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NEXT BOARD MEETING

5.00pm Tuesday 15 JUNE 2010

Stirling Small Business Centre, 45 Delawney Street, BALCATTA

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ATTACHMENTS:

Colin Barnett SBA Lunch.pdf
Employers to Pay for Super Increase Not Mining Super Tax.pdf
Thousands of small businesses silently slugged with new tax.pdf
SCC Enews 20_5_10.pdf
SCC John Day Breakfast.pdf
Stirling SBC-BiZFiT Forum.pdf



Budget: Barnett delivers surplus

In his first outing as Treasurer, Premier Colin Barnett delivered a promised surplus - \$286 million - on the back of sharp royalty rises, increased services charges to households and restraint in spending growth which was limited to 3.9 per cent. Mr Barnett sold his budget as one that reins in costs and shares the pain across the community, as increased charges and rising royalties have helped to keep the state's finances in the black.

The Premier was apologetic for increasing electricity (up 10 per cent from July) and water (17.7 per cent) to ensure prices reflect cost, believing the community will understand the government's need to share the burden. He pointed out that, with reducing GST and Commonwealth Grant income, the state had to increase its independence,

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generating 65 per cent of its own income.

The state will also increase the dividend paid by most government trading enterprises to 65 per cent from 50 per cent, a change it suggested was in line with other jurisdictions. Business will be aggrieved that the payroll tax rebate for small business will not be extended or the general payroll tax rate altered.

He pointed to restraint on the government side of the ledger, budgeting to rein in spending growth from 12 per cent this financial year to 3.9 per cent in 2010-11. Despite the government's improved bottom line - a surplus of \$286 million in 2010-11 peaking at a forecast \$807 million in 2012-13 - Mr Barnett painted a picture of a fragile economy that had not yet overcome the global financial crisis and faced further uncertainty. (SOURCE/EXTRACT: *WA Business News*, Daily Business Alert, 20.5.10)

Signs point to early Federal poll

Australians could be voting in their first winter Federal election for more than 20 years as speculation mounts Kevin Rudd will call an early poll. Ministers are curtailing their overseas travel while retiring MPs have been instructed to make their farewell speech during the final two sitting weeks in June before Parliament breaks for the winter recess.

Further fuelling speculation, Mr Rudd's department yesterday issued new guidelines for how public servants will manage the caretaker government conventions during the official campaign period. With opinion polls showing the Prime Minister's popularity collapsing and Labor and the coalition neck-and-neck, it has been suggested the Government will go to an early election because of fears it could slide further.

The most likely window is for an election in late August or early September to fit in with constitutional requirements and avoid clashing with State polls and school holidays. Fixed terms for the Senate mean Mr Rudd must wait until July 1 before he can call an election to avoid the need for a half Senate election in the next term of Parliament.

In recent weeks Mr Rudd has already dumped a raft of unpopular policies or issues that may have been a liability on the campaign trail, and further signs emerged yesterday the Government will call the election before politicians are due to return from their eight-week winter break in late August. A letter obtained by *The West Australian* suggests ministers have had their wings clipped to focus on campaigning. (SOURCE/EXTRACT: *The West Australian*, 21.5.10)

Hottest town left with no pub and no beer

Hundreds of thirsty miners and pastoralists around Australia's hottest town have been left high and dry after the only pub in Marble Bar abruptly shut its doors this week. The lessees of the Iron Clad suddenly left town with everything but the kitchen sink on Monday, leaving gasping locals wondering where to quench their thirst.

Stripped bare of every scrap of memorabilia, including historical photos and trophies, the corrugated iron-clad pub was gutted of its fridges, bar chairs, light bulbs, bedding, an air-conditioner and ice machine as the lessees took all their goods with them. Owner Thomas Fox has flown in from Brazil and is frantic to get the 117-year-old pub open again before thousands of punters descend on the tiny town for the annual Marble Bar Cup in July. (SOURCE/EXTRACT: *The West Australian*, 26.5.10)

Payroll tax equity call

THE reintroduction of payroll tax for small and medium businesses would have a negative effect on local businesses, according to Malaga and Districts Business Association president Rod Henderson. Last year, the State Government implemented a one-off payroll tax rebate for employers with national payrolls of up to \$1.6m in the 2009-10 financial year because of the global financial crisis. This meant about 6700 employers did not have to pay payroll tax on about 68,000 employees.

Mr Henderson said while there was no doubt the reduction in payroll tax had helped businesses, if this tax were to remain, the threshold should be increased. It should be increased to apply to businesses with a payroll of \$5m to \$10m. This would mean small business was not affected by the tax.

"With such high wages and salaries these days, it is easy to fall into the payroll tax net causing significant impact to business as they struggle to get from being small to becoming medium or large, let alone survive," he said. "A tax on employment makes no sense to business as it means less employment. "It should also be indexed so that we don't see the same problem."

Mr Henderson said businesses across the board were also taxed through paying higher rates, water and power than the general community. "This inequity simply makes business less viable against international competition," he said. "It means that customers will send their money offshore to buy goods rather than buy local. "Ultimately this will destroy local manufacturing, jobs and our ability to support industry." (SOURCE: *Eastern Reporter*, 20.5.10)

Taxing time for Rudd in WA

THE Prime Minister's proposed tax changes have come under fire from local small businesses. Kevin Rudd last week announced a company tax cut from 30 per cent to 28 per cent by 2012 for small business and a rise in the superannuation guarantee from 9 per cent to 12 per cent by 2019.

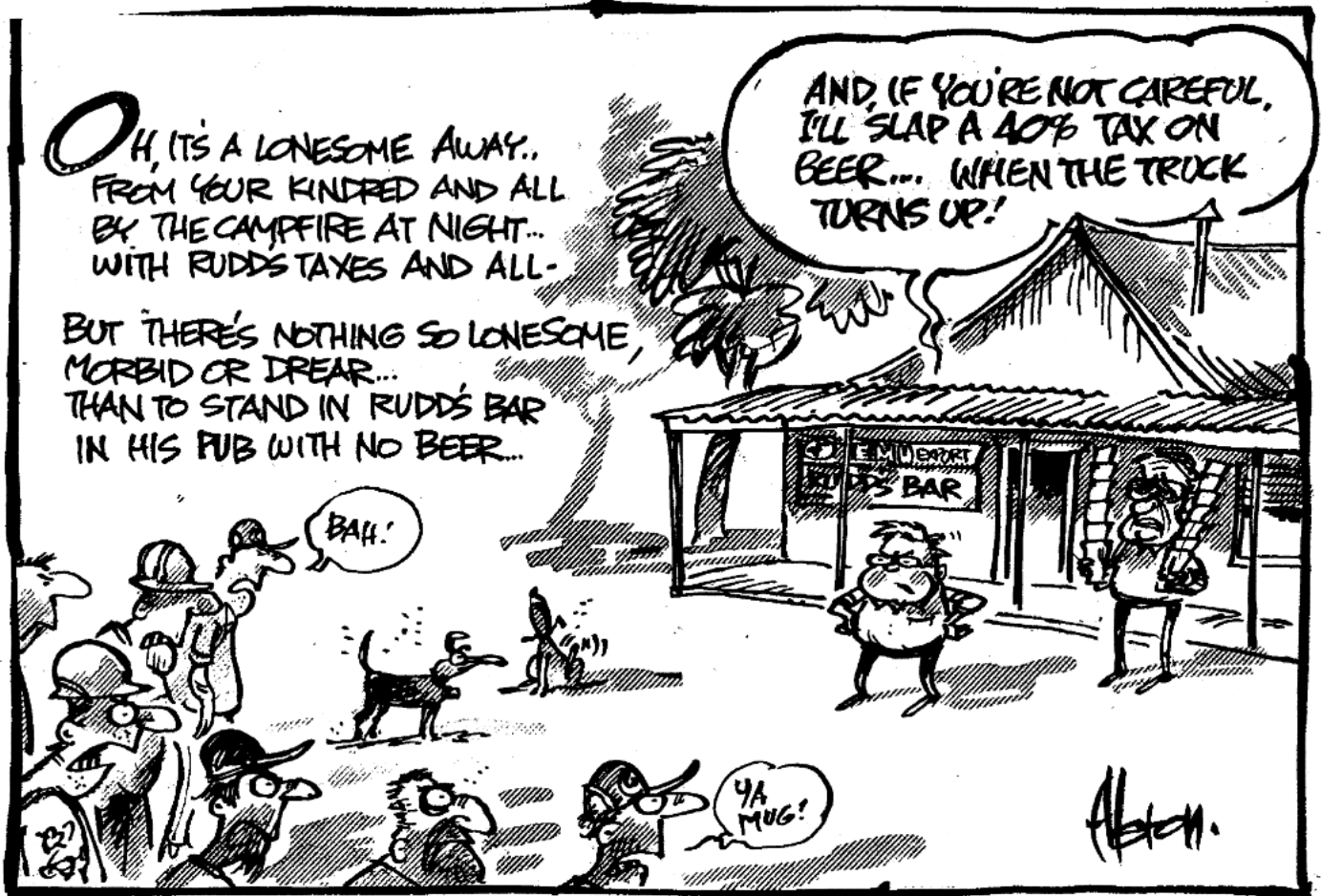
He also announced a mining super-profit tax to fund some of the changes, as well as other small business write-off concessions. He told the *Eastern Reporter* the changes aimed to make it simple for small businesses to adjust to the superannuation guarantee increases.

"We're bringing the company tax cut in for small businesses earlier than for bigger businesses to provide them with a buffer to deal with the payment of the superannuation guarantee levy," he said. "That's why we've done it the way we've done it – to make sure there's an ability for small businesses to sustain the changes within their balance sheets."

Malaga and Districts Business Association (MDBA) president Rod Henderson said he was amazed by the decision to increase forced superannuation by 33.3 per cent. "This forced pay increase on business is a big blow. If you don't make a profit as a result of this staggering increase how does a company tax cut help?" he said.

MDBA vice-president Frank Stachowicz said the 2 per cent company tax cut would mean little for small businesses with modest turnovers. "It's not going to mean much to smaller volume businesses and it only applies to those operating as a company. Cutting the tax to 25 per cent would have made a more significant difference," he said.

Mr Rudd said cutting company tax to 25 per cent as recommended by Treasury secretary Ken Henry was still a possibility. "The company tax reduction to 28 per cent is what's affordable based on our current projections, but we certainly haven't ruled out going further," he said. (SOURCE: *Eastern Reporter*, 11.5.10)



(SOURCE: *The West Australian*, 25.5.10)

Mine tax blamed for WA share rout

Investor panic over the resources super profits tax is disproportionately hammering the value of WA companies, even those not connected to the mining industry, with local stocks hit nearly twice as hard as the wider sharemarket in the past month. *The West* (SOURCE: *WA Business News*, Today's Business Headlines, 24.5.10)

Swan advice to change mine tax

Wayne Swan's hand-picked mining tax consultation panel will urge the government to reconsider a key selling point of its new resource super-profits tax -- the promised 40 per cent tax refund-ability for failed projects. *The Australian* (SOURCE: *WA Business News*, Today's Business Headlines, 24.5.10)

Henry tax advisers see compromise

Two key members of the Henry tax panel said yesterday the Rudd government had scope to compromise on the resource tax without destroying the overall intent of the reform. *The Fin Review* (SOURCE: *WA Business News*, Today's Business Headlines, 26.5.10)

Kevin Rudd to backflip on mining tax rate

THE Rudd government is moving towards a major backdown on its \$12 billion tax on resources, redefining its proposed super-profits levy, but the big mining companies have declared the changes do not stop the risk to investment in Australia.

Only three weeks after unveiling the new resource super-profits tax, the government is preparing to lift the threshold definition of a super profit from 6 per cent to 11 or 12 per cent following a ferocious campaign by the mining companies.

To offset the lost revenue in raising the threshold to the same level as the existing petroleum resources rent tax, which applies to offshore gasfields, the government intends to withdraw the 40 per cent taxpayer-funded compensation originally offered for mining projects that fail.

But all the major mining companies have rejected the new proposals as "tinkering at the edges" and not addressing the main risk to mining investment in Australia. The mining companies are demanding more negotiation with the government on the issues of the retrospective application of the new tax, different rates for different minerals and the 40 per cent tax rate. (SOURCE/EXTRACT: *The Australian*, 27.5.10)

Alcohol and Drugs: A Workplace Nightmare

The rise of the WA economy in recent years not only has delivered many benefits locally and to the national economy, but there have also been some downsides.

One of these has been an increase in the use of alcohol and recreational drugs by some in the community. The effects of this can be seen almost every weekend splashed across the media. This increase in the use and abuse of alcohol and illicit drugs has wide implications as those affected by drink and drug use also go to work. That means the worker next to you either could be drunk, high, hung over or all of these. [No industry is] immune to this problem and the impact of alcohol and drugs on workplace safety increasingly is becoming an issue on WA sites.

The days of a worker showing up to work still heavily under the influence of alcohol or other drugs being seen as a legend are long gone. These days the impact on safety and that person's risk to themselves and fellow employees at the workplace is of paramount consideration. Their ability to exercise judgment, coordination, motor control, concentration and alertness is affected at the workplace, leading to an increased risk of injury or illness.

Alcohol and other drugs can cause a range of problems for employers. In some cases, their use may lead to loss of life, injury, damage to plant or equipment and negative publicity for the business. Alcohol and drugs are estimated to be a factor in 25 percent of workplace accidents and 10 percent of workplace deaths in Australia. In March 2007, the Australian Safety and Compensation Council issued a paper, *Work Related Alcohol and Drug Use: A Fit for Work Issue*. The paper provided a summary of the key activities and developments in Australia and overseas on drug and alcohol use in the workplace from 1992 to 2006. Key messages from that document were that:

- The impairment that comes from both acute and chronic symptoms of alcohol and drug use could lead to occupational health and safety issues for both the workers who consumed these products and the people they work with.
- The workplace is ideally situated to change attitudes and behaviour in regard to alcohol and other drug use.

Employer responsibilities

Employers have a general duty of care obligation to ensure that, as far as practicable, workers are not exposed to hazards and risks that could arise from workers being impaired by alcohol and/or other drugs and, where such hazards might arise, address them through a systematic risk management process.

Employee responsibilities

Workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and illicit drugs while at work is therefore unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions. Workers also should present themselves for work in a fit state and remain, while at work, capable of performing their work duties safely.

What are the signs of abuse?

Substance abuse in the workplace can be difficult to identify, but there are some clues. These include: Frequent, prolonged and often unexplained absences. Involvement in accidents on and off the job. Erratic work patterns and reduced productivity. Overreaction to real or imagined criticism. Physical exhaustion or hyperactivity, dilated pupils, slurred speech or an unsteady walk.

Strategies that employers can implement

Managing a work related alcohol and drug abuse situation is not easy and needs to be dealt with in a mature fashion like any other safety issue. It is critical to have effective strategies, but it must be remembered that one size does not fit all. A holistic approach should be taken by an employer with consideration given to what best suits their organisation and culture. Examples of strategies include:

- The development of workplace alcohol and other drugs policies by building and construction employers that aim at prevention, education, counselling and rehabilitation as part of an organisation's overall OSH strategy. The focus of workplace alcohol and other drugs policies should be to reduce or eliminate the hazards associated with alcohol use in the workplace in a way that is consistent and fair to all employees.
- Employee drug education focusing on the dangers of alcohol and drugs as well as the availability of counselling and treatment.
- Training of managers, supervisors and others in identifying and dealing with substance abusers.
- An employee assistance program that provides for counselling.

Multifaceted and continuing interventions such as a targeted safety campaign or a drug-free workplace program seem to be effective in reducing injuries in the longer term. It also should be noted that a safety culture and the enforcement of safety measures at worksites among management and construction workers appear to be important elements of such interventions.

Training resources

[Some industry associations have responded to calls from members to develop a user friendly strategy dealing with what is a complex issue. This has seen the development of a relationship with the highly credentialed training providers to write up an alcohol and drug-related harm in the workplace training course for employers. These courses provides participants with an understanding of occupational hazards associated with alcohol and drugs, including]:

- The effects of drugs and alcohol.
- The residual rates of these substances.
- The effect of combining substances and a typical drug policy.
- Effects of drugs and alcohol on construction industry workers and duty of care.

WorkSafe WA has available a guidance note that can assist employers.
[www.docep.wa.gov.au/WorkSafe/IDFIGuidance-nc\)teslAlcohol and drugs.pdf](http://www.docep.wa.gov.au/WorkSafe/IDFIGuidance-nc)teslAlcohol%20and%20drugs.pdf)
(SOURCE: *master builder*, Vol7 No2, May-June 2010)

Employers want a fair go from laws

THE federal government has come under fire amid claims its new industrial relations laws leave some workers worse off, and prevents some Western Australian businesses from growing. Prime Minister Kevin Rudd said before the 2007 federal election that workers would not be disadvantaged under his Fair Work Australia legislation.

However, Rockingham-based Prestige Catering managing director, Michael McCafferty, believes some of his employees, as well as his small business, have been negatively affected by the IR changes, which came into effect on January 1. "As a small business, Fair Work Australia has had a massive impact on our business," Mr McCafferty told the WA Business News boardroom forum. "The number one issue for us is that we've had to put hiring on hold."

Mr McCafferty said because the Fair Work Act prohibited shifts of less than three hours a day for part-time workers, it was no longer viable for his business to employ them. Under the Restaurant Industry Award 2010, which covers a range of businesses including catering companies, registered clubs, hospitals and restaurants, casual employees must work a minimum of two hours, and must be paid a casual loading of 25 per cent.

Casual employees receive, inclusive of the casual loading rate, a penalty rate of 250 per cent of the minimum wage for working public holidays, 175 per cent penalty rate for working Sundays, and 150 per cent for working on Saturdays.

"In the past the market's dictated that we needed to look after our staff and to recruit, but now for the first time we need an IR consultant to be able to employ people because a lot of small businesses believe they're doing the right thing but then they find out that they are getting it wrong," Mr McCafferty said. "There's an added expense because of it and that's put our growth on hold. "Weekends had been our biggest area of income and now it isn't viable to trade on a Sunday; it isn't viable to pay a casual wait staff to service a function on a public holiday."

Mr McCafferty said this was threatening the viability of Prestige Catering. "Up until now, we've had a really flexible system that has worked well for us and it has worked well for our employees," he said. "As we've grown, we've converted many of our casuals to part-time, but now we can't do that. "So we just said, 'right we're having no more part-time employees'."

Chamber of Commerce and Industry WA chief executive James Pearson said the Rudd government's legislation appeared to be taking away an employer's ability to employ more people. "It's not fair, it's not fair work at all," he said.

Small Business Development Corporation acting managing director, Jacky Finlayson, told the roundtable it was concerning to hear WA businesses such as Prestige Catering could not grow as a result of the new workplace relations regime. "With WA's economy poised as it is for strong economic growth, it's the most appalling thing to hear businesses are putting their recruitment on hold and having to change the whole way they go about employment," she said. "Small to medium enterprises are the ones that actually generate employment in the state." (SOURCE: *WA Business News*, 20.5.10)

Unfair Dismissal Claims On the Rise

An upsurge in unfair dismissal claims since new laws took effect on 1 July 2009 has seen more than 5000 applications in the first six months of operation. This compared to 8000 applications in 2008-09. Concerns about the significant increase have been downplayed by the Rudd Government as being less than anticipated but employers say this misses legitimate points about the re-emergence of many of the ills of the pre-March 2006 unfair dismissal system.

Employers these days must be mindful about the procedures they follow when considering terminating the employment of an employee. The best advice is always to seek specialist help from Master Builders or an IR consultant. The consequences can be costly where an employer does not follow or apply proper protocols. In considering a claim of unfair dismissal, Fair Work Australia will take into account the following factors

- Has the person been dismissed?
- Was the dismissal harsh, unjust or unreasonable under the circumstances?
- Was the dismissal a genuine redundancy? The onus falls on the employer to prove this aspect.
- Was the dismissal consistent with the Small Business Fair Dismissal Code, if it is applicable?
- FWA is required to examine whether the grounds of dismissal constitute harsh, unjust or unreasonable behaviour by the employer. The behaviour it will examine includes, but is not limited to:
 - Where performance is stated as the reason for dismissal, was there a valid reason for dismissal related to that performance?
 - Was the employee advised of that reason by the employer beforehand, that is, was the employee given a fair warning?
 - Was the person given an opportunity to respond to any allegation of poor work performance?
 - Did the employer refuse to allow the employee to have another person in support during any counselling session about poor work performance?
 - Did the employer warn the person about the consequences of poor work performance; for example, failure to improve to a satisfactory level could result in employment coming to an end?

In addition, FWA can consider the size of the employer's business, any in-house human relations expertise and any other matter it believes to be relevant.

Some recent FWA decisions involving unfair dismissal also indicate employers not only must pay close attention to the reasons for dismissing an employee but also must be mindful of the procedures they apply. The decisions have found an employer justified in dismissing an employee but due to incorrect procedures the employer has been ordered to pay the employee compensation.

The 14-day time limit during which an unfair dismissal claim can be made also can be extended by FWA where there are extraordinary grounds. Experience since the new laws commenced suggests the tests as to what constitutes extraordinary grounds are on the soft side meaning employers cannot rely with any comfort on the 14-day limit.

General Protections

The Fair Work Act also contains prohibitions against dismissing an employee on discriminatory grounds. These build on the previous Federal Workplace Relations Act but expand on what is discriminatory action. In addition, compensation for such claims is not capped and the onus of proof is reversed meaning employers have to prove their innocence.

Employers need to review their termination of employment procedures as a priority and seek competent advice should they be considering dismissing an employee. The costs for getting it wrong can be significant. (SOURCE: *master builder*, Vol7 No2, May-June 2010)

Diving dollar and no political sense

A FIRST-principle, rock-solid rule of politics forbids Australia's senior ministers from commenting on the nation's currency. To do so is to trip all the alarms in the world's currency trading rooms. That rule was foolishly ignored by the Deputy Prime Minister, Julia Gillard, on Friday morning and the Australian dollar, already trading at its lowest level in nearly a year, almost immediately dropped another US cent in value. Prime Minister Kevin Rudd then waded in, but to no one's surprise, failed to revive the Aussie dollar.

Since the release of the Henry report and Rudd and Treasurer Wayne Swan's joint press conference at which the huge new tax on mining was announced on May 2, the Australian dollar has lost about 12 per cent of its value against the US dollar, trading yesterday around the 83 US cent mark. In February, just three months ago, international currency strategists were predicting the Aussie dollar would "stand out in the crowd" when up against currencies from the Group of 10 nations, which include the US, Britain and a number of the richest countries in Europe and Asia.

A report in *The Australian* on February 5 quoted currency strategists who said that our dollar was showing "good resistance between US93.30c and US94.10c" which suggested to them that a platform was being formed before another, higher, move. Citi chief economist Paul Brennan said "fundamental factors" were stacked in the dollar's favour. How much brighter things were before the Henry report and the totally botched delivery of the ill-thought-out super tax on mining. (SOURCE/EXTRACT: *The Daily Telegraph*, 22.5.10)

Employers hit in awards overhaul

Employers and employees face disruptions to their pay arrangements once the Rudd government's modernised award system comes into full operation from July 1. The government will next week finalise the transitional pay arrangements for the new system that flow from streamlining more than 4000 federal and state industrial awards into just 122 awards.

Business is already expressing concern over the complexity of the overhaul and the increased burden that it will impose, particularly on small enterprises. "It is complicated and doesn't sit comfortably with the government's claims that this would be a simpler system," said Australian Chamber of Commerce and Industry chief executive Peter Anderson. "This is going to be a very challenging time for business."

The Fair Work Ombudsman has developed an online "pay calculator" and has beefed up its call centre to cope with an expected flood of inquiries, but employer groups are still worried that many small-to-medium businesses will struggle. The pay movements will be phased in through five annual instalments of 20 per cent starting from July 1 this year to July 2014, but complexities arise from changes in base pay being treated separately from changes in penalty rates and allowances.

Fair Work Ombudsman Nick Wilson argued in a recent speech that there was a "mutual interest in ensuring the transitional arrangements are well understood and that the modern award system works as well as it can". "We have not prosecuted a small business for making an honest mistake and fixing it up, and we are not about to start now," he said. "However, the deliberate avoidance of obligations, or serious negligence, such as through careless inattention to what one's obligations might be, will attract our attention."

A spokesman for Ms Gillard said last week that the phasing in of the modern arrangements did not start until July 1, which would give employers notice to make changes to their pay arrangements. "Adjustments to payroll systems to account for changes in award rates is not new," the spokesman said. (SOURCE/EXTRACT: *Financial Review*, 24.5.10)

WA produced wine is a winner

WA wines have proven themselves winners once again in the world's biggest wine show, with state produced wines winning a large share of the Decanter World Wine Awards medals. The results, unveiled at the London International Wine and Spirit Trade Fair reveal that WA has claimed 101 medals out of Australia's total haul of 750, despite WA producing just three per cent of Australia's wine. WA's traditional strengths, Cabernet Sauvignon and Chardonnay, claimed the highest honours.

Delighted trophy winner Vanya Cullen of Margaret River's Cullen Wines said "The Cullen team is thrilled with the fantastic news that we have won the Regional Chardonnay Trophy. The 2007 Cullen Kevin John Chardonnay reflects the biodynamic techniques used since 2004 and shows the potential of the vineyard in what was a great vintage."

WA wines did especially well in attaining higher honours, with one wine receiving a coveted trophy and a further five wines receiving a highly respected gold medal. Less than 3 per cent of all 10,983 wines entered won a trophy or gold medal in 2010. (SOURCE/EXTRACT: *WA Business News*, Daily Business Alert, 25.5.10)

Yellow Pages Scam Advice

We are reporting this activity to the Australian Competition and Consumer Commission (ACCC). In addition, we have issued a [media release](#) broadly to Australian media outlets via AAP and provided this information to Business Enterprise Centres, and local business and industry associations. We have informed our customer care and sales staff about the scam so that they can advise customers who have been contacted.

Should your business constituents require additional information about this scam we are readily available to speak to them on 13 23 78. Any assistance you can provide in alerting people to this scam and encouraging them to be cautious when handing over sensitive business information would be greatly appreciated. If you have any questions about our response to this incident or need additional information, please contact Sensis. Bruce Akhurst, Sensis.

Rinehart and Twiggy in BRW Rich List

Gina Rinehart and Andrew Forrest have both made the top five of BRW's Rich List, worth an estimated \$4.75 billion and \$4.24 billion and sitting in second and fourth positions respectively. Ms Rinehart's rise from number four last year was reportedly thanks to increased production at her privately owned mines and rising commodity prices and helped to increase the total wealth of women on the list by \$2.6 billion to \$11.6 billion.

Fortescue Metals Group's Andrew Forrest's increased wealth from \$2.38 billion last year was due to his company's improved share price since the global financial crisis. Twiggy and Ms Rinehart have good company in the list of Australia's wealthiest 200 people, with Westfield shopping centre property tycoon Frank Lowy sitting in the top spot, estimated to be worth \$5.04 billion. (SOURCE/EXTRACT: *WA Business News*, Daily Business Alert, 26.5.10)

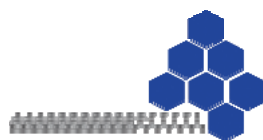
Sacre bleu! Perth tops Paris' livability

Perth has been voted the 21st most livable city in the Mercer Quality of Living Survey 2010. Perth was one of six Australian cities on the list and followed Sydney which came in at number 10 and Melbourne which was number 18. Canberra, Adelaide and Brisbane all fell after Perth at 26, 32 and 36 respectively.

Austria's Vienna won the top spot with Zurich and Geneva coming in second and third most livable. Auckland and Vancouver were tied at number four most livable cities. Other well-known cities on the list are San Francisco at 32nd, Paris at 34th, London at 39th, New York at 49th and Rio de Janeiro at 116th. (SOURCE: *WA Business News*, Daily Business Alert, 26.5.10)



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