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Hunter Business Review

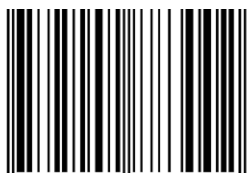
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Funding has been provided by the Australian Government Department of Education, Skills and Employment through the Youth Jobs PaTH Industry Pilot initiative.





# From the Editor



The Federal Government's focus to get the unemployment rate comfortably under 6% should provide consumers and business with some level of comfort as we move to a post-COVID recovery. The official seasonally-adjusted unemployment rate for August was a surprisingly good 6.8% and represented the

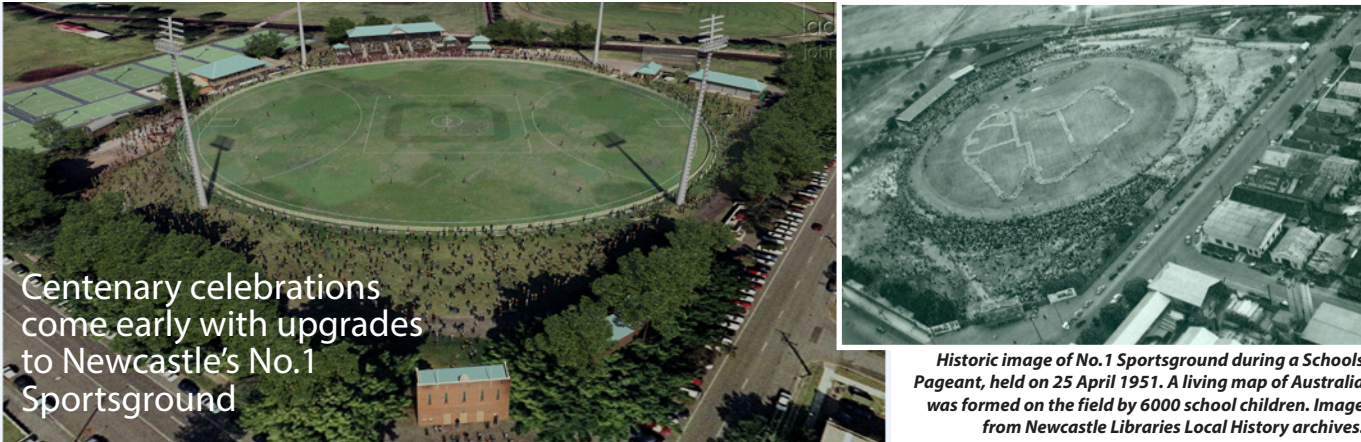
second largest monthly fall in unemployment on record. The rate is of course artificially low due to the massive Government stimulus packages. The challenge now is whether the economy can take up the slack as these stimulus packages are wound back, including a major reduction in stimulus having commenced in late September. On the positive side is that at the time of going to print restrictions are being eased across the country, including the worst performing state, Victoria. Hopefully, this trend will continue and allow businesses to get back to some sense of normality. Tourism, hospitality and retail in particular will hugely

benefit in an easing of restrictions in the lead up to Christmas and the holiday period. We should not underestimate the challenges that the economy faces in the road to recovery. For example, the economy shrank a massive 7% in the June quarter. The October unemployment and October quarter GDP figures will be strong indicators on whether business is indeed recovering from the COVID recession. It will certainly be a huge ongoing challenge for Government and business to recover from these unprecedented times. The Federal Government is certainly in a difficult position as it balances further economic stimulus against the ballooning Government debt but any assurance it can provide over coming months will certainly help improve business and consumer confidence and aid in the long recovery process.

Garry Hardie

**On this month's cover**

The Mutual's impressive new \$19 million head office at East Maitland. The development was designed and project managed by dwp | Newcastle, with construction by North Construction & Building.



## Centenary celebrations come early with upgrades to Newcastle's No.1 Sportsground

A major redevelopment of Newcastle's No.1 Sportsground is underway and expected to be complete in time for the facility's 100th anniversary next year. The project, which includes enlarging the playing field, upgrading the lighting and building new tiered seating, is scheduled for completion in mid-2021 and will be position the region to attract elite sporting events. Newcastle Lord Mayor Nuatali Nelmes said redeveloping No.1 Sportsground so it can return to its former glory of hosting elite cricket and AFL is an apt way to celebrate the facility notching up its 'maiden century'. "We're eagerly anticipating the sportsground entering its centenary year in 2021 and look forward to being able to celebrate this milestone moment with a significantly upgraded facility," Cr Nelmes said. "This project will not only benefit those within our community who utilise it for grassroots and regional level sport, but will also have a wider-reaching impact on Newcastle's economy through its potential to attract and host first class cricket and pre- season AFL fixtures." The staged works include increasing the size of the playing field to achieve the minimum standard required for a first grade AFL match, constructing seven new cricket wickets and re-building the entire playing surface. A new sub-soil irrigation and drainage system will provide a high quality, consistent playing surface, while the installation of six new 40 metre light poles will upgrade the lighting to a standard suitable for night-time games. New sight screens, player dug-out benches and oval fencing will also improve the playing experience, while the construction of new four-tier concrete bleachers to seat an additional 390 spectators will almost double the ground's current seated capacity. City of Newcastle has worked closely with the various clubs affected by the ground's closure, with arrangements made for alternative venues during the 2020/21 summer and 2021 winter sporting seasons.

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## Ampcontrol ventilators roll off production line

Ampcontrol has unveiled its fully developed emergency ventilator, the 'Ventasys', reinforcing local manufacturing capability and a highly skilled region ready for the next generation of product innovation.

A partner of the Ventilator Innovation Project between NSW Government, universities, and industry, Ampcontrol responded to the NSW Government's 'call-to-arms' in March 2020 to design and develop a low-cost, life-saving back-up ventilator solution during the COVID-19 pandemic.

Health Infrastructure Chief Executive Rebecca Wark said partnerships and collaboration have been essential to the success of this project.

"Our partners have helped us to innovate and solve intense challenges at a rapid pace. Bringing our industry and university partners together helps us develop creative solutions to the challenges we face, not only today with COVID-19, but into the future," Ms. Wark said.

On hand to see the first Ventasys units complete production, Ampcontrol Managing Director & CEO, Rod Henderson said he was very optimistic for the future of the local manufacturing industry.

"To turn a concept into a first-class lifesaving piece of medical equipment within such a critical timeframe is testament to the highly advanced capability and skilled expertise in our region. The collaborative approach adopted to tackle this project in conjunction with clinicians at the John Hunter Hospital, proves the ability of the local industry to rapidly pivot and solve unique problems.

What this rapid innovation health project has brought to the forefront, and more broadly as a country over the past 6 months, is what can be quickly achieved when there are strong partnerships between government, university, and industry. We have shown that we can do these things better and more quickly in Australia."

As a member of the Committee For The Hunter and the Hunter Central MedTech Industry Network, Ampcontrol strongly advocates for continued government partnerships to boost jobs and the economy through investment in research & development, infrastructure, and product innovation.

"With the continued support of government, I am confident as a region we can build an industry-leading medical manufacturing hub where businesses, researchers, students, and trainees work side-by-side developing new ideas, learning pathways, products and services with commercial application. The development of strategically important domestic manufacturing within the Hunter will provide immense benefit to the local industry, economy, and community," Mr. Henderson added.

With prototyping, pre-production, and clinical user group assessment and testing now completed, application for TGA (Therapeutic Goods Administration) 'Permission To Supply' the Ventasys for COVID-19 use in Australia is expected to be granted in the coming weeks.

The Ventasys will now progress to the manufacturing phase with components ordered for up to 100 units. Ampcontrol will also conduct further software engineering to provide the additional sophisticated ventilator functionality requested by NSW Health clinicians and integrate them into Intensive Care Unit electronic medical record systems.

## Hunter design firm products win international good design awards

The winners of Australia's peak international design awards – the highest honour for design and innovation in the country – were announced during the 2020 Good Design Week in September.

Hunter-based product design and development firm, Design Anthology, had two of their design products win Australian Good Design Awards. Their work on City of Newcastle's Sensor Lab IoT Smart Pole and Orica's FRAGTRACK.

Sensor Lab IoT Smart Pole received a prestigious Good Design Award Gold Accolade in the Product Design Commercial and Industrial category, in recognition for outstanding design and innovation.

FRAGTrack received the Good Design Award Accolade in the Engineering Design category in recognition for outstanding design and innovation.

Design Anthology's Managing Director and Founder, Josh Jeffress said, "This has been a culmination of 12 years of hard work, grit and determination. We are really passionate about the Hunter Region being a hub of innovation, working with the City of Newcastle on the Smart Pole, and the collaboration team on Orica's FRAGTrack, demonstrates that exceptional products are being produced locally that perform on an international level. The Good Design wins confirm that."

The annual Good Design Awards is Australia's oldest and most prestigious international Awards for design and innovation with a proud history dating back to 1958. The Awards celebrate the best new products and services on the Australian market, excellence in architectural design, engineering, fashion, digital and communication design, design strategy, social impact design and young designers.

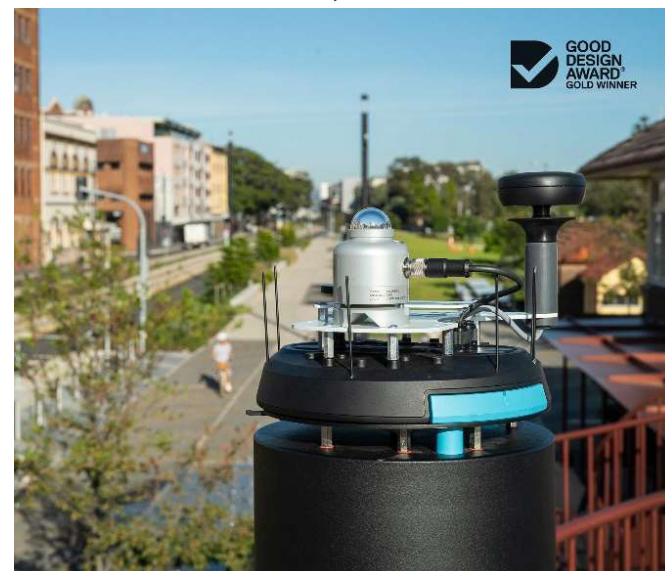
More than 55 Good Design Awards Jurors evaluated each entry according to a strict set of design criteria which covers 'good design', 'design innovation' and 'design impact'. Projects recognised with a Good Design Award must demonstrate excellence in good design and convince the Jury they are worthy of recognition at this level.

Dr. Brandon Gien, CEO of Good Design Australia said: "Receiving a Good Design Award is a significant achievement given the very high calibre and record number of entries received in 2020."

"Australia's Good Design Award is more than a symbol of design excellence - it represents the hard work and dedication towards an innovative outcome that will ultimately make our lives better. These projects showcase the sheer brilliance of design and the potential it has to improve our world," said Dr. Gien.

The 2020 Good Design Awards attracted a record number of submissions with an 835 design projects evaluated in this year's international design awards.

City of Newcastle's Sensor Lab IoT Smart Pole



## New head office for The Mutual

Already described as a 'new landmark of the lower Hunter', The Mutual Bank's new head office at 6 Mitchell Drive, East Maitland is officially complete and ready for business.

Designed and project managed by dwp | Newcastle, with construction by North Construction & Building, the new building will provide a state-of-the-art commercial office space to support the continued growth and evolution of The Mutual Bank, and to reinforce its position as a founding pillar of the financial landscape in the Hunter Region.

Chris McBriarty from dwp | Newcastle, said the new building was designed to encourage natural light, scenic views and social interaction.

"Staff amenity is central to the design of The Mutual Bank's new head office, with features such as an open staff kitchen and lunch area opening to covered external terraces, a family room for staff needing short term working arrangements with children on-site, flexible training and meeting areas, as well as ample on-site parking."

"The building was also designed to meet or exceed the current sustainability requirements for energy and water usage. Features include energy-efficient facades with integrated sun screening, naturally ventilated car parking levels, on-site collection and detention for stormwater and energy-efficient LED lighting throughout the building, just to name a few," said Mr McBriarty.

Significant features of the building, such as the external Y-column, provide a dramatic component to the design creating a unique and memorable image.

"It goes without saying that a project as exceptional as this does not come around all that often," said Richard Telfer, North Construction & Building.

"What The Mutual Bank's new head office has done is combine some of the most complex structural and architectural features that North would usually experience on several individual



projects, and combined them into the one unique building. The North team has relished the challenge to showcase our construction skills in tackling all of the highly technical requirements the architect and engineer have inspired into the design of this truly extraordinary project."

The Mutual Bank's move to its new 'home' has been a long time in the making. After more than 30 years in its previous head office in High Street, Maitland, and a 10-year process to find the perfect new location, the completion of the new building is a major milestone in the organisation's history, and a significant step toward its future.

CEO of The Mutual Bank, Geoff Seccombe said the teams at dwp Newcastle and North Construction & Building had truly delivered an iconic new building.

"We are absolutely thrilled with our fantastic new facility, a space that will be the heart of The Mutual Bank's operations. We couldn't be happier to have partnered with highly reputable local organisations to bring to life the vision we have held for our new 'home' for over 10 years."



## Local business deserves local banking support

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## Ampcontrol wins Good Design Award

Ampcontrol's innovative off-grid water treatment solution, Gilghi has been awarded a Good Design Award accolade for 'Social Impact' during the virtual Good Design Week announcement on 8 September. The annual Good Design Awards signify the pinnacle of Australian industry's design and innovation honours.

Designed in collaboration with project partner Aurecon, Gilghi is an innovative off-grid water treatment plant designed for application within remote communities. The water treatment plant utilises a standalone hybrid power supply consisting of solar photovoltaic panels, a back-up diesel generator and battery storage, and is designed to meet the demanding environmental conditions of the isolated communities in which it is located.

Receiving the prestigious design award, Ampcontrol Managing Director & CEO Rod Henderson, said, "We are incredibly proud to be playing a role in delivering a sustainable water solution to communities in need through the innovative design and advanced technology of Gilghi."

"For remote communities access to clean, safe drinking water can't be taken for granted. The Gilghi unit is designed to be serviced and supported by the community it serves, making a meaningful improvement to people's lives," Rod added.

Dr. Brandon Gien, CEO of Good Design Australia said, "Receiving a Good Design Award is a significant achievement given the very high calibre and record number of entries received in 2020."

"The projects represented in this year's Good Design Awards shine a positive light on our creative and innovative capacity as human beings. These inspirational winning projects give me hope and optimism that our design community will continue to innovate, no matter how challenging the world around us is," said Dr. Gien.

The Good Design Awards jury praised Gilghi, adding: "A great solution and potentially a massive market across the globe. This off-grid containerised water treatment solution has the potential to make a significant impact on the lives of people who rely on groundwater for their main water supply. A breakthrough solution that provides remote communities with quality, potable water. This is such an amazing example of good design that makes our world better."

## The Virtual Innovators lunch highlights the Circular Economy

The Virtual Innovators lunch held on 28 August, which was hosted by Tim Cotter from the Department of Energy, Industry, Science and Resources, highlighted the Circular Economy.

The Virtual Innovators lunch was an initiative started by the Hunter Innovation Festival and has been a valuable resource connecting small to medium businesses in the Hunter Valley and Newcastle region with each other and with developments in business innovation.

The speaker at this event was Debbie O'Byrne, who is the Circular Economy Lead at Lake Macquarie City Council. Debbie has recently completed an MBA at Massey University in New Zealand, and she wrote her thesis on The Circular Economy. This is an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life.

Given the massive impact COVID-19 has had on global supply chains, and the glaring weaknesses it has exposed in Australia's ability to manufacture essential supplies like fertilisers and medical supplies when our supply chains with major trading partners are disrupted or completely stopped, the benefits of creating a circular economy in our local region have become even more compelling.

The push to create sovereign manufacturing processes for essential supplies, where every single input required to manufacture is sourced locally and available quickly when

demand rises, is a direct result of the impacts of COVID-19. Sovereign manufacturing makes Australia a more secure, sustainable society that is less dependent on international trade to produce the products we need to function as a society.

If we are able to create sovereign manufacturing processes, which function as part of a circular economy which reuses, repurposes or recycles every material used in the lifecycle of production, the benefits are huge economically, environmentally, sustainably and societally. A circular economy is restorative by design. It is underpinned by the use of renewable energy. It is a sustainable, viable and low carbon alternative to the dominant 'take-make-waste' linear model.

The benefits of implementing a circular economy in our local region, of being thought leaders that act to create innovative change to ensure the sustainability, security and sovereignty of our supply chain are massive. It is a concept to acquaint yourself with, as the economic and societal benefits of the model are too great for it not to become a reality.

*Article submitted by Alex Brennan, ASR Recruitment*



Gail Whipper and Geoff Crews

Jobseekers and local businesses searching for talent will benefit from Forsythes Recruitment & HR's acquisition of Whipper Recruitment according to Forsythes' managing director Geoff Crews.

On October 1, Whipper Recruitment closed its doors at The Junction and staff moved to Forsythes' Newcastle office as Gail Whipper retires after more than 40 years in the industry.

Mr Crews said the acquisition is part of Forsythes' continued expansion. It comes hot on the heels of its acquisition of Greater Western Sydney's largest independently owned recruitment firm Penrith Personnel last year.

"Forsythes and Whipper have complementary clients who will now benefit from access to a larger talent pool and specialist human resource and recruitment experts," Mr Crews said.

"Job seekers will have access to a larger database of potential employers," he said.

The two heads of the Hunter region's well-known recruitment firms started speaking about the acquisition a year ago.

"Our businesses fit well culturally, and Whipper's staff complement our talented people," Mr Crews said.

"Whipper Recruitment, and Gail, are very well respected, highly professional and have the same roll up the sleeves approach to client and candidate service."

Hunter born and raised, Ms Whipper started her career locally before moving to London. There she worked for the world's then largest recruitment firm, Alfred Marks Bureau. Returning to Australia, she managed that firm's Sydney office before re-settling in Newcastle. Ms Whipper did some special project work for Forsythes prior to establishing Richardson Whipper Recruitment with Beulah Richardson. In 2005 she founded Whipper Recruitment.

She said she chose to sell to Forsythes Recruitment & HR because of the synergy in approach to client service that the two firms share. Her long-standing clients will be in good hands.

## The missing block to build an all-renewable electric grid

A new type of thermal storage material, housed in blocks like LEGO, could see coal-fired power stations converted to run entirely fossil-fuel free.

Coined Miscibility Gaps Alloy (MGA), the extraordinary blocks are capable of receiving energy generated by renewables, storing it cheaply and safely as thermal energy, then using it to run steam turbines at power stations instead of burning coal.

Patented by the University of Newcastle, a team of engineers spent years perfecting the innovation to effectively and affordably store thermal energy. Their solution – 20 cm x 30 cm x 16 cm blocks – can be retrofitted to retired power plants or introduced to existing power plants to help them transition from fossil fuels to renewables. Stackable like LEGO, MGA blocks can be added or removed to scale the system up or down to meet market demand.

University of Newcastle Materials Scientist and lead researcher, Professor Erich Kisi, said the innovation enabled renewable energy to be used as reliable baseload power – providing a sought-after solution to transition from fossil fuels to renewable technology whilst maintaining existing infrastructure and associated workforces.

"We're aiming to bridge the gap between cheap and abundant renewable energy, which is generated in peaks, and the ability to store and dispatch energy at any time of day or night, to meet consumer needs."

"Unlike coal-fired power, which is regulated and controlled, renewable energy is a challenge because it is less predictable and inconsistent. The grid, which includes the poles and wires you see on streets connecting to houses and buildings, was not designed to receive large spikes associated with renewable energy," Professor Kisi said.

"Redesigning the whole grid is simply too expensive so we've created MGA as an energy storage solution to marry with existing infrastructure. We've made renewable energy compatible at grid-scale so that when the sun doesn't shine or wind drops the grid still delivers power on-demand."



With close to \$1 million combined funding from CP Ventures and an Australian Government Department of Industry, Innovation and Science Accelerating Commercialisation Grant, the MGA Thermal team are establishing a NSW-based manufacturing plant to scale production of their modular blocks to commercial levels.

Professor Kisi said the manufacturing facility would immediately create several full-time jobs.

"There's potential for a whole new local industry, manufacturing high value thermal storage material for renewable energy projects," said Professor Kisi.

"Our location in the Hunter is ideal. The region has a background as a strong centre for industry and there's great access to raw materials."

## Singleton Military Base upgrades create new opportunities

Local contractors in the Hunter Region will receive a boost from a \$42.2 million overhaul of facilities at the iconic Singleton Military Base. Construction commenced in September and is expected to be completed in early 2022.

In a move that will aid the Hunter economy's recovery from the COVID-19 pandemic, the Singleton mid-term facility 'refresh' will improve amenities for more than 1,000 defence and civilian personnel at the base.

Minister for Defence Industry Melissa Price said the project to build a new transport workshop and upgrade existing infrastructure would maximise local industry involvement in the Hunter Region.

"This refresh will ensure the Singleton Military Area is able to continue to support Defence capability into the future," Minister Price said.

"Lead contractor, Watpac's Local Industry Capability Plan will ensure there will be opportunities for local businesses in the Hunter Region to get involved in the project.

"It's estimated the project will engage more than 650 workers over the two-year construction period, with a daily peak workforce of up to 100."

Patron Senator for the Hunter and Senator for NSW Hollie Hughes attended a project briefing today.

"I'm excited that this funding will provide opportunities for local small and medium-sized businesses," said Senator Hughes.

"It's going to mean work for a host of local contractors including carpenters, landscapers, glaziers, tilers, concreters, structural steelworkers, joiners, roofers, electricians, plumbers, bricklayers and even demolition experts.

"And, I'm sure the staff here will be pleased to see the improvement to their mess hall and other facilities."

Senator Hughes said the Government supported Watpac's plan to target 82% of its subcontract packages to Hunter businesses.

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## Newcastle law firm wins national wellness award



Directors Michael Morrissey, Belinda Crosbie and Hamish Geddes.

At Morrissey Law + Advisory (MLA) the psychological wellbeing of their staff is a number one priority. That emphasis was recognised in September with MLA being announced as the winner of the Best Mental Health Wellbeing Initiative in a Legal Workplace for 2020 at the Minds Count Foundation annual awards for their initiative 'Mind Your Marbles'.

The Minds Count Foundation's objective is to decrease work related psychological ill-health in the legal community and to promote workplace psychological health and safety. Since its beginnings in August 2008, the Foundation has been at the forefront of building greater awareness of depression and anxiety across all areas of the legal fraternity.

The Award is an annual and national award recognising the best initiatives from large and small law firms and businesses and the 220+ signatories to the Foundation's Guidelines.

"We are so proud to have been awarded the Best Mental Wellbeing Initiative in a Legal Workplace by the Minds Count Foundation for 2020," Director Belinda Crosbie said.

"This is the most important award that we could win. The rates of mental illness in lawyers here and internationally are unacceptably high. Mental health is our number one WHS issue effecting our number one asset, our incredible team.

"At MLA we have worked for over 12 months to research and implement our Mind Your Marbles initiative, a collaborative and structured approach to improving the mental health, resilience and wellbeing of our team. That initiative has led to changes in every aspect of our business and we are rebuilding the practice of law to achieve it.

"We're so excited to have that initiative recognised and look forward to sharing our Marbles updates with our clients, colleagues and industry groups over the next year."

## Dedicated data centre for Astra Aerolab

Astra Aerolab has cemented its place as a pre-eminent space for innovation, announcing it has entered into an agreement with Leading Edge Data Centres to seek the establishment of a dedicated world class data centre onsite at Williamstown.

The proposed data centre, Leading Edge Data Centres' second for the region, will provide existing airport tenants, the wider airport precinct and future tenants superior connectivity, and access to a dedicated and local world class Tier III data centre.

Designed to be 'carrier agnostic', Leading Edge Data Centres offer a range of network services, utilising dark fibre and major telecommunication connections, while leveraging partnerships with several other carriers. The facility will also offer direct cloud access to all major cloud environments including AWS, Microsoft Azure and Google Cloud.

Newcastle Airport CEO, Dr Peter Cock says the partnership would assist in delivering the Astra Aerolab vision of offering global opportunities to the local region.

"Our fundamental vision for Astra Aerolab is to deliver something unique in the Defence and Aerospace industry - a place specifically designed to foster collaboration and innovation.

"Our agreement with Leading Edge Data Centres sets Astra Aerolab apart by enabling direct cloud access from the onsite data centre. This ensures data remains secure locally, negating any need for sensitive data to be re-routed via Sydney, as is the current process," says Dr Cock.

"As you can imagine, this is incredibly important for Defence industries," he added.

Port Stephens Mayor Ryan Palmer welcomed the announcement of this substantial investment in Port Stephens and the Hunter region.

"This exciting new partnership with Leading Edge highlights the significance of Astra Aerolab as a growing defence and aviation precinct."

"Astra Aerolab and the Williamstown Special Activation Precinct will create new opportunities for employment, education and innovation across the entire Hunter region. It's great to see this recognised by Leading Edge Data Centres," Mayor Palmer said.

Chris Thorpe, CEO of Leading Edge Data Centres says, "We're proud to provide world-class infrastructure to support innovation and growth across aviation, defence and aerospace industries.

"Our data centre will enable direct private connections to all the leading cloud providers, in the most efficient, secure, and resilient manner possible. We're looking forward to working closely with the Astra Aerolab team on this important initiative within the Hunter Region."

Leading Edge Data Centres will design the data centre and will undertake all planning and civil building works.

## Koppers workplace giving helps keep Westpac chopper in the air

By giving a few dollars a week out of their pay packets, staff at Koppers' Newcastle plant are doing their bit to keep the vital Westpac Rescue Helicopter Service in the air.

Koppers' Plant Manager Nick Moretti and Plant Operator Joshua Merlo visited the service at Broadmeadow to mark five years since the workplace giving partnership started. Over the five years, Koppers' staff have donated \$25,000.

Westpac Rescue Helicopter Service CEO, Richard Jones OAM, said with most face to face fundraising and major event activity on hold as a result of the COVID-19 pandemic, workplace giving donations are extremely important in helping the helicopter service to save local lives across Northern NSW.

"We know that donation support may be difficult for many in our community at this time, so we are really grateful to Koppers' staff for their continued support," Mr Jones said.

"Koppers is a great example of a workplace that has set up a charity workplace giving program enabling staff to make a salary sacrifice of as little as one or two dollars each pay," he said.

"Right across our service region, it makes an incredible difference to our life saving work."

Mr Moretti said the visit was a great opportunity for him and Joshua to see how Koppers' staff donations make a difference to helping the helicopter service to save lives.

Koppers support for the service extends beyond workplace giving. In 2018, staff at its Grafton plant donated the \$4,000 they received for winning Koppers' global safety prize to the service.

"Giving back to the community has long been a Koppers tradition," he said.

"As well as contributing to local jobs and economies, we try to be a responsible neighbour and support the causes that are most important to local community needs."



Joshua Merlo and Nick Moretti

"This year Koppers and its staff, with support from our US colleagues, also donated \$40,000 to bushfire relief."

"Koppers has supported other charities, community organisations and local schools."

Every year on average the Westpac Rescue Helicopter Service flies more than 1500 missions, including responding to emergency Triple 0 calls, inter hospital transfers and search and rescue. This year, the service is celebrating 45 years of operation in Newcastle and 20 years of operation in Tamworth. The Lismore base this year celebrated its 10,000th mission since operations started there in 1982.

**To donate visit [rescuehelicopter.com.au/donate](https://rescuehelicopter.com.au/donate)**

## Newcastle's new flagship arts festival unveiled

With a theme of illumination and a "We Are New" tagline, City of Newcastle has revealed the first details of its flagship arts festival – New Annual. To be held from 12-21 February 2021, the inaugural event will celebrate the depth of talent in Newcastle's thriving cultural and arts sector.

Lord Mayor Nuatali Nelmes said New Annual would become a dynamic addition to Newcastle's social calendar.

"Supporting and delivering cultural and community programs, events and live music is key to progressing our vision of Newcastle as a smart, liveable and sustainable global city," Cr Nelmes said.

"A strong arts community feeds into a healthy economy, helps to revitalise and activate public spaces, creates vibrant night life, and spurs growth in cultural tourism.

"It is also a vehicle through which we can tell our city's

story, share our histories and understand our identity.

"The name 'New Annual' itself represents our commitment to the city and its broader audience - that we will offer both surprise and continuity through this hallmark annual cultural event, with a uniquely Newcastle character that can be embraced by locals and visitors alike."

New Annual's 10-day program will include dance, live music, art displays, exhibitions, presentations, talks, and activation events.

Designed with the flexibility to operate as a COVID Safe event depending on Public Health Orders, it will be held at a variety of locations with the ability to help keep crowd numbers dispersed, utilising City of Newcastle facilities, public spaces, private venues, community hubs and performance spaces.

# Castle

LIVE WORK LEARN

**Castle are proud to introduce you to TRIBE, a support network that helps survivors of domestic and family violence through education and employment opportunities.**

**Castle's TRIBE are helping people gain confidence, financial stability and independence in their life through mentoring, training, qualifications, work experience and long-term employment.**

**Castle are working closely with community partners to connect survivors to an intimate network of support services.**

**If believe your business can provide a safe and supportive workplace, contact us today**

[castle.org.au](https://castle.org.au)
**1300 817 917**



## Atwea awards recognise resilience and commitment

While the achievements of the Atwea College community are celebrated annually, in 2020 the Adult Learner's Week Awards have highlighted additional levels of resilience and commitment by both students and staff.

Atwea College Chairperson, Chris Seysener and Executive Director Rowan Cox, announced five awards on Thursday 4 September at a small (Covid Safe) event and using video conferencing for an online audience reaching into the Hunter Valley and Mid North Coast regions. The awards recognise people within the Atwea community who have shown commitment and dedication in their engagement with education and training.

As a community college, Atwea specialises in providing learning and educational pathways in niche and mainstream vocational and skills areas but it is also well recognised for its ability to assist disadvantaged and marginalised learners.

There were three awards announced in honour of people who have played a significant role in the Atwea story:

- Ray Sandy Memorial Award supporting a trainer in business or IT which was awarded to Barrie Wilson.
- The Paul Mather Memorial Award for a student of the Alesco Senior College was awarded to Joel Gilmour who overcame significant obstacles to complete his final three years of high school.
- Deborah Mercer was named the winner of the Alan Melling Memorial Award who showed tremendous dedication to the outcomes of students studying health and community services.

Business, leadership and medical administration trainer at the Atwea Coast campus Pauline Bergin was named the Atwea Outstanding Tutor.

Tayla Peters who has completed vocational training in Individual Support (Disability) was named Atwea Outstanding Student of the Year.



Outstanding Student of the Year Tayla Peters with her family

Atwea College Chairperson Chris Seysener commended the commitment of students and staff.

"I am incredibly proud to be a part of an organisation that, despite the challenges of COVID19, continues to find better ways for people to access education. Atwea College has adapted and continues to develop new ways of working and delivering education safely and effectively," he said.

Atwea Executive Director Rowan Cox said that Adult Learners Week was of particular significance in 2020 because of the resilience of our trainers and the students.

"We had to develop ways of engage and connect students in a different format. This could not have happened or been effective if it wasn't for the innovation of our trainers and the commitment of their students. This year there are 385 students undertaking their high school studies with Alesco and hundreds of students in vocational, skills set training and in our lifestyle courses who are supported by more than 100 trainers and teachers. Each person should be very proud of their commitment to education in challenging times," she said.

## EIS Amendment Report for Belmont drought response desalination plant

Hunter Water's proposed Drought Response Desalination Plant at Belmont is a step closer to approval with the 10 September release of the Environmental Impact Statement (EIS) Amendment Report.

Hunter Water Managing Director, Darren Cleary, says the release of the Amendment Report is an important step in seeking planning approval for the Plant, even though there's no intention to start construction.

"The proposed plant is an on-the-shelf insurance policy and would provide the region with added water security in the unlikely event storage levels drop to critical levels," said Mr Cleary.

"The proposal forms part of our portfolio of actions in response to drought, which include extensive water conservation measures, minimising water loss by reducing leakage, operating Tomago Sandbeds, and water transfers between regions.

"Water users throughout the Lower Hunter would benefit from additional water security in a severe drought under our proposal to increase the drinking water output of the proposed Drought Response Desalination Plant.

"As we foreshadowed in May, our investigations into a Drought Response Desalination Plant have informed changes we believe offer greater reliability, improved efficiency and still deliver value for money.

"The Amendment Report seeks planning approval for an increased Plant capacity to produce up to 30 million litres of drinking water per day during an extreme drought, double the output capacity of the original design.

"We are also proposing modifications to the seawater intake, changing the design to incorporate a direct ocean seawater intake system, which involves piping seawater from about a kilometre offshore.

"Planning work indicates this system would perform considerably better across relevant criteria, including reliability, efficiency and scalability, than the originally proposed approach of collecting seawater in wells underneath Nine Mile Beach.

"Our investigations show the increase in Plant capacity would have modest environmental impacts which can largely be mitigated through the design and delivery, while providing additional water security to our region during extreme drought," said Mr Cleary.



## Technology investment to boost efficiency and output at Kookaburra Educational Resources

Kookaburra Educational Resources is investing \$2.5 million in technology to deliver greater efficiencies, higher outputs, and improvements to the customer experience into its operations, ahead of the 2021 school year.

Having seen steady growth over the last few years, the 2019/20 year saw excellent support for Kookaburra's products and services which translated into a sharp increase in ordering, which meant that the team needed to rethink how to gain efficiencies for their customers.

The result, after a long consultation period with many solution providers, will be a reconfigured Distribution Centre with the installation of a conveying system that manages the flow of orders within the Distribution Centre from picking, sorting and packing of products using a platform to fulfil customer orders.

"A bumper year of orders, in particular our popular back to school student packs, made us realise that to continue to grow and to better serve our customers, new systems were needed," CEO Justin Bielefeld said.

"Our new layout and the installation of improved technology will give us the ability to double our current deliverable capacity in a single shift."

"The result is a quicker turnaround for customers, increased volume and a decrease in the chance for human error – it's a win for everyone."

The new system features a single item sorting system that can pick/pack any of Kookaburra's range of products to create a fully customisable pack labelled with all of its contents.

Kookaburra's General Manager Chris Kelly said the automated solution reduces the burden of error that staff used to face, meaning less stress for them and better outcomes for customers.



The Kookaburra Educational Resources warehouse

"The system has multiple quality control points," Chris said. "The first is the scanning technology, where the system matches the SKU code to the required SKU specified on the order and sends it to a sorting/packing location and adds the item to the order."

"The second is the weight check that happens when the order is fulfilled. The weight of the packed order must marry up with the combined weight of the individual products it contains and sends it to a quality check point for review, before it's packed onto a pallet ready to be dispatched."

"The introduction of this technology demonstrates the commitment by Kookaburra Educational Resources to continuously strive to improve quality, delivery, cost, and innovation. By achieving the above, we are looking to deliver the experience that our clients deserve when partnering with Kookaburra Educational Resources in helping realise life's potential."

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Let's Talk With....

# Clare CORRIGAN

## 1. In a few words, tell us about your current role.

I am a registered Trustee in Bankruptcy and the Senior Manager of the Personal Insolvency division at Shaw Gidley's Newcastle office. It is the diversity of my role that I enjoy the most. It is interesting to explore the extensive areas impacted by personal insolvency such as superannuation, inheritance, transfers of assets, sale of assets, family law, employment and effects on various related entities. One moment you are meeting with individuals who has a complicated personal financial issue, then responding to complex bankruptcy questions from a variety of sources, then conducting forensic financial investigations, or running an insolvent business. The work is always diverse, and helping people understand or navigate through this intricate industry is very rewarding.

## 2. How have you reached this point in your professional life?

I always knew that I would be working in an industry that helped people. Early in my career, I started in employment services which involved assisting individuals to overcome employment barriers and find sustainable work. I then did a stint in bookkeeping, which led me to personal insolvency. While I did not actively look to work in this industry, I feel fortunate that I did.

## 3. When you're not at work, where can we find you?

You can usually find me roaming around with my family and friends enjoying the sunshine at one of the local events, or enjoying the beautiful sites the Hunter has to offer. When I am not at work, or out and about, I love to be at home with a good book or testing a new recipe on friends and family, or watching a movie with the kids.

## 4. Where do you find inspiration?

I believe it is essential to find something inspiring every day. I usually find mine through having conversations with new people, or reading articles by industry leaders, or reading a good biography or overcoming challenges with colleagues. I am drawn to and inspired by people who confidently share and own their successes, failings, and perseverance. It enforces with me that people who achieve great things, usually experience some hardship or failures, and through mentoring, guidance and determination, reach their goals.

## 5. What advice would you give to someone just starting out in your field?

My advice to someone starting in insolvency, which was given to me by my dad, is "You don't know what you don't know". To overcome this, learn, and never stop learning. Work closely with teammates, supervisors, partners and learn from them, read articles, attend every training session offered, learn from mistakes (preferably others), stay curious and always trust your instincts. The industry regularly evolves, so there are continuously new things to learn. Another piece of advice I received very early on and never forgotten is from one of my mentors "First and foremost; personal insolvency is about people". Yes, there are numbers and paperwork, but it is about the people behind the paperwork. The insolvency industry is a vital service which has a positive effect on people's lives, and so this is very important to not lose sight of this focus.

## 6. What's something most people don't know about you?

I am pretty much an open book, sharing experiences (good or bad) is all part of being human. Though what most people might not know is that I love to crochet; it's my "mental yoga".

## 7. How would you like to see the Hunter evolve over the next decade?

I am keen to see how infrastructure, events and the community will evolve over the next decade when we move into a post-COVID era. It will be interesting to see how our local businesses and communities grow, adapt and innovate.

## 8. Are you reading anything at the moment? At the moment I am re-reading Stephen King's The Outsider.

## 9. What's the best line from a film you've ever heard?

"Do or do not, there is no try"

## Early intervention vital as government lifelines reduce

**Brad Morelli**  
**Jirsch Sutherland**

There's no denying the Federal Government's COVID-19 business support initiatives have been effective in helping keep many businesses operating – but they won't be there forever. And many fear the long-predicted avalanche of insolvencies is looming large on the horizon.

Some of the measures, including the relaxed insolvent trading laws and the temporary increase in the threshold at which creditors can issue a statutory demand and a bankruptcy notice, were due to finish at the end of September but have now been extended to December 31, 2020.

But while these lifelines have been extended, the end of September saw some key initiatives come to an end or begin to wind up. These include the ATO Cash Flow Boost, with the ATO already restarting its 'soft' debt collection in most parts of the country, while in NSW the moratorium on landlords' rights to evict commercial and residential tenants also came to an end.

And for those who deferred their business or home loan repayments, the banks have started to contact customers to assess what their current situation is, with the Australian Banking Association (ABA) urging customers who are in good financial condition to resume their repayments as soon as possible.

These changes place increased pressures on business owners and directors. In addition, the pared back iteration of JobKeeper is also set to induce further financial challenges, with payments reducing and the number of businesses and employees not qualifying for the wage subsidy increasing.

### Seek help early

The changes mean it's vital for struggling businesses to seek professional help and take immediate corrective action, or potentially miss the window where they could take action. This is crunch time. In a survey conducted by Jirsch Sutherland in July this year, 27% of directors revealed that as they had to take advantage of government incentives, they would probably have to explore reconstruction or insolvency after they end.

### There's no shortage of signs that may indicate the imminence of insolvency and the need to take urgent action. Red flags include:

- Poor or non-existent cash flow
- An inability to pay bills, staff wages or superannuation
- The loss of clients
- The need to secure special payment arrangements with creditors
- An inability to access finance
- Substantial bad debt write-offs
- Poor net asset position
- Disputes between business owners and directors
- Increased stress and anxiety levels
- High staff turnover and reduced levels of competence
- Poor quality books or records
- Physical deterioration or poor appearance of business premises

### What to do when warning signs are identified:

- Act quickly
- Speak with your accountant or a business recovery/insolvency specialist
- Meet with management
- Identify the reasons for the warning signs
- Review your financial position
- Prepare a strategy to deal with the issues

Early intervention could mean the difference between turning a business around or going into liquidation. I believe starting a conversation with a trusted business adviser or business recovery/insolvency practitioner about any financial distress being experienced, is the key to any chance of financial recovery. It's the best opportunity to wind up with minimal losses or explore and benefit from potentially business-saving options like restructuring, refinancing, or business model modification.

### Break the insolvency stigma

In stressing the importance of seeking professional assistance, it's vital to acknowledge a major factor preventing many businesses from doing just that. For decades, the fear, shame and embarrassment associated with insolvency has made it a taboo subject. This association continues to be extremely damaging, as it prevents many business owners and directors from gathering the appropriate information and making informed decisions. The stigma delays or prevents them from exploring options that could save their business, improve their personal financial situation, or close their business in a legal and orderly manner, thus minimising stakeholder losses.

Now more than ever, it's crucial to ignore or overcome these stigmas. And it's important for business owners to understand that they may not be to blame for any trouble they find themselves in. This year and next, the impact of COVID-19 will force countless owners and individuals into corporate and/or personal insolvency (bankruptcy). Other external factors such as customer default, supply chain failures, regulatory reforms, technological advancements and changing consumer behaviours may also play a determining role.

However, while these factors may indeed be beyond any one individual's control, it's nonetheless crucial for business owners and directors to be aware of their responsibilities. To put it simply, it might not be your fault that the business is in trouble, but it is your responsibility. Therefore, it's incumbent upon owners and directors to gather all the available information and make informed decisions – no matter what situation the business is facing. It's also important to remember that entering into an insolvency process doesn't necessarily mean the end of a business. Indeed, corrective action may actually entail procedures such as safe harbour and voluntary administration arrangements or restructuring that could save or turn a company around. These initiatives can provide viable businesses that have experienced some bad luck with a second chance.

That's why it's so important to seek help now. Stressed businesses have nothing to lose and everything to gain. In the same way that you don't get sick by consulting a doctor, companies don't become insolvent by speaking with an insolvency practitioner. When symptoms are present, getting diagnosed and understanding the treatment options is always the best approach.

**For further information contact Jirsch Sutherland on (02) 4965 6500 or email [admin@jirschsutherland.com.au](mailto:admin@jirschsutherland.com.au)**



**Brad Morelli** is National Managing Partner at Jirsch Sutherland. While Bradd's work spans most industry sectors and business types, he has significant experience within the film and entertainment industries, including working with high-profile personalities.





It's time to rethink corporate gifting

Ennia Jones  
Fleurette

Corporate gifting is traditionally done at the end of the working year as a way of appreciating loyal customers, rewarding employees and retaining key clients. Although it is an effective internal and external engagement tool, it is time to rethink when, how and why it is done.

2020 has been a challenging year for business. As many businesses have folded, some have flourished. The impact of the pandemic exposed anxious leadership, ill prepared systems and technological vulnerabilities. On the other hand, the pandemic highlighted devoted employees, loyal clients and dependable suppliers.

Winston Churchill famously said 'Never let a good crisis go to waste'. It is a powerful phrase inviting us to look for opportunities that lie obscured in anxiety, chaos and uncertainty. Corporate gifting can be used more effectively to engage and retain employees working remotely, reinforce partnerships with existing clients and secure new business in highly competitive industries.

Find an opportunity to give

If your workforce is working from home, chances are the lines between work life and home life are blurred. According to the Blackdog Institute, common experiences for people working from home are "isolation, disconnection from team members, reduced boundaries from work and personal life" which may lead to stress, burnout and low productivity.

A corporate gift received unexpectedly may go a long way to help an employee feel appreciated and remain engaged. Remembering birthdays and important work-related milestones – can help maintain a sense of collegiality and belonging – which in turn translates into a more engaged and productive team member.

Other opportunities to gift include onboarding new employees who may be joining the team remotely, retiring employees or those facing personal challenges.

Incorporate wellness into corporate gifting.

A modern way to gift acknowledges the health and wellbeing of the receiver. Gone are the days of sending alcohol, nuts, lollies and a branded cap to express appreciation. Insomnia, alcohol abuse and loneliness are on the rise as a result of Covid-19 restrictions. If your gift can help address one of these issues it will be welcomed, useful and remembered.

Consider incorporating wellness products such as herbal teas, diffusers, room mists, healthy snacks, nutrition guides, exercise plans and workplace ergonomic tips into your suite of corporate gifts.

When gifting employees, use the opportunity to reinforce your organisations employee assistance program (EAP) or similar support arrangements. This can easily be done by including contact details of organisations they can reach out to when in need of mental health support.

Use gifting to reposition / reinforce your brand.

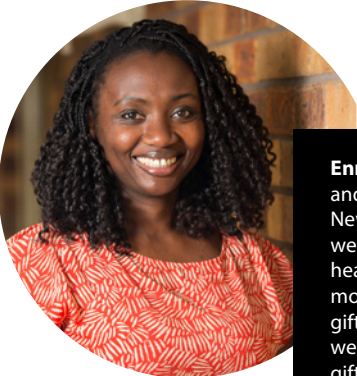
Invest opportunities to give that lie outside of traditional gifting seasons to help keep your organisation front of mind during these unprecedented times. Real estate agents, building companies and recruitment firms have successfully embraced corporate gifting as an extension of their customer service experience and brand awareness activity.

The time is right for you to do the same.

Be inspired to think outside the box with health and wellness in mind.

The time to give is now.

**For corporate gifting requirements from a local Hunter based business, please contact Ennia on 0421 590 550 or email [info@fleurette.com.au](mailto:info@fleurette.com.au)**



Ennia Jones is the Founder and Director of Fleurette – a Newcastle based holistic wellness business incorporating health and wellbeing into modern, conscious corporate gifting. Enquire about practical, well-made and thoughtful gifting options.



EDUCARE SPECIALIST SERVICES

Dr Bruce Youlden has joined EDUCARE Specialist Services as the Managing Director. Following on from a career of 42 years in Educational Leadership settings, Bruce joins his wife, Dr Anne-Marie Youlden, in directing his energies towards the continuing growth and development of EDUCARE as a multi-disciplinary medical, health and educational centre. EDUCARE now encompasses Paediatric, Psychiatry, Neurology, Psychology, Speech Pathology and Occupational Therapy services in the Sky Central hub of Charlestown.



MONICA CLARE RECRUITMENT

Monica Clare Recruitment has announced the addition of Lotte Baker as their Client Engagement Manager. Lotte boasts an impressive work history spanning Asia-Pacific, Europe and the Middle East. With over 20 years' recruitment experience in the education, commercial and blue-collar sectors, Lotte is excited to reinvigorate the Administration and Customer Service desk.



MONICA CLARE RECRUITMENT

Monica Clare Recruitment recently welcomed Alison Slater to the team. Alison brings fresh eyes to her role as Recruitment Consultant, having previously worked as an Operations Manager in Sydney. She looks forward to growing the Technology and Marketing desk as well as solidifying her name in the industry.



NEWCASTLE PERMANENT CHARITABLE FOUNDATION

Newcastle Permanent Charitable Foundation has announced the appointment of non-executive Director, Jennifer Leslie, as Chair of the Board. This appointment follows Phil Neat's retirement following 17 years' service. Jennifer has served on the Charitable Foundation Board since 2016 and has extensive experience in financial services and not-for-profit governance. She is the first female Chair of the organisation.



CASTLE PERSONNAL

Bill Armstrong has joined Castle as the Manager of People and Culture. Bill brings significant Human Resource Management Experience to the organisation, particularly in the areas of Talent Management and Workforce Planning through Business Transformations. Along with Bill's experience, his passion for diverse and inclusive workplaces makes him an outstanding fit for Castle as the organisation continues to innovate and evolve, working to build a more inclusive community.



TSA

Clare McAuslan has been promoted to Project Manager, Newcastle for TSA. Clare joined their Newcastle office in 2018 and has been involved in multiple projects for the University of Newcastle, including the state-of-the-art Science, Technology, Engineering, Maths and Medicine facility. She invests considerable time and effort in gaining a detailed understanding of her projects to make swift, intuitive and informed recommendations to her clients.



THE MUTUAL BANK

Louise Tratt has joined The Mutual Bank as a Personal Banking Manager in Newcastle and Lake Macquarie. Louise has more than 20 years' experience in the mutual banking sector, originally beginning her career in a member-owned financial institution in Dubbo in 1989. Specialising in home loans and personal loans in the Newcastle and Lake Macquarie area, Louise is here to help Novocastrians achieve their personal goals.



PROSPERITY ADVISERS GROUP

Prosperity has announced that Andrew Hibbert from the Self Managed Superannuation and Offshoring team has been promoted to Associate Director. Andrew has been a significant contributor to the success of our Self Managed Superannuation team and is currently responsible for managing the compliance obligations for Prosperity's 300+ self-managed superannuation funds.



PROSPERITY ADVISERS GROUP

Gerhard Jordaan from Prosperity's Business Services and Taxation team has been promoted to Associate Director. Gerhard is an integral member of the Business Services team with considerable client responsibilities and has fostered very strong relationships. He has a passion for assisting growth businesses particularly in the hospitality sector.



NEWCASTLE PERMANENT CHARITABLE FOUNDATION

The Charitable Foundation has welcomed a new non-executive Director, Margie Haseltine, who also serves on the Newcastle Permanent Building Society Board of Directors. Margie has broad experience in management and governance, and a real passion for community causes, particularly in regional NSW.



## Confusion reigns in the energy sector

**Steve Dick**  
**Raine & Horne Commercial Newcastle**

I do not know about you, but it's a sheer relief to hear arguments and reporting about the energy sector. Finally, we have a subject to ponder other than COVID-19.

Of course, when a debate on any issue starts in this era, tweeting immediately grabs attention along with short snippets as part of the 24-hour news cycle. This noise makes it hard to figure out what's what, who's who, what's fake and what's not.

### Getting to the crux of the situation

Regarding the energy debate, I'm sure there are no blatant falsehoods. Rather each side has positions that need stiffening by way of telling part of the story. The aim of the game is winning the battleground of public opinion. Typically, the winner will best push the emotional buttons of the public or fire up noisy minorities with time at their disposal.

For the rest of us, we want to raise our families and live our lives as best we can. We want to turn our hard-won dollars into a viable and meaningful household. Moreover, we don't want to feel governments or corporations are gouging our dollars. For businesses, competitive energy prices will enable them to compete on the world stage whenever COVID-19 is over, it's a certainty that the mega-corporations will still exist, and they will source product based on price.

### The gist of the energy debate

When it comes to the energy debate, the Government is taking on the oligopoly of AGL, Energy Australia and Origin Energy. Further complicating the issue is the debate between coal and gas. Then we have the arguments between gas and coal and renewables such as wind and solar. To confuse the issue, even more, we have the highly emotionally charged clean/green energy debate.

Closer to home, my son is a case in point. He's very environmentally aware and even pays his provider an extra \$80 per bill for green power. But this could change after a recent birthday party where we all started comparing energy bills. After some discussion we started to realise there is some gouging going down, particularly when we began to discuss where the extra \$80 was going?

When it comes to energy, it is the cost of heating, cooling, lighting and washing to a home that drives the average consumer. We all want power when we want it, and we need the power to live our lives. Yet we don't want to pay too much, especially as disposable money is likely to tighten as the Federal Government's winds back its COVID relief packages.

### Energy investment is needed

Back in March 2019, a Korean-owned gas terminal was mooted for Newcastle. Now there are rumours Chinese state-owned company Jemena is fast-tracking a gas pipeline in Port Kembla[1].

At the time of the Korean terminal rumours, I crunched some numbers that showed that in NSW we were paying more than twice the price for gas as consumers did in South Korea and nearly twice as much for electricity.

We all know we need energy. In one corner we have the Federal Government saying we need an extra 1,000 MW of "dispatchable capacity", the latest buzzword from bureaucratic spin doctors! In the other corner is AGL who is looking to shut Liddell Power Station, that will deliver a loss of some 850 MW. On the flip side, there is the prospect of the AGL Tomago Gas-Fired Power Station that will produce 250 MW in the waiting[1].

Unfortunately, a full day's electricity production at 250 MW is less than enough to power Tomago Aluminium for one 8-hour shift. This facility has been running 24 hours a day, 365 days of the year since 1983. Tomago produces 25% of Australia's aluminium,

and employs 1,140 Hunter Valley staff and contractors. Yet, AGL maintains there will be only a 150 MW shortfall given increased supply from power produced by households and businesses.

### Government response to the energy shortfall

The Government is not as convinced as the oligopoly that Newcastle Power Station Project at Tomago will do the job and support growth. The federal government is therefore demanding that unless the oligopoly provides another 1,000 MW, it will step in and look for options.

One alternative is Paul Broad, a familiar face for the region. Broad managed Hunter Water in his early days and now heads Snowy Hydro, which is owned by the Federal Government. Broad and his team are proposing the construction of a 350 MW gas-fired power station on the old Kurri Kurri smelter site.

Additionally, we have the 4,000 MW private ultra-efficient coal-fired power station also at Kurri Kurri on the site of an old power station, that is zoned for a power station. This has an existing dam and rail lines that run direct to the mines. The site is also serviced by the main electrical grid along one side. Plus, this station will be privately funded.

### Coal is a dirty word – or is it?

The trouble is coal is a dirty word and gas is not? Methane, CH<sub>4</sub>, is the main component of natural gas and is 23 times more potent than CO<sub>2</sub>, the primary emission from coal. The upshot is that the effects of gas power stations on the environment are much the same as coal power stations.

However, getting even more technical if gas is sourced in Narrabri as Santos is proposing for Snowy Hydro power station, the environmental impacts could be more severe than coal. Santos's Narrabri proposal will most likely involve coal seam gas fracking. About 30% of Australia's gas is sourced from fracking. Fracking won't be great for the black soil plains of that region, which are critical to Australia's food bowl status.

Alternatively, if the gas comes from the proposed Korean LNG plant, then it should be known that in creating LNG in Australia the LNG have to produce their own power and it requires the equivalent of 46.4% of Australia's total domestic consumption of energy to produce power for the LNG plants. This predicament is confused further by the situation where Australian gas molecules are pumped out of the ground in Queensland, sent to a local port for cooling and then put on a boat and exported. Then the boat turns south and imports the gas back into Australia at ten times the price.

In summary, our energy needs and delivery are a substantial puzzle. That said, electricity demand will not disappear, and the price of the renewables remains three times the current baseload power.

Therefore, consumers will continue to expect a reliable, affordable, and a relatively clean source of electricity and woe betide the Government that doesn't provide this seamless service.

The good news for the Hunter is that all the proposals for the east coast power grid are centred on this region.

**Sources:**  
 Australian Energy Update 2019 – Department Environment and Planning  
 Petroleum Australia article Jemena welcomes Port Kembla Fast Track  
 SMH article Taylor stares down Gas industry complaints  
 ABC News – Government backing gas fired power plant  
 [1] <https://www.agl.com.au/about-agl/how-we-source-energy/newcastle-power-project>

**If you're considering investing, buying or leasing commercial space in the Hunter region, contact Raine & Horne Commercial Newcastle on (02) 4915 3000.**



**Steve Dick** is a Director of Raine & Horne Commercial Newcastle.

## Planning reform quick wins could deliver \$5.7 billion stimulus

The Australian economy could benefit from a \$5.7 billion pa boost if each state and territory implements just one of the 'quick win' planning reforms identified in the Planning to Prosper report commissioned by the Property Council of Australia.

The report, drawing upon research by independent property consultancy Urbis, demonstrates how high priority, high impact changes can boost productivity and aid post COVID-19 recovery with 39,200 additional jobs.

The Planning to Prosper report identifies five planning reform priorities for each state and territory and the additional jobs and economic activity each would generate. The report points to the planning system's key role in government economic recovery policies.

The Property Council's Residential Development Council president, Andrew Whitson said that building homes and communities for Australians supports more jobs and investment than any other widespread activity in our economy.

"Now more than ever, streamlining planning processes will increase efficiency and help generate much-needed economic activity, accelerating the contribution of the private sector to our recovery, at no cost to government," Mr Whitson said.

While progress has been made in recent years, and governments are 'fast tracking' projects to stimulate the economic recovery from COVID-19, planning systems across all states and territories continue to be plagued by inefficiencies and uncertainty.

Urbis Regional Director, Princess Ventura emphasised that now is the time to realise the gains from improving housing supply and support the Australian economy by addressing embedded inefficiencies in state and territory planning regimes.

"The Planning to Prosper report takes the legwork out of identifying low hanging fruits on where to start when it comes

to turning state and territory planning regimes into viable tools for increased housing supply, enhanced liveability and economic performance nationally," Ms Ventura said.

Planning to Prosper has evaluated each planning regime on its merits and planners and stakeholders have identified high priority, high impact changes or 'quick wins' that could be delivered within the next 12 months in each state or territory.

The report identified three clear themes across different jurisdictions which could speed up approvals and deliver more housing: more transparent rezoning processes; greater accountability of agency referrals; and simplifying assessment processes for simple proposals.

Property Council of Australia Chief Executive Ken Morrison said the impact of COVID-19 provided a compelling argument for action on planning reform.

"High impact reforms of the type proposed in Planning to Prosper can be deployed quickly and at very low cost to the public purse to support economic stimulus.

"Each state and territory needs to act on just one 'quick win' reform in their jurisdiction to start creating significant new jobs and add value for their economy.

"As a country we need to find more effective ways to tackle these issues and we encourage National Cabinet to consider National Competition Policy style incentives to help make it happen."

The recommendations in Planning to Prosper are based on stakeholder workshops held during 2019 in each state and territory, including industry experts, large and small development firms, local and state government officials, think tanks and consulting firms.

The recommendations for reform are assessed against benefits such as quantity, timeliness, affordability, liveability and big economic impacts.


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## Local retail property market in a holding pattern

According to the September issue of Herron Todd White's Month in Review, the Hunter Region retail market appears to be in a holding pattern at the moment in terms of both sales and leasing activity. The retail market is waiting for the COVID-19 pandemic and the government's subsequent stimulus response to play out.

As the government stimulus is wound back there are many questions from investors and tenants alike. Will there be high levels of retail foreclosure and vacancy? Will the rental returns be as strong as they were this time last year? Will a vaccine be available in the first half of next year, returning us to a normal way of life?

The questions remain unanswered and financial forecasting to any degree of accuracy is impossible given the potential for flare ups and hot spots. If Newcastle was to go into a stage 4 type lock down next year after the federal government stimulus package comes to a close, the floor would simply fall out from under the feet of retailers.

While this is towards the worst case scenario for the retail market, it certainly is a credible potentiality. As such and quite rightly, the investor market for retail property in and around Newcastle is having a bit of a breather at the moment, waiting for the storm to pass.

The report says that we are very much hoping for a return to normal market conditions but when that happens and what damage will happen in the meantime is in the lap of the gods.

**To view the latest Herron Todd White Month in Review visit**  
**[www.htw.com.au/month-in-review/](http://www.htw.com.au/month-in-review/)**



### EXCEPTIONAL INVESTMENT WITH UPSIDE



Starr Partners Maitland are pleased to present to the market one of the best investment/redevelopment opportunities we have seen for a while.

This landmark property offers up plenty of options, including leasing the ground floor which includes an impressive fitout, refurbishment of the first floor into office space or redevelop into apartments. With 18 onsite carspaces you will be ahead of the rest.

- Prime main street location
- 20 metre frontage\*
- A grade ground floor fitout
- Ground Floor 550m<sup>2</sup>\*
- First Floor 550m<sup>2</sup>\*
- 18 onsite carspaces
- Site area 1496m<sup>2</sup>\*

\*Approximate

For further Information please call

**James Rodrick on 0400 092 414 or**  
**Matthew Higgins 0403 706 042**

### ESTABLISHED TENANT WITH SOLID RETURN



37 Hinkler Avenue is located in Racecourse Business Park at Rutherford in the City of Maitland. The property is surrounded by numerous businesses ranging from light industry, retailing and bulky good operators.

The tenant has been in occupation since 2009 and has a longstanding relationship with the community through its many sporting programs.

- Returning \$162,000 per annum net
- Clear span building
- Build area: 1791 m<sup>2</sup> approx.
- 40 onsite car spaces
- Zoning: B5 Business Development
- Liquor licence
- Male and female amenities
- Leased until 29/11/2023 with a 5 year option to renew

Contact our team today to book an inspection!

For further Information please call

**Matthew Higgins 0403 706 042**

### PRIME LOCATION



Take advantage of this prime location within a stones throw from the newly redeveloped Stockland Shopping Centre. With over 412 million spent on the redevelopment, the Green Hills shopping precinct will be a desired destination for many customers not only in Maitland but surrounding suburbs as well.

- Ducted air-conditioning
- Surrounded by numerous business
- Rear loading dock
- Approx 235m<sup>2</sup> floor space
- Full amenities

Contact out team to book an inspection!

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### FOR LEASE

### THORNTON



#### 34 Huntingdale Drive

With dual street access this highly functional industrial building of 1,993m<sup>2</sup> (approx.) comes with 400amps of power and 35kpa gas supply as well as stylish offices.

Lease: \$250,000pa + OGs + GST

**STEVE DICK 0425 302 771**

### FOR LEASE

### NEWCASTLE WEST



#### 710 Hunter Street (Unit 3)

The unit is located on the ground floor in Riverwalk commercial office development. It includes existing fit-out, air-conditioning, acoustic tile grid ceiling and carpet. It comes with (4) car parks.

Lease: \$46,000pa + OGs + GST

**ALAN TONKS 0474 744 422**

### FOR SALE

### BELMONT



#### 635 Pacific Highway (Lot 22)

Fully leased investment that is currently returning approximately \$61,000pa net and includes (8) secure car parks.

Price: By negotiation \$750,000 to \$790,000

**JASON MORRIS 0425 302 778**

### FOR LEASE

### NEWCASTLE WEST



#### 738 Hunter Street (Suite 1)

Versatile commercial space that is sure to suit a multitude of uses including professional offices or specialised retail. Features include (2) secure car parks, amenities with kitchenette and shower, outdoor courtyard for staff breaks, basement storage, all close to the Newcastle interchange.

Lease: \$49,000pa + OGs + GST

**PAUL TILDEN 0425 302 772**

### FOR LEASE

### NEWCASTLE WEST



#### 737-739 Hunter Street

These classic terraces provide stylish accommodation of 160m<sup>2</sup> (approx) and consist of open plan and separate office areas. Also includes (1) car space, balconies and courtyard.

Lease: \$44,200pa + OGs + GST

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## RECENT CHANGES TO SECURITY OF PAYMENT REGULATIONS A GAME CHANGER FOR NSW RESIDENTIAL BUILDERS

**Sam Roberts**  
**Roberts Legal**

On 1 September 2020 the NSW Government released the Building and Construction Industry Security of Payment Regulation 2020 ("the Regulation") which, among other things, will drastically change the way residential builders and homeowners resolve disputes about progress payments after 1 March 2021.

The Regulation, which otherwise made minor changes in relation to Retention Money Trust Accounts (for contract work over \$20 million) and eligibility requirements for Adjudicators, will remove from 1 March 2021 the long-standing exemption from the security of payment laws that owner occupiers have enjoyed.

### Why residential builders should be excited!

When an owner occupier of new or renovated residential premises disputes a progress claim from a residential builder the current preferred forum for resolution of the dispute is the NSW Civil & Administrative Tribunal. However, proceedings in the Tribunal can be protracted and expensive meaning that residential builders will typically experience a significant impact on their cash flow as a result of the dispute in addition to facing ongoing legal costs and Barrister's fees.

The changes to the Regulation mean that from 1 March 2021 a residential builder will be entitled to apply for independent adjudication of a disputed Payment Claim and obtain an enforceable Determination usually within 21 days of lodging the Adjudication Application.

In addition, and perhaps even more significantly, a builder will accrue a statutory right to payment of an amount claimed in a Payment Claim and will be able to enforce that right through the Courts where a homeowner does not provide a Payment Schedule disputing the amount within the allowed time of service of the Payment Claim.

In practice, residential builders' cash flow will be improved by their ability to enforce a statutory right to payment or apply for Adjudication of a disputed Payment Claim. Because of these rights, legal costs and financial hardship flowing from withheld payments will also be significantly reduced.

Whilst a homeowner will still be entitled to bring a building claim in the NSW Civil & Administrative Tribunal, such a claim will not defeat or delay the builder's entitlements under the security of payment laws and homeowners will be required to pay amounts payable by virtue of a statutory right to payment or Adjudication Determination prior to determination of any Tribunal proceedings.

### Adjudication Applications

One issue that is likely to arise in relation to Adjudicators' evaluation of Payment Claims will be the extent to which the contracting requirements under the Home Building Act 1989 (NSW) will operate to relieve homeowners of liability for payment where a contract or contract variation does not meet the minimum contracting requirements.

Where a residential builder has failed to make a contract or contract variation that satisfies the minimum requirements Section 10 of the Home Building Act denies the builder any entitlement to damages or right to enforce any other remedy in respect of a breach of the contract.

As an Adjudicator is only able to assess amounts payable under a Construction Contract, it is likely that Adjudicators will refrain from determining that any amount is payable where the minimum contracting requirements have not been met.

### What should Residential Builders do to be ready for 1 March 2021

Like all matters under the Building and Construction Industry Security of Payment Act 1999 (NSW), all rights flow from the service of a valid Payment Claim. Residential builders should, therefore, now be:

- Seeking legal advice from experienced Building & Construction Lawyers in relation to the subtleties of utilising security of payment laws effectively.



**Sam Roberts** is Managing Director of Roberts Legal. He is an expert in commercial and construction dispute resolution, business law and corporate insolvency. He assists businesses to resolve disputes quickly and also acts as virtual in-house Counsel for the development of risk management solutions and strategies to support enterprise growth.

- Reviewing their contracting procedures, standard form contracts and Special Conditions to ensure they satisfy the minimum contracting requirements under the Home Building Act and include relevant provisions that will enhance their ability to utilise security of payment laws should the need arise.
- Adopt complying forms to ensure service of valid Payment Claims with accompanying Supporting Statements.
- Review and improve practices and procedures for administering contracts and formalising Contract Variations that meet the minimum requirements of the Home Building Act.

**For more information about security of payment laws, visit [www.robertslegal.com.au](http://www.robertslegal.com.au) to download the Security of Payment Guide or contact Roberts Legal on (02) 4926 2236, email [hello@robertslegal.com.au](mailto:hello@robertslegal.com.au)**

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## HUNTER OUTLOOK REMAINS SOLID

**Craig Jennion**  
Housing Industry Association

The recent release of the July building approval figures by the ABS has confirmed that the Hunter region remains on a stable course for the near future, with dwelling approvals increasing by 9% in the year to July compared to the same period the year prior.

During this period detached dwellings, which made up 59% of total dwelling approvals, fell slightly (down 2%), while multi-unit approvals increased (up 32%). This later group, which tends to be more volatile, has as HIA forecast fallen away by 33% in the last quarter compared to the same period a year earlier. In comparison stand-alone detached dwellings have pleasingly increased 9%.

While we watch to see what impact COVID-19 will have on approvals in the future, the good news is that the steady continuation of approvals will have benefits in the second half of the year and into 2021.

The Federal Government's HomeBuilder Scheme was launched in June and it too will have an impact. Early indications are that the scheme has generated significant interest in new home building and renovations for the industry locally, despite the delayed release of the online portal.

It was also pleasing to see the NSW Government provide a further boost to our sector by increasing the threshold above which stamp duty will be charged on new homes for first home buyers. This exemption will increase to \$800,000 with a sliding scale for homes up to \$1 million for the next 12 months. The changes to the stamp duty thresholds for land are also critical in providing a full stamp duty exemption for the purchase of vacant land up to \$400,000 and concessions on vacant land up to \$500,000.



**Craig Jennion** is the Housing Industry Association Executive Director for the Hunter. He has extensive experience in the sector, including over 12 years with the Housing Industry Association in both Victoria and the Hunter.

After the September quarter, when JobKeeper rules are tightened, we should see downward pressure on employment. The question is, will an improvement in economic activity offset the reduced stimulus provided by JobKeeper? In the case of the residential building industry, the leading indicators suggest that new home starts will remain solid in the December quarter.

Across the rest of the economy, a decline in employment is likely as businesses adjust to a more accurate picture of how COVID-19 is affecting their underlying situation. We would expect employment and wages to fall from the end of September, unless the tourism and hospitality sectors recover in October.

**For further information contact Craig Jennion, HIA Executive Director - Hunter on 0414 872 090 or [c.jennion@hia.com.au](mailto:c.jennion@hia.com.au).**

SURETY BONDS VS BANK GUARANTEES:  
UNDERSTANDING THE PROS & CONS

**Simon Fosterling**  
**Marcus McCarthy**  
Nexus Law Group

COVID is having a significant braking effect on the economy and construction contractors are not immune. Depending on jurisdiction, contractors may already have been hit by recent changes to Security of Payment legislation - effectively preventing use of subcontractor retention as working capital.

Many contractors are looking at options to free working capital to help see them through COVID, and to take advantage of opportunities that will inevitably arise what goes here.

Contracting businesses might typically provide bank guarantees as security, but this can tie up substantial amounts of working capital.

Are surety bonds any different? And what are the pros and cons of using them?

**Security provided on the basis of assets not just cash**

A significant difference between bank guarantees and surety bonds is that a bank will require cash in the bank to issue a bank guarantee, whereas insurance companies do not require cash to be held to issue surety bonds. Instead, insurance companies can issue bonds on the basis of other assets as well. This means that a clear benefit of providing surety bonds rather than bank guarantees is the freeing up of working capital.

**Surety bonds can be substituted for bank guarantees**

If a contractor has already provided bank guarantees as security for a job, clients may be willing to exchange them for surety bonds, and certainly for future projects, contractors can consider providing surety bonds instead of bank guarantees.

**Surety bonds may not be available to all contractors**

The assets and financial records of an organisation will, to a large degree, determine the value of insurance bonds that an insurance company is willing to provide. This means that surety bonds may not be available to smaller organisations with limited assets or new companies without a solid financial record. The market is constantly evolving, so contractors considering insurance bonds would be advised to maintain contact with providers.



**Marcus McCarthy** is the principal of Nexus Law Group. He has acted for civil contractors, builders and subcontractors at all for over 20 years. He has conducted well over a thousand SOP and construction related matters. He is author of the Thompson Reuters Guide to Australian Construction Law, the Smokeball guide to Security of Payments Legislation and a former guest lecturer on Construction Law and Security of Payments Act at Newcastle University.

**Simon Fosterling** is a Group Principal and a senior member of the construction and infrastructure team at Nexus Law Group. He has significant experience in all areas of construction law, having worked extensively as both a civil engineer and a construction lawyer over the past 20 years, with a significant portion of that time as an in-house legal adviser to construction contractors and building materials companies.

**Pricing for both bank guarantees and surety bonds can vary**

Factors influencing price of surety bonds and bank guarantees may vary, including the market, the institution providing the bank guarantee or bond, and the nature of commercial relationships involved.

**An aura of uncertainty exists around whether surety bonds really are 'as good as' bank guarantees**

Some of the key points frequently raised to dispel uncertainty include:

- Contracts may set out required wording for security to be unconditional, and the wording on a surety bond can be exactly the same unconditional wording as on a bank guarantee.
- Often the credit rating of the insurance company issuing the surety bond will be just as good if not better than the credit rating of the banks issuing the bank guarantee.
- Surety bond providers will usually be able to provide a list of organisations that routinely accept surety bonds, which can help demonstrate general industry acceptance of surety bonds.

**For further information you get the right security in place for your project call Nexus Law Group on (02) 4961 0002, email [office@nexuslawyers.com.au](mailto:office@nexuslawyers.com.au) or visit [www.nexuslawyers.com.au](http://www.nexuslawyers.com.au)**

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It has been a hectic 18 months on the East Maitland site of The Mutual Bank's head office project since the sod turning ceremony was held in March 2019. North Construction & Building, a regional NSW commercial construction company with offices in Tuggerah, Newcastle, and Dubbo, was engaged to deliver this \$19 million state-of-the-art commercial office building.

"North was selected through a competitive tender process that included a presentation demonstrating their construction methodology, professionalism and building with trust which held true throughout the delivery of our new head office building," expressed Geoff Seccombe, Chief Executive Officer of The Mutual Bank.

Designed by dwp | design worldwide partnership, the building boasts unique and dramatic features, both internally and externally, and separated into three distinct elements: a two storey face brick

component fronting onto the main road which contains the entry lobby, retail/commercial space and also conceals the carpark levels beyond; a vertical batten screening system wrapping the carpark levels; and three storey commercial office levels, expressed in a variety of materials such as glass, concrete and pre-finished fibre cement cladding.

The 'Y-column' is the most dramatic component of the design and defines the image of the building when viewed from the major highway passing close by and on approach to the neighbouring shopping centre. The high open space created at the most prominent corner of the building clearly signifies the entry while making an impressive statement.

"A project as impressive as this one does not come around all that often," states Matthew Cook, North Construction & Building Managing Director. "It had a mix of some of the most complex structural and architectural features that North would usually experience on several individual projects and combined them into the one unique project."

"North has relished the challenge to showcase our construction skills in tackling all of the highly technical requirements the architect and engineer have inspired and developed into the design of this landmark project."

The project held a number of unique challenges for the North team. The site location and the building being designed from boundary to boundary brought some serious challenges, particularly when there were multiple neighbours and stakeholders to engage. The site is immediately flanked by Stockland Greenhills Shopping Centre which meant airspace agreements had to be obtained from Stockland to occupy their air space for cantilevered scaffolding.

North arranged an internal builders hoist through penetrations in the main floor slabs to provide man and material transportation to the upper floors during construction. Typically, this man/materials hoist would have been installed on the outside of the building where it would have caused less disruption to the fit out of the building's interior but given the access constraints of the site location, it was moved internally.

Significant temporary soldier and whaler retaining walls had to be installed on the boundary to the adjacent KFC restaurant to enable the excavation and construction of the lift shaft.

The Y-shaped column that supported the cantilevered structure at level four was a significant engineering exercise. The Y-column had to be fabricated from six individual pieces on-site due to its size and prohibitive transport logistics if it were transported in one piece. It required seven bespoke on-site fabrication jigs in order to position and fabricate the item on-site and to achieve quality assurance to strict quality controls which included nondestructive testing and ultrasonic weld testing.

The Y-column was craned into place during the night which required a full road closure of the busy main street of East Maitland – Mitchell Drive. This involved coordination with emergency services, transport services and Maitland City Council.

Once in place, the Y-column had to be filled with a high slump, small aggregate, high strength 80 Mpa concrete. Due to its size, the concrete was pumped from the base of the column by a concrete pump attachment welded to the base. Traditional 'pour down' techniques were not possible due to the congestion of internal steel reinforcement preventing a tremie hose being lowered far enough to prevent segregation of the concrete mix.

Another unique design challenge was the 'hit and miss' brickwork to the carpark façade. This required strict engineering and quality control to achieve the brickworks engineered mortar bond flexural strength of 0.20 MPa. Coupled with the structural steel support structure behind it and the increased bricks this meant the intricate brickwork pattern could withstand earthquake loads. North utilised the technical input of the brick manufacturer Austral Brick plus the expertise of the University of Newcastle to provide physical sample testing and mortar bond mix design and admixture specifications to achieve the required outcome.

"I was advised that projects of this size, scale and location are always met with several challenges, which certainly proved true with this build and I congratulate North on their ability to remain focused, manage each challenge with the upmost professionalism, working collaboratively with all parties involved to achieve the most cost and time effective outcomes," noted Mr. Seccombe.

North also had to accommodate a changing world with the advent of the COVID-19 crisis, including how to maintain social distancing on the site. To mitigate risks, the North site team made a number of adjustments: daily pre-start and toolbox meetings were broken out into smaller group; restrictions were placed on the numbers of workers allowed in certain areas and rooms; the size of communal break/meal spaces were increased; handwashing and sanitisation stations were set up at the entry and exit points; COVID-19 specific safety signage and directions were placed throughout the project site to inform everyone of the latest health guidelines and site procedures; additional cleaning/sanitisation of amenities and common areas was established; and in-person site-meetings, where possible, were moved to a virtual platform.

"COVID-19 had an immediate impact for the project," explained Richard Telfer, North Construction Manager for The Mutual Bank project. "Not only was there a direct effect on the level of productivity that could be achieved on-site but also a rapid and widespread shift in the site's daily operational procedures. North mobilised very quickly to develop safety systems and processes for all sites across the business to mitigate the coronavirus risk – actions that have, to date, successfully warded off any infections on our sites."

Another impact during the pandemic commencing was that material supply chains started to experience significant delays. For example, powder-coating products typically supplied by New Zealand ran out and an alternative supplier had to be sought who could match the exact colour previously provided to building elements such as the façade widow frames. Also, some products usually supplied from China were delayed in both manufacture and transport.

North had zero lost time injuries (LTI) on the project with more than 700 workers inducted onto the site.

"We are very proud to have been part of The Mutual Bank head office project," expressed Mr. Cook. "Thanks to a great client for their trust in us. Thanks, and respect also, to a great group of subcontractors who brought the project to fruition. It's one of those jewels that we will always drive past and be proud of our involvement."



The University of Newcastle has a long-term vision to grow, develop knowledge and be a driver of the innovative regional economy. The Honeysuckle City Campus Development is one of the University's strategic steps in achieving this vision. Situated in the Newcastle CBD, this project aspires to enhance the University's positive civic, cultural and social impact in the region.

Property and Infrastructure consultancy APP Corporation has been working on behalf of the University of Newcastle since mid-2018 on this multi-staged project. APP was initially engaged to provide project management and contract administration services for Stage 1 works encompassing mine grouting, site enabling (services, civil, remediation), and the Stage 1A building. With the campus development continuing to progress, this engagement was recently extended to include the Stage 2 works package continuing the site enabling and site activation.

Situated within the Honeysuckle precinct of the Newcastle CBD, the site has had a variety of land uses. From Traditional Owners of the land, to early settlement, and later the Civic Railway Workshops through to the 1990's, and the recent transformation into the thriving precinct enjoyed by the community.

This rich history has resulted in a site that has Aboriginal and historical archaeological sensitivities, along with contamination risks and issues. As APP's Project Manager on the Campus development, Mathew Watson is responsible for managing the complex approval processes associated with these challenges. "The project has required significant detailed planning and problem solving by the project team to enable the development to progress, whilst identifying opportunities for historical incorporation and interpretation within the development's design."

APP has worked in conjunction with numerous local and national consultants and contractors to manage the extensive works which have involved archaeology, demolition, remediation, mine grouting, civil works, utility services. The Stage 1A building works are currently in progress and scheduled for completion in mid-2021.

Damian Burke, the University of Newcastle's Major Projects Director, says the University acknowledges the important role they play as a leader in environmental and social sustainability: "The University's Environmental Sustainability Plan 2019-2025 provides the strategic targets and priority actions in our commitment to sustainability. It was essential that the Honeysuckle development took these principles into account and the project team has been outstanding in rising to the challenge."

The Stage 1A building will facilitate community and industry engagement, housing the University's School of Creative Industries and Innovation Hub. APP were heavily involved throughout the design process, to ensure the University's sustainability and innovation objectives remained the key focus. This resulted in the EJE Architecture designing to achieve 5-Star Green-Star (with pathway to 6-Star), incorporating electrochromic glazing and a mass timber structure. The unique design will achieve an eye-catching combination of engineered timber and an adjustable tinted glass, providing user comfort when tinting is required, and optional transparency to showcase the internal activities of the University.

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- Geoff Seccombe  
CEO, The Mutual Bank

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## NEWCASTLE MASTER BUILDERS GROUP APPRENTICESHIP SCHEME

*Newcastle Master Builders Group Apprenticeship Scheme is the Building and Construction Industry Specialist, supplying apprentices and trainees to residential and commercial builders and contractors in the Hunter and Central Coast areas.*

Newcastle MBA Group Apprentices employ up to 200 apprentices and trainees in all trades, including carpentry, electrical, plumbing, bricklaying and Certificate II, III & IV in Office Administration just to name a few!

Brett Lester, General Manager of the Scheme explains that he and his dedicated team are extremely skilled at their work with the apprentices and trainees and ensure that the right person is positioned with the host employers.

"We go to great lengths to ensure that our customers and employees are well tended for and our number one priority", Mr Lester declared.

"Our group has been active for over 20 years, and in the time we have delivered over 1200 Trades people into Newcastle and the Hunters Building community", Mr Lester exclaimed.



The team at MBA Group Training & Personnel

Businesses appreciate the many benefits the scheme has to offer! The flexibility of having an Apprentice or Trainee for the period of time that their company needs and the cost-effective benefits that are associated with employing staff indirectly.

All the paperwork, administration and Insurances are taken care of by us, and our hourly charge rate covers everything- sick leave, holidays, TAFE, RDO days, w/comp and even wet days! Our "Not for profit" scheme is designed to give you an easy and cost-effective way to have an Apprentice. "It is just smart business sense," Mr Lester said.

**IF YOUR BUSINESS IS LOOKING FOR AN APPRENTICE OR OFFICE TRAINEE, PLEASE CALL US TODAY AND FIND OUT JUST HOW EASY IT IS!**

## MASTER BUILDERS APPRENTICESHIP SCHEMES

**We employ the Apprentices & Trainees and hire them out to Host Employers, such as you!**

Our hourly charge rate means you are only invoiced for the Trainee/Apprentice per hour they are in the workplace with you, therefore you are not charged when your Trainee has a sick day, roster day off or annual leave days, and if it just doesn't work out you can return your Trainee to us and we will move them to another position and supply you with a replacement!

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- RTO Fees
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- Sick Leave
- Roster Days Off
- Superannuation



## KINGSTON... NOTHING'S A DRAMA!

**Is it to be, or not to be that is WAS the question!**

Kingston Building Minor Works Team, making their Thespian debut! The Newbies took the stage at Newcastle Theatre Company in Lambton and gave the Theatrical performance of a lifetime undertaking refurbishment to the exterior of The Theatre.

Starring: New cladded façade, decorative timber raspberry slats, festoon lighting, recycled solid core door fencing and

entry gates, tiered timber decking, seating and plant boxes, barn door entry, façade lighting and signage, skillion roofing, mural wall, glazing, theatre platforms, customised steel seating and beautiful pastel paint finishes, proved to be 'no drama' for the talented Kingston team.



To our friends at Newcastle Theatre Company, Kingston Building Australia would like to thank you for the enjoyable experience and the working relationship creating your refurbished funky venue. "BREAK A LEG" with your new production that commenced on the 16th of September 2020.



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## NEW LEGISLATION TO ADDRESS DEFECTIVE BUILDING WORK

**Hamish Geddes**  
**Morrissey Law + Advisory**

Before Covid-19 took control of the airwaves in February this year, building issues dominated. With continual media reports on the Mascot and Opal Tower sagas (resulting in many losing the right to occupy their own homes), the new NSW Building Commissioner and the impacts of the Shergold Weir Report in the media, the political appetite for change (and rapid change) had found the necessary base level support.

The underlying issue was a disconnect between the people designing and planning the buildings, and those certifying and building them. This was causing the chain of trust to be broken with substandard and defective buildings constructed, many of which were undertaken as a result of a design and construct contract. Design and construct contracts novate many of the design risks to the builder, but give little or no availability for the builder to engage the designers whilst undertaking the works without paying the costs. Incomplete, insufficient plans resulted in builders having to "fill the gaps" whilst constructing multistorey buildings.

In response to these issues, the NSW Government has implemented several new pieces of legislation aimed at addressing both defective building work, and those responsible for it.

### The Acts

This year we have seen the application of the Design and Building Practitioners Act and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act. Those acts, and the recent Building and Development Certifiers Act when enforced by the new "Auditor in Chief" – NSW Building Commissioner, Mr David Chandler, have significantly changed the game.



**Hamish Geddes** calls on his expertise in all aspects of construction and commercial law to develop valuable relationships with his clients and provide them with effective legal solutions and commercial outcomes. Hamish acts for builders, civil infrastructure firms, subcontractors, home builders and building industry professionals on all matters including: dispute resolution, contracts, adjudication, litigation & other commercial & construction issues.

The key tenets of the Acts are:

- A legislated duty of care on builders, designers and developers in class 2 buildings
- The requirement for building and design practitioners to be registered
- A detailed process to ensure that the designs are compliant with the relevant codes, and the buildings constructed in accordance with the designs

These Acts must now be considered (and complied with) in conjunction with various other pieces of legislation, including, the Home Building Act, the Strata Schemes Management Act, the Environmental Planning and Assessment Act, the Building and Development Certifiers Act, the Building Code of Australia, Australian Standards, local council design requirements, the LEP, the DCP and, of course, any plans that have been approved for construction.

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### When do the changes start?

The duty of care provisions in the Building and Development Certifiers Act started on 10 June 2020. The remaining reforms start on 1 July 2021 as the regulations are yet to be released to support their operation.

The Residential Apartment Building (Compliance and Enforcement Powers) Act came into force on 1 September 2020.

The Design and Building Practitioners Act and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act are essentially aimed squarely at providing the same outcome – quality buildings and people (or more relevantly insurance) standing behind them to ensure they stay standing. The Acts are intermingled in such a way that the duty of care that is now imposed on one affects the other and vice versa.

### Who does the Design and Building Practitioners Act 2020 apply to?

In summary, any person who does design work or building work on a class 2 building (an apartment building). It applies to both design practitioners – such as architects, engineers, designers etc. or a party that prepares a designed solution and building practitioners – the person that undertakes the works, more commonly the head contractor.

A design practitioner is a person who prepares regulated designs, which are designs that are:

- a design that is prepared for a building element for building work, or
- a design that is prepared for a performance solution for building work (including a building element), or
- any other design of a class prescribed by the regulations that is prepared for building work.

A building element is not a broad definition, but it does include fire safety systems, waterproofing, load bearing components, the building enclosure (being the entire external skin of the building), and any mechanical, plumbing or electrical services.

Critically, it is arguable that the duty of care applies to all building and design practitioners for a period of 10 years from when the defects that give rise to a claim in negligence are discovered by the person complaining of the defects. This is in marked contrast to the rights owners previously had under various other Acts. The Home Building Act has a 6 year/2 year time period for major/minor defects<sup>1</sup>. The EPAA Act has a long stop rule of 10 years from the date of the Occupation Certificate, or the last date on which any works were undertaken<sup>2</sup>. It is yet unclear whether the Design and Building Practitioners Act will challenge that time period, and that will likely be outlined in the forthcoming regulations, or determined by the courts.

### How do these new Acts change how apartment buildings are designed, costed and constructed?

As highlighted above, the Design and Building Practitioners Act, and the Residential Apartment Building Act are two more pieces of legislation that govern how construction works are undertaken. While the key changes are expressly outlined in the Acts, it is our view that the most significant change will be the introduction of the NSW Building Commissioner's new wide-ranging powers and penalties to enforce.

Failure to comply with the Building Code of Australia or the certification process, will have considerable impacts on all construction participants, including penalties of up to \$330,000 for corporations for a single offence and ongoing penalties per day where those offences are not rectified. These are considerable penalties financially, however, of greater impact is the ability for the NSW Building Commissioner to issue stop work or rectification orders, and refuse to grant an occupation certificate. This is the stick with which the NSW Building Commissioner has started (and will likely continue) to wave to ensure those that do not comply are no longer in the construction industry. From what we have heard Mr Chandler saying so far, it is clear that he and his department have profiled industry participants and will be actively engaging with and pursuing those participants that do not comply. Those that are in that category will quickly find themselves subject to numerous inspections. Those that are not, but carry out more than 10 developments a year should expect a visit from the NSW Building Commissioner at least once, and any issues during that inspection will likely result in those parties being added to the actively engaged list.

The new Acts create considerably more risk in undertaking a residential development, and needs to be costed appropriately. The processes for designing and building the developments will be impacted – that needs to be costed. The risks of cutting corners, providing incomplete plans, or certifying works done incorrectly will likely be considerable and will force many out of the market – that's a good thing. For too long builders have been caught between a rock and a hard place – either price and get work and figure out how to do it, or don't price it and have no work. That scenario now falls away.

There is a new cop in town. Everyone who works in construction is on notice.

**For more information please contact Morrissey Law + Advisory at (02) 4038 1620 or email [hello@morrisseylaw.com.au](mailto:hello@morrisseylaw.com.au)**

<sup>1</sup> S18E(2)(b) of the HBA  
<sup>2</sup> S6.20(2) of the EPAA

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# HBR business services

A driver was pulled over by a police officer for speeding. As the officer was writing the ticket, he noticed several machetes in the car. "What are those for?" he asked suspiciously. "I'm a juggler," the man replied. "I use those in my act." "Well, show me," the officer demanded, still a little unsure. The driver picked up the machetes and started juggling them, first three, then four, adding on at a time until finally all seven at one time, overhand, underhand, behind the back, putting on a dazzling show and amazing the officer. Just then another car passed by. The driver did a double take, and said, "That's it Maude. I've got to give up the drink! Just look at the sobriety test they're giving now!!"

A couple decide to go for a meal on their anniversary and after some deliberation decide on their local Chinese restaurant. They peruse the menu and finally agree to share the chef's special Chicken Surprise! The waiter brings over the meal, served in a lidded cast iron pot. Just as the wife is about to start in on the meal, the lid of the pot rises a tiny amount and she briefly sees two beady little eyes looking around before the lid slams back down. "Good grief, did you see that?" she asks her husband. He hasn't so she asks him to look in the pot. He reaches for it and again the lid rises, and again he sees two beady little eyes lookin around before it firmly slams back down. Rather perturbed he calls the waiter over, explains what is happening and demands an explanation. "Well sir," says the waiter, "What did you order?" "We both chose the same," he replies, "the Chicken Surprise." "Oh, I do apologise, this is my fault," says the waiter. "I've brought you the Peking duck."

A man walks into a seafood restaurant and was told they had Lobster Tails on offer for \$1. "They must be small," he says. "No, they're normal size," replies the waitress. "Well they're old then." "Fresh today," she answers. "Then I'll have one," says the man, smiling. The waitress takes him to table and he sits down. "Once upon a time," she begins, "There was a big red lobster."

"A guy sits down in a movie theatre and notices that the man in front of him has brought his dog and its sitting in the seat next to him. He thinks it's unusual, but he likes dogs, so he decides that as long as it's not a distraction he won't mention it... The movie starts and pretty soon there's a funny part. The dog makes some low woofing sounds that seem like laughter. In a little while there's a sad part and the dog appears to be weeping. This continues throughout the film and the man sitting behind the dog is astounded. When the lights come up he taps the dog's owner on the shoulder and tells him, "I gotta say, and I know it sounds weird, but it seemed like your dog really enjoyed this movie." The dog owner looks at the dog and nods. "I know, it really is weird, because he absolutely hated the book!"

### QUOTE OF THE MONTH

"The secret of change is to focus all of your energy, not on fighting the old, but on building the new." - Socrates

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