



Combined Small Business Alliance of Western Australia Inc. (CoSBA)

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NEXT MEETING: AGM & BOARD MEETING

5.00pm, TUESDAY 16 MARCH 2010

Stirling Small Business Centre, 45 Delawney Street, BALCATTA

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ATTACHMENTS:

RAVLICH Media Release small business.pdf
Berliner Philharmoniker.pdf
Hey Hey its Friday 26 Feb 2010.pdf



CoSBA ANNUAL GENERAL MEETING

The AGM is set down for Tuesday 16 March 2010. The Meeting Notice and Nomination Form for Office Bearers and Committee are attached.

Bosses rapped for valid sacking

THE nation's industrial umpire has ruled that a long-term employee who was legitimately sacked for repeated safety breaches must be reinstated and paid compensation because of his poor education and poor job prospects.

In the latest ruling to concern business, Fair Work Australia found the worker had engaged in "relatively serious misconduct", but ruled the sacking harsh due to his length of service and the fact he was a poorly educated middle-aged family man. The Australian Chamber of Commerce and Industry said the ruling sent the wrong message, and "really exposes employers to double jeopardy".

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"Here we have an employee repeatedly failing to observe health safety obligations, a valid reason for dismissal found to have existed, but the company still found to have acted unlawfully," said the chamber's workplace policy director, David Gregory. "It makes it very difficult for employers to try and work their way through this maze of what seem to be competing obligations contained in different pieces of legislation. "It does raise questions about the framework of unfair dismissal that exists under the Fair Work Act. The tribunal is able to substitute its views even in circumstances where it finds the employer had a valid reason to dismiss."

The tribunal accepted that his repeated failure to wear the safety glasses and his disdainful and abusive response to management amounted to serious misconduct. It also acknowledged that the company's managers were required to give effect to safety policies and procedures.

"Quite apart from an employer's legitimate interest in minimising its exposure to civil liability arising out of injury to any of its employees, the obligations imposed on employers by state occupational health and safety legislation are onerous," the tribunal found. "Employers are entitled to treat conduct that may expose them to prosecution or civil liability seriously. Employers are entitled to have employees take safety rules seriously."

But the tribunal said the sacking was a "disaster" for Mr Quinlivan, taking into account that he had worked at the mill for 20 years, was married with two daughters, aged nine and 11, and had a mortgage of about \$70,000. It also considered that Mr Quinlivan left school at 16, did not complete secondary school and had not found another job.

"If the applicant had substantially lesser service; had not been a middle-aged man with very poor employment prospects for whom the dismissal has such serious personal and economic consequences; or if it had been brought home to him at any time on 2 September, 2009, that a further breach would have serious consequences, I would not have concluded that the dismissal was harsh," vice-president Michael Lawler found. He ordered his reinstatement and that he be paid \$16,000. (SOURCE: *The Australian*, 19.2.10)

Big pay rises a jobs threat: Reserve chief

Excessive wage increases will drive up unemployment and interest rates, Reserve Bank governor Glenn Stevens warned yesterday. Speaking on the Federal Government's industrial relations policy, Mr Stevens said many businesses had complained they were being hamstrung by a system being exploited by unions seeking over-the-top wage claims.

"The long-run implication of excessive wage pressures is unemployment," he told a parliamentary committee yesterday. "Industrial relations arrangements in the end will determine what rate of unemployment coexists with that. " His comments came as the oil and gas sector accused the Maritime Union of Australia of an "act of piracy" to extract massive pay rises and the Rudd Government of sitting on its hands when asked to intervene.

Farstad Shipping, which is holding out against the MUA's claims, said the union's activities amounted to pattern bargaining - illegal under the Government's IR laws. The MUAs negotiating tactic - to extract a deal from one vessel operator under threat of industrial action and then demand the same from the company's competitors - was pattern bargaining. The industry says this would lift MUA workers' annual pay from \$130,000 to \$190,000. (SOURCE/EXTRACT: *The West Australian*, 20.2.10)

Overtun toilet paper decision: union

The CFMEU has written to the federal government threatening to launch a full-scale campaign over toilet paper. The union says a cheap batch of rolls from Indonesia and China soon to arrive in Australia poses a serious threat to jobs and the local manufacturing industry. The rolls are due to be sold at almost half the price, leading one major manufacturer in South Australia to predict 1500 jobs will be lost.

The union has requested an urgent meeting with the attorney-general, asking him to overturn the decision allowing the import. "Exporters from China and Indonesia are hurting the tissue-making industry by selling product at a lower price," CFMEU secretary Michael O'Connor said in a statement on Monday. The government needs to implement an anti-dumping policy to protect local jobs, he said, adding it could well become an election issue. (SOURCE: *The West Australian*, Web Site, 22.2.10)

Hockey rules out revived AWA

AUSTRALIAN Workplace Agreements would not be revived under a coalition government, opposition treasury spokesman Joe Hockey says. The comment may put Mr Hockey at odds with Opposition Leader Tony Abbott, who has said he wants individual workplace contracts reintroduced but with a no-disadvantage test.

The Howard government's Work Choices regime abolished the no-disadvantage test for Australian Workplace Agreements (AWA) in 2006. Asked about the politics of reviving aspects of Work Choices such as non-union individual contracts, Mr Hockey, who was a workplace relations minister in the Howard government, said Work Choices had been a mistake. "Work Choices is dead. AWAs

are dead," he told Network Ten on Sunday, adding it was a mistake to take away the no-disadvantage test.

AWAs became part of the industrial relations system in 1996, during the Howard government's first term in office. The Australian Democrats agreed to pass the Workplace Relations Act on the condition a no-disadvantage test would be implemented. The Rudd government outlawed new Australian Workplace Agreements in early 2008. (SOURCE: *The West Australian*, Web Site, 22.2.10)

Australian Workers Union sued for strike actions

THE Australian Workers Union is being prosecuted by the Rudd government's workplace watchdog for allegedly demanding strike pay from an employer and taking unlawful industrial action. The prosecution prompted the union's national secretary, Paul Howes, to attack the Fair Work Ombudsman as an "employer patsy", which had dragged its feet when it came to investigating bosses.

Court documents allege AWU officials Andrew Gillespie and Andrew Gorman organised employees of Boral Resources (NSW) Pty Ltd to engage in unlawful industrial action at the company's Dunmore quarry site, 100km south of Sydney, on February 13 and 16 last year. The industrial action was allegedly conducted in relation to an objection to Boral supervisors carrying out the work of Boral employees. It is alleged the industrial action was unlawful because it was conducted before the Boral employees' collective agreement expired.

The documents also allege that Mr Gillespie, on behalf of the AWU and AWU NSW, breached workplace laws by trying to coerce Boral into paying employees for time they spent engaging in a lawful strike at the Dunmore quarry on June 30. Mr Gillespie and Mr Gorman allegedly also breached workplace laws relating to how they were required to enter and conduct themselves at the Dunmore site.

The union and its officials are accused of committing multiple breaches of workplace laws. The AWU and AWU NSW face maximum fines of \$33,000 per breach, while Mr Gillespie and Mr Gorman face maximum fines of \$6600 per breach. Mr Howes said the Ombudsman had also refused to investigate "huge evidence" of contract breaches by a large national employer.

"Every step of the way, they have frustrated us to the point where we have just decided we'll no longer deal with that office, we'll just go out and prosecute on our own," he said. "They're a bunch of employer patsies. At the end of the day, they're an invention of the Howard government. (SOURCE/EXTRACT: *The Australian*, 22.2.10)

Council backs govt bankruptcy changes

A national small business council has today endorsed the federal government's plan to increase the bankruptcy threshold, saying it will make it easier for businesses to recover debts. The Council of Small Business of Australia today affirmed its support for the Bankruptcy Legislation Amendment Bill 2009, which will be debated in parliament tomorrow.

The federal government is proposing to lift the bankruptcy threshold from \$2,000 to \$10,000. "An increase in the bankruptcy threshold from \$2000 to \$10000 could cause some nervousness among small business owners with small debts to recover - but the best chance of repayment results if bankruptcy is not declared," the council's chief executive Jaye Radisich said.

"The last thing small businesses need is a fire sale of assets and a liquidator taking a big cut before any creditor gets anything." "It is much more important to legislate to support the majority of people who do the right thing most of the time, instead of second-guessing the actions of the lowest common denominator.

The amendments also include an increase in the time allowed for a defaulter to organise their affairs. "It makes much more sense to allow 28 days rather than 7 days for a defaulter to get their house in order before bankruptcy proceedings commence." Ms Radisich noted that other provisions in the Act aimed at streamlining the process are overdue. (SOURCE/EXTRACT: *WA Business News*, Daily Business Alert, 22.2.10)

Gorgon workers to get pay bonanza

Thousands of low-skilled construction workers on the massive Gorgon LNG project will each earn about \$150,000 a year under a deal which will set a new WA wages benchmark. Construction union boss Kevin Reynolds said Gorgon tradesmen would become the industry's highest-earning workers in WA and would be on par with the best paid in Australia.

Calculations by the Master Builders Association show the union agreement with contractor Thiess would deliver wages of nearly \$3000 a week, including allowances, to semi-skilled employees such as concrete workers and labourers. Separate calculations by the Australian Mines and Metals Association show qualified tradesmen such as excavators would get at least \$160,000 annually.

The Thiess agreement signed last month will cover thousands of workers building the accommodation village on Barrow Island off the Pilbara coast. The Chevron project's total workforce will swell to up to 10,000 during peak construction of the \$43 billion gas plant. Mr Reynolds, secretary of the Construction, Forestry, Mining and Energy Union, said: "I think it's probably equal to any of the best paying construction jobs in Australia and is the most lucrative in WA. "They are getting the big money because they will be working very long

hours in some of the harshest conditions in the world."

MBA industrial spokesman Kim Richardson, who calculated the \$150,000 salary based on an expected 70-hour week, said the deal would have a serious impact on commercial and residential construction. Mr Richardson said metropolitan employers would be unable to match the wages paid by mining and resources contractors. This would drain the city of tradesmen, forcing a blow-out in local building times and putting pressure on prices. (SOURCE/EXTRACT: *The West Australian*, 23.2.10)

Big miners want more flexibility

RESOURCE sector employers have urged Kevin Rudd and Tony Abbott to immediately release policies supporting major changes to the nation's workplace laws, warning that the status quo would entrench third-party interference at the expense of productivity.

While pushing Labor to make changes, the Australian Mines and Metals Association -- on behalf of companies including BHP Billiton and Rio Tinto -- challenged the Opposition Leader to spell out an "alternate policy vision" that assured voters he would have a flexible system that gave fair and reasonable protection to workers.

The association's chief executive, Steve Knott -- a vocal critic of Labor's workplace laws -- said his letter to the Prime Minister and Mr Abbott had the support of the AMMA board, whose members include executives from BHP, Woodside, Rio Tinto and Newcrest Mining.

Mr Knott urged changes to the Fair Work Act, including providing access to individual contracts, immediate sanctions for unlawful strikes, more restrictions on unions entering workplaces and new limits on the content of enterprise agreements. "It would appear that in the rush to destroy the former Work Choices regime the industrial relations pendulum has been pushed too far back the other way," he said.

However, Deputy Prime Minister Julia Gillard said the government's industrial relations policy was well known. "We took it to the last election and the Australian people supported it," she said. (SOURCE/EXTRACT: *The Australian*, 23.2.10)

Company caves in to union demands

UNIONS representing about 2000 workers at Woodside's \$12 billion Pluto LNG project in the Pilbara say they have secured a guarantee from the project's main contractor that could kill any talk of further wildcat strikes.

With workers already facing fines of up to \$22,000 for taking part in illegal strike action earlier this year, three unions will hold a mass meeting tomorrow to discuss changes to their accommodation. Representatives from the Construction Forestry Mining and Energy Union, the Australian Manufacturing Workers Union and the Communications Electrical and Plumbing Union will tell about 2000 workers that those opposed to "motelling" have been guaranteed permanent accommodation at a nearby camp.

But CEPU state secretary Les McLaughlin refused to speculate on whether the guarantee by principal contractor Foster Wheeler WorleyParsons would see workers rule out further illegal "I wouldn't speculate at this point," Mr McLaughlin said. "The mood is varied -- not everybody's affected, there's varying degrees of concern about it." Mr McLaughlin said Foster Wheeler WorleyParsons had agreed to guarantee permanent accommodation at a different campsite for workers opposed to motelling until the project is completed in December. (SOURCE/EXTRACT: *The Australian*, 23.2.10)

Mining boom tipped to last decades

The Reserve Bank has declared the current mining boom can last for decades on the back of China and India. In an upbeat assessment of the renewed surge in mining operations and resource prices, Reserve deputy governor Ric Battellino used a speech last night on Australian mining booms to argue that the national economy stood to enjoy unprecedented riches.

Mr Battellino said past booms, including the 1850s gold rushes and the late 19th century mineral boom that centred on WA and Queensland, had often ended in tears because of inflation problems, a collapse in prices and an unbalanced national economy. While mining investment's share of GDP had grown in recent years, it was still well below the level reached in the 1890s and especially the 1850s when the gold rush accounted for more than a third of Australia's national output.

According to Mr Battellino, the biggest advantage for the mining sector now is the floating exchange rate that should ensure inflation remained in check. This "important degree of flexibility" meant that this boom would be much different to ones long gone. (SOURCE/EXTRACT: *The West Australian*, 24.2.10)

Record fines for building unions

TWO of the nation's biggest unions have agreed to pay a record \$1.325 million in penalties over their conduct during the West Gate Bridge dispute in Melbourne last year. In a proposed settlement put to the Federal Court yesterday, the Construction Forestry Mining and Energy Union and the Australian Manufacturing Workers Union agreed to pay the fine over 52 breaches of the Building and Construction Industry Improvement Act.

The Australian Building and Construction Commission brought legal action against the two unions and three union officials over the dispute, which flared last year after John Holland refused to agree to higher rates of pay demanded by the union on behalf of 30 contract employees. (SOURCE/EXTRACT: *The Australian*, 24.2.10)

Sacking of dishonest boss `unreasonable'

A "DELIBERATELY dishonest" manager sacked after colluding with his colleagues to defraud his employer has had the manner of his dismissal ruled unreasonable by Fair Work Australia. In the latest decision to concern employers, the tribunal found Gary Bermingham's admission that he had taken money from his employer, Kings Transport and Logistics, warranted his termination.

The tribunal found Mr Bermingham and two colleagues misappropriated funds many times over three months and the money was used to subsidise private entertainment, including an evening at a local hotel. It said Mr Bermingham's actions were "deliberately dishonest" and he had "conducted himself in a manner fundamentally inconsistent with the basic expectations of an employee".

But while the tribunal found the reason for his sacking was valid, and that it was not harsh nor unjust, it ruled that it was unreasonable because of the way the company had investigated the allegations. It said the other two employees involved in the conduct were only warned, and one was subsequently promoted.

The Australian Chamber of Commerce and Industry said the Rudd government should consider fine-tuning unfair dismissal laws, as procedural requirements were emphasised over the reasons for a sacking. "What the decision does do is really show the minefield that employers have got to walk through in terms of some of the issues around discipline and termination in the workplace," said the chamber's workplace policy director, David Gregory.

The tribunal said it was not appropriate to reinstate Mr Bermingham, as he had destroyed the trust required for any employment relationship. (SOURCE/EXTRACT: *The Australian*, 24.2.10)

Business to save \$44m from red tape cuts

Treasurer Troy Buswell has today released a blueprint to reduce red tape in the state, which is expected to save local businesses \$44 million a year. The report outlined 107 recommendations to cut excessive regulation and red tape for both businesses and consumers.

The report was compiled by the Red Tape Reduction Group, established early last year and jointly chaired by Member for Scarborough Liza Harvey and Member for Mining and Pastoral Region Ken Baston. "Many recommendations from the report require cultural change in the public service. This has been a theme across our efforts to improve service delivery for taxpayers," Mr Buswell said.

Recommendations from the report include streamlining heavy vehicle transport regulation which could potentially save more than \$16 million in a year for businesses, and remove excessive compliance on local governments with savings of \$4.8 million in one year. The report also recommended improving marine and caravan licensing arrangements that will save businesses more than \$1.8 million in one year.

The Chamber of Commerce and Industry WA has welcomed the blueprint, saying the recommendations will save local business around \$44 million a year. "However, the road to reform mustn't end here. CCI believes that the changes and savings identified in the report are just the tip of the iceberg," CCIWA manager business policy Nathan Taylor said. (SOURCE/EXTRACT: *WA Business News*, Daily Business Alert, 24.2.10)

Wage pressures ease to decade low

Wage pressures have eased to their slowest pace in almost a decade, which supports the case for the central bank not to increase interest rates next month, economists say. Average wage rates excluding bonuses rose by a less than expected 0.6 per cent in the December quarter last year, seasonally adjusted, according to Australian Bureau of Statistics data on today.

This compares with the median market forecast for a rise of 0.8 per cent in the December quarter and an actual increase of 0.7 per cent in the September quarter. The December quarter average wage rates rise was the smallest quarterly rise since the March 2000 quarter, the ABS said. Annual growth in wages, 2.9 per cent, was also the slowest for almost a decade. (SOURCE/EXTRACT: *WA Business News*, Daily Business Alert, 24.2.10)

WorkCover manager offers nude `bear rubs' on the side

A TOP-LEVEL manager at Queensland's debt-ridden worker's compensation scheme has been offering a "bear rub" massage service with his partner from their Brisbane home. Senior lawyer Peter Worthy heads WorkCover's common law section while at the same time featuring in advertising for a Brisbane "bear rub" massage service that offers a special "four hands massage" where recipients are encouraged to be nude.

Yesterday, Deputy Opposition Leader Lawrence Springborg queried whether it was appropriate for Mr Worthy to be involved in

another business when his common law section was facing a huge increase in claims. But an angry Mr Worthy hit back, saying: "WorkCover is my prime responsibility but I do have a life outside WorkCover. It is really quite scandalous and defamatory to suggest I might not be fulfilling my role."

On Tuesday, the state government revealed WorkCover was on the verge of collapse as it was unable to cope with massive investment losses and a large increase in common law claims. (SOURCE/EXTRACT: *The Australian*, 25.2.10)



SBC UPCOMING COURSES
Key Strategies to Buying and Selling Businesses

- <<http://woocomcampaigner.woocom.com.au/ch/4259/2dc1q63/1128067/fe5d7p14p.html>>
One Page Business Plan
- <<http://woocomcampaigner.woocom.com.au/ch/4259/2dc1q63/699747/fe5d716nz0.html>>
Microsoft Office Tips & Tricks
- <<http://woocomcampaigner.woocom.com.au/ch/4259/2dc1q63/1138906/fe5d7107fq.html>>
Powerful Presentations Using MS PowerPoint
- <<http://woocomcampaigner.woocom.com.au/ch/4259/2dc1q63/1138907/fe5d716j8r.html>>

Branding for Business

The Importance of Your Brand to Your Business Worth Brands are assets that are the basis of competitive advantage and long term profitability. They are a balance sheet item that adds value to **your** business, balance sheet, particularly useful if you're intending to sell it at any stage.

Did you know the top brands have a value of 50 per cent in a company's balance sheet?

Are you true to your brand and do you value and leverage it for business gain? Externally, brands create an image that helps win business, secure suppliers and employees. Internally it is your culture and values that unites and builds the company, guides business decisions and behaviour. Learn the critical things you need to do to build and transform your brand.

Business Owners, Marketing Managers; HR Managers & Office Managers.

- How to define your USP, your edge;
- Defining your market and competitive position;
- How to articulate your brand and make it saleable;
- Brand equity~what it is worth?;
- How to unleash the power of your brand.

Maryanne Fernando has a 25 year track record of helping companies to succeed. With extensive business and marketing experience, she has worked for some of the world's largest brands including IBM, IKEA and Hallmark Cards, working across a broad range of industries in over 40 countries.

Maryanne is a former Director Marketing at CCI-WA, Harvey Beef and Perth based Marketing agency, One Consulting.

<<http://woocomcampaigner.woocom.com.au/ch/4259/2dc1q63/1142901/fe5d7xfj7.html>>

Dates: Thursday 18th March, 2010

Time: 7.30am to 9.30am (7.15am start for registration, networking & breakfast)

Venue: Small Business Centre - Stirling, 45 Delawney St, BALCATTWA 6021

Cost: \$55.00 per person incl. GST, breakfast provided

<<http://woocomcampaigner.woocom.com.au/ch/4259/2dc1q63/1128066/fe5d715bsz.html>>

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<<http://woocomcampaigner.woocom.com.au/ch/4259/2dc1q63/1142901/fe5d7xfj7.html>> Don't miss out!! **Register Now**

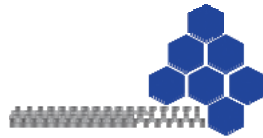
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