



Update - March 2016

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Entitlement Statistics for: February 2016

- Total entitlements paid: 77
- Total value of entitlements paid: \$663,696.28
- Average weekly rate paid for all entitlements: \$1,152.55
- Average weekly rates paid to specific trades:
Boilermaker Welder: \$1,149.70
Carpenter: \$1,182.88
Concreter: \$1,452.77
Electrician: \$1,251.69
Fitter & Turner: \$1,734.62
Glazier: \$1,043.59
Labourer: \$1,042.39
Plant Oper: \$1,316.65
Plasterer: \$1,057.54
Plumber: \$1,107.75
Rigger/Scaff: \$1,189.25

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.

FREE - Environment, Social and Governance (ESG) Training

The TasBuild Board as part of their investment activities has initiated an ESG Policy in relation to ethical investing etc.

The Board has been successful in securing the services of Helga Birgden, the Mercer Partner and Head of Mercer's Responsible Investments for Asia Pacific, to speak on ESG.

Ms Birgden will outline the impact investors are having where they are only supporting corporations that are ethical and good corporate environmental citizens and how their investments shape the social and environmental outcomes of the corporate world.

The Board would like to invite interested contributors to attend an industry breakfast, as our guest, to hear what Ms Birgden has to say on these important issues.

The breakfast has been tentatively scheduled for the 20th or 23rd of May 2016 at Blundstone Arena in Hobart.

If you are interested in attending please email your expression of interest to Chris@tasbuild.com.au.

Numbers are limited so respond early to secure your place in what should prove to be a very informative presentation.

Chris Atkins CEO

TasBuild Payments by Direct Debit

TasBuild is currently **reviewing** a number of our processes to make it easier for employers to comply with their obligations, one of these is **adding Direct Debit** as one of our **payment options**.

A number of employers have asked that we undertake this action, however there are costs associated and a critical mass is required to minimise the inherent overhead associated with this payment regime.

If you are **interested in the Direct Debit option** to make payments to TasBuild please indicate your **interest by email** to **Secretary@tasbuild.com.au**.

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Electronic Return Lodgment

Want to save yourself time and money and ease the burden of complying with TasBuild's requirements?

Over **60 percent of registered TasBuild Employers** are saving time, cost and money by lodging their Returns online. Return discrepancies are also able to be managed at the time of lodgment, saving time

The information required to complete the Return can be entered straight from your keyboard, providing significant savings in time and stationery.

Electronic lodgment of Returns is easy and quick, saves time and it can be done on the spot. There is no need to run to the post office to put your Return in the mail or to send a fax.

If you're interested in lodging your Returns electronically on-line send an email to KClements@tasbuild.com.au, and we will set you on your way to **saving time and money**.

Subcontractor or an Employee?

On the surface the above question seems simple enough until you consider all the various definitions contained in legislation.

The *Rules of the Construction Industry Long Service Fund (the Rules)* defines an employee as follows:

“means a person who is, or has been, employed in Relevant Employment and includes any person engaged whether:

- (i) under a contract of service;***
- (ii) under a contract that is wholly or principally for the labour of the person;***
- (iii) under a contract, whether or not a contract of employment, by any labour hire agency or group training scheme.”***

Item (ii) above provides that where an Employer employs another person to perform work in Relevant Employment and that other person is contracted to only provide their labour, then in those circumstances that person is an **EMPLOYEE** for the purposes of the Rules.

It should be noted that item (ii) only relates to the circumstances where the person employed is a sole trader. Where the contract is with a partnership or an incorporated organisation the contract is unlikely to meet the “labour of the person” (i.e. a single specific person) requirement, unless specified in the contract.

Where the Employer does contract with an individual, sole trader, for the provision of their labour, then the Employer will be required to register that employee and pay long service contributions into the Fund. The employee will then accrue service towards a long service entitlement whilst they are so employed.

In the above circumstances TasBuild reviews each relationship on the merits of the information provided and corroborated by both parties.

Where the information supplied is not corroborated then TasBuild will review all of the available information and make a decision based on the evidence provided by each party.

When considering the employment relationship TasBuild will consider the details of the contract entered into by the parties together with the actions and relationship of the parties.

The traditional “sub contractor versus employee tests” established at law and by the Australian Taxation Office are also applied in each circumstance as an aid to determine whether the subject person is an employee for the purposes of the Rules.

In general terms where an Employer would be required to make superannuation contributions in accordance with the *Superannuation Guarantee Administration Act* then it is likely that they would also be required to make contributions to TasBuild for long service.

In all cases where the evidence of the actual relationship is different from the purported details of the contract then TasBuild is likely to make their decision based on the actual relationship.

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.