

April 2008

Business News

Legal Issues update for Canberra Businesses



Farewell AWA's... Long Live Fair Work Australia

New Workplace Relations laws passed on the 18th March 2008 under the Rudd Labor Government... What does this mean for you?

Significant changes will be implemented by the Rudd Labor Government over the coming months to rebuild the Industrial Relations laws.

Whilst all the details are yet to be finalised, **early action in your workplace** will provide a solid footing for an economical and efficient industrial relations policy. We can assist, with our team's extensive experience in industrial relations, to advise on the best strategy to prepare for the new changes.

WAYS WE CAN ASSIST:

Our team's industrial relations specialists can provide an in-house audit for your business, providing you with the necessary check list to ensure that your business is equipped for the introduction of the Rudd Government's new Industrial Relations laws.

Additionally, Snedden Hall & Gallop can provide the following assistance to your business:

- ⇒ Assistance with collective agreements
- ⇒ Advice on procedures and paper trail requirements to avoid unfair dismissal claims
- ⇒ Advice regarding all documentation requirements
- ⇒ Representation in the AIRC or the Fair Work Australia tribunals

LET'S TALK ABOUT IT...

Bill Andrews, our Workplace Relations specialist, provides a brief overview of some of the most critical changes by the Rudd Government over the page, however, for more information join us at our exclusive FREE seminar to review the Rudd Labor Government's Workplace Relations Reforms and discuss the ways in which we may be able to assist you in your workplace.

FREE SEMINAR:

Tuesday 22nd April 2008

**5.30pm - 7.00pm
Snedden Hall & Gallop Offices
43 - 49 Geils Court, Deakin**

To reserve your seat, call Laura on (02) 6285 8000 or email reception@sneddenhall.com.au by Friday 18th April 2008.

Why take Business Law into your own hands...

When you can rely on the firm that's been looking after Canberra businesses for over 40 years.

What's is Meritas? Meritas is an international alliance of business law firms working together across jurisdictions to provide clients the best of both worlds; a local legal partner with full services capabilities and the cost efficiency of personal

**Call us now
on
(02) 6285 8000**

HAVE YOU GOT PROTECTION?

Intellectual Property (“IP”) is fast becoming a major asset for businesses, no matter what their shape or size. Sadly, given its relatively new place in the market, little is commonly known about what businesses can, or should, be doing to cultivate, exploit and protect their IP.

Essentially, businesses can protect any idea, creation or know-how that they have created. This includes but is by no means limited to logos, designs, names, inventions and any written work.

IP protection starts with knowledge. Knowing what you’ve got is essential and only then can you take steps to protect it. Such steps can range from simple, but essential, confidentiality agreements through to a range of registration and legal protections provided by Commonwealth legislation.

Once protected, businesses can use and exploit their IP, protect it from others, licence or assign it, and recognise its true potential as a valuable, if intangible asset.

At Snedden Hall & Gallop we have an experienced IP legal team, with one member of the Intellectual Property Society of Australia and New Zealand. We offer a Protection Assessment Package to help our clients commence the necessary steps to increase and realise the value of their IP. For \$350 plus GST, clients can meet with a member of our IP Team who will analyse your IP related assets. Our team will then provide a written advice outlining the best approach to take to ensure the protection of those assets.

Contact Nick Tebbey today on 02 6285 8000 to book an appointment for your IP Protection Assessment. Don’t lose any more time before taking this important step towards IP-success!

Finding a lawyer in Canberra is easy...

Snedden Hall & Gallop Lawyers

43 - 49 Geils Court
Deakin ACT 2600

P: (02) 6285 8000
F: (02) 6285 8088

E: lawyers@sneddenhall.com.au
www.sneddenhall.com.au



AWAs ARE OUT - BUT IS THE NEWS ALL BAD?

New legislation under the Labor Government to modify the Workplace Relations Act will be proclaimed shortly. We need to adapt to the new Labor policy and establish processes and systems to maintain an effective workplace relations policy in our businesses.

AWAs are now abolished but that does not mean that all negotiated agreements between employers and employees outside the Award system are out the window. There are still opportunities to negotiate workplace agreements which are suited to your environment.

The new legislation has a number of important features:

- ⇒ Those workplaces where at least one employee was on an AWA as at 1 December 2007 can introduce ITEAs which are a type of AWA designed to regulate individual statutory agreements which substantially modify underlying award conditions. They can be used until the end of 2009.
- ⇒ Collective Agreements negotiated between employers and more than one employee, can be introduced into workplaces to provide quite different conditions to those provided in the underlying award, provided they

pass the ‘no disadvantage’ test. That test will be applied by the Workplace Authority, not the AIRC, and provided the current backlog of agreements can be processed speedily, this should provide an efficient system of applying a negotiated Workplace Agreement under the umbrella of statutory authority, into all businesses.

- ⇒ Common law agreements can still be entered into, however they run the risk of failing to comply with the no disadvantage test if the conditions do not compare favourably with the appropriate award.
- ⇒ Unfair dismissal laws will be modified to provide a wider range of remedies to disgruntled employees, however the Government will introduce a code of fair dismissal, compliance with which will deem a dismissal, fair. This will be an important tool for all businesses and should be introduced at the earliest opportunity to avoid the problems of unfair dismissal claims.

For further information, speak to our Workplace Relations specialist Bill Andrews on (02) 6285 8000.