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Eaton & Sons

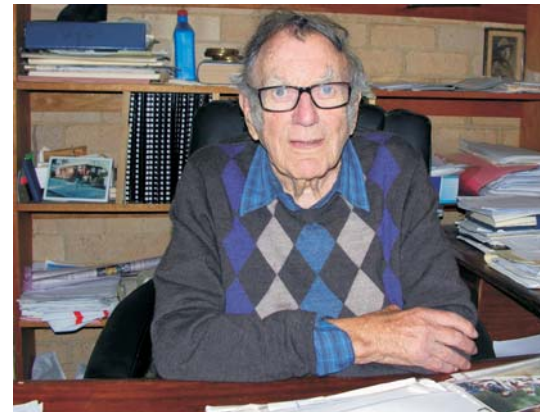
A TABMA member for over 60 years

In 1878, John W Eaton, who arrived in Australia from the UK in 1854 aged 4, established a joiners shop and timber yard at North Sydney, where North Sydney railway station now sits. In 1880 John, the grandfather of current industry icon Tony, decided to move his operation to the waterfront at Berrys Bay, North Sydney trading as John W Eaton Ltd. With no Harbour Bridge, only two timber yards on the north side and the North Shore developing rapidly, the business prospered, being well placed to serve the new suburbs to the north and west of Sydney.

The main sources of supply of timber were Canada, America, the north coast of NSW and New Zealand. In those days all the transport on Sydney Harbour was by barge and logs were towed behind. The logs would not be pulled from the water until they were ready to be sawn as the salt water preserved them.

In the early 1900's 200–300 people were employed by the company. The period after World War I saw boom then bust brought on by the timber strike followed by the Great Depression. J W Eaton died in 1938, perhaps worn out by many years of industrial action. He was succeeded in the business by his sons Keith, who served in the Great War and Colin, father of Tony, who served with distinction in World War II.

The company is said to have owned, at various times, as many as five



Tony Eaton

small lighterage tugs and many flat-topped lighters. Eaton's had their own engineers' shop and their own electricity generating plant, one of the first on the North Shore. The generating plant's steam boiler ran on the off-cuts made by the saws that it powered.

Around 1954–55 the company went into voluntary liquidation in order to sort out shareholdings and to consolidate the various parcels of land that made up the company site. Colin Eaton and sons David and Tony then formed Eaton & Sons.

Tony, who had completed an accountancy degree and who had for a period worked for another timber yard to get a bit of outside experience, joined Eatons in 1950. He recalls "I upset the office staff by wanting to install a machine instead of hand writing invoices, so I was put out in the mill to sweep up the sawdust around the machines. Then I used to drive the crane and take loads of timber to the wharves and obtain orders when I was at the ships. Then I would take the order, go back and load it and tell the office

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From the CEO's Desk

TABMA comes together

The Board of Directors of TABMA Australia and the Board of Directors of TABMA QLD have agreed, so as to present a unified association, that TABMA Australia will assume the responsibility for the day-to-day management of TABMA Qld.

Alicia Oelkers will continue as Qld Operations Manager reporting to Colin Fitzpatrick the CEO of TABMA Australia.

Steve Johnson, the Qld Chairman, was quoted as saying "TABMA Australia has the resources and expertise to successfully relieve Queensland of much of the time-consuming administrative workload, enabling Alicia to concentrate on better servicing members and growing the placement of trainees and apprentices". Steve went on to say "as TABMA is becoming a truly national association it makes sense for Queensland to be seen as part of the group rather than as a separate entity".

Peter Hutchison, President of TABMA Australia, welcomed the decision, which was made after ongoing lengthy discussions. "Although TABMA Qld has operated successfully and independently since 2001, we have always maintained a close working relationship and both Boards considered that because of the parlous state of the world economy and economies of scale, it would strengthen the TABMA brand if we were seen to be as one" he said.

The arrangement comes into effect from October 17.

Timber industry dinner

The 2011 Timber Industry Dinner was held at Doltone House in Sydney. It was a fabulous evening with a capacity 300 guests, the 2011 TABMA Awards, guest speaker former Australian test cricket captain and Channel 9 commentator Ian Chappell and the band Buzz keeping the large crowd fully entertained.

The TABMA Award winners were:

- Host employer of the Year
Fewings Joinery
- Trainee of the Year
Jared Mariano
- 1st Year Apprentice of the Year
Ryan George

- 2nd Year Apprentice of the Year
Jarrod Bissell
- 3rd Year Apprentice of the Year
Benjamin Jeffrey
- Best Frame & Truss Operation
Footersville South Australia
- Best Building Materials Centre
Home Hardware Mittagong NSW
- Most Improved Timber Yard
ATS Timber Supplies NSW
- Wholesaler of the Year
Gunnensen NSW
- Best Traditional Timber Yard
Bone Timber Industries South Australia
- Sales Representative of the Year
Daniel David, Tilling Timber
- Supplier of the Year
ITI (NSW) Pty Ltd
- Most Innovative Member
Programmed Timber Supplies

We thank the major sponsors of the evening, who without their support the event would not have been possible

- WoodSolutions
- John Cook & Sons
- ITI
- Tilling Timber
- Tasman KB
- ATS Timber
- Gunnensen.

Colin Fitzpatrick



Award winners, left to right: Paul Shadbolt, Colin Fitzpatrick, Mark Willey, Jarrod Bissell, Daniel David, Warwick Drysdale, Ryan George, Peter Hutchison, Jared Mariano, Bronwyn Foord, Haytham Moshi, Benjamin Jeffrey, Graeme Footer, Andrew Bone, David Wills

PPS – A Practical Implementation Approach by Scott McClintock

Following from TABMA's very informative PPS seminar attended by over forty members we invited one of the presenters, Scott McClintock, to provide an overview of his presentation.

The imminent enactment of the Personal Property Security Act (PPSA) and the establishment of the associated Register (PPSR) in Australia will have far reaching effects on the way many organisations manage credit provision to their customers. The fact is that this is a significant piece of legislation with complex associated regulations. This together with the problems associated with educating the myriad of stakeholders potentially affected by it, has resulted in a great deal of confusion over the “who and how” of the act’s implementation. From a commercial credit manager’s perspective, the challenge is to cut through this confusion to identify a practical and workable approach so as to enable you to take advantage of the benefits of the act and the PPSR.

The following is a simple four step approach that TABMA members may find useful in establishing their own process for implementing PPS in their respective organisations. These four steps are:

- 1 The Legal Issues – How does it apply to you?
- 2 Customer Data – What are the requirements?
- 3 Registration – Who and how do you register?
- 4 Ongoing Management – How to keep track?

Legal Considerations

This article does not attempt to address the legal issues as the author is not a lawyer. However, it is strongly recommended that TABMA members obtain good legal advice regarding how the act applies to their particular organisation and specifically, what issues need to be addressed. Most organisations will need to review their existing and future contracts (including credit applications and terms of trade) and identify what if any changes need to be made to these

contracts and how those changes can be enforced on existing contracts. It is recommended that TABMA members seek advice from a firm that understands and specialises in PPS legislation like Parry Carroll.

Customer Data Requirements

Having sought legal advice and assuming that there are commercial benefits for registering your interests on the PPSR, (particularly if you have existing ROT clauses), the next step is to identify what customer data is required in order to register. Having accurate and reliable data is critical as incomplete or incorrect customer data can make the registration process very difficult or even impossible, especially if the organisation has a large number of contracts to register. Incorrect data can also potentially lead to misleading or inappropriate registrations for which significant penalties can be incurred (up to \$25,000 per registration). For this reason we strongly recommend that you engage in a process of data-cleansing customer (debtor) records so as to verify the respective statutory identifier ie ABN or ACN. The by-product of such a process usually provides the verification of the legal name of your customer as well.

Customer data should also be de-duplicated as registering a contract more than once (for the same purpose) can be classified as misleading as well. The primary data required for registration relates to the identification of grantors (ie debtors). In simple terms the requirements for each grantor entity type are as follows:

- Companies A.C.N
 - Trusts and Partnerships A.B.N
 - Individuals (ie Sole Traders) Given Names, Surname and Date of Birth
- Organisations should explore their



PPS Seminar presenters left to right: Scott McClintock, CreditWorks Australia Pty Ltd, Troy Rollo, Parry Carroll Commercial Lawyers and Graeme Gribben, CreditWorks Australia Pty Ltd

legal obligations in relation to having supporting documentation for the grantor identification that they have, especially in the case of sole traders (e.g. it may be necessary to also have a copy of either the grantors drivers’ license or passport on file).

Who and How to Register

The third step is to address the “who and how” of actual registration. In terms of the “who”, it is important to review ledgers in light of legal advice and business strategy in order to identify debtors who should or should not be registered. Debtors such as public companies, government organisations and some debtors on special contracts may object strongly to registration and it may be in the organisations best interest not to register those types of entities. In addition, credit managers should prioritise debtors for registration on the basis of risk. For example, high exposure debtors or debtors with a poor payment history should be registered as a priority.

The “how” of registration needs to be considered in order to establish an efficient and value for money process. There are two primary methods of registration:

- Via the Government (Attorney Generals – AG) PPS website
- Via PPS service providers

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Protecting your website By John Pagacs, Australian Business Lawyers & Advisors

What rights does your business have to use its domain name?

Whether it is to attract customers or to sell their goods or services, many businesses have come to rely on the Internet. However, the right that a business has to register and use a particular domain name for its website is something that must be carefully secured and should never be taken for granted.

At the heart of any website is a unique identifying "IP Address" that is accessed through a unique name called a domain name. For example, www.ablawyers.com.au is our firm's domain name through which our website is accessed.

Some business owners and operators think that domain names are allocated purely on a 'first come-first served' basis. Nothing could be further from the truth. Just because a person has registered a Domain name does not mean that they have any rights to that name. In Australia, legal ownership of a name is best secured by first applying for and then registering a trade mark that is identical to or very similar to the name you want. The registered owner of a trade mark has the right to stop others from using their trade mark. Anyone who uses some other person's trade mark risks being sued.

It is often thought that registering a company name or a business name will mean that you automatically own that name. However, you don't. Registration of a company name or business name does not give your business any rights to that name and certainly does not give your business the same rights that the registration of a trade mark can provide.

The same applies to domain names. Nobody can actually "own" a domain name. Everyone simply licences the domain name from a particular registrar. The licence that a business has to use the domain name is subject to several rules. One of those rules requires the domain name user to

agree to a process of dispute resolution if anyone challenges their use of that domain name. Under the dispute resolution process, if a business is the registered owner of a trade mark it can make a formal complaint to a dispute resolution body and apply to have the registration of any domain name that is identical with or deceptively similar to their trade mark transferred to them. This can be a relatively quick and easy thing to do and does not require any court action.

To secure ownership of your domain name, you could try to register it or a similar name as a trade mark. Registered owners of trade marks can stop their competitors from setting up domain names that are identical with or deceptively similar to their trade mark. The bad news is that any business that has not properly secured its rights to use a domain name risks losing that domain name and also risks being sued if someone else has already registered a trade mark corresponding to that domain name.

Five tips to help your business secure its right to use a particular domain name

- 1** The best legal way to "own" a name is by applying for and registering a trade mark. Any business that wishes to secure a right to use a particular name should consider applying for a trade mark for that name.
- 2** If a business wishes to register a particular name as a domain name for its website, the business should first consider whether or not that domain name will infringe someone else's trade mark. If it does not infringe any existing rights, then the business should secure the use of that domain name by obtaining a corresponding trade mark.
- 3** Any domain name that is identical with or deceptively similar to someone else's trade mark risks legal action. The only way

for a business owner to be sure about whether or not they are infringing someone else's trade mark is to conduct a thorough search of the register of trade marks. While you are at it you should also check to see if there are any established businesses using similar names.

4 The owner of a trade mark has the ability to use a relatively quick and easy dispute resolution mechanism if someone has registered a domain name that is identical with or deceptively similar to their trade mark.

5 If some other business is infringing a trade mark that you own then you should do something about it. Allowing competitors to use a domain name that is similar to your trade mark risks reducing the value of your trade mark. Every day in Australia there are many domain names registered without much thought to who has the right to use that domain name.

As more and more businesses seek to use the Internet it is becoming ever more important to ensure that your business secures.

Contributed by  NSW Business Chamber



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Forklift Safety Tip

Keeping to the left hand side of roadways

Forklift operators are required to keep to the left hand side of road ways and wide aisles. When all operators know that they pull to the left when another forklift approaches head on, there is little confusion.

Many operators will pass on whichever side they like. This creates chaos. Imagine driving

your car down the road and passing other cars on whichever side you like. The results would be disastrous.

The correct procedure is to always keep to the left, allowing on coming vehicles to pass down the right hand side. When overtaking slower vehicles from behind, sound the horn and wait

until the slower operator has seen you and you are certain that no vehicles are coming the other way. Then, overtake carefully down the right hand side of the slower vehicle.

Source: Australian Forklift Training

Eaton & Sons A TABMA member for over 60 years

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staff 'there's another load for town'. So they made me a salesman".

In 1955 Eaton & Sons opened the current Forestville site on what was previously a market garden.

Access to the waterfront site at Berrys Bay was becoming increasingly difficult as the company was utilising road transport more and more, moving away from water traffic. The winding, narrow roads to the site made its future untenable and its closure in 1982 marked the end of an era.

In 1964, Colin died at age 60 and Tony and brother David took over the running of the business with Tony buying David out in 1981. In 1979, Tony's son Jim, joined the business after obtaining a Bachelor of Commerce degree and gaining experience working in a timber yard

in Oregon, USA. Tony's other son Doug joined the firm 5 years later following some time with a large law firm. Tony was a TABMA Councillor from 1978 to 2001.

After establishing Forestville, other Eaton's sites were opened. Today, sales focus is around their Central Coast and Hunter regions, with manufacturing recently relocated to Mannering Park.

Today the Eaton business is 60% trade but does vary from store to store. Major trade suppliers are Hyne, Carter Holt Harvey, Gunnensen, Boral, James Hardie and Tasman KB. The stores are affiliated with Mitre 10 and also foundation members of this trade group.

Jim Eaton is based at Forestville while Doug, who for a period was Mayor of Wyong, is based at

Mannering Park. Jim's son Robert and daughter Nicky have also joined the business to ensure the Eaton dynasty lives on.

Tony, who is still very active, lives at Roseville and has only a 4 minute commute to his Forestville office which suits him just fine.



Eaton's premises at Forestville



PPS – A Practical Implementation Approach

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The Government PPS website is effectively a “one record at a time” approach that seeks to provide an avenue for every type of registration but is hindered by a cumbersome user interface that results in a time consuming process to affect registration. However for very small numbers of registrations, it may be viable for some organisations.

Alternatively, there are a number of PPS service providers in the market with registration solutions. TABMA members are advised to review the offerings of the various service providers to identify a process that meets their needs. Some requirements that should be considered include:

- A service provider with a specific Credit focus to assist the process
- The capacity to support both one-off and bulk registrations
- A facility to sort and manage debtors that should not be registered
- A facility to provide for ongoing PPS management functionality

Ongoing PPS Management

The ongoing management of PPS registrations is just as important as the initial registration process. Ongoing management provides the mechanism to keep track of all of your activity with

respect to the PPS and should include the facility to manage:

- Registering new accounts once they are opened
- Renewal of expiring registrations
- Deregistration, both on request and also by default when a debtor is effectively no longer trading with an organisation
- Tracking of debtors “not to be registered”
- Reporting for both internal management and possibly regulatory requirements

Implementing PPS within an organisation is a daunting task and there are certainly some challenging areas, particularly in terms of legal requirements and data cleansing. However whilst appearing onerous it is achievable and it is hoped that this four step plan will make the process easier for credit managers.

Scott McClintock is Chief Information Officer for Creditworks Australia Pty Ltd, a provider of specialised services to the commercial credit sector which works closely with the BTC and TABMA. Scott can be contacted at scott@creditworks.com.au



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Important: Persons should not act on the material contained in articles in this newsletter as the items are of a general nature only and may be misinterpreted. Also, changes in legislation can occur quickly. We therefore recommend that advice be sought before acting in these areas. The articles are issued as a helpful guide to TABMA members and are for their private information. It is considered confidential and should not be made available to any other person without our approval.

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