

SAND & STONE

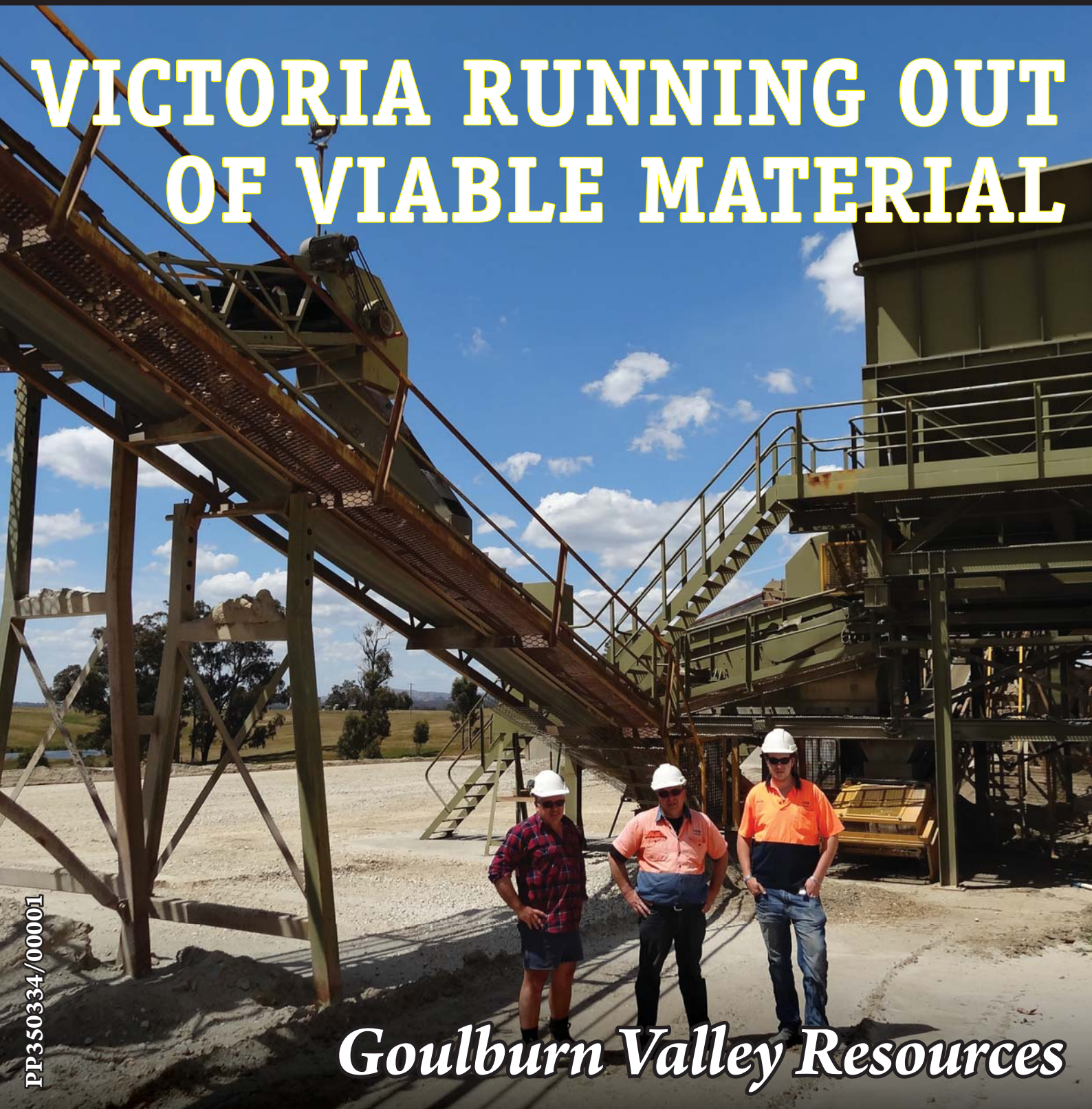
The official magazine of the CMPA

- MAWSONS CENTENARY
- FUTURE DIRECTION FOR NATIVE VEG
- WORK RECORD BOOK
- DIRECTOR LIABILITY LAW CHANGES

ISSUE 65

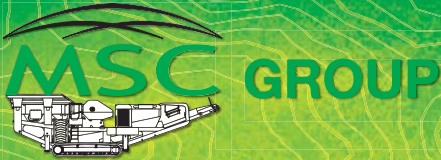
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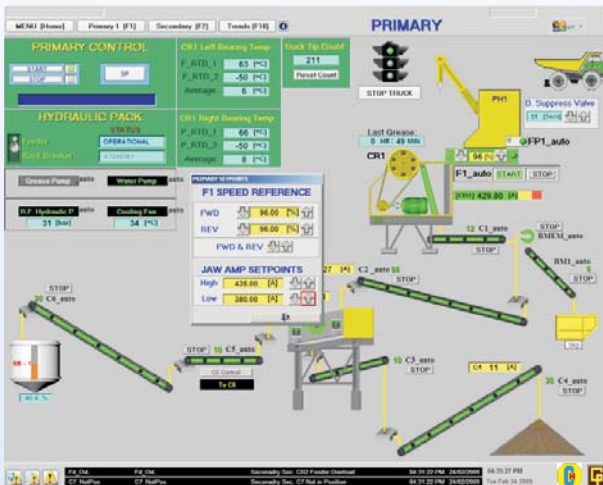
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Where has all the experience gone?

BRUCE McCLURE General Manager of the CMPA comments on the neglect of Victoria's road network.

ANYONE traveling on many of the Victorian state highways and indeed freeways at present, may start to believe that they are no longer in Victoria but are driving on other state roads such as South Australia or New South Wales. Victoria's roads were regarded as some of the best around Australia but alas that no longer is the case.

Victoria's road network is being neglected. Go for a ride on most highways and you will see a lack of maintenance everywhere. This is not necessarily the State Road Authorities fault as maintenance dollars available keep shrinking but the standard of some of the works being carried out is not up to standard.

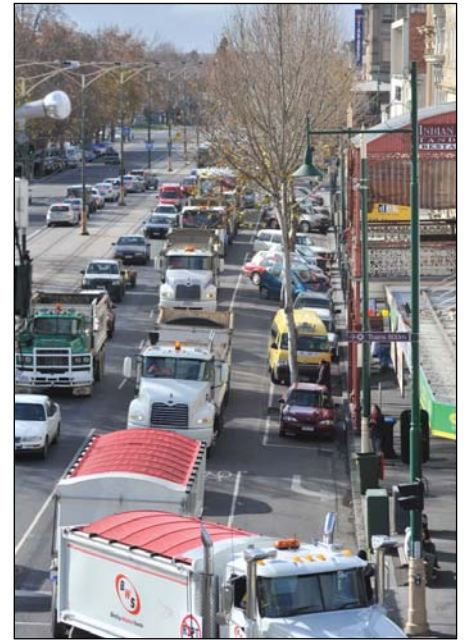
Successive governments have neglected to provide funds for maintenance and we see the consequences wherever you drive. In the past you may have had substantial gangs of workmen looking after extensive lengths of network but these have been replaced in some instances with outsourced private firms who are working to very tight budgets and limited resources. The CMPA has received a number of comments from members who are concerned at the way the maintenance of our highways is being neglected. They are particularly concerned at the conditions in some of the more remote parts of the state.

Not only have there been problems with maintenance but a number of projects that have been under construction over the last twelve months have seen substantial works taking place in wet and cold conditions in the middle of winter. The outcomes on many of these were of major concern with stretches of road not suitable for use.

In some instances there has been major pressure placed on a number of CMPA members who have been accused of supplying material out of specification and hence payments for supply of products have been held back. The State Road Authority cannot walk away from such issues as they are obviously aware that their contractors are working in unsuitable weather conditions and in many respects should have prevented this work from occurring. Any experienced road builder who has worked in Victoria over many years when there has been drought and when there has been wet conditions knows from experience when you can build road pavement successfully, when you can place bituminous seals and asphalt. Yet over the winter this year our members have seen attempts to build roads, to place pavement and then seal or place asphalt when the road authorities own specifications quite clearly specify such things as dry back rates, temperature for sealing etc. which normally would prevent such work from happening. Construction of roads, pavements in a wet winter should not be occurring and to simply do the work because funds have to be spent by a certain time is a damning indictment on the powers to be who let such things happen.

There is a real need for the State Government to consider putting considerable funding into the road network maintenance and this may have to be at the expense of a number of new infrastructure projects. We all know that funds available to the State Government are limited but they ignore the future condition of the road network and fail to address existing maintenance problems with the network, at their peril. ■

Site Photo – Aidan J Graham, Langwarrin



DON'T CHANGE DEPRECIATION

The Federal Government earlier this year set up a Business Tax Working Group (BTWG) to look at amongst other issues, offsetting savings from within the business tax system or business expenditure programs to fund any recommended reforms.

One area that the BTWG was looking at was ways to change the rules for depreciating trucks and trailers. Under their proposal, business would depreciate their trucks and trailers over 15 years rather than the current 7.5 years for trucks and 10 years for trailers.

The Australian Trucking Association (ATA) took up this battle and made strong representation to Government to rethink these proposed depreciation changes pointing out the dire consequences for businesses, road safety and the environment.

The latest information from the ATA is that the BTWG has backed down on its proposal to change the depreciation arrangements. However, the ATA and other associations will need to watch this area to see that the Government does not still implement the proposed changes.

MEMBERS SPOTLIGHT

Goulburn Valley Resources & Albert Gianarelli

KELLIE GIANARELLI, Administration Manager of Goulburn Valley Resources reports on the growth of the business through the experiences of Albert Gianarelli.

ALBERT Gianarelli (Ginger) of Goulburn Valley Resources Pty Ltd arrived in Seymour, Victoria from the small town of Sassalbo in Tuscany, Italy in 1956 leaving behind a war torn Europe to start fresh. He arrived in Australia with little more than the clothes on his back and a strong desire to work hard and make his way in this new country he was to call home.

He found work cutting wood within a day of arriving in the Puckapunyal area. From there he moved to the snowy mountain scheme and onto Orbost at Lake Entrance. From there he worked as a labourer on the railway line in the Wandong Kilmore area which is where he made his break into earthworks. The foreman on the railway told him, if you buy a truck there is ballast to cart from the Broadford quarry. So in 1962 his contracting business started.

As a newly married man he sold his car to buy his first truck, then came a loader and bulldozer. With an eye for the land and what lay beneath he started winning gravel from farmer's paddocks in the local area. In 1971 he obtained a licence to extract from the Goulburn River which was the stepping stone to the quarry he now owns today, this form of extraction continued until 1995. The dredging days are long gone, but the onshore reserve is considerable and importantly, located just a handful of metres from the Goulburn and Hume highways and an hour north of Melbourne. Producing a range of sands and aggregates and Seymour toppings, as well as a spectacular assortment of decorative river pebbles, the company's product is carried all over the state.

The higher value products find their way to the Melbourne market while the road base

remains local. The decorative materials are chased for the colour – greys, blacks and quartz whites – and often end up in South Australia or New South Wales.

Albert whose reputation of being hard working and of good integrity as well as his tenacious nature won him many contracts with the local shires, VicRoads and private companies. From 1976 he contracted on the Seymour, Avenel, Euroa, Benalla and Melton By-passes. This included transport, earthworks and supply of granitic additive sand supplied to Pioneer, Apex and the Readymix quarries from his own pit at Trawool. The inclusion of Albert's three sons further expanded the business. In 1984 his oldest son Wally joined the business after completing a boiler maker and steel fabricating apprenticeship. In the same year he bought the first parcel of land on



60 SECONDS WITH A VOTING MEMBER...

What is your name? Albert Gianarelli

Who do you work for? In 1962 I founded my quarry, Goulburn Valley Resources.

How many years have you been involved in the Industry? 60 years starting out contracting then a license to extract from the river. After that quarrying my own land as well as with civil contracts.

What is your role at the company? I'm the owner and founder of the company.

What does your job involve? I leave the day to day running of the company to my sons. We produce very good products to a consistent high quality. I like to guide the younger less experienced staff to achieve their full abilities.

What is the best part of your job? Seeing the company grow to what it is today, providing employment to local people. Seeing what our products are used for, from award winning gardens to multi-story constructions and major road works.



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MEMBERS SPOTLIGHT

the outskirts of Seymour at the Hume and Goulburn Valley highway interchange that was to become part of his extensive quarrying business. They started supply of Mangalore gravel to surrounding shires and VicRoads. In 1989 Paul, Albert's middle son joined the business bringing with him experience from jobs with VicRoads and the Shire in the engineering and surveying, and in 1990 his youngest son Camillo joined them after specialising in business studies at school.

Now with all of his sons in the business he opened a concrete plant in Seymour to compliment the quarry and civil work they were already involved in. Over the next thirteen years they built up the concrete plant and civil work and in 2003 sold off the concrete division to concentrate more on quarrying and civil jobs. After the purchase of more adjoining land in the 1990's they started producing natural river sands, pebbles and crushed rock. Their products are now transported all over Australia, particularly Victoria, New South Wales and South Australia, and the pebbles have even made it to New York.

Fifty six years after coming to Australia Albert has built an extensive quarry and earthworks business with his three sons. With hard work and determination he has ensured the future for not only his own family but the generations to come. At nearly eighty years of age he still comes in every day, taking a hands on role. You can normally find him in one of his machines or advising his young grandson who has recently joined the company on the best way to tackle a job. His wisdom and experience continues to be a guiding force to this family owned and operated business. Eldest sibling Wally Gianarelli is the face of the organisation according to Camillo, and was an active participant in the formation days of the CMPA.

"The CMPA has been a good thing from our perspective," Camillo said. "You get to know other people in quarry operations and find information and you can develop those contacts and friendships.

"It's created a community of like minded people," he said. "Wally is often getting calls from other operations about issues or equipment and it mightn't be information you are giving it might be just an opinion, but at the end of the day we are all in the business to make a living.

"We've also got some sort of fighting power with the CMPA if something seems to be a bit overboard – as an organisation we can go into bat for our industry," Camillo added.

The department has also benefited from the unity the CMPA brings to the independent side of the industry, Camillo reckoned.

"Some of the departments - and credit to John Mitas here - have been with the CMPA from the start and have been there to be positive," he said.

"I think in most cases they have a good understanding of private operations and the issues we have as a small business."

He also thinks the CMPA has garnered more respect for the independents as a major part of the industry.

"The unified voice has helped," he said. "You have got to remember that people have worked to create these businesses, and there should be respect for what they do.

"Being a community of independents helps us keep abreast of issues but also stops others who have the resources from running over our businesses." ■

Pictured on the front cover is Goulburn Valley Resources – Carmillo, Wally and Michael Gianarelli.



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CMPA NEWS

By **CMPA SECRETARIAT**

CMPA Secretariat provides an update of the latest news and happenings.

RECENT EVENTS

The second Management Committee meeting was held for the year at Northern Quarries in Epping.

The second Associates Committee meeting was held for the year at the offices of Australian Reliance in St Kilda Road, Melbourne.

Bruce McClure attended Day 1 of the 2012 CMIC Conference at the Melbourne Convention Centre.

Gavin Moreira visited half a dozen Associate Members in the West of Melbourne looking to gain a better understanding of member needs within the industry.

Bruce McClure was guest speaker at an AAPA Breakfast in Melbourne discussing the industries Unsustainable Future.

CMPA Members met at Camperdown in October 2012 with Councillors and Officers from the Corangamite Shire, representatives from DPI, VicRoads and contractors from the area to discuss issues on Quarrying and Stone Resources in the area.

Garry Cranny and Bruce McClure met with senior Box Hill Institute of TAFE staff early in October to discuss issues facing the Institute and the industry in training opportunities for the extractive industry sector.

CMPA attended the WorkSafe Earth Resources Tripartite Safety Forum meeting held in Melbourne in October.

Ron Kerr attended the quarterly Skills DMC meeting held in the WorkSafe offices in Melbourne as a part of the Extractive Sector Standing Committee.

2012/13 ASSOCIATES REFERENCE MANUAL

The 2012/13 Associates Reference Manual is finally complete and will be in the mail to you shortly. The manual will be more colourful than last year due to an increase in Associate Members taking out colour logos and adding photos of their products to brighten up their pages and stand out from the crowd.

Thank you to the twenty seven members who have taken out ads your support is greatly appreciated.

Remember to Support the Suppliers who support you!

WEBSITE UPDATE

The CMPA website holds a wealth of information on your Association. It has recently been updated with the latest information on:

- Benefits of membership
- The associate suppliers who support the CMPA has been extensively redesigned with photos, maps and dvds of suppliers products
- Details of the available reference manuals and safety checklists
- Back copies of *Sand & Stone* magazine,
- Copies of all the CMPA submissions to Government departments representing our members views
- Latest training and events

The CMPA is your association, make the most of your membership and use the available services.

ASPHALT ASSOCIATION BREAKFAST

Bruce McClure was guest speaker at an Australian Asphalt Pavement Association breakfast meeting held in Melbourne in September at which the topic he discussed was based around the CMPA's report *An Unsustainable Future*. He highlighted the research completed by the CMPA and other associations that Melbourne is facing a critical shortage of extractive industry product by 2025 onwards.

QUARRYING & STONE RESOURCES – CORANGAMITE

CMPA Members met at Camperdown in October with Councillors and Officers from the Corangamite Shire, representatives from DPI, VicRoads and contractors from the area to discuss issues on quarrying and stone resources in the area. The catalyst for the meeting is the lack of extractive products in the area. This has become very obvious by the proposed construction of as many as 2,500 wind generators in the area and the concern by the companies installing the generators at the lack of suitable materials for construction of bases for the generators and internal roads needed within the wind generator farm sites. Good quality products are also required for all local roads supporting these farms.

Since that meeting in Camperdown, the CMPA General Manager and a committee of management member have also met with Dan Tehan, Federal Member for Wannon which is the Federal Electorate seat covering the Corangamite Shire area. Dan wanted to hear from Industry the issues facing his electorate with respect to future sources and supplies of extractive industry products.

WORKSAFE EARTH RESOURCES TRIPARTITE SAFETY FORUM (ERTS)

Bruce McClure attended the WorkSafe Earth Resources Tripartite Safety Forum (ERTS) meeting held in Melbourne in late October. This meeting discussed the following:

- A review of Victoria's performance and national significant events.
- Initiatives for improving safety performance from regulators, Associations, Unions, particularly the trend that has occurred over the last few years where there has been a trend in increases in Post Christmas/ New Year incidents.
- Feedback on Earth resources regulatory issues including an update on the *National Harmonised Health and Safety Laws* and an update on the status of the review of the *Dangerous Goods (Storage and Handling) Regulations*.

LATE-PAYING CUSTOMERS CRIPPLE CASH FLOW

Many small and medium sized enterprises are grappling with cash flow issues due in large part to late-paying customers and the situation is not expected to improve.

A survey from Bibby Financial Services shows 83 percent of businesses this past year have attributed most of their problems to slack customers not settling their accounts, prompting 23 percent having to write off bills as bad debt.

The number of small businesses facing difficult cash flow circumstances has grown from 6 percent to 49 percent in the past six months. "The majority (83%) of business decision makers have experienced cash flow issues in the past year, most commonly because customers make excuses for slow payments (41%)," the survey states.

Other major cash flow issues experienced include trouble getting payment from large companies or government departments (25%) and issues with government red tape, compliance and tax administration (24%)."

Expectations for the year ahead remain gloomy, the survey says, with 77 percent of businesses concerned about customers becoming insolvent in the coming year. The survey found 43 percent predict the time they must wait to be paid to increase further in the coming quarter, and about half are more concerned about global economic conditions than they were a year ago.

"Only 17 percent of companies are doing credit checks on new customers, which are a concern. Credit checks are an inexpensive way of reducing the chance of bad debts," Bibby Director Gary Green says.

The survey shows 32 percent of businesses have dealt with customers wanting to negotiate to pay in monthly instalments, while 21 percent had difficulty meeting tax payments on time.

Green says 21 percent of businesses surveyed refused to take on more work until accounts were settled, while 17 percent resorted to using debt collection firms or lawyers to chase their money.

Green says most businesses surveyed have put strategies in place to help manage their cash flow.

Conducted in mid-August 2012 and the third of its kind, Bibby's study surveys primary decision makers in over 200 non-retail small and medium businesses.

CIVIL CONSTRUCTION ALLIANCE MEETING

Bruce McClure attended the latest Victorian Civil Construction Industry Alliance meeting held in Melbourne in September. There were three guest speakers at this meeting. The first speaker was The Hon Terry Mulder MP, Minister for Transport and Minister for Roads, who addressed the State Government's plans for delivering a better transport system for Victoria. The key messages from the Minister's presentation were:

- The Government acknowledges the need for a pipeline of projects and is pursuing that objective.
- There is a plethora of projects under way and imminent.
- Discussions are under way with The Treasurer regarding the need for an injection of funding for the necessary maintenance works on arterial and local roads.
- The business case for the East West Link will ensure that construction commences where the best overall benefit to the community will be realised.
- The Government acknowledges the need to develop accessible transport corridors for growth areas.

There was an opportunity for questions and the following issues were raised by Alliance members with the Minister:

- Consideration should be given to raising the GST with the additional revenue being dedicated to transport needs.
- Work needs to be undertaken to ascertain the impact that the newer, heavy freight vehicles is having on roads.
- The controls over establishing quarries should be reviewed to address the diminishing supply of quarry products.
- Development approvals for wind farms must address the impact their construction is likely to have on roads in the area.
- The cost of cranes for construction work is escalating due to constraints on VicRoads and council resources to access and produce information on bridge condition and capacity.

The second speaker Mr Bruce Gidley VicRoads Chief Operating Officer, made a presentation on VicRoads approach to alternate delivery models for major projects. Further comments on what was mentioned are on page 16 of this issue. The final speaker was Mr Darren Driscoll, General Manager – Construction Stakeholder Management, NBN Co. who discussed the roll-out of the NBN in Victoria.

IT'S TORQUAY IN 2013!

The CMPA AGM & Dinner in 2013 heads down to the start of the Great Ocean Road to Torquay, about an hour South West of Melbourne.

On recommendations from members a site visit to the Peppers The Sands Torquay was made by Associate Chairperson Tej Panesar and Secretariat's Administration Officer Gavin Moreira. The visit involved a tour of the venue both inside and out including the function rooms, bars, restaurants, accommodation, day spa suites and the picturesque golf course. A drive through the town was also made to get a feel for other events that could be held for members across the weekend.

Another successfully fun and exciting time is being planned for Torquay including additional activities to be held across the weekend for members to get involved in. Golf, Laser Skirmish, Cooking Classes, Golf Kart Rally and Helicopter Convoy to name a few all conducted onsite. We could also look at bus tours from the hotel to the wineries, Geelong Football Club, Ford Factory or others. Buffet breakfast is included in all accommodation packages currently being negotiated.

The Secretariat welcomes your ideas and suggestions for things to do during the dinner and on the weekend.

Event details at present are as follows:

Date: Saturday 24th August 2013

Time: 6.30pm AGM & Dinner

Venue: Peppers The Sands Torquay
2 Sands Blvd, Torquay

Please book the date into your diary now as Torquay is a very popular destination. Look out for further information in future issues of *Sand & Stone*.



WHERE WILL OUR FUTURE QUARRY PRODUCTS COME FROM?

BRUCE McCLURE General Manager of the CMPA comments on the emerging shortage of materials around parts of Victoria.

HISTORY often shows that humans have a habit of not remembering the issues that have impacted on our society in the past and keep making the same mistakes time and time again.

We are watching with increasing concern the way in which Victoria is starting to run out of readily available sources of quarry products right across parts of the State, products that will be needed to enable the infrastructure projects that are required if our state is going to be able to prosper and cater for the projected million people increase in state population over the next fifteen years.

Identification and protection of “stone” resources (i.e. all construction materials including sand, stone and clay) has been a fundamental aspect of town planning since the inception of the Victorian colony. Surveyors involved in setting out the original parish cadastral boundaries would identify and mark out “Stone”, “Gravel” and “Quarry Reserves” on these plans. They understood that these reserves along with their designated “Water and Timber Reserves” were essential for the development and maintenance of communities and community infrastructure.

The *Extractive Industries Act 1966* and subsequent planning scheme changes provided further protection of strategic stone resources for the Melbourne area with the introduction of “Special Extractive Zoning” over identified stone, sand and clay resources on private and crown land. The then Victorian Mines Department Geological Survey (now Department of Primary Industries) actively undertook drilling and testing programs to outline these resources and encourage their development. The Department also maintained a confidential record of reserves and production in existing quarries to highlight impending supply shortages in different regions. The Department was then able to act in instigating searches to supplement supply well in advance of supply shortfalls.

This process served the Victorian community well with most areas identified having been extracted to supply local construction works and then land filled to receive local wastes and converted into parkland or reverted to agricultural use. This was a win, win, win situation which

minimised the operational and transportation impacts of extraction and waste disposal on the wider community and ultimately provided recreational parkland or productive agricultural/development land.

The “Industry” alone has not shown itself capable of providing these essential stone resources to ensure competitive supply to the community from the nearest viable sites. The tendency in the major markets is for the larger operators to dominate supply from a few sites which leads to lack of competition and increased costs to the community. This has been the case in the Sydney market where average price of crushed stone products is significantly higher than in Melbourne. The Sydney market is about to suffer substantial increases in quarry product costs as traditional major supply areas are nearing depletion with new sources being over 160 km from Sydney. This is a direct result of lack of identification and protection of stone resources.

Recent ill conceived environmental and heritage constraints in Victoria have both greatly reduced access to stone resources and greatly increased the cost of access to the available stone resources in this state. This reduced access and increased cost of access to stone resources will restrict competitive supply and drive up the cost of quarry products and increase amenity and environmental impacts to the community at large.

Many Victorians do not want quarries in their back yards and do not or will not recognise their importance to our society’s development. Modern societies cannot exist without extractive industry products and when our government departments take their eyes off the ball, we end up with what is occurring in Victoria at present, a shortage of good quality quarry products.

This shortage of material has been brought home by a recent meeting held in Western Victoria to discuss how the area can provide all the materials needed to support the construction of approximately 2500 wind generators and associated road works on various sites and upgrades required to local roads to cater with future anticipated traffic from these farms.

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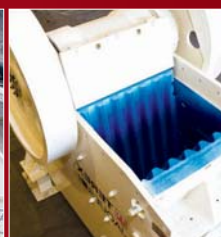
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Site Photo – E B Mawson & Sons, Lake Cooper

There are sources of suitable materials but these sites are not at a Work Authority (WA) stage and given the track record of the time taken to get approval for a WA from initial meetings declaring an interest to final approval taking between two to four years then it will be a while before product is actually coming from a site. Getting WA approval is only the start as the site itself has to be developed and equipment brought in to set up the crushing and screening plant. I am aware that a number of sites are close to Work Authority approval but it will still be at least 12 to 18 months before product is available.

This same problem is becoming evident in the Melbourne Metropolitan area as sand and crushed rock is brought in by trucks from regional areas to cater for current shortages of suitable products. This situation will only get worse as existing quarries either reach end of life or the need outstrips completely the product available in the Metropolitan area. As work by the CMPA and CCAA has shown, Melbourne basically will not be able to source extractive industry products from around 2025 to 2030. For a thriving growing city this situation will have enormous ramifications. There may be many who would suggest that they can source the necessary products from Regional areas but that is also unlikely under the current restrictions and requirements in place that are having major impacts on the industry. The impact on our transport network of catering materials into Melbourne from regional areas by trucks also will have major implications. Over the last four years there has been a decline in the number of WA approved and only ONE substantial quarry site has actually started to produce products in the last four years.

As the Western District problem has also highlighted we need to act now. We need to still have requirements and regulations but they need to be balanced. They need to be fair, they need to be cost effective and the industry needs to be able to get approvals for sites in a matter of months not years if we are going to have a viable industry providing the products required right across Victoria. ■

An article on the ARI website aggateresearch.com on the 19th October 2012, highlights a similar problem in the UK:

AGGREGATES LAND BANK IS SHRINKING

The future supply of rock, sand and gravel for the construction industry is looking precarious, according to a survey by the Mineral Products Association (MPA). Its latest annual mineral planning survey (AMPS) reveals that the plan-led system is failing to free up sufficient land for extraction. This means that adequate reserves of materials might not be available when needed to fuel economic recovery.

The MPA blames inertia in the planning system, with local authorities failing to make necessary planning decisions. At the end of August 2012, only 44 out of 95 mineral planning authorities in England had an adopted core strategy, when the original target for completion of these documents was the end of 2007. In Wales, only five out of 25 authorities had an adopted local development plan.

Sand/gravel approvals took an average of 28 months in 2010 and hard rock approvals 36 months. The statistics indicate that pre-application discussions do nothing to shorten this process. The majority of applications still take in excess of 12 months, MPA said.

Average replenishment rates of aggregate reserves (i.e. the rates at which production is being replaced with new permissions) are continuing to decline. Less than 50% of sand and gravel reserves have been replenished in the last 10 years to 2010 and only around 67% of hard rock reserves.

There has been a 40% drop in the total tonnage of land banks in England and Wales since 1997. The MPA said that the survey showed that it was getting increasingly difficult for mineral operators to work with the regulatory system to obtain their licence to operate.

MPA chief executive Nigel Jackson said: "It's not surprising that the planning applications aren't coming forward. Whilst the overall approval rate of applications is adequate, they take too long, they cost too much – between £100k and £800k - and lengthy pre-application discussions don't help."

The fact that 80% of sand and gravel appeals are successful also shows that a lot of applications are being initially turned down that should not be.

"The performance of the plan-led system has been extremely disappointing in spite of recent changes," said Mr Jackson. "Costs are rising as charges are levied for services that were previously considered part of statutory duties in the past and the costs of new and often pointless additional regulation are being heaped on top of that. There is a continual drift towards increased planning fees and charges for discussions with no commensurate improvement in planning performance."

Operators feel that the system is now about finding reasons to refuse. The national planning policy framework (NPPF) is supposed to change all that but the early signs are not encouraging, he said. "With too few plans, low land banks, diminishing replenishment rates, increasing costs, and planning inertia fuelling uncertainty we are storing up supply problems for the recovery. Lack of demand is masking underlying supply problems for the future," he said.

"Government needs to get a grip on the realities rather than assuming things will improve. The Department for Communities & Local Government and the Planning Inspectorate need to step up their monitoring and put pressure on local authorities to ensure that the plan making system is more streamlined and responsive."



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Mawsons Celebrate Centenary

JOHN MAWSON, Managing Director of E B Mawson and Sons Pty Ltd reflects on the 100 year celebrations.

REGIONAL concrete and quarry supplier, Mawsons, marked 100 years in business with celebrations and displays of new and old equipment over the weekend of the 6th – 7th October 2012. The event, held over two days, attracted several thousand people to the company's home town of Cohuna in Northern Victoria.

At a gala dinner on the Saturday night Federal MP for Murray, Dr. Sharman Stone, launched a book which traced the history of Mawsons from its inception as a wood cutting, cartage and earthmoving partnership to the business it is today; operating 23 concrete plants and 6 hard rock quarries employing over 250 people. Dr. Stone said that the book, titled Loads of Experience "Captured the very essence of pioneering businesses in rural Australia, with many images of men standing proudly alongside their machines and the roads, bridges and buildings that were the result of their hard work".

Mawsons' joint venture partner, Adelaide Brighton Limited Managing Director, Mark Chellew, presented John Mawson with a commemorative cup recognising a century of service to the construction industry by the Mawson family and their very competent staff. In reply John, who is the grandson of founder E.B. Mawson and current Mawsons Managing Director, thanked ABL and his staff and acknowledged the importance of loyalty and teamwork in achieving 100 years of successful business.

Generations of employees and suppliers sang Happy Birthday and applauded as founder E. B. Mawson's three sons; Ken, Bernie and



Lloyd, cut a birthday cake and watched a twenty five minute DVD showing historical and modern images which depicted the growth and progress of Mawsons since 1912.

The weekend was rounded off with a family day where Mawsons' 25 Year Club members, employees and their families enjoyed lunch and live entertainment. Younger partygoers were treated to fairground rides while older participants walked amongst the large collection of old and new equipment and reflected on how equipment has improved over the years. ■



Top: Owner operator Fuzztrans Pty Ltd (Anthony Cleary) Freightliner displaying historical decal.

Centre: Geoff Wakeman – General Manager Quarries (at the microphone) invited brothers (L to R) Ken, Lloyd & Bernie to cut the celebratory cake.



Bottom: International Super Loader from the 60's – part of the Heritage display



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IMPACT OF THE NATIVE VEGETATION MANAGEMENT FRAMEWORK

BRUCE MCCLURE, General Manager CMPA comments on the Department of Sustainability and Environment (DSE) Native Vegetation Management Framework which has been the subject of a recent submission to the DSE.

THE DSE has issued a discussion paper called "Future directions for native vegetation in Victoria" and sort comments from all stakeholders. The CMPA has responded with comments highlighting the impact on its members and the future viability of the industry. Part of our submission was a document prepared and presented on a number of occasions to the DSE and the Department of Primary Industries (DPI) when comments were sort which strongly highlights members concerns.

A copy of this document is shown below. It is anticipated that DSE will be seeking further input from stakeholders on the current native vegetation management framework as discussions with other stakeholders has indicated that they are also not happy with the future directions paper and will be seeking further discussions on this subject. The CMPA will be actively involved in all future discussions and will keep members informed on progress.

The CMPA's members are deeply concerned about the impact of the native vegetation management framework upon their businesses. These concerns have been raised with the DSE and the DPI on numerous occasions without a clear or sustainable resolution. The native vegetation management framework is forcing our members' out of this industry as a result of:

- No clear, commercially attainable arrangements or outcomes
- Complex interpretations requiring exorbitant legal and consulting fees throughout the site life-cycle for all business sizes
- An inability to consider the positive environmental benefits of accessing the resource resulting in large, highly valuable sites being locked up.

Since 1966 the extractive industry has been identified with its own Act (*Extractive Industries Development Act*) and now under the *Minerals Resources (Sustainable Development) Act* both having as one of their key objectives the guardianship of native vegetation and being secured through the issuing of Work Authorities. Work Authority holders are required under the Act to manage these constrained resources in a manner that is compatible with the economic, social and environmental objectives of the state.

WHERE TO FROM HERE

Our members require assistance in the following areas:

1. An all of Government review including State Government Departments, Local Government, land developers and industry needs to be carried out on the framework, giving due consideration to the environmental, social and economic implications. This evaluation must be undertaken by a large, reputable firm with wide experience in the financial implications and cumulative legislative burden upon the businesses it is written for.

The terms of reference for the evaluation could include:

- Exploration of what native vegetation is.
 - Cost-benefit analysis of the current provisions.
 - How to change the current, ad hoc arrangements for 'conservation' of 'offsets' to advance the objectives of a biological architecture for Victoria.
 - Exploration of alternative and fairer funding arrangements which includes the value of extractive materials contained under the vegetation on the sites.
2. Recognition that the Department of Primary Industries (DPI) manages the States earth resources for the benefit of all Victorians and that they be charged with encouraging an efficient extractive industry which makes best use of the resources in a way that is compatible with the economic, social and environmental objectives of the state and evidence of their duties being carried out.
 3. Encourage more flexible policy able to utilise ideas such as:
 - Embedding full extractive industry exemptions within the DSE's framework as this industry is often not a permanent change of land use in nature and already heavily regulated.
 - Taking a balance sheet approach, giving value to the resource on par with vegetation.



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GENERAL COMMENTS

- Policy implementation creates a net tangible loss of native vegetation.
- Transaction costs for offset arrangements are very high which is restricting entry into the industry. This will lead to large costs in extracting materials in the future.
- Almost all the money goes as windfall capital gains to some landholders and as fees to consultants, not to conservation.
- Policy accelerates the loss of native vegetation not caught in the native vegetation planning net. The economic signal sent to the majority of landholders is of native vegetation as a balance sheet liability, particularly rare and threatened species.
- Policy delivers an ad hoc set of offset enclaves, with no reference to any biological, architectural design for Victoria.
- The Net Gain provisions commit future governments to unfunded compliance liabilities 'in perpetuity'.
- 'The Framework', published in 2002, foreshadowed a 'review' in four years that has not happened.
- No Government has conducted a cost-benefit analysis of native vegetation controls to find out the real impact that it will have on all Victorians in the future.

Present policy is based on:

- Presumption that Government can force landholders to produce meaningful conservation outcomes, usually against their self-interest.
- False assumption that landholders do not and will not react to the threat posed by native vegetation controls to their balance sheet. ■

SOME IMPORTANT FACTS ABOUT THE EXTRACTIVE INDUSTRIES:

- Work Authorities across Victoria account for only 52,440 hectares of Victoria's total landmass of 22,741,600 hectares. Within the Work Authority area is a proportion that is approved for extracting and processing to occur equating to approximately one-fifth of the site or 10,488 hectares². This is equivalent to 0.046% of the state's landmass or one farm in regional Victoria. Of the 52,440 hectares of land taken up by Work Authorities, approximately 30,000 hectares of this land is a repository for flora and fauna as long as the Work Authority is functioning.
- The DPI returns for the 2010-11 financial year reported over 52.2 million tonnes of material being produced worth over \$760.3 million. This equates to approximately 9.4 tonnes per Victorian per year.
- At 30 June 2011 the state held \$65.0 million in rehabilitation bonds for 876 Work Authorities (average \$74,201/ Work Authority).

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VicRoads Pursuing Alternative Delivery Methods for Projects

BRUCE MCCLURE, General Manager CMPA comments on the approach VicRoads is currently pursuing with respect to the delivery models for projects.

BRUCE McClure General Manager CMPA recently attended a meeting with the Victorian Civil Construction Industry Alliance where Bruce Gidley Chief Operating Officer with VicRoads made a presentation on the approach VicRoads is currently pursuing with respect to the delivery models for future construction projects.

A number of CMPA members have experienced problems on some projects where issues have arisen over the supply of materials particularly on projects where the work has taken place during the winter months. There has also been a number of occasions when payments to suppliers of

quarry products has been very slow and this has increased the financial pressure on a number of our members.

There are some real positive improvements with what is being suggested by VicRoads and this will help to remove a number of CMPA members concerns with regards to the supply of products to contractors on VicRoads projects.

The CMPA will seek to play a part in future discussions on the delivery methods as it is important that all stakeholders involved have the opportunity to have their concerns, their issues heard and discussed.

COMMENTS PROVIDED BY BRUCE GIDLEY:

The reforms and initiatives being pursued by VicRoads include:

- *Restructuring to provide for major projects to be delivered through a Metro Director and a Regional Director.*
- *Increasing collaboration, recognising that each party brings to the table special skills and expertise.*
- *Building a culture of honesty and trust between the parties.*
- *Encouraging sustainable innovation.*

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- Ensuring there is clarity of scope and project objectives.
- Sharing the documented risk assessments between the parties.
- Eliminating waste and duplication and achieving standardisation where appropriate.
- Pursuing early contractor involvement in project development.
- Reducing the incidence/cost of disputes.
- Utilising common sense whilst maintaining the necessary (not over-the-top) probity.
- Co-locating VicRoads/contractor project teams to enhance mutual understanding.
- Establishing better rules of engagement that focus on solutions.
- Examining the desirability of establishing independent tender evaluation panels so that tenders are evaluated on the basis of merit not perception.
- Reviewing the cost effectiveness of design and construct contracts.



Site Photo – Dandy Premix, Launching Place

- Streamlining tendering processes.
- Ensuring the right delivery model for each project.
- Evaluating tenders on the basis of best overall value, not just lowest price.
- Undertaking post-construction reviews to determine whether the best overall value objective has been achieved.
- Increasing the focus on quality assurance, especially around product testing.

The CMPA will keep members informed on this subject as it develops over the next twelve months. ■



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REFORM OF VICTORIA'S ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM

BRUCE MCCLURE, General Manager CMPA comments on a recent stakeholders meeting he attended where officers from the Department of Planning and Community Development (DPCD) discussed a proposed review of the Environmental Impact Assessment system.

THE Victorian Government released in March 2012 its response to the Parliamentary Environment and Natural Resources Committee (ENRC) inquiry into the Environmental Effects Statement Process. The Government stated that it was their intention to proceed with reform of Victoria's environmental impact assessment system. Since March a policy proposal to implement the reform priorities announced by the Government has been developed.

The ENRC inquiry determined the following reform agenda to be adopted:

- Reformed EIA processes were to:
 - Be grounded in a clear set of objectives to guide their implementation.
 - Provide certainty for all parties about processes, considerations and timeframes.
 - Embody principles of fairness, including for third party rights.
- A tiered suite of EIA processes to enable efficient assessment of project proposals with a variable potential for significant environmental impacts.
- Establishing clear links between the outcome of the EIA process and regulatory decision-making and compliance oversight by relevant bodies.
- Option to enable assessment of strategic proposals that are wider in scope than individual projects, where this offers efficiency and environmental benefits.

The Key features of the proposed reforms as stated by the Department of Planning and Community Development (DPCD) are as follows:

- Focusing on assessment of potential for significant impacts on environmental assets in a regional or State context.



Site Photo – Moree Quarries

- Establishing legislative certainty of procedures, timeframes and considerations for EIA processes.
- Establishing a tiered suite of EIA process options that can be applied to match the level of environmental risk arising from individual projects.
- Separating process decisions from final determination on a proposal, with DPCD responsible for former and the Minister of Planning for later.
- Coupling EIA with processes under approvals legislation, including information and consultation requirements and streamlined decision-making, to reduce time and costs.
- Providing an option of Strategic Environmental Assessment (SEA) to assess the outcomes of proposals such as a spatial plan for development, an infrastructure program or a suite of projects.

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The proposed system objectives as stated by DPCD are as follows:

- To enable development that contributes to economic and social well-being while also maintaining ecological processes, both in the short-term and into the future.
- To provide for transparent, proportionate and timely assessment of potential impacts of proposals and its efficient integration with decision-making under other applicable legislation.
- To ensure proponents are accountable for investigating and managing the environmental impacts of their proposals.
- To provide public access to information regarding environmental impacts as well as fair opportunities for participation.
- To encourage timely engagement between proponents, agencies and stakeholders to facilitate sound planning of proposals.
- To enable efficient alignment of Victorian assessment and approvals processes with frameworks under the Commonwealth EPBC Act to address matters of national environmental significance.

The proposed principles for the reform as stated by Department of Planning and Community Development (DPCD) are as follows:

- Decision-making would be guided by these overarching principles:
 - Requirements for environmental assessment and management are to be transparent, efficient and effective, in the context of applying proportionate or risk-weighted effort and ensuring accountability for outcomes.
 - Decision-making is to apply the objectives and principles of ecologically sustainable development.

It was decided by DPCD to test stakeholder responses to the policy proposal to enable its refinement before proceeding to the preparation of legislation in 2013. Key organisations from a number of sectors were invited to participate in consultation sessions that were to provide an opportunity for these participants to be briefed on the policy proposal and to provide feedback.

The CMPA attended a consultation session early in November 2012. There is an opportunity for stakeholders to comment on the proposal and the CMPA will submit comments to DPCD based on the information provided.

From the details provided, the discussion that took place at these meetings and from further submissions from stakeholders, DPCD will revisit their proposal. At this stage DPCD was not sure if a draft exposure bill would be prepared or if indeed any further consultation on this proposed EIA reform will take place.

The CMPA will track the progress of the reform of the EIA system and keep members informed. ■

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The Changing Price of Material

The Department of Primary Industries publishes an annual statistical review for the previous 12 months. Over the next few editions of *Sand & Stone* the secretariat will look at some of the questions this data raises for the industry. In this edition CMPA General Manager, BRUCE MCCLURE, comments on how unit rates across different rock types fared over the last five years.

THE use of statistics is a very important business tool and can provide a valuable insight into our industry. It is important that all members of the CMPA are aware of the Extractive and Regulation sections from the DPI's annual statistical review and, if possible, examine the data provided to source valuable information. When completing your annual DPI returns it is paramount that you understand the importance of providing accurate information as it can end up underpinning future decision making.

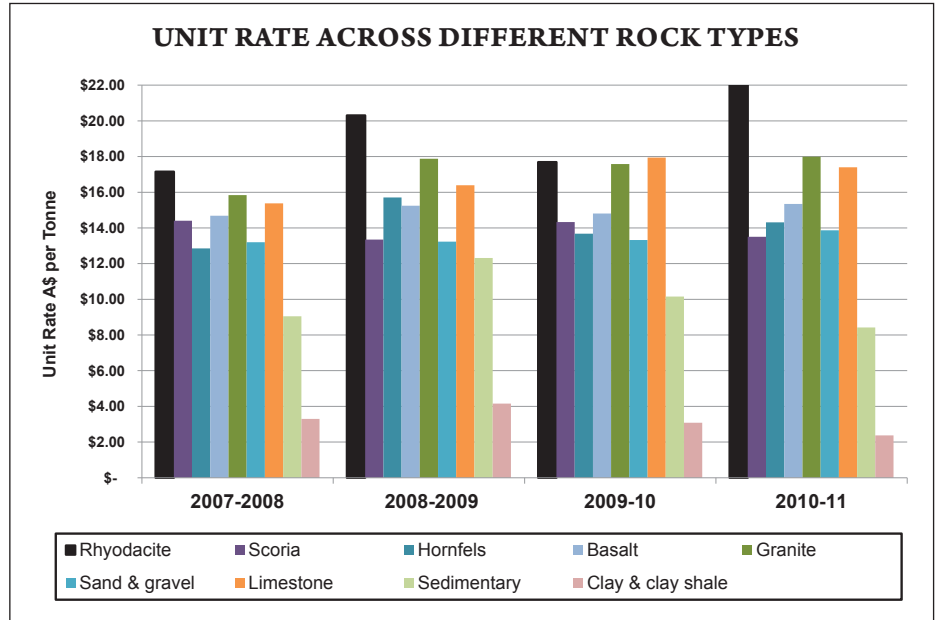
The CMPA has combined data from previous annual reviews going back five years to produce graphs that give a clear indication of trends.

This article concentrates on the period 2007 – 2011. The graph indicates industry unit rates on 9 different rock types.

It should be noted that the rate for each type of product is based on the total sales tonnage for a particular year divided by the total sales value for the same year as provided annually by the industry to the DPI.

The data provided in this graph is accumulated from the whole state and as such cannot reflect site specific issues such as the cost of isolation, rated capacity or the market competition.

It can be noted that during the period detailed there has been a massive increase of business financial compliance requirements including but not limited to bonds, Work Plan variations and applications requiring



community engagement plans, native vegetation offsets, AAV obligations, not to mention the obligation requiring Work Plans to be endorsed before a planning permit is approved.

It is also a fact that our resources are finite and future access has generally not been secured to allow growth and expansion without significant financial investment.

As reflected in the CMPA's submissions to both the VCEC and the DPI, it is not unreasonable to have to invest in excess of \$1 million to have a work authority issued.

If a company is going to remain viable then it needs a unit rate that allows adequate reward

of staff to enhance retention, adequately cover all outgoings (including the repair and replacement of capital equipment) facilitates planning for future growth and, last but not least, provides a reasonable return on the investment to the business owner.

There's little indication that the unit price achieved over the past five years allows for any of this. ■

The CMPA is looking to hold a workshop for members and DPI in early 2013 to look at the reporting methods and classification of rock types in relation to the unit rate.



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'Tis the Season to be Safe

BRUCE McCLURE, General Manager CMPA comments on recent statistics submitted by WorkSafe Victoria highlighting the increased risk of incidents over the November to February period.

WORKSAFE Victoria has noticed a trend in the increase of incidents in the Extractive Industries over the four months from November through to February. All members and their staff are requested to make note of this unfortunate trend and to discuss the possible causes, ways and methods of eliminating this increase in incidents. This period of time is normally a time of joy, of excitement particularly for families what with Christmas, school holidays and changes to families as children and family members enter new areas of employment or start at new school. Let us ensure that none of our members become a statistic at this or any time of year.

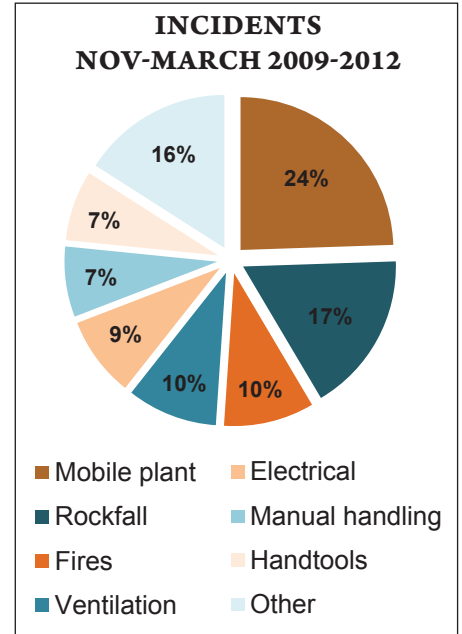
INCIDENT RISK SIGNIFICANT OVER THE NOV - FEB PERIOD

WorkSafe Victoria has identified a clear trend for incident rates in the extractives industry

to increase around the Christmas and New Year holiday period. In recent years some of these incidents have resulted in serious injuries to workers with the consequences felt not only by the individual, but by family, friends and the wider community. At a time of the year when the focus is on loved ones and celebration, employers must be aware of, and take action to reduce the increased risks, making sure everyone gets home safely.

WHAT YOU CAN DO

The cause of incident at this time of year varies, but it's likely there are some key risk factors that become more common – look out for these, discuss them with your employees, and encourage supervisors to raise them at toolbox meetings/shift changeovers so everyone is aware of the actions they should take to maintain safety.



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• **Are any non-routine activities taking place?**

These may be occurring during shutdown or maintenance periods. Review work practices and risk control measures for the tasks involved and consider if refresher training or additional supervision is required.

• **Will skilled workers be on leave and/or will temporary workers be coming in?**

Plan in advance for when skilled or specialist workers will be away to ensure tasks are suitably scheduled and supervised.

• **Are plans in place to manage possible seasonal weather extremes?**

Periods of dry weather followed by heavy rainfall can contribute to some incidents. Ensure control measures are in place and that everyone onsite is aware of the risks.

• **Maintain awareness of key hazards**

Mobile plant, electrical work, rock falls, fires, hand tools, manual handling and ventilation are all potential sources of serious injury. Maintain focus on controlling risks around these hazards.

• **Celebrate safely**

All in the workplace have a duty to take care of their own and others safety. Ensure awareness of your workplace policies and the expectation that those onsite are fit to work without compromising their own or workmates safety.

There may be other hazards, in addition to those listed above, that come up around this time of year and is specific to your site.

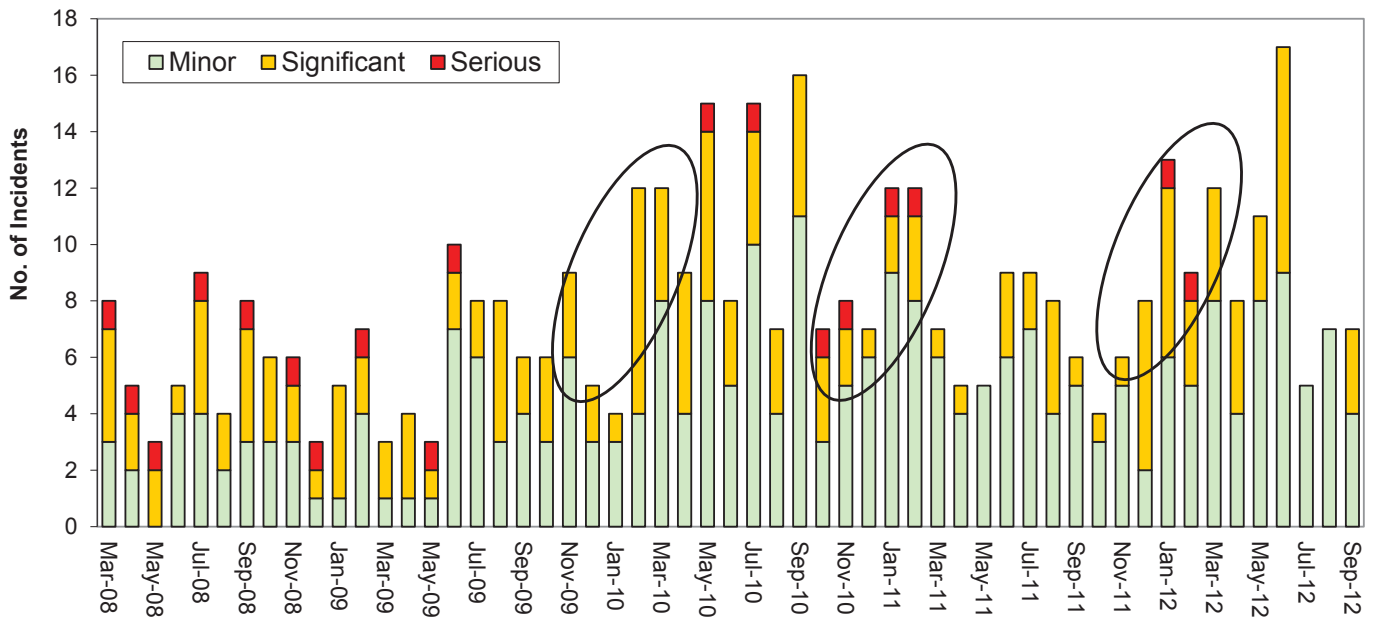
Talking with workers and supervisors and looking at previous injury and 'near miss' data may help you identify these.

While it may not be necessary to implement new controls over this time, you must consider this based on changes to activities, schedules and roles that will occur at your site over these months. Learn from the incidents of previous years to ensure the holiday period is a happy time for all to relax and recharge for the coming year. ■

Editors note: The statistics used in this article are based on the mining industry.

The next Management Committee Meeting is in February 2013 and will have Rob Kelly, WorkSafe Manager Earth Resources Unit in attendance. All members are welcome.

MONTHLY INCIDENTS FOR THE MINING SECTOR 2008-2012



WORKSAFE QUARRY ACTIVITIES REPORT

WorkSafe Victoria recently released a quarries activity report.

There were 41 sites visited for the first quarter of 2012/13 and only 1 Prohibition Notice was issued. It is envisaged that more sites will be visited in the pursuing months as new WorkSafe inspectors start working in the field.

WorkSafe inspectors have taken compliance action on 58 safety breaches and issued a total of 52 notices (exc. voluntary compliances) in the financial year to date.

The Notices are made up of:

- Improvement Notices 47
- Prohibition Notices 1
- Dangerous Goods Notice 4
- Voluntary Compliances 6

**please note, that only notices written under Project 133 are included in the above data.*

REPORTED INCIDENTS FROM JULY TO SEPTEMBER 2012

10/7/12 – Excavator overturned
30 tonne excavator breaking rocks. The right hand track has come off the ramp and excavator fell onto its side. Worker in vicinity, no injuries.

8/8/12 – Finger jammed

Maintenance worker placing rams to unscrew a crusher bowl, jammed index finger in a ram when it returned. Surgery undertaken to repair crush/laceration.

15/08/12 – Front end loader overturned

A plant operator was using a loader pushing up some materials with the bucket. The ground appeared to be soft, the loader tipped onto the right side. No injuries.

What can The William Adams Institute offer you?

ROSS KELLY, Business Manager for The William Adams Institute reports on the training courses available to the extractive industry.

THE William Adams Institute has set a new benchmark in the provision of quality vocational education and training for our related industries and customers. Our industry specific learning programs utilise new and emerging technologies with immediate access to machines, components and simulators that will reinforce learning. The learning resources utilised throughout all our courses are developed through close consultation with industry and are continuously reviewed and updated in order to keep up with ever changing technology and processes and ensure relevancy.

Our main training centres are located in Clayton but many of our courses are delivered at the customer's site to provide work place experience and save transporting of staff. Our programmes are designed to provide learners with the ability to add real value to employers in their current occupation as well as opening up future career opportunities.

William Adams Institute has Caterpillar Certified Operator training courses on offer that focus on obtaining maximum safety and productivity from your Caterpillar equipment and also provide similar courses on all other equipment. Basic courses are also available for maintenance staff.

The following two courses are apart of the Resources and Infrastructure Industry Training Package and are examples of what The William Adams Institute can offer your employees.

REPAIR AND MAINTENANCE TRAINING

RIISAM301A Test Operational Functions of vehicles and equipment

Course Outline: This training session gives an introduction to at least four different machine types, their controls, components and basic operation guidelines to enable candidates to safely start up, move and park a machine for the purpose of testing/maintenance. This course is designed for Service Technicians, Field Service Technicians, Product Support, Sales and Transport Personnel.

Pre Requisites (if applicable): Candidates must be over 18 years of age. Candidates must provide and wear suitable PPE.

Duration: This session is one day in duration.

Course Delivery: This course can be delivered at the William Adams Institute of Training's (WAIT) site, or alternatively, it may be conducted at your site for a minimum number of four and a maximum of six candidates. If this session is to be conducted at your site, WAIT will



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require access to a training room, one item of plant from each of four machine families and an allocated area for the practical component.

Session Details:

- Do's and Don'ts of Machine Operations
- Planning Work
- Briefing Consulting Site Safety Procedures
- Permits and Workplace Inspections
- Tool Selection
- Environmental Protection

The following practical activities are covered on four different machine families:

- Before Walk Around Inspection
- Safety Fundamentals
- Walk Around Inspection
- Machine Start Up
- Basic Machine Operation
- Emergency Situations
- Shut Down

Upon Completion: WAIT will issue a certificate of attainment.

TRANSPORTER SAFETY TRAINING

RIIHAN308A - Load and unload plant

Course Outline: This training session will give candidates an understanding of the requirements for the safe loading, securing and unloading of machines with various steering systems. The course

is designed for personnel involved in the transportation of plant including those responsible for consigning or receiving plant.

Pre Requisites (if applicable): Candidates must be over the age of 18. Candidates must provide and wear suitable PPE.

Duration: This session is one and a half days in duration.

Course Delivery: This course can be delivered at the WAIT site, or alternatively, it may be conducted at your site for a minimum number of four and a maximum of six candidates. If this session is to be conducted at your site, WAIT will require access to a training room, two items of plant, a trailer, chains and tie downs and an allocated area for the practical component.

Session Details: Practical and theoretical sessions covering:

- Do's and Don'ts
- Plan and Prepare
- Responsibilities
- Positioning the Load
- Equipment Requirements
- Lashing and Tie Down Points
- Serviceability of chain and attachments
- Using Chains and Tensioners
- Safe Loading Areas

Upon Completion: A certificate of attainment will be issued to attendees who pass the assessment. ■

Expressions of interest or for further information contact Ross Kelly on 03 9566 0978 or rosskelly@wadams.com.au.

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- Conduct Local Risk Control
- Shotfirer Renewal Course
- Laboratory Training
- Certificate IV in Competitive Manufacturing

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Tracking New Skills in your Personal Work Record Book

GAVIN MOREIRA, Administration Officer of the CMPA provides an overview of the new Personal Work Record Book.

THE purpose behind the Personal Work Record Book is to provide individual employees with a singular, centralised location to document evidence of skills they have learnt in the work place.

It provides evidence to support employee competency in a formal assessment by a Registered Training Organisation (RTO) and provides Managers/Mentors with a reference on individual employees' understanding of various tasks.

Early attempts at documenting the skills learnt by employees involved the completion of daily reports by operators. Last year the Work Record Book was introduced to provide a centralised means by which employees could document these skills and record the tasks they undertake as trainees to assist in assessments confirming their competency. This year the document was renamed Personal Work Record Book and revised to ensure the document was being utilised to its full potential and providing evidence of a gradual build up of tasks.

The Personal Work Record Book is generic in nature to allow any employee to use it, and it would be advisable to keep it on site. It's recommended that each employee complete it and that the employee's Manager/Mentor reminds them to complete it. If it's not completed, it's not possible to prove competency and as such, it is not possible to work unsupervised.



Site Photo – Northern Quarries, on the job training

Although it is necessary to use the Personal Work Record Book until competency is proven, employees should be supported and encouraged by their Manager and Mentor to continue using it as they learn new skills.

It would be wise for employees to complete their Personal Work Record Book as each new task is undertaken and have their Manager/Mentor sign it off regularly. It's recommended that the Manager/Mentor provide support to the employees through the Manager/Mentor Comments section by providing feedback and suggestions on where further information and documentation can be accessed. Managers are responsible for ensuring completed tasks are regularly forwarded to Head Office.

Additional Management structures to support your competency work process are

necessary to establish evidence that your operators understand their role. Creation of a period where the staff can be observed, supervised and then unsupervised would be beneficial to the employee and the company.

The books can also be used by the employee as a tool for mentoring others in the future; and to reinforce the employee's learning process after repeated use over time.

The document is now released as a CMPA publication for the benefit of the industry as a whole and along with the accompanying Procedure Document is available to purchase at a cost of \$25 Members and \$45 Non-members. ■

To order a new Personal Work Record Book contact the Secretariat by phone: 1300 267 222 or email: enquiries@cmpavic.asn.au

EXAMPLE OF A COMPLETED TASK:

TASK/ISSUE: Moving dump truck away from parking area		Unsupervised	Plant/Work Area: Parking area	Date: 18/10/13	Time: 5 mins
Before commencing have you (tick applicable): ✓ Been instructed ✓ Reviewed operator manuals <input type="checkbox"/> Undertaken Take 5 ✓ Completed Daily Checklists <input type="checkbox"/> Participated in JSA <input type="checkbox"/> Reviewed Work Instruction Documents <input type="checkbox"/> Isolated the machine					
Key Points	• Confirm with my Mentor where I am required to go				
	• Buckle seat belt, check mirrors and make contact with others in the area via CB				
	• Inspect area in the direction where I am going to be travelling				
	• Move off slowly with caution				
	• Continually review all gauges to confirm machine is running as per normal				
Manager/Mentor Comments: Ensure when parking the vehicle at the end of your shift that you park in a position that will not require the operator to reverse when moving off for the next shift.			Manager/Mentor Signature: Mentor	Employee Signature: Employee	
Follow Up Comments:				Signature:	

Director Liability Law Changes – Know Your Responsibilities

With the ever changing landscape and economic conditions it is important that directors know their responsibilities. If you are or have recently been made a director of a company you need to understand these law changes as this could significantly affect your personal wealth position. JOHN PITITTO, Partner of Mead Partners – Chartered Accountants has detailed the changes below that every director should read.

ON 29 June 2012, the *Tax Laws Amendment (2012 Measures No. 2) Act 2012* received royal assent with retrospective effect.

Generally, the Act:

- Extends the director penalty regime to make directors personally liable for their company's unpaid superannuation guarantee amounts. This also leads to other new changes allowing for similar provisions to arise in respect of the superannuation guarantee charge as for Pay As You Go (PAYG) liabilities. These provisions are non-retrospective.
- Ensures directors and associates cannot discharge their director penalties by placing their company into administration or liquidation when PAYG withholding or superannuation guarantee remains unpaid and unreported three months after the due date.
- In some instances, makes directors and their associates liable to PAYG withholding non-compliance tax (effectively reducing credit entitlements) where the company has failed to pay amounts withheld to the Australian Taxation Office's (the ATO).

These amendments, and the ATO's ability to target their application, act to deter company directors from engaging in phoenix activities or using funds from the company for other purposes when they could be paid to the ATO or superannuation funds.

Although stakeholders have argued during consultations that the director penalty regime should only apply to phoenix activities and not all companies, the Government did not agree with this argument and the new legislation applies to all company directors.

AMENDMENTS

The most important amendments are in summary:-

- Extension of the Director Penalty Notice provisions to capture unpaid compulsory superannuation contributions (CSC);
- Making a director automatically liable for unpaid and unreported PAYG and CSC, three (3) months after the due date; and
- Directors and their associates employed by a company who have received wages from that company and PAYG was withheld, but not subsequently remitted, are no longer able to claim a credit in their tax returns for that PAYG component. Further, the director or associate may be held personally liable for that component, known as withholding non-compliance tax.

COMPARISON

The amendments relate to an election promise made in August 2010 by the Labor Government, and subsequently announced in the 2011/2012 Federal budget. The table to the right compares the key features of the new and old regimes.

WHAT IF I GET A DIRECTOR PENALTY NOTICE?

In order to recover a Director Penalty from a director, the Commissioner must issue a Director Penalty Notice and wait until the end of the 21 days after issuing that notice before commencing formal proceedings. A Director Penalty is remitted, if before receiving a Director Penalty, or within 21 days of receiving a Director Penalty Notice, the director:

1. Complies with the tax payment obligation;
2. Places the company into voluntary administration; or
3. Begins to wind the company up.

However, where 3 months have lapsed after the due date, and the underlying liability remains unpaid and unreported, the Director Penalty is not remitted as a result of placing the company into administration or liquidation.

DEFENCES

There are a number of defences available to a director in an attempt to avoid the penalty regime. They are as follows:

- Because of illness or some other good reason the Director was not involved in the management of the company and it was reasonable for the Director to not be involved; or
- The Director took all reasonable steps to ensure that the directors caused one of three things to happen (or not such steps were available)
- The company meet its obligations to pay the company's non-compliance with PAYG withholding tax and superannuation guarantee obligations; or
- That the company be placed into voluntary administration; or
- That the company be wound up.


A director is not liable to a Director Penalty relating to the superannuation guarantee charge, where they can establish that the penalty resulted from the company treating the *Superannuation Guarantee (Administration) Act 1992 (SGAA)* as applying, to a matter or identical matters in a particular way that was reasonably arguable and that the company took reasonable care applying the SGAA to the matter or matters.

Should you wish to investigate the changes in detail, we suggest you view both the *Tax Laws Amendment (2012 Measures No. 2) Act 2012* and *Explanatory Memorandum*.

The Federal Government is focused on phoenix operations and protecting employee's entitlements. Readers are also referred to *Corporations Amendment (Phoenixing and Other Measures) Act 2012* and *Corporations Amendment (Similar Names) Bill 2012t*. ■

The CMA is proposing to hold a workshop in early 2013 to discuss the above changes as well as other matters such as newly developed credit form, transport hire agreement and health assesment forms.

OLD REGIME	NEW REGIME
Directors are personally liable for their company's unpaid PAYG withholding taxes including estimates of PAYG withholding taxes following the expiration of a Director Penalty Notice (DPN).	In addition, directors will now also be personally liable for company's unpaid compulsory superannuation contributions.
Directors can be liable for outstanding debts if they fail to arrange for the company to take necessary action within 14 days of becoming a director.	A new director is not liable for a Director Penalty on company debts until 30 days after they become a director.
An estimate can be made in relation to the companies PAYG withholding tax liabilities.	In addition, the Commissioner can estimate unpaid superannuation guarantee charge.
The Commissioner may seek PAYG withholding tax from a director personally by issuing a Director Penalty Notice (DPN), and may commence proceedings to recover 21 days after the Notice is issued.	In addition, the Commissioner may send the DPN to the Director's tax agent's address amounting to effective service.
A director can extinguish their personal liability by causing one of the three (3) things to happen before the notice is issued or within that 21 day notice period being: <ul style="list-style-type: none"> • Payment of the debt; • Appoint a voluntary administrator; or • Begin a winding up of the Company. 	The current law continues to apply, however, where three (3) months have lapsed after the due date and the liability remains unpaid and unreported, the Director Penalty Notice is not defeated by either placing the company into voluntary administration or liquidation. New directors are not subject to these conditions until 3 months after they become a director of the company.
A director has a defence in relation to a Director Penalty Notice if the director had an illness that prevented him or her from participating in the management of the company or the director took reasonable steps to ensure compliance.	In addition, a director that becomes liable for a Director Penalty for not causing its company to comply with its superannuation obligations, is not liable for a Director Penalty if any defences are already available under <i>Superannuation Guarantee (Administration) Act 1992</i> can be applied to the circumstances.
Company directors and their associates are entitled to PAYG withholding tax credits withheld by the company from a withholding tax payment made to them such as salary, regardless of whether the company has paid the PAYG withholding tax amounts to the Commissioner.	Company directors and their associates will no longer be entitled to a credit where the company that has failed to pay amounts withheld for PAYG withholding tax and has failed to remit the applicable tax. A director or relative may be liable for this tax, known as PAYG withholding non-compliance tax.



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DPI Update

JOHN MITAS, General Manager Minerals & Extractive Operations, reports on the new mining laws to strengthen earth resources regulation.

THE Victorian Coalition Government has introduced amendments to mining laws to strengthen the enforcement powers of the State's mining and extractive industry regulator. Energy and Resources Minister Michael O'Brien said the *Mineral Resources (Sustainable Development) Amendment Bill 2012 (The Bill)* will deliver clearer enforcement powers and increase the penalties for breaches of notices prohibiting activities or for failure to take required remedial action.

The Act regulates for the mining of minerals including coal, gold, coal seam gas, mineral sands and also extractive industries, including quarries.

"The Coalition Government is committed to the responsible development of a sustainable mining and extractive industry that successfully co-exists with local communities and existing industries," Mr O'Brien said.

"Mining and exploration has a strong future in Victoria and, in particular, the potential to bring jobs and investment growth to our regions."

The Bill will broaden the circumstances in which the Minister can issue notices to prohibit activities or require remedial action. Currently this is restricted to environmental risks, but the Bill will widen the reasons for acting to include public safety, infrastructure, land and property.

It will also significantly increase the penalties for failing to comply with notices to \$352,100 for a company and \$70,420 in any other case, with a daily default penalty of \$42,252 for a company and \$8,450 in any other case.

"These new laws will give the regulator stronger powers in cases where a company fails to comply with the Act, posing a serious risk to public safety, the environment, infrastructure, land or property," Mr O'Brien said.

"Importantly, the changes announced today will not impose any extra regulatory burden on the industry, but will provide the regulator with more effective powers to enforce the law." The Bill will introduce new powers for a court to make orders to require compliance with notices from the Minister and for the Minister to apply to the Supreme Court for injunctions to ensure compliance with notices.

"This Bill demonstrates the Coalition Government's commitment to fostering the efficient and responsible operation of Victoria's mining sector," Mr O'Brien said.

As a last resort, the Coalition Government will also be able to carry out remedial work itself if there is a serious risk to public safety, the environment, infrastructure, land or property. The Bill provides for those costs to be recoverable from the authority holder. ■

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VLPA Update

PETER MCCLUSKEY provides an update on the Victorian Limestone Producers Association.

THE VLPA held its AGM & annual conference in Springvale on the 18th of October 2012. The Chairman Kevin Matthews spoke about projects undertaken during the foregoing year and said it was pleasing to see a good attendance of members from various regions given how dispersed the membership base is, stretching from East Gippsland to South West Victoria and into South Australia.

Committee elected for the following year is:

- Chairman:** Kevin Matthews (Lakeside Lime P/L)
- Treasurer:** Trevor Tovey (Sibelco Aust. Ltd)
- Secretary:** Tim Gibson (Darriman Lime P/L)
- Technical Member:** Noel Letcher (Sibelco Aust. Ltd)
- Business Manager:** Peter McCluskey

Committee Members: Gary Bascomb (IC &L P/L), Tom McCann (Geelong Lime), Lindsay Parker (Sibelco Aust. Ltd) and Bruce Couch (Lone Pine Lime)

Reports were received including the Business Manager's in which he outlined promotional activities undertaken such as involvement in soil health days, submissions, regulatory matters, representations and administrative matters. Of particular note is the recent coming together of industry interests concerned with the high cost and hurdles in gaining access to extractive resources. Both VLPA and CMPA are involved in efforts to facilitate better access to resources.



Pictured examining an agricultural lime sample at the recent VLPA AGM & Conference are (L-R) Gary Bell (Gilleear Aglime), Greg Moorhouse (Agricola Mining), Jeff Lawes (WestVic Dairy), Kevin Matthews (VLPA Chairman & Lakeside Lime) and Peter McCluskey (VLPA Business Manager)

Mike Cummins, National Gypsum Miners Association secretary attended and reported that the market for gypsum was looking up with increased enquiries and back loading opportunities during the grain harvesting season apparent. Also the absence of drought and flood has meant more movement of product around the year. Based on this he felt the market outlook for agricultural lime should be optimistic.

DPI's Alison Rault reported on the proposed extractive industry regulatory changes.

Jeff Lawes, Project Facilitator from WestVic Dairy spoke on the success of the 'reducing soil acidification through nutrient management' project he was running with dairy farmers in SW Victoria. He said more than one hundred and sixty dairy farmers had completed the

Caring for our Country funded project and most now had a much better appreciation of which paddocks or parts of their farm could show good responses to lime if soil pH was low and aluminium levels elevated. The project was now continuing with new farmer groups in the Colac and Camperdown areas.

Thanks and best wishes were conveyed to Trevor Tovey who is planning to retire soon. It was noted that Trevor was the driving force in establishing the VLPA and has continued to be a strong contributor to the Association's right through. ■

Further information is available from Peter McCluskey by phoning 0408 496 588.



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CHRIS PROWSE, Managing Director of C.K. Prowse & Associates Pty Ltd, reports on the development of the business.

C.K. Prowse & Associates was 'born' in 1989 following from my experiences in the quarrying and minerals industries in most Australian states to that time. With the exposure to new technologies and methodologies in exploration and development, we fostered a strong capacity in resource assessment and statutory approvals including cost efficient drilling techniques, digital design, GIS and project management which are carried on today.

Coming from a family that has roots in mining from Cornwall in the UK to Bendigo and Scarsdale in Victoria (both great grandfathers owned goldmines) it was probably inevitable that in 1981 I would gain a Degree in Applied Geology.

Having worked part time in my final year for an exploration company, my first full time employment in 1982 started as the Development Geologist for Pioneer Concrete in eastern Victoria based in the Latrobe Valley. This was invaluable experience for the extractive industry covering hard rock and sand prospects and operational quarries while also managing their concrete plants.

With the fluctuation of fortunes in the building and construction and mining industries, several different positions in consulting and mining groups followed. Following the stock market crash, other

opportunities arose with contract work with the then Geological Survey of Victoria (GSV) and headed me in the direction that culminated in establishing a consulting practice.

The consultancy operates from Melbourne and Adelaide offices where all facets of exploration programmes, assessment, operational and planning issues particularly related to construction materials are completed. Main locations worked in for the group are Victoria, South Australia and New South Wales. This work has covered the management and interpretation of investigations as well as assessments for a range of construction material projects including sand, hard rock and dimension stone.

An early contract with the GSV involved estimating and analysing the sand resources and production for the entire Melbourne supply area. A few years later we won the tender and conducted the second phase of drilling for a regional construction sand exploration programme in the Trafalgar area. This was at a time when the Sand Producers Association included a large representation of small operators including Aidan J Graham Pty Ltd who remains a client to this day.

In the mid 2000's, at a time when enormous amounts were being expended by the majors on Environmental Effects Statement's, we successfully obtained approval for a work plan variation at a hard

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rock quarry at Dromana on the Mornington Peninsula. This project involved resource investigations, an environmental and technical specialist team where we achieved a cost effective result avoiding unnecessary expense, including VCAT, which many had assumed.

While often not the most enjoyable of experiences, being called as an expert witness for legal and planning panel hearings does form a part of my expertise, the most recent example involving the negotiated settlement for a compensation claim at Axedale.

Last year the company guided Newcomb Sand & Soil (NSS) in obtaining variations for two of their sites west of Geelong. This job highlighted the increasing complications of the approvals process and associated costs being forced on producers. We liaised with Chris Dunoon, Operations Manager for NSS, through the technical and operational aspects in a difficult environment with the statutory authorities which included successfully managing the preparation of appropriate Cultural Heritage Management Plans.

It is interesting to also have provided services for regional Councils, normally one of the authorities we must often deal with from the other side. We have completed audit assessment and work plan variations for central and northern Shire council quarries.

Probably the most interesting and challenging project in S.A. was the management of the Golden Grove Extractive Industries Zone Management Plan review for the South Australian Industry and State and Local Government working group. The zone is an area of 3.5km² that contains large reserves of construction sand and clay for brick manufacture that is the central source for the Adelaide market. Not only the completion of technical issues, but the balancing act of investing all groups' interests into the outcome was often a challenge but a rewarding experience nonetheless.

I am an active member of the Institute of Quarrying Australia, sitting on the Victorian Branch committee for over 17 years. My involvement with the CMPA is through the Associates Committee which I have been a part of since inception (actually Andrew Burdett and I collated and administered the logo competition for the CMPA!). The people and family business approach it fosters has been a satisfying experience for me and enabled me to meet and assist a number of members in their operations.

I recently had the opportunity of speaking at the CMIC 12 conference in September this year, providing industry perspective and views of the unacceptably complex situation of "requirements" in the regulation of extractive industry. Hopefully this will go



Chris Prowse, Managing Director of CK Prowse & Associates

some way to further raising awareness in government and the community of the importance of quarrying and to assist, not impede its operation and growth.

Last June I went to the UK, part of which involved visiting Geevor in Cornwall and verifying my ancestry first hand. This included tours of the China clay and aggregate operations near St Austell (Cornwall) and sand / gravel extraction around Surrey which are extensive, very old and at the mercy of County Council jurisdictions for obtaining quarrying approvals. Believe it or not, this brief insight showed that even in the UK they face the same hurdles as extractive industry here. We are not alone! ■

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Chris Prowse is the Principal Consultant for C.K. Prowse & Associates Pty. Ltd. The group conducts geological investigations, resource assessment, development design and approvals project management for the extractive industries.

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60 SECONDS WITH AN ASSOCIATE MEMBER...

What is your name? Scarlett Blewett

Who do you work for? C.K. Prowse & Associates Pty. Ltd.

How many years have you worked for this business? 2 ½ years

How many years have you been involved in the Industry? 2 ½ years

What is your role at the company? Geologist & Database Administrator

What does your job involve?

Geological investigations, manage client databases, pit design and GIS plan preparation, assist compilation of statutory development plans reports.

What is the best part of your job?

Applying what is gained during site visits to actual designs and plans for the client; Developing my skills & knowledge in Surpac & Mapinfo.



Industri Communications – Tom McKenny

CMPA Honorary Voting Member, TOM MCKENNY recalls his involvement in the quarry industry and the development of his career in journalism.

THE quarry industry wasn't something that I had bargained on becoming involved in when I started my journalism career in 1980. Beginning university at 17, I had more romantic notions of becoming a foreign correspondent, even a photojournalist in the vein of legendary Australian war reporter, Neil Davis.

What I didn't know then was that careers inevitably take twists and turns and the path you start out on is not necessarily where you end up. Given that, my first university attempt amounted to little more than party, poetry and girls in a random conglomeration. It just needed more academic discipline mixed in.

That initial failure quickly resulted in me re-booting and joining the workforce in various positions including several years in the iron ore mining town of Newman, Western Australia. Luck would have it that I stumbled on to one of the prime jobs on the site – practitioner in the art of driving anfo trucks and charging blasts in conjunction with a very colourful blast crew.

After a few years in the rough and tumble of the Pilbara, a momentary thoughtful lapse made me realise it wasn't exactly the place to spend a lifetime. In hindsight investing in a bit of local real estate would've paid dividends for life.

Three years of travel followed and many years spent hitchhiking in some of the world's most fabulous but predominately, less salubrious destinations (the good: Spain, Portugal Turkey; the not so great but incredibly interesting: north Africa, the middle east and central America).

In my mid-20s this was three years of pure indulgence. It did however, ultimately prepare my return to university for the next four years to eventually graduate in journalism at RMIT.

My first posting wasn't to be the foreign correspondents club in downtown Tegucigalpa, Honduras, rather the similarly interesting surrounds of Phoenix Magazines in South Melbourne with a freelance gig for Quarry magazine.

Within a few weeks I was full time on staff and within months made editor of Quarry magazine. I was introduced to industry stalwart Basil Cocks who was acting as the Institute of Quarrying magazine representative. We're still friends.

Basil soon had me in touch with the movers and shakers in the industry, not the least of whom was Ron Kerr. A memorable first meeting with Ron at Northern Quarries had me almost fill a notebook with anecdotes, information and titbits of quarrying industry gold. He managed to magically turn this back to dust declaring everything off the record at the end of the meeting. Of course, it wasn't information Ron was providing; it was education.

In almost 10 years with Phoenix – which was one of the more colourful publishing companies around – I worked up the ranks to become managing editor of the group and finally general manager, before riding off into the sunset in 2003 for a short lived and mainly torturous stint in Public Relations.



Tom McKenny and John Mitas at a CMPA Annual Dinner

The decade with Phoenix involved considerable dealings with the Institute of Quarrying and ergo, representatives of the three major quarrying companies. The Institute is a terrific organisation and performs an excellent role within the industry. For a time it worked hand in glove with my objective of making Quarry a truly regional and industry wide representative magazine. I managed to boost circulation with distribution through Malaysia and New Zealand and was committed to furthering the magazine's influence in the industry as a whole.

Unfortunately not everyone in the Institute was on the same page and the concerns and needs of major players tended to dominate proceedings with less bandwidth provided for ideas, concerns and issues of the smaller players or independents.

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It created a circumstance where it was a battle to make the magazine truly representative of the entire industry within the dominant constraints. I believed the magazine should present a healthy forum for open, free discussion of quarrying industry issues whether it is regulatory, governmental or otherwise. That would have made it more attractive to readers, made it more representative of the industry and in doing so represent the industry better to the community. It would have also added to the commercial proposition allowing greater expansion, distribution and stability.

However, with the Institute clearly considering it an education only journal, we were often not on the same page as to content and expression.

For these reasons I had no hesitation in assisting (where possible) to establish the CMPA. While I didn't stick around Phoenix Magazines long enough, my ideal was to see Quarry magazine slowly but cleverly morph to become representative of both groups. In hindsight, this probably couldn't have happened because of the clearly divergent philosophical rationales involved.

I do however; maintain that the industry would be far better represented in the greater public relations battle by having a single independent mouthpiece that represents all voices in the quarrying and associated industries, reporting in an inclusive, but impartial manner.

After leaving the PR industry with my dreams of sharp suits, endless lunches and attractive women crushed by a reality made up of unparalleled boredom and suffocating sycophancy, I struck a blow for independence and set up my own marketing, communications, public relations and advertising agency.

Within weeks of establishing Industri Communications, I had the support of leading players such as Caterpillar and William Adams and a raft of smaller independent companies over the years including Crushing Equipment and Kinder & Co.

Business grew over the years and I enjoyed the most creative and fulfilling period of my career. I continued to contribute to the CMPA where possible with cut-rate marketing, publishing and communications advice and continue to do so to this day – even though I have now slipped seamlessly

into the agricultural industry after an offer I couldn't refuse from an old hometown contact to try a tree change to Ballarat coincided with my family's desire to move to a slower rural lifestyle.

I continue to marvel at the establishment and role the CMPA now plays. It is a truly remarkable feat to have organised often disparate businesses, individuals and groups to become a key agitator and representative body in the industry. We should have expected nothing less. Since the first meeting at the BP servo, it has been driven relentlessly by the current CMPA Chairperson John Mawson and the current Management Committee consisting of Peter Baenziger, Tim Bird, David Carrucan, Garry Cranny, David Eldridge, Robin Hocking, Basil Natoli, Tej Panesar, John Pititto and Steven Richardson. Now with a professional administration and management team in place its prosperity into the future I assure. ■

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TSS Company

KELVIN WILSON, Sales Manager of TSS Company reports on the new home for the Melbourne based engineering group.

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UPCOMING TRAINING AND COURSES

There are currently no workshops or training planned for the coming months. As we plan for a big 2013, the Secretariat welcomes your ideas and feedback regarding topics and issues that require future training next year.

CMPA AGM & DINNER 2013

Just a reminder to keep this one in your diary:

Date: Saturday 24th August 2013
 Location: Peppers The Sands Resort, Torquay
 Time: 6.30pm Dinner

Refer to the CMPA website www.cmpavic.asn.au at any stage for an up-to-date list of all upcoming training courses and events and their relevant booking details.

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Date: Friday 15th and Friday 22nd February 2013
 Time: 8.30am – 4.30pm
 Where: Northern Quarries, 375 O'Herns Road, Epping
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