



Update—February 2020

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TasBuild Staffing.

Happy New Year, welcome to 2020 and all that it promises.

TasBuild has started 2020 with a number of staff changes and pending changes.

We recently appointed Kristy Alexander to a newly created Manager Operations/Office position to ensure the smooth and efficient operation of TasBuild's day to day functions. Kristy is an experienced business and people manager and will have a positive impact.

I have announced my intention to retire, after over 11 years in the job as CEO. I have certainly enjoyed my time in the role which has been both challenging and rewarding. My last day will be the 24th of April 2020.

Thank you all for your support during my tenure.

Chris Atkins CEO

Terminating Workers.

We have recently noticed that Employers have not been terminating workers off their Returns when the worker ceases employment. This has created situations where employers inadvertently continue to make contributions for these workers etc.

Employers are asked to ensure they terminate workers from Employer Returns when they cease working. Your proactive approach in this regard minimises the chances of overpayments and reporting errors.

Workers can only be terminated while in an "OPEN" Employer Return, you can not retrospectively terminate a worker, that is, on a "SUBMITTED" or "COMMITTED" return.

To terminate workers in wCRM via the OPEN Employer Return, you will need to click on the three vertical dots which are located on the right hand side of the line that contains the workers name.

You click on these dots and select the "Terminate Worker" option, then follow the prompts.

Thank you for your assistance with this matter.

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Entitlement Statistics for: January 2020

- Total entitlements paid: 117
- Total value of entitlements paid: \$1,052,812.72
- Average weekly rate paid for all entitlements: \$1,306.82

Average weekly rates paid to specific trades:

Boilermaker/Welder:	\$1,512.02
Bricklayer:	\$1,354.31
Carpenter:	\$1,219.50
Concreter:	\$1,216.90
Electrician:	\$1,439.18
Fitter and Turner	\$1,241.08
Glazier:	\$1,629.57
Labourer:	\$1,205.31
Painter:	\$1,180.80
Plant Oper:	\$1,235.09
Plasterer:	\$1,535.09
Plumber:	\$1,351.42
Rigger/Scaffolder:	\$1,127.58
Sheetmetal Wkr:	\$1,192.30
Tiler:	\$1,846.15

The weekly rates are an average of the rates actually paid by TasBuild to employees taking an entitlement during the subject month. The weekly rates paid have been calculated in accordance with the requirements of the Act and the Rules of the Fund. In general terms the rates represent the ordinary weekly amount payable to the employee and do not include site specific or other various compensatory allowances.

The information contained in this Update is of a general nature and does not constitute legal advice. We encourage you to seek your own professional advice to find out how the Construction Industry (Long Service) Act applies to you.

Employing Contractors for labour only.

Contractors engaged wholly or principally for their labour are “employees” for the purposes of the Rules of the Construction Industry Long Service Fund (the Rules)

As previously advised, TasBuild has been focusing resources to review the employment relationships where persons are engaged ***“(ii) under a contract that is wholly or principally for the labour of the person;”***

Anecdotally, it appears that there is limited use of written contracts where sole traders are employed. The parties rely on verbal contracts to establish the details of their contract. Where verbal contracts are used, it is sometimes very difficult to establish the actual conditions of engagement. Often when tested, it appears that the memory of one party, as to what was agreed is somewhat different to what the other party intended.

In these circumstances TasBuild is left to make a decision based on scant or at times unreliable information. When reviewing these matters the actual actions of the parties performing the contract is given weight in the decision making process.

Considering the above, TasBuild would urge all head contractors to review their labour engagement practices. Where you employ sole traders we urge you to use a written contract that clearly provides details of the agreement between the parties. Where such a contract is used, and subject to a number of other legal requirements, we will rely on that written contract as evidence of the relationship between the Principal Contractor and the Sole Trader.

It is our experience that the ‘standard form’ contracts available from Industry Associations, or Lawyers etc. are suitable for these types of engagements.

Note for the purposes of this information we are referencing sole traders only. Where the contractor is a sole trader who is an employer in their own right, a partnership or an incorporated organisation, this information does not apply.

TasBuild staff are available to provide education sessions for both employers and employees. Should you or your workers wish to take up this opportunity they should contact TasBuild on 03 6294 0807.

Return Lodgement—Invoicing.

Please note; when lodging an Employer Return on the portal, an invoice is automatically generated. The due date for the invoice will be the end of the month following the Return lodgement.

This means that if a return is lodged early (before the end of the return month), then the invoice will be due for payment a month earlier than if the return was lodged in the month it was due to be lodged.

e.g. March return submitted on 31/3 will generate an invoice to be paid by 30/4. But a March return submitted on 1/4 will generate an invoice to be paid by 31/5.