



The LSLC Shell

Issue 1 Vol 2 Summer 2007



Lynda's Corner:

Welcome to our belated summer edition...we are hoping that with the scorchers we have been experiencing in Melbourne of late, you might have forgotten that it is no longer summer!!

After the Christmas break, the office has been bustling with lots of new and interesting matters for new and existing clients. Hot on the agenda for many businesses in the new year has been the question of employment. Given the many questions we field on the topic, we have decided to present some helpful summaries related to the new Workchoices legislation with a focus on the practical considerations for small and medium businesses in particular. Given the vastness of the new laws, we will highlight the relevant issues over two newsletters.

Employment has also been on our minds here at LSLC too. I was very sad to lose my assistant Lara, whose last day was Friday 9 March. Lara, as many of you know, is a talented marketing student and she is leaving LSLC to pursue job opportunities in the marketing field as this counts towards her degree. If any of you know of any job openings, please let us know. Lara was instrumental in the introduction and publication of this newsletter and managed our client loyalty program. She was also my right hand in the office - an altogether fantastic assistant.

As we farewell Lara, we welcome Ellie Hocart, the newest face at LSLC. Ellie has started with us as a school based apprentice and will be working 3 days a week, while finishing her year 12. Ellie loves horses, lives locally in Ashburton and is already picking things up really quickly. We know you will all make Ellie feel at ease when you speak with her on the phone and when you come to the office. We thank you for your patience while she settles in.

Until next time, we look forward to continuing to serve your legal needs in 2007.

Regards Lynda ☺



LSLC News:

New IP Australia Trade Mark Registration fees

As of 1 March 2007, the registration fee for trademarks will be \$250 per mark per class. This is a decrease of \$50. For those of you who have been putting off Trade Mark registration because of the cost, this may just be the incentive you need to take action.

New LSLC Fees

All of our valued clients will in the next week receive our updated Disclosure Document via mail or e-mail. After keeping our hourly rate the same for three years, ever increasing overheads, in particular professional indemnity insurance, has made it necessary for us to increase our fees to \$220 an hour + GST effective 1 March 2007. Those clients who have cost agreements in place with us will still enjoy the benefit of the fixed fee we have agreed upon.



LSLC News Contd:

The new fees will only apply to new matters. LSLC continues to strive to offer quality yet cost effective advice and you will all no doubt agree that we remain very reasonably priced. We thank all our clients and those who continue to refer work to us, for your continuing support.

LSLC Client Loyalty Program - Xmas 2006 Top 10

Congratulations to our LSLC X-Mas 2006 "Top 10" clients who (in no particular order) were:

- **Endota** - national franchised day spa chain which continues to expand with new stores opened in Melbourne CBD, Sydney CBD and Daylesford this past year.
- **Lovitt's** - manufacturers and distributors of premium quality pet food products who opened a new factory in New Zealand this year.
- **Whittle Waxes**- importers and distributors of eco-friendly timber floor treatments.
- **Voice & Word**- specialist provider of services and products in Voice - offering consulting and facilitation services in public speaking, communication skills and presentation skills.
- **SED Consulting Group** - management consulting franchise network which has this year expanded nationally to have licensed business partners in South Australia and Tasmania.
- **Ennpower Pty Ltd** - Owners of two newly established Endota franchises in the key locations of Daylesford and Sydney CBD.
- **Fattycrab Pty Ltd** - New Owners of three Blockbuster franchises in Ballarat.
- **Eyre Biobotanics**- wholesalers of organic men's skin care products now exporting to the UK and Europe.
- **Alienotopus**- designers, wholesalers and soon to be exporters of Timothy Neate clothing, artwork and designs.
- **ADPR**-Newly established drain and pipe repair business utilising no dig technology.

Our Xmas Top 10 were all surprised with a custom made **Lazy Summer Lifestyle Charger** hamper filled with book, magazine, dvd, pillow, wine and other goodies to encourage rest and recharging over summer.

Our next Top 10 will be announced in July.

My Business My People - New Government Initiative to help Small Business recruit and retain staff

Finding and keeping skilled workers has become the number one concern facing many small business. The Victorian Government is investing \$10.6 million over the next four years in the My Business, My People initiative which assists Victorian small and medium sized business owners and operators plan to attract and retain the skills and staff they need to grow into the future. The Small Business Advisory Council of which Lynda is a member had input in the development of the initiative and one of LSLC's key clients SED Consulting has won a tender to provide services a part of the initiative.

The following help is available to businesses:

- free onsite assistance from workforce planning specialists
- independent specialists working free of charge with you to develop an action plan that identifies workplace planning improvements and skill development needs
- subsidised management development programs for business owners and managers
- access to an online toolkit of workforce planning and HR management resources including useful templates for things such as creating job descriptions, interview questions, job advertisements and other useful tips.

Go to www.business.vic.gov.au and follow the links to My Business My People.



What you may not know about Workchoices Part 1 - *Record Keeping Obligations for Employers*

When the new Industrial Reform Laws are mentioned we may automatically think of AWAs, what it means for the old “award” system or the stories we hear on the current affairs programs about employees being sacked and told they can only come back as casuals.

Having an employment contract is very important to clarify the employer’s and employee’s respective rights and obligations. It is also important to consider how you can protect your business from your employees running off with your trade secrets or clients and setting up competing businesses.

While many of you may have given thought to introducing new workplace agreements, many businesses may not have looked into the more subtle new obligations they have under Workchoices. Some of the new compliance requirements all businesses should be aware of relate to:

Record keeping
Transmission of business
Unfair Dismissal

Record Keeping

Under Workchoices, all employers must keep records in relation to each of their employees including:

- Name of employee
- Employee’s DOB
- Any award or agreement applying to the employee and the employee’s classification
- Whether the employee is full time, part time or casual
- Number of hours to be worked per week
- Date employment began

All of the above may be confirmed in the initial letter of offer.

If you are paying overtime, you must also keep a record of start and finish times. It may be easier to have the employee keep a time sheet.

If the employee’s salary is less than \$55,000 per year net of super, bonuses, loadings etc, you must keep a record of their total hours worked.

Even if an employee is not entitled to overtime and earns over \$55,000 per year, you must keep a record of the nominal hours worked together with records of annual leave and personal leave.

Employers must also keep records of superannuation contributions and records of termination of employment, including whether it occurred by consent, notice, summarily or in some other manner.

Finally, employers must pass all of the above records on to the purchaser of a business if there is a transmission and the employee takes up employment with the new owner.

Payslips

Employers **MUST** provide each employee with a payslip in writing within 1 day of payment and specify:

- Employer and employee names
- Date of payment and period of payment
- Employee’s classification and hourly rate
- Number of hours worked
- Gross and net salary
- Any bonuses, loading, deductions
- Superannuation contributions



Feature Article Contd:

Penalties

All of these requirements are “strict liability” provisions and carry penalties and civil remedies for breach. You could be fined \$275 per infringement by a Workplace Inspector.

Most of the record keeping and payslip provisions can be easily complied with if you use electronic accounting packages such as MYOB and Quickbooks, but it is imperative that the set up of the packages is done properly to ensure that nothing is missing.

In our next issue, we will summarise the new unfair dismissal provisions and the difference between unfair dismissal and unlawful termination. In the meantime, should you wish to discuss the introduction of workplace agreements or collective agreements for your business, contact LSLC.



What's On:

FREE Innovic Innovation Seminars

To Market, To Market: Marketing your Idea

1pm - 2pm Wednesday 21 March

Getting Started with your Innovation

1pm - 2pm Wednesday 4 April

Licensed To Thrill: Licensing your Idea

1pm - 2pm Wednesday 18 April

All events at Innovation @257, Level 1, 257 Collins Street Melbourne
For bookings go to www.innovic.com.au or call 9650 4733

Telstra Business Woman of the Year Awards 2007

Nominate a fabulous business woman you know. Lynda had such a fabulous experience being involved last year - she recommends it to everyone. Go to www.businesswomensawards.telstra.com

Nominations open on 10 April 2007.

This newsletter is for information purposes only. Nothing in it should be construed as legal advice nor relied upon as such. If you have a specific legal query please contact us on 9885 5105 or e-mail lynda@slc.com.au.

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