



## 2007 QUEENSLAND STATE WAGE INCREASE

The Full Bench of the Queensland Industrial Relations Commission has handed down its decision in the 2007 State Wage Case.

The decision allows for the following increase in State Awards (other than those which have become a notional agreement preserving a state award – “NAPSA”).

- \$24.60 per week increase in adult award rates of pay;
- 4.1% increase to all allowances that relate to work or conditions (expense related or reimbursement of expense allowances are not affected by the percentage increase).
- Junior award rates of pay are increased based upon the stated percentage of adult award rates of pay.
- The Queensland Minimum Wage will be increased to \$528.40 per week.

The increase will be operative from 1st September 2007.

This increase is only applicable to employers/employees who have remained under State Industrial Relations System.

## AUSTRALIAN FAIR PAY COMMISSION'S FEDERAL WAGE DECISION

On 5 July 2007, the Australian Fair Pay Commission (AFPC) handed down its 2007 Minimum Federal Wage Decision under the new Federal WorkChoices Legislation.

The decision becomes operative as from the first pay period on or after 1 October 2007 and contains increases to the minimum wage rates as follows:

- A increase of \$10.26 per week in the standard Federal Minimum Wage (FMW);  
(increased to \$522.12 per week or \$13.74 per hours);
- An increase of \$10.25 per week (\$0.27 per hour) in all Australian Pay and Classification Scales up to \$700.00 per week; and
- An increase of \$5.30 per week (\$0.14 per hour) in all Pay Scales above \$700.00 per week.
- The FMW minimum hourly rate of \$13.74 per hour is multiplied by 38 or 40 (Ordinary hours of work according to the specific Award)

These increases will apply in all Federal Awards relative to organisations covered by the WorkChoices legislation (i.e. Constitutional Corporations). Employers and employees covered by collective agreements and individual agreements made after the introduction of WorkChoices (27 March 2006) are required to pay wages at least equal to the new minimum wages.

Employees are entitled to receive the minimum wage rates included in a Pay Scale (previously reliant on a federal or state award (NAPSA)).



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## RESULT OF ACSEA ELECTION – 2 NEW BOARD MEMBERS

As you would be aware the ACSEA had 2 casual Board vacancies recently.

The Electoral Commission Queensland conducted the nominations and we have been advised by the Electoral Commission Queensland that Mrs Jenny O'Brien and Mr Kim Teague were successful in filling the 2 casual vacancies. We have pleasure in welcoming them both to the Board of the ACSEA.

### Jenny O'Brien

Married to Tim and Mother to Meg (6) and Elsie (4)  
Chartered Accountant and Senior Manager with KPMG  
Treasurer of Tarragindi War Memorial Kindergarten (C&K affiliated)

Grew up and went to University in Townsville, lived in Cairns for 3 years after graduation, then moved to Brisbane.

Interests: Family, food (cooking and eating), golf, gym, reading - the list is endless.

### Kim Teague

I have been involved with ACSEA for more than 10 years and served as a committee member for many of those years.

I initially became involved when my daughter was in kindergarten and saw the need for continued representation of community kindergartens on the ACSEA Board.

I am a solicitor involved in the property, business and commercial sectors and maintain an interest in community early childhood education in Queensland.

## WORKING FROM HOME IS A NO NO!

Employers are often asked by employees if they can work from home for a whole host of reasons: complete reports, finish the books, write education programs, etc.

Working from home is something that contractors often do through necessity. They are responsible for their own insurances, work output and the facilities and equipment in their workplace.

From a Workplace Health & Safety perspective you as the employer do not control the workplace and you may be deemed liable should the employee injure themselves within their own home. You also have no control over the hours worked and we strongly believe it is a good practice to ensure that employees sign on for the start of the day.

If you decide to go down the track of allowing employees to work from home there are a range of things you need to do before this can actually occur. These are very time consuming and can be quite difficult. Taking these factors into account it is advisable not to go down this track at all.

## WHO CONTROLS WHO?

Lately some of our members have been visited by Inspectors from the Department of Industrial Relations for allegedly underpaying their staff in areas ranging from wages to long service leave.

Some of the less amusing situations that have come to light include:

- o Employees paying themselves;
- o Employees keeping hold of their payroll data;
- o Employees obtaining pre-signed cheques from Treasurers
- o Employees having total (sole) control of ALL MYOB and accounting records



Have you recently joined  
as a new member ?

Recently hired a new employee ?

Did you conduct a reference check before hiring ?

Do all your employees have a compliant letter of Appointment and Confidentiality deed ?

Contact the ACSEA on 3852 5177

and we will assist you in identifying what it is you should be looking for.



## These practices are always going to end in disaster.

For instance: Recently a disgruntled employee who had been paying herself for a number of years (she bullied and cajoled the committee to take control) left and took all the MYOB payroll records with her.

As luck would have it the member received a visit from the Industrial relations Inspector based upon the disgruntled employee claiming incorrect final payment calculations. When the member went to check the claim they were unable to because the disgruntled employee had allegedly stolen all of the payroll records pursuant to that claim. It comes as no surprise to learn that upon further investigation the disgruntled employee departed their employment at the same time the auditor turned up.

The bottom line is stay in control and if you ever have issues regarding payment/s contact ACSEA.

## RECORD KEEPING

Community based organisations have a number of types of records which must be maintained and retained for varying periods. The below tables illustrate the three categories and should provide you with an easy reference to timings!

### Governance and Accountability:

Minutes	forever
Membership and Volunteer registers	20 years
Letters, contracts, agreements	5 years/forever if of historical value
Correspondence, junk mail	1 year or less if not required

### Financial

Cashbook	20 years
Financial Reports	5 years
Receipt books, order books, invoices	5 years
Events paperwork (see taxation)	5 years
Cash register tapes	3 years
Stock counting sheets	3 years
Bank deposit slips and bank statements	2 years
Petty cash and postage books	2 years
Cheque butts	Until audit completion



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### Employment

Time and wages	Qld - 6 years after employment relationship ended  WorkChoices – 7 years after the employment relationship is ended
Employee register	Qld - 6 years after employment relationship ended  WorkChoices – 7 years after the employment relationship is ended

## GOOD NEWS STORY

One of our members recently advised that one of their employees had had their blue card suspended. They received a letter from the Commission for Children and Young People and Child Guardian stating "in that correspondence I advise that:

- o You must not terminate this person's employment solely or mainly because their positive notice and blue card have been suspended;
- o You must not allow this person to perform child related activities as requested by the act."

The Commission goes on further to state that the member is to write to the Commission advising them of the member's

child protection risk management strategy. Sadly, neither the Commission nor its website provides details on how an employee who has had a blue card suspended should be managed where alternative employment cannot be found.

ACSEA on behalf of its membership base has written to the Commission for Children and Young People and Child Guardian recommending that the legislation be clarified and changed under section 119C of the Commission for Children and Young People and Child Guardian Act 2000.

We further stated that in order to manage the risks to children where a person has had their blue card suspended under section 119C, that an employer may elect to either find alternative employment for the person or to suspend the employee without pay, until the suspension is removed or a negative notice under section 119C is issued.

The difficulty that ACSEA and it's members have in this regard is that in many not-for-profit organisations that ACSEA represents, the employer has no other alternative employment for which the employee who has had their blue card suspended can work and given the notice that the Commission has detailed above about not terminating that persons employment the employer is potentially put at huge risk in relation to it's ongoing liability for continued employment.

ACSEA is pleased to advise that after a number of discussions with the Commission, the Commission have given unprincipled

agreement to amend and better clarify the current information available on its website and information that is sent to members where these unfortunate circumstances unfold.

We will keep you posted on further developments.

## STUFF YOU REALLY WANTED TO KNOW

There were 6,900 working days lost due to industrial disputation in the March quarter 2007, a decrease from 54,200 in the December quarter 2006.

The unemployment rate decreased by 0.2 per cent to 3.5 per cent. Jobs growth in Queensland continued to be driven by full-time employment. In May full time employment increased by 6,400. Over the year, total employment rose by 104,300 and this accounted for 37 per cent of the jobs created nationally.

### Contractors

For those of you who are contemplating engaging a Contractor rather than employing someone, here are some points which you need to consider. Does your contractor have all of the following;

- A contractor is responsible for their own superannuation payments, not the person engaging the contractor. Your contractor needs to understand that it's their responsibility, not yours.
- Any contractor engaged must supply you with a current certificate stating that they hold their own Workers Compensation coverage before commencing work. These policies can be obtained from Workcover at minimal expense.
- Any contractor engaged must supply you with a copy of a current certificate of currency (Public Liability / Public Indemnity insurance) before commencing work. This protects you and your business operations from having to claim on your own insurance policy/s and thus incurring both an excess and an increased premium going forward.
- A contractor is responsible for deducting their own PAYG tax. This is not your responsibility.
- A contractor must have an ABN number. In many sole trader arrangements this is their Tax File Number (TFN).
- A Contractor must supply you with an invoice for payment identifying their business name, an ABN number, identify the service provided, and the time frame so you can process payment.

If your current Contractor arrangement/ agreement does not comply with any of the above mentioned areas then there is a chance that they (your Contractor) are an employee and not a Contractor. If you are not sure about the difference between Contractor and employee arrangements simply give us a call.



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YEARS TO	COMPOUND AVERAGE* RETURNS % P.A.
<b>30 JUNE 2006</b>	<b>BALANCED GROWTH OPTION</b>
1 YEAR	16.30
2 YEARS	15.09
3 YEARS	14.56
5 YEARS	9.27
10 YEARS	10.00
SINCE INCEPTION (1989)	10.01

\* AVERAGE IS THE COMPOUND AVERAGE OF THE ANNUAL RETURNS FOR THE NUMBER OF YEARS SHOWN.

**WEBSITE: WWW.QIEC.COM.AU**  
**EMAIL: INFO@QIEC.COM.AU**  
**CONTACT QIEC SUPER ON (07) 3238 1290 OR 1300 360 507**  
TELEPHONE QIEC SUPER FOR A COPY OF THE FUND'S PRODUCT DISCLOSURE STATEMENT (PDS).  
YOU SHOULD CONSIDER THE PDS BEFORE MAKING A DECISION ABOUT BECOMING A MEMBER.

## THE RULES OF SMOKING

Many of our members who manage both disability groups and respite care organisations are often confronted with their Employees who state that they are being exposed to clients whom they visit in their own homes who smoke.

Our advice is that under the Queensland Workplace Health and Safety Act 1995, Obligations of an Employer,

- o "An Employer has an obligation to ensure the Workplace Health & Safety of each of the employers workers in the conduct of the employers business or undertaking".
- o "An Employer has an obligation to ensure other persons are not exposed to risks to their health and safety arising under the conduct of the employers business or undertaking".

In short employees that are being subjected to passive smoking within their client's residences should request that these clients cease smoking whilst they are undertaking care. Problem solved!

Meeting Reaps Better Understanding For Members

We are pleased to advise that a potential member who is involved in the Disability/Respite Care area sort advice from ACSEA in relation to some concerns with regards to Workplace Health & Safety Inspectors. Gaining a fuller appreciation of the matter at hand Charles Hardy, met with the General Manager for Workplace Health and Safety Services in Queensland.

The potential member was able to identify issues and concerns arising out of matters which presented themselves through the interaction between the Workplace Health & Safety Inspectors and the potential member staff and the outcome of the meeting has been beneficial from all concerned particularly with regards to;

- o an increased opportunity for WH&S Inspectors to gain a better appreciation of Disability/Respite Care Organisations and the clients that they service and;
- o Workplace Health & Safety are happy to entertain either members or potential members of the ACSEA in relation to issues which confront them.

## SOME POPULAR MYTHS – THE RIGHT ANSWERS!

### Question

Do your employees need a new letter of appointment every 12 months?

### Answer

No

### Question

Do you need a copy of the Award on site?

### Answer

Yes, it's a requirement of the Queensland Industrial Relations Act and the Workplace Relations Act 1996, this includes the Family Leave Award.

### Question

Are we obligated to issue staff with pay slip?

### Answer

Yes, it's a requirement of the Queensland Industrial Relations Act and the Workplace Relations Act 1996. YOU can be fined.



Please call ACSEA on 07 38525177  
or phone Ian McNaughton on 0448 885 790  
or e-mail [whsadvisor@acsea.org](mailto:whsadvisor@acsea.org) to arrange an audit.

## Workplace Health & Safety Audits for Child Care

### What Will You Get??

A comprehensive report with what was found and suggestions for improvements covering the following areas:  
Risk management, Manual tasks, Hazardous substances, Electrical Safety, WHS requirements of the Child Care Regulations, Disease prevention, Food safety.

## WORKCHOICES.....AND THE SAGA CONTINUES

There have been a number of cases before the various industrial relations commissions which continue to raise questions as to whether community based not-for-profit organisations are subject to WorkChoices legislation.

The Western Australian Industrial Relations Commission recently ruled that a small not-for-profit childcare centre was not a "Trading Corporation" for the purposes of WorkChoices and ordered the reinstatement of an employee under the State Act.

A General Practitioners organisation incorporated under the Associations Incorporated Act in NSW was also found not to be a "Trading Corporation" because the Commission considered that any trading activities of the organisation were not "substantial".

In an older case involving Australian Yachting Federation, which is also incorporated under the NSW Associations Incorporations Act, the NSW Supreme Court held that the printing and sale of manuals and rule books which brought in \$70k (out of an annual \$700k budget) was not substantial enough to qualify the Association as a "Trading Corporation" as envisaged under WorkChoices.

In a recent decision the Australian Taxation Office ruled that Community based not-for-profit childcare centres could register as "charities" under the Income Tax Assessment Act.

The case in Queensland involving the educational organisation Educare Ltd, saw the QLD Industrial Relations Commission rule that the organisation was a "Trading Corporation" under WorkChoices given its budget of approx \$20 million per annum.

It seems certain that the size of an organisation and the type of activities it engages in are key issues in determining whether a not-for-profit organisation is covered by WorkChoices. Other authorities share these views and maintain that a final position may only be achieved by a test case before the high court.

Allan Fazldeen  
SECRETARY

## WORKPLACE HEALTH AND SAFETY ASSESSMENTS

For Child Care Centres and Outside School Hours Care Services

What will you get?

1. Basic Workplace evaluation

Consists of an inspection of all parts of your workplace, hazards and their associated risks are identified. A report is provided and includes recommendations for controlling risks at the service. Areas reported on include:

- a. OHS requirements of the Child Care Act and Regulations
  - b. Disease prevention
  - c. Manual tasks
  - d. Hazardous Substances
  - e. Basic food safety
  - f. Electrical safety
2. Medium Workplace evaluation

Consists of a basic evaluation, plus evaluation of the risk management processes in place in the service. A report is provided and includes recommendations on areas which would typically include:

- a. Hazard identification processes
  - b. Risk assessment
  - c. Risk control
3. High level evaluation

Consists of basic and medium evaluations plus analysis of overall management systems and procedures in place in the organisation.

A report is provided and includes recommendations on:

- a. Policies and procedures
- b. Training
- c. Planning

Monitoring and evaluation service	ACSEA Members	Non-Members
Basic – Workplace Evaluation	\$330	\$550
Medium – Workplace Evaluation plus Risk Management Processes	\$550	\$770
High – Workplace Evaluation plus analysis of all systems and procedures	\$880	\$1100

All costs quoted exclude travelling and accommodation expenses. For organisations with multiple sites a separate fee is available. All costs include GST.

Please call ACSEA on (07) 3852 5177 or phone Ian McNaughton on 0448 885 790 or email [whsadvisor@acsea.org](mailto:whsadvisor@acsea.org) to arrange an audit.



## 2008 MEMBERSHIP FEE INCREASE

A quick note to inform our valued members that missed our AGM about our small membership fee increase for 2008. After much consideration the Board proposed, and Members voted for, a 5% (plus GST) increase in fees for the forthcoming 2008 year.

Unlike many other not-for-profit organisations, ACSEA receives neither State nor Federal funding and is wholly dependent on member based funding and services to support its work on behalf of members.

Where possible our fees are structured with careful consideration to our community based membership and the 5% increase is necessary at this time to support the level of service to our members.

I trust that this relatively small increase meets with your approval and should you have any questions please don't hesitate to give me a call on (07) 3852 5177.

## COMMUNITY KINDERGARTENS – UNION CLAIMS

QIEU Continues to Push for Increased Benefits for Staff Employed in Community Kindergartens.

The Queensland Independent Education Union (QIEU) has for many years been seeking portability of sick leave and long service leave from Kindergarten to Kindergarten.

The Union is also seeking a review of wages for assistants, increase in zone allowances, paid maternity leave, introduction of pupil free days and more non-contact time and the introduction of redundancy provisions.

The ACSEA has previously informed the QIEU that it cannot support portability arrangements because it cannot perceive of any system which would operate equitably for all Kindergartens. With regard to increases in wages and other conditions, the ACSEA Board is aware that many kindergarten committees simply do not have the financial resources to support any increase UNLESS the Queensland Government increases DECKAS.

As we are all aware, the future of DECKAS is currently under review, and the ACSEA has been advised by the Department of Education that it is not prepared to consider any further funding for increases in wages and the conditions over those included in the 2006-2009 Early Childhood Education Certified Agreement. There has to be some concern about funding arrangements beyond 2009.

The ACSEA has always tried to be fair when dealing with the Union about wages and conditions for staff in Community

Kindergartens. Kindergarten Staff were granted increased long service leave by agreement early in the 1990's (i.e. 13 week after 10 years – against the community standard of 13 weeks after 15 years).

Assistant's wages remained at the same level when working hours dropped from 40 hours per week to 38 hours per week.

Unlike Teacher Aides employed by the State Government, kindergarten assistants are paid over 52 weeks (rather than 41 weeks plus 4 weeks Annual Leave).

Despite some difficulties, the ACSEA fought for comparable wages for teachers in the recent Certified Agreement and also went to bat for kindergarten staff in successfully arguing for a phase- in increase in the employer superannuation contribution, because the DECKAS system has since 1990, been based on 80% of wages AND SUPERANNUATION (even when the levy was increase from 3% to 9%).

The ACSEA believes that it would be IRRESPONSIBLE to even give, any forward undertaking or forward consideration to any proposal under the environment which currently exists and is likely to exist in the immediate future.

Allan Fazldeen  
SECRETARY

## COMMUNITY KINDERGARTENS — REVIEW OF DECKAS

Kindergarten committees would be aware that the State Government has convened a review of DECKAS funding.

ACSEA has been invited to be part of the review Committee which is dominated by public servants from the Department of the Premier and Cabinet, Treasury Department, Department of Education, Department of Employment, Department of Communities.

The ACSEA is concerned that the review is focused on workforce participation by parents in the early years.

We are concerned that a change in the focus of Community Kindergartens will interfere with the valuable education outcomes which are clearly evidenced in the many reports on the favourable outcomes for children who attend community Kindergartens.

Any broadening of the scope of operations in Community Kindergartens will result in extra workload for committees and no guarantee that additional services will be utilised, or will be financially viable.

This was in fact the experience of Community Kindergartens when this same arrangement was put into effect by the Commonwealth Government and Queensland Government in the late 1970's under the guise of "Extended Services".

The ACSEA is committed to ensuring that the funding of Community Kindergartens and the working conditions of staff are not undermined. We will keep you informed of developments.

Our members will be aware that a Steering Committee made up of State Government Officers from the Department of the Premier, Treasury, Education, and Communities, are conducting a review of DECKAS funding.

As part of this Review, the ACSEA has been represented on a Reference Committee, and we recently conducted an anonymous survey of our 200 Community Kindergarten members.

The Allen Consulting Group has been engaged by the Government to conduct the review and offered a series of Options under the headings of Governance issues; Funding arrangements and Operational Issues.

The ACSEA Survey attracted responses from 60 members (a return rate of 30% of our Membership).

The results of the survey were as follow:

#### **Governance**

90% of responses clearly stated that they wanted the administration of DECKAS retained within the Department of Education Training and the Arts (DETA). 48% wanted the administration through an independent statutory body and 42% wanted the status quo.

#### **Funding Arrangements**

75% of centres wanted a payment to kindergartens based on benchmark operating cost (in lieu of a % of wages costs).

Only 22% proposed the use of DECKAS as top-up for Child Care Benefit subsidies against fees.

#### **Operational Issues**

72% of centres wanted DECKAS only used for Community Kindergartens in areas of need for 3.5 to 4.5 year old children.

Only 25% supported co-ordinated funding under the Dept of Communities (DOCs).

#### **Early Childhood Consulting Service**

85% of members supported the continuing role of C&K in this service for the 2009 – 2012 period, subject to the conditions that C&K NOT put pressure on centres to become C&K Branches or to adopt "Kindyplus" or other child care arrangements.

#### **Other Comments included:**

- (i) Concern that any new arrangements will undermine standards in centres or leave centres worse off financially.
- (ii) There was concern that the existing wages subsidy system was not offered as an option.
- (iii) Many centres proposed increased funding and payment of funding in advance.
- (iv) Those centres that wanted access to CCB still wanted CCB as a top up over and above DECKAS.

In providing details of its survey to the Consultants (The Allen Consulting Group) the ACSEA emphasised that any attempt to interfere with the particular features of Community Kindergarten (i.e. parent and staff management, sessional programming, etc), could only result in reduction in the quality of the educational and developmental outcomes achieved by Community Kindergartens.

ACSEA added that if the Queensland Government really wanted to improve accessibility for 3.5 to 4.5 year old children to educational programs, they should seriously consider an increase in DECKAS Capital and Recurrent funding under the existing Community Kindergartens framework to allow new Kindergartens to be opened.

**Allan Fazldeen**  
**SECRETARY**

If you have not yet paid your membership fees you may like to deposit directly to our account. When doing so please send us a fax or email to advise, and use your invoice number as a reference to the bank.

#### **Banking Details for Direct Debit**

**Account Name:** Australian Community Services Employers Association  
**BSB No.** 014-249  
**Account No.** 4981-39156  
**Reference** Invoice number

**N.B** Please use your invoice number as a reference to the bank when making deposits electronically.

**All invoices are now due and payable.**



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