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AUSTRALIAN LEBANESE CHAMBER OF COMMERCE • AUGUST 2013

NEWS



JBEIL NAMED AS THE BEST ARAB TOURIST CITY

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A WORD FROM THE PRESIDENT



Dear Members and Friends

The current turnaround in the real estate market is encouraging, and no doubt this will have a positive impact on the economy as a whole.

NSW is definitely in need of some good decisions, and good news to help boost the confidence of the market, in particular the construction and real estate sectors. The low interest rate is one of the major reasons why we are witnessing this current trend, and the higher demand on housing.

Once again, I believe that it is very important for both the Public and Private sectors to work together hand in hand for the benefit of this great State.

We are blessed to be in this wonderful country and it is our duty to work together to keep it that way.

On behalf of the ALCC Board of Directors, I would like to wish you all good health and every success for the future.

Joe Khattar AM

President

The Australian Lebanese Chamber of Commerce Ltd.

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JBEIL (BYBLOS) NAMED BY THE U.N. AS THE “BEST ARAB TOURIST CITY”



One has to admit that if it wasn't for the people and Municipal Council of this ancient City, Jbeil would not have received this recognition from the U.N. world tourism organization; thanks to their continuous efforts and dedication to make this city a joy to visit and to appreciate all the wonderful archaeological sites that this beautiful city, has to offer....Jbeil, the home of the alphabet, has witnessed the rise and fall of many different cultures that date back to 7000 years.

The various Restaurants and open air bars that are scattered within the ruins are beautifully designed to allow the visitors enjoy the splendor of the past and the comfort of modern day living...the ancient Port of Jbeil, which has kept its original character takes you back in an instant to the days of the Phoenicians. This is the same place from where they sailed their boats to various world destinations. The nearby Crusader Castle and the old Souks are a must to see for all visitors.

Due to all these factors, Jbeil is now well known as a trendy destination for both the Lebanese and the visitors that come to Lebanon to enjoy all that this beautiful country has to offer.

On many occasions, and in many places while in Lebanon, I said that I would love to see such cities as Baalbek, Tripoli, Sidon and others follow in the same footsteps as the people of Byblos and take the initiative to make their respective cities and towns an interesting destination for the visitors and the Lebanese themselves. I believe that individuals can make a big difference and the Lebanese have proved this time and again.

Regardless of the current political unrest and the security situation in some parts of the country, we can be thankful that such places as Byblos and Beitedine are adamant to show Lebanon's true image and are able to put on some great summer shows for the people of Lebanon and the visitors to enjoy.

Michael Rizk

Head of Trade Relations Australia-Lebanon ALCC



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THE UNITED ARAB EMIRATES: MAKING A COMEBACK



Although a robust economy underpinned by a thriving hydrocarbon industry and a number of key non-hydrocarbon sectors, the United Arab Emirates was not entirely immune from the effects of the global financial crisis. One of the catalysts in this regard was the burgeoning real estate market, which grew from virtually nothing in 2002, when the market was opened up to foreign ownership, to being one of the most active real estate markets in the world in 2008. When, in late 2009, one of the country's largest state-owned conglomerates, Dubai World, requested a standstill on its debt obligations, estimated to be in the vicinity of US\$100bn, it was clear that significant efforts needed to be made in order to navigate these issues in a clear, concise and swift manner to

ensure continued confidence in the country and therefore sustainable foreign direct investment. To the credit of the wise leadership of the UAE, both at Federal and individual Emirate level, led by HH Sheikh Khalifa Bin Zayed Al Nahyan, President of the UAE, Ruler of Abu Dhabi and Supreme Commander of the UAE Armed Forces, HH Sheikh Mohammed Bin Rashid Al Maktoum, Vice President and Prime Minister of the UAE and Ruler of Dubai, HH Sheikh Mohammed Bin Zayed Al Nahyan, Crown Prince of Abu Dhabi and Deputy Supreme Commander of the UAE Armed Forces, HH Sheikh Hamdan Bin Mohammed Bin Rashid Al Maktoum, Crown Prince of Dubai, Their Highnesses the Rulers of the Emirates of Sharjah, Ras Al Khaimah, Umm Al Quiwain, Ajman and Fujairah and HH Sheikh Ahmed Bin Saeed Al Maktoum, Chairman of Emirates Group, a pragmatic approach was taken in terms of tackling the problem head-on with lenders and other creditors, with the end result being a framework that was devised to deal with these matters in a structured fashion.

As a result of this short-term upheaval, significant attention has been paid as to how the UAE wants to position itself going forward on the global stage as an international centre of commerce. The UAE occupies a unique geographic and demographic position, being equidistant between North America and Australia, as well as between Europe, Africa and Asia; it is also within 3 hours' flying time of a market of some 2 billion people. This provides the UAE with the enviable position of being a hub for many industries and companies, both regional and multinational, and this has seen a refocus on the country's core industries of trade, tourism, hospitality, manufacturing, logistics, transport, financial services and SME businesses, the latter particularly being the backbone of the economy.

This strategic repositioning has, in the past 6-9 months, seen the cautious but optimistic revival of the hitherto flat real estate market. The difference this time around is that projects are being designed and implemented in the context of there being a clear alignment to the country's strategic goals aimed at further developing and growing its core industries as previously mentioned; the other difference is that projects being announced have longer lead times to completion, with 10-20 years a common timeframe as opposed to previous tight timeframes of 2-5 years. Examples of such projects are: Mohammed Bin Rashid City, a mixed-use development in the heart of Dubai; five theme parks slated for construction near the Jebel Ali Port and Free Zone; Dubai World Central, a massive air transport and logistics hub, which already caters for cargo transport and will eventually have five runways and a capacity for 125 million passengers per annum; Khalifa Port and Industrial Zone, situated in the Emirate of Abu Dhabi approximately halfway between Dubai and Abu Dhabi; and the cultural district on Abu Dhabi's Saadiyat Island, which already has a campus of the Sorbonne and will eventually house the Louvre Abu Dhabi and the Guggenheim Abu Dhabi.



There are a number of other initiatives which underpin this reinvigorated strategy to continue the sustainable growth of this relatively young nation. First, the recent alliance between Qantas and Emirates will not only provide a boost for the UAE's tourism and hospitality industries, but it should also see growth in two-way trade in goods and services between the UAE and Australia. Second, Dubai is a candidate city for Expo 2020, and we will know in November 2013 whether or not they have been successful in securing the rights to host this internationally-renowned event; if they are successful, this will provide an even greater impetus to many industries not only in Dubai, but in the UAE as a whole. Third, in early 2013, HH Sheikh Mohammed Bin Rashid Al Maktoum, Vice President and Prime Minister of the UAE and Ruler of Dubai, announced an initiative entitled "Dubai: Capital of Islamic Economy", which aims to set up a comprehensive platform of Islamic economy products and services. The initiatives aim at integrating the Islamic economy as part of the overall Dubai economy, and the platform includes Islamic finance instruments, Islamic insurance, Islamic contracts arbitration, Islamic food industry and trade standards (Halal food) and Islamic quality management standards. The new framework for promoting the Islamic economy will further strengthen the open and integrated approach of Dubai in doing business, and it is expected to lend further momentum to Dubai's well-diversified economy, which is on an ambitious growth path fuelled by the robust performance of its core sectors including trade, retail, tourism, aviation, hospitality, financial services and logistics.



Overall, the future is certainly bright for the United Arab Emirates, and this will definitely have flow-on benefits for the region as a whole in the years to come, particularly with its stable political and economic environment that is pro-business and is home to both regional and international headquarters of many well-known companies.

Adam Malouf is the Chief Operating Officer for a Dubai-based regional financial services company and has been based in the Middle East region for 9 years. He is also a qualified company director and a Fellow of the Australian Institute of Company Directors. Adam can be contacted on +61 450 314 222, +971 50 655 2274 or adammalouf@gmail.com.

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2013! THE REAL ESTATE MARKET TIPPING POINT!



This year will be known as the tipping point for the real estate market moving from 'normal' to in some cases, boom like conditions. Rising Prices, the lowest interest rates in over 50 years, and a genuine shortage of properties on the market has contributed to this change. And it's only just the beginning!

Australia wide prices are up 3.8% in the last financial year, whereas they declined 3.6% in 2011-2012. So what we have experienced so far this year is simply making up for the loss in the previous year.

As we all know the real estate market moves through cycles and what we are currently seeing is the beginning of an upward cycle that has only just begun. It has been over 5 years since the Global Financial Cycle (GFC) started. During this period, things were either in decline or on hold in the real estate market. Many sellers and buyers had their "finger on the pause button". It's not that there were no buyers. It's just they weren't in the market.

Confidence! This has been the main trigger for the change in the market we are seeing today. People now have the confidence that they can more safely make major financial decisions.

A basic principal of real estate is turnover first, prices second. This year turnover has gone up, time to sell down, and now prices are going up at an increasingly faster pace.

This is seen in the established market, but it is even more pronounced in new projects. The rate of 'off the plan' sales this year have been higher than we have experienced for many years. This has been supported by government incentives and the pent up demand. There are eight buyer profiles that are actively buying new properties at the moment, which is giving developers the motivation to buy sites, build and sell!

If you would like more specific information about the current market as it relates to you (or a copy of the 8 buyer profiles) please do not hesitate to call Tony Abboud at Snowden Parkes on 02 9808 2944 or tonyabboud@snowdenparkes.com.au

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Danny Arraj

Managing Partner
Blackstone Waterhouse Lawyers



Mark Fitzpatrick

Special Counsel
Blackstone Waterhouse Lawyers

Profit margins and returns on property investments and development projects are under increasing pressure. More than ever before, developers and investors need to be smart and informed when acquiring land and commercial buildings. Lawyers can fulfil a key role in developers' and investors' acquisition strategies by undertaking comprehensive pre-contract due diligence, so that their clients are fully informed and aware of relevant risks. Understanding potential risks and costs **before** committing to an acquisition can help developers and investors to maximise margins and profits.

We have often heard developers describing lawyers as 'road blocks' who get in the way of a good deal. Often, the real problem is that the lawyer is not showing the client the value that they can add to the client's project, and the client isn't getting the best out of their lawyer.

Due diligence is about being prepared and being aware, not about being timid. In this article, we provide a brief guide to help make due diligence a positive contribution to property development projects instead of a negative one.

Part of the team

The first thing to do to get the most out of your lawyer is make them part of your development team as early as possible. Some people will tell you that you will pay more in terms of legal fees. We don't believe that is true. When a lawyer is brought into the development team early in a transaction they can use the knowledge and resources of the buyer's other consultants to quickly get informed about the development site, and prepare a plan of action to meet the client's time frames. An informed lawyer can concentrate on relevant issues and select the types of searches and enquiries that should be undertaken, suited to the specific site.

On the other hand, when a lawyer is brought into a transaction at a late stage, they can often over compensate for short time frames and unknown details by trying to cover every conceivable risk about the site. They can end up trying to protect themselves as much as protecting their client. This can result in protracted contract negotiations as the

lawyer raises issues which are not really relevant because the lawyer is not properly informed about the buyer's intentions and its knowledge of the site.

In a recent transaction, we were able to save a developer client precious time and costs when we identified early in the planning process that the council would demand that the developer enter into a voluntary planning agreement and we started negotiations with council at an early stage which avoided delays.

In another project, the developer did not keep us informed about its negotiations with council about a voluntary planning agreement until just before the developer wanted to lodge documents at the Land Titles Office for a subdivision. In that situation, council refused to consent to the subdivision until the voluntary planning agreement was in place. Negotiating and drafting the voluntary planning agreement took several weeks; which meant the developer lost valuable time.

Excluding lawyers from the development team can be a false economy.

Solutions not problems

Old fashion lawyers tend to present a client with a problem, but don't always provide a solution. That is only doing half the job.

As a member of a developer's team, it is critical for the lawyer to be part adviser and part problem solver. In a recent transaction, we put in place a strategy to assist a developer to comply with the terms of a contaminated land order by negotiating **directly** with the Environmental Protection Authority. The Authority was prepared to be flexible because the approach we took convinced it that the developer was genuine about resolving the issue. This helped to avoid a protracted paper war and potential prosecution and litigation. Our strategy saved the developer fees and fines of over \$100,000.

Planning ahead

When buying land for development, developers and investors need to plan ahead to make sure they are

ready to tackle each stage in the process on time, if not sooner! Obtaining consents can be one of the most time consuming parts of the development process, especially with councils and other government authorities. To minimise delays, a good transaction plan will track the way forward so that the developer and its consultants can work together to achieve the developer's deadlines by anticipating the developer's requirements at key stages in the project. Unless your lawyer has undertaken due diligence and knows all the relevant risks, they will not be able to provide a proper transaction plan.

Tax issues

It is critical that developers and investors organise their corporate structures, and their transaction plan, to take account of the impacts of taxation. For example, developers who are selling off the plan must check the GST treatment of previous sales of the development site if they intend to sell using the margin scheme. Changes in recent years to the GST regime mean it is more difficult to automatically qualify for the margin scheme. Developers should get specific GST advice before entering into a contract to acquire a development site, because previous treatment of GST by predecessors in title will influence whether or not the margin scheme can be applied.

Often, developers retain commercial or retail lots in developments for investments after selling lots off the plan. Usually, they prefer to transfer the retained lots to a shelf company after the building is completed so they can wind up the development company. If properly documented, this can be achieved without payment of stamp duty. However, stamp duty concessions may not be available depending on the corporate structure used by the developer. It is too late to try to review the corporate structure at the end of the project. It must be done **before** the land is acquired. Pre-planning is the key to good tax treatment.

Financier's requirements

The future requirements of a financier are seldom at the front of a developer's mind when they are trying to seal a deal to acquire a development site.

However, it is important to ensure that the developer sets in place the correct structures so that they can comply with their financier's future requirements. Sophisticated financiers require substantial risk management and certification. For example, some financiers will not finance the acquisition of a development site unless it has been certified as clear of contamination such as asbestos. If a developer commits to a contract for sale before getting finance approval, it may be forced to accept higher rates, or seek mezzanine finance at higher costs, in order to complete the sale.

Financiers are becoming stricter about accepting off the plan sales with deposits of less than 10% or with more than a fixed percentage of overseas buyers. These details need to be known and implemented by the developer's marketing and sales team, including the selling agents and lawyer, to avoid problems when the developer is seeking construction finance approval.

Summary

Effective due diligence is about being prepared and being informed. A good due diligence lawyer will help developers and land owners make fast and effective decisions.

We can help you

At Blackstone Waterhouse Lawyers we specialize in providing legal services to the development and construction industry, and commercial landowners. Our services include:

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**If you have any queries in relation to any aspect of this article please contact
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TONY BURKE VISITS LEBANON



On 23-27 May 2013 I represented the Australian Government at a number of events in Lebanon including the episcopal ordination of Bishop Antoine Tarabay, Maronite Bishop of Australia, in Bkerke. The trip provided me with a wonderful opportunity to reaffirm the importance of the bilateral relationship between Australia and Lebanon, especially our strong community links.

During my time in Lebanon, I had the opportunity to travel to a number of villages and meet with many different faith communities. The places I visited included towns in North Lebanon, travelling towards Tripoli to Beirut and neighbouring villages.



While in Beirut, I had the honour of meeting with the President of the Republic of Lebanon, General Michel Sleiman. Following this meeting, I was able to go to the gardens of the Presidential Palace and, there, right in the middle of the gardens, are an old cedar tree, a young cedar tree and an olive tree. Planted there with them now is an Australian gum tree.

In return, I will plant a Lebanese cedar in amongst the Australian trees on the grounds of the Lodge, the official Prime Ministerial residence in Canberra.

In this way, when the westerly winds blow through Canberra and the eucalyptus leaves fall, they will be

landing side by side with the needle-like leaves of a cedar of Lebanon. In Lebanon, in the presidential palace, the roots of the cedar of Lebanon will intertwine with an Australian eucalypt, forever bound as a symbol of the close relationship our countries and communities share.

I also had the opportunity to meet with the Lebanese Minister for Culture, Mr Gaby Layyoun, and the former Minister, Mr Salim Wardy. Along with the chance I had to meet with representatives of local arts and cultural organisations, these meetings provided me with a deep insight into the richness of Lebanese culture, and presented an opportunity to encourage closer creative collaboration and cultural exchange between artists and cultural institutions in both our countries.

My visit was very productive and also offered me a personal insight into Lebanese life, culture and community. I look forward to returning in the future to further build on the close ties shared between Australia and Lebanon.



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ALCC 2012 ANNUAL BUSINESS AWARDS DINNER

The Australian Lebanese Chamber of Commerce's night of nights was once again held at Doltone House, Pyrmont to celebrate the success of those who are making a difference in our business community.

In November 2012, The ALCC saw over 750 guests attended the event along with guest speaker Nick Greiner AC and The Hon. Anthony Albanese MP. Michael Levy from 2GB had done a fantastic job as the night's MC.

The ALCC would like to acknowledge and congratulate the following award recipients for 2012:

- **Elephants Foot for Waste Management & Recycling Solutions**
- **Wk Quantum Quartz for Importing & Distribution**
- **Sarkis Bros for Sandstone & Quarry**
- **TMA Group for Manufacturing & Printing**

Congratulations and Well Done!!! The Chamber thanks you for your service to our community and country. We wish you all the best in your future endeavours and your pursuit for excellence.

The prizes did not stop there! Every guest present had the opportunity entre our famous Lucky Door raffle. A big thank you to: Gregory Jewellers, Smeg, Garuda Indonesia, CaromaDorf, Antoine Saliba, Shriro Australia, Institute of Training, Daikin with J&J Metro West, ZednZed. 2GB and Q2 Solar for donating prizes for the evening.

The night's entertainment were provided by MixnMatch, Dwyer Whelan Academy of Irish Dance, Booza Ice Cream, Veronica Al Khoury Haute Couture and Bufori Motors.

And to our event sponsors Tripod International and Knight Frank, a big thanks for making the night possible. Tripod International put on a dazzling display showcasing the Adma Hills Appartments. "In the foothills of Keserwan, with panoramic views overlooking the bay of Jounieh."

As you can see, there are lots of activities that go into making the ALCC Awards Dinner a success and we are grateful for the contributions of our supporters.



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