock.org.au
W: bricklayerconnectionaustralia.org.au

IMPORTANT: Bricklayer Connection Australia does not offer legal or immigration advice. If you require these services, please contact an Immigration Lawyer.

JULY



Attention all members & guests...

BREAKFAST MEETING

Wednesday 17 July 2024

VENUE: Pennant Hills Golf Club, Vicars Room

ADDRESS: Cnr Copeland Rd & Burns Rd, South Beacroft

COST: \$50+GST

TIME: 7:30am - 9:30am

AGENDA

7:30am - Registration

7:45am - Breakfast Served

8:15am - Welcome address by President

Guest speakers

Debtor Protect/Insurance Advisernet - Debtors Insurance

Leviat - New Products & Technologies

9:30am - Meeting conclusion

EARN 1 CPD POINT FOR ATTENDING

Please advise your attendance by completing the registration form below and returning by email

tvanbreugel@mbansw.asn.au - NO LATER THAN 10 JULY 2024

NAME	COMPANY	Breakfast Meeting (\$50+GST)

INVOICES WILL BE PROCESSED AND FORWARDED ON RECEIPT OF REGISTRATIONS

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C/ - MBA NSW, 52 Parramatta Rd, Forest Lodge, NSW, 2037

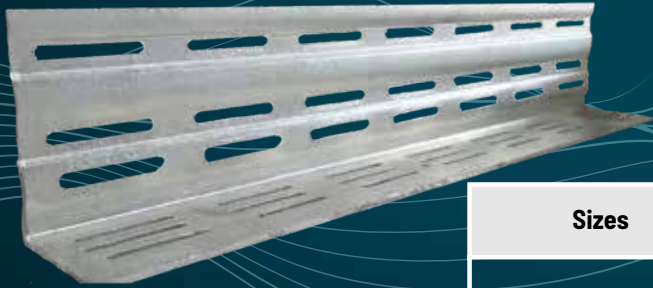
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Attention all members & guests...

BREAKFAST MEETING

Wednesday 18 September 2024

VENUE: Pennant Hills Golf Club, Vicars Room

ADDRESS: Cnr Copeland Rd & Burns Rd, South Beacroft

COST: \$50+GST

TIME: 7:30am - 9:30am

AGENDA

- **7:30am** - Registration
- **7:45am** - Breakfast Served
- **8:15am**
 - Welcome address by President
 - Guest speakers
 - MATES in Construction
 - Conrina / Robotics Australia Presentation
- **9:30am** - Meeting conclusion

EARN 1 CPD POINT FOR ATTENDING

Please advise your attendance by completing the registration form below and returning by email

tvanbreugel@mbansw.asn.au - NO LATER THAN 11 SEPTEMBER 2024

NAME	COMPANY	Breakfast Meeting (\$50+GST)

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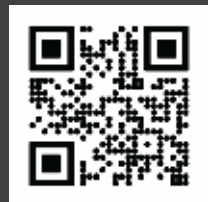


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Join Now and **BECOME A MEMBER** 2024/25 CONTRACTOR MEMBERSHIPS

The MCA Premium Program exists to help change the Masonry Industry, for the better. By following our motto, "Masonry Pride, Australia Wide", the MCA Committee, and all its partners, are striving to achieve the same common goal - to bring masonry back to the forefront of the Australian Construction Industry. By becoming a partner, you open up a whole world of opportunity for both yourself as an individual and your residential or commercial level company.

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FEES AS APPLICABLE	FEES AS APPLICABLE	FEES AS APPLICABLE	FEES AS APPLICABLE
<p>General meeting invites</p> <p>Annual award entry for member/non-member</p>	<p>General meeting invites</p> <p>Annual award entry for member/non-member</p>	<p>General meeting invites</p> <p>Annual award entry for member/non-member</p>	<p>General meeting invites</p> <p>Seminar invites & Networking events</p> <p>Annual award entry for member/non-member</p>
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- Recognition of support throughout the year on Masonry Contractors Stationary.
- Product Endorsement (subject to approval).
- Rotating display of your Sponsorship during the Annual Dinner.
- Company Name in larger print on Framed Awards recognising Sponsorship.
- Recognition of the MCA Annual Dinner supplement in the Master Builders Magazine February/March Edition.
- Placement of Company Logo and 12 months free exposure on the Association's Website.
- 4 Complimentary Tickets to the Annual Dinner.
- 1 Full Page Free Advertising in the Official MCA Publication 'The Bricklayer Magazine', issued twice a year to members.
- Placement of Company Logo on published 'Support Our Industry' Advertisement.
- Guest Speaker at 3 MCA General Meetings (preference).

GOLD SPONSORSHIP

ANNUAL - \$3000 +GST

BENEFITS

- Recognition of support throughout the year on Masonry Contractors Stationary.
- Product Endorsement (subject to approval).
- Rotating display of your Sponsorship during the Annual Dinner.
- Company Name on Framed Awards recognising Sponsorship.
- Recognition of the MCA Annual Dinner supplement in the Master Builders Magazine February/March Edition.
- Placement of Company Logo and 12 months free exposure on the Association's Website.
- 2 Complimentary Tickets to the Annual Dinner.
- 1 Half Page Free Advertising in the Official MCA Publication 'The Bricklayer Magazine', issued twice a year to members.
- Placement of Company Logo on published 'Support Our Industry' Advertisement.
- Guest Speaker at 2 MCA General Meetings.

SILVER SPONSORSHIP

ANNUAL - \$1500 +GST

BENEFITS

- Recognition of support throughout the year on Masonry Contractors Stationary.
- Rotating display of your Sponsorship during the Annual Dinner.
- Company Name on Framed Awards recognising Sponsorship.
- Recognition of the MCA Annual Dinner supplement in the Master Builders Magazine February/March Edition.
- Placement of Company Logo and 12 months free exposure on the Association's Website.
- 1 Complimentary Ticket to the Annual Dinner.
- Third of a Page Free Advertising in the Official MCA Publication 'The Bricklayer Magazine', issued twice a year to members.
- Guest Speaker at 1 MCA General Meeting.

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