

## Welcome to Community Management Solutions 3<sup>rd</sup> E-News Edition for 2013

### New Name, Same Expert Service!

Welcome to your new look newsletter 'Newsolutions'! ACSEA has changed its name to Community Management Solutions (CMS) to better reflect what we do, so you will see some changes from us over the next few months. You can still contact us on the same telephone numbers, but make sure you check out our new-look website at [www.cmsolutions.org.au](http://www.cmsolutions.org.au), and our new email addresses will end in '@cmsolutuions.org.au' (don't worry – the old ones will still get through for a little while too!). Award updates, Pay Rates and Fact Sheets are still all there on the Members area of the website, but they are now colour coded for easy reference. We will keep adding improvements, but whatever you need from us, it will still be the same professional service wrapped up in a new professional look.

For more information, call us on (07) 3852 5177 or 1300 007 110 (toll free), or email [info@cmsolutions.org.au](mailto:info@cmsolutions.org.au).

### 1<sup>st</sup> July 2013 Federal Minimum Wage Increase **DOES NOT APPLY TO P&C ASSOCIATIONS!!**

On the 3<sup>rd</sup> June 2013, the Minimum Wage Panel of Fair Work Australia has delivered a 2.6% increase to Modern Award and the Federal Minimum Wage. The federal minimum weekly wage will increase by \$15.80 per week. This decision increases the national minimum wage to \$622.20 per week (\$16.37 per hour). Please do not hesitate to contact Community Management Solutions for further information or if you would like assistance in applying the increase.

### Managing Employees With Excessive Accrued Leave

Accumulation of an excessive amounts of annual leave can cause financial problems for organisation and should be discouraged. Employers may direct employees to take annual leave in circumstances where an employee has accrued more than eight (8) weeks of annual leave in accordance with current legislation.

Another strategy implemented by some employers is to develop a policy that is designed to encourage employees to take accrued annual leave and long service leave where the amount of accrual is deemed excessive. The best method of addressing employee's excessive accrued leave is for the employer to mutually agree with an employee in regard to the taking of any excessive amounts of accrued annual leave and/or long service leave. For further information on our Draft Leave Policy please contact the office on 1300 007 110.

## Super change is coming

Employers need to be aware of their new obligations and ensure their payroll and accounting systems can deal with the changes.

From July 1, the compulsory super guarantee rate will rise from 9 to 9.25 per cent, so employers must increase the super payments they make on behalf of workers to a minimum of 9.25 per cent (this applies from the first pay made in July).

Another change will be the removal of the age limit to get the employee super guarantee. From 1 July 2013, employers must make payments for workers 70 years and over.

The super guarantee rate will increase every year until it reaches 12 per cent by 1 July 2019.

The ATO says businesses with 19 or fewer employees can register for the Small Business Superannuation Clearing House – a free service that lets you pay super contributions in one transaction to a single location.

## WorkCover Queensland Reminder

With the end of the payroll year fast approaching (i.e. 30<sup>th</sup> June) employers must declare wages paid in the period 1 July 2012 – 30 June 2013. If your WorkCover Policy has not been auto assessed by WorkCover you will need to complete a declaration before the 31 August 2013.

### Definition of who is a worker may change?

On 30<sup>th</sup> April 2013, the Queensland Government tabled a Bill in Parliament proposing a change from 1 July 2013 to the definition of 'worker' for the purposes of workers' compensation.

If the Bill is passed, the legislative requirements of who you need to cover will change and this may impact your premium. Go online to [www.workcoverqld.com.au/insurance/premium-2013](http://www.workcoverqld.com.au/insurance/premium-2013) for further information.

## Debt Collection made Easy

In recent times Community Management Solutions has fielded a number of calls from our members about how to go about collecting money owing from clients in a cost effective manner.

The most effective way to manage debt is to ensure prompt follow up of outstanding amounts within a week of them becoming overdue. All outstanding amounts should be reviewed by the Executive at least monthly and follow up actions agreed upon. In this way you should have very little in the way of "difficult" debts to chase.

If you do find that you have outstanding amounts owing for the current financial year, or previous years then we recommend you take the following steps.

1. Initially, all clients should be contacted by telephone or in person to discuss the debt in an attempt to either have the account settled in full or make arrangements for a payment plan.
2. If the client has been contacted and payment remains outstanding the following process should be used;
  - a. Send a letter of demand to the debtor asking them to make payment in full or contact your business to make arrangements for the debt to be paid off over an agreed period of time. Attach a copy of the statement to the letter and give them fourteen (14) days in which to respond and nominate the actual date by which the response is required;

- b. Should this first letter be ignored, repeat the process, again giving the client an additional 14 days to pay in full or make arrangements for payment. This time however, the letter should also say that should payment not be made or repayments agreed, that the business will consider their legal options to retrieve the monies owing;
- c. Again, if payment is not received or arrangement made to make payment after the second letter, another letter is sent giving another 14 days to rectify the unpaid account. In this letter of demand however, the client will be told that should the account not be satisfactorily dealt with in the prescribed timeframe, the business will lodge a claim with the appropriate court that handles small claims in your state, to retrieve the funds.

In most jurisdictions, once the application is lodged with the court it will show up on any credit check undertaken with regards to the person whose name is on the court application.

It should be noted that this process is only for Debts which are less than the limits set in each State jurisdiction.

Following is a list if the amounts in each state which can be handled by their small claims jurisdiction.

<b>QLD</b>	<ul style="list-style-type: none"> <li>• Queensland Civil and Administrative Tribunal (QCAT) - \$25,000;</li> </ul>
<b>NSW</b>	<ul style="list-style-type: none"> <li>• Small Claims division of the local court – under \$10,000;</li> <li>• General Division of the local court - \$10,000 to \$100,000;</li> </ul>
<b>VIC</b>	<ul style="list-style-type: none"> <li>• Small claims - \$2,000 to \$10,000</li> <li>• \$10,000 or greater action can still be brought however; legal representation or at least legal advice is required;</li> </ul>
<b>TAS</b>	<ul style="list-style-type: none"> <li>• Minor Civil claims, Magistrates Court - \$5,000;</li> </ul>
<b>NT</b>	<ul style="list-style-type: none"> <li>• Small Claims in the Local Court - \$5,000;</li> </ul>
<b>SA</b>	<ul style="list-style-type: none"> <li>• Civil (minor claims) division - \$6,000;</li> <li>• Civil (general claims) Division of the Court - \$6,001 - \$40,000;</li> </ul>
<b>WA</b>	<ul style="list-style-type: none"> <li>• Small claims up to \$10,000</li> <li>• General procedure claim for debts up to \$75,000;</li> </ul>
<b>ACT</b>	<ul style="list-style-type: none"> <li>• Small claims - \$10,000 to a maximum of \$50,000 in the magistrate's court.</li> </ul>

The following link will provide more information on the small claims process within the various State jurisdictions.

- <http://www.artslaw.com.au/info-sheets/info-sheet/debt-recovery-small-claims-procedure-qld/>
- [http://www.localcourt.lawlink.nsw.gov.au/localcourts/cases/civil\\_cases.html](http://www.localcourt.lawlink.nsw.gov.au/localcourts/cases/civil_cases.html)
- <http://www.artslaw.com.au/info-sheets/info-sheet/debt-recovery-small-claims-procedure-vic/#headingh23>
- [http://www.magistratescourt.tas.gov.au/divisions/civil/minor\\_civil\\_claims](http://www.magistratescourt.tas.gov.au/divisions/civil/minor_civil_claims)
- [http://www.nt.gov.au/justice/ntmc/small\\_claims.shtml](http://www.nt.gov.au/justice/ntmc/small_claims.shtml)
- <http://www.artslaw.com.au/info-sheets/info-sheet/debt-recovery-small-claims-procedure-sa/>

- <http://www.artslaw.com.au/info-sheets/info-sheet/debt-recovery-small-claims-procedure-act/>
- <http://www.artslaw.com.au/info-sheets/info-sheet/debt-recovery-small-claims-procedure-act/>

Should your organisation require further assistance do not hesitate to contact ACSEA on (07) 3852 5177 or 1300 007 110.

### Collecting Personal Information

When you are collecting personal information from your employees in the workplace, and storing it in either hard copy or computerised, the following rules must apply;

1. Personal information may only be collected if it is required for the functions of the organisation.
2. Personal information may only be collected by lawful and fair means and cannot be collected in an unreasonably intrusive way.
3. Personal information of an employee should only be collected directly from that employee if reasonable and practicable.
4. Confidential and sensitive information about an employee must not be collected unless they have consented, or unless it is required or authorised by law.

### And that's not all.....

Under privacy law, there is an exemption for dealings with records of personal information of employees, when it directly relates to the employment relationship. When collecting and recording personal information the employee should be informed of the following;

1. Who is recording information;
2. The facts and circumstances of the records;
3. The reason for recording the information;
4. The employee's right to access and correct personal information about them under the privacy principles;
5. The main consequences of not providing the information;
6. Any parties to whom the organisation usually discloses the kind of information collected;
7. If applicable, the fact that record of their personal information is required or authorised by law.

### Testing & Tagging

It can sometimes be hard to keep up with all the rules, regulations and responsibilities of maintaining safety in the workplace. Test and tagging, is the process of visually inspecting and testing of electrical equipment that is in use within the workplace.

By law it is mandatory for all businesses in Australia to undergo safety inspection and testing by a qualified provider.

Utilise Community Management Solutions Work Health and Safety Audit Service to make sure you are compliant with Work Health and Safety (WHS) requirements. Contact us for more information.

## Social Media Risk

Social media is changing the landscape of business and personal risk. Using blogs, social networking and personal websites to communicate is now common place. Much of the appeal with social media is the relative anonymity and the speed with which information can be shared. Users can impart their views on any subject to a worldwide audience with the click of a button. However, therein lies the risk with social media. Content posted on platforms such as Twitter, Facebook, MySpace and blogs can damage the reputation of an organisation and attract claims of defamation or unprofessional conduct.

There is a common misconception that social media only poses a risk to its users. Some people believe that if they are not using web-based technologies themselves, they don't need to worry about the risk. However, this is not always the case. There is a growing list of examples where businesses have been significantly impacted by comments posted online by staff, colleagues or clients. Common ways in which your organisation may be negatively impacted by social media include:

- Damaging another person's reputation by making disparaging or defamatory comments;
- Breaching a client or member's privacy by posting comments about them or their activities, without their consent;
- Breaching professional codes of conduct by disclosing details about your personal life or engaging in inappropriate relationships with clients or members;
- Individuals working in your organisation posting material on sites such as Facebook that portrays them in an unprofessional or controversial way – e.g. offensive jokes or photographs, drug use or the like;
- Clients or members posting negative comments about you or your organisation.

A proactive approach to managing social media risk can help prevent claims of defamation or unprofessional conduct against you. Key messages to share with your staff are outlined below.

- Take care when making comments about anyone, including staff, colleagues, clients or other service providers. Although you may not believe your comments to be inappropriate, take the time to reflect on how they may be perceived by others. Remember, the relative anonymity afforded by some social media sites is no excuse for unprofessional behaviour.
- The rules governing privacy equally apply to web-based technologies. You must always gain the client or member's express consent to what information will be used, and how it will be shared.
- Avoid the risk of breaching your professional boundaries by limiting the amount of personal information you make widely available on social media sites. In general, you should not share any information with clients or members online that you wouldn't share with them during the normal course of your work.
- No longer can it be said that an employee's actions outside of working hours are not relevant to his or her employment. There is an increasing trend of employers monitoring the online behaviour of their staff and potential recruits. Again, take the time to reflect on how your actions may be perceived by others. Remember, once you have posted your entry online it is very difficult to completely remove.

- Consider including specific employment conditions in staff contracts and policies relating to social media use. For instance, consider specifically prohibiting comment about employment and client matters and acting in a manner that may negatively impact on the organisation's reputation, whether through personal or business use of social media or otherwise. This will greatly assist you to deal with any breaches and to implement disciplinary action against staff involved. There was a recent case where an employee disclosed details of a condition and treatment afforded to the child of a media identity, as well as making derogatory comments about the child. The fact the employer had a strong written policy and contractual clauses prohibiting the employee acting in such a manner assisted in defending the termination of the individual's employment.
- While clients may post negative comments about you or your organisation on social media sites, the best way to prevent this from occurring is to commit to good, open communication. This includes ensuring your organisation has well established procedures in place for managing complaints. Furthermore, an article published by Meridian Lawyers exploring how to respond to negative 'cyber blogging' can be readily accessed at the following website:  
[www.meridianlawyers.com.au](http://www.meridianlawyers.com.au)



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### Apply Now – Early Childhood Scholarships June 2013

Applications are now open for the final round of Early Childhood Scholarships for studies commencing Semester 2, 2013. To read more visit

<http://education.qld.gov.au/hr/recruitment/teaching/early-childhood-scholarships.html> .

### Monthly Quote

**“Respect for ourselves guides our morals, respect for others guides our manners”**

-Lawrence Sterne

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