

HORIZONS



Getting the right advice pays dividends

Logie-Smith Lanyon partner Bryce Anderson has provided legal services on a range of property-related matters to prominent Melbourne-based developer Deal Corporation for more than 10 years. "During that time we have been involved in projects of varying types and sizes but have never been involved in court proceedings or faced any significant legal issues, which speaks volumes for Bryce's understanding of this specialised area of law," said Deal Corporation's development director Michael Cornwell. Bryce will also play a pivotal role in Deal Corporation's "Aura", a 27-level development incorporating a hotel with nine levels of serviced apartments and 108 one, two and three-bedroom boutique apartments. Located at 532 to 536 Flinders Street, the distinctive contemporary structure includes basement plus level two and three car parking, ground floor reception and retail facilities, first-floor conference facility and a two-level wine bar and restaurant with sweeping views of the Yarra River and Melbourne's city skyline at levels 24 and 25. Work on the \$100 million development - designed by architects Hayball Pty Ltd - is scheduled to commence with the demolition of existing buildings on the site early next year. Construction is expected to begin during the first quarter of 2009 and take about two years to complete. "The project has attracted a lot of interest with almost half of the 108 OYO apartments sold at this early stage." Established more than 20 years ago, Deal Corporation is a property development company that is dedicated to creating mutually rewarding and lasting relationships with investors and strategic partners. Deal Corporation is highly regarded in the industry and has more than 50 successful projects to its credit including a number of Melbourne's best-known landmarks.

Federal Minimum Wage and Australian Pay and Classification Scales Increase



A reminder to all employers that the decision of the Australian Fair Pay Commission (made in July this year) to increase wages takes effect as from 1 October 2008. From 1 October 2008, the Federal Minimum Wage will increase to \$14.31 per hour or \$543.78 per week (based on a 38 hour week). This amounts to an increase of \$21.66 per week. The Fair Pay Commission has also ordered a corresponding increase to the rates of pay for adult worker who are covered by the Australian Pay and Classification Pay Scales. The increase for these workers is also \$21.66 per week (\$0.57 per hour). The changes will also impact the rates of pay for junior employees, trainees, employees with a disability, casuals and piece rate employees.

Therefore, all employers with employees on the Federal Minimum Wage or Australian Pay and Classification Pay Scales are affected by the changes and will need to ensure their payrolls are adjusted to take into account the increases.

The 10 National Employment Standards

As of 1 January 2010 the Federal Government's National Employment Standards ("**NE Standards**") will come into effect, and will replace the existing entitlements contained in the Australian Fair Pay and Conditions Standard. All employers will need to be conscious of the implications of the following minimum entitlements applying to all employees under the NE Standards:

- *Maximum weekly hours of work (being 38 plus reasonable additional hours);*
- *The right to request flexible working arrangements;*
- *Parental leave and related entitlements;*
- *Annual leave;*
- *Personal/Carer's leave and compassionate leave;*
- *Community service leave;*
- *Long service leave;*
- *Public holidays;*
- *Notice of termination and redundancy pay; and*
- *Provision of a Fair Work Information Statement, which details the rights and entitlements of employees under the new system and how to seek assistance.*

While a number of employee entitlements under the NE Standards are similar to the entitlements which currently apply to employees under the Australian Fair Pay and Commissions Standard - such as maximum hours of work and annual leave - there are a number of significant differences. In particular, the right to request flexible working arrangements, the changes to parental leave, and redundancy entitlements.

Request for flexible working arrangements

Employees who have been employed for at least 12 months and have a child under school age may make a request for flexible working arrangements. This may include a request for a reduction in hours of work, changes to starting or finishing time, working from home or commencing job sharing arrangements.

An employer must respond to an employee's request in writing within 21 days and may only refuse the request on "reasonable business grounds". The term "reasonable business grounds" has not been defined and therefore employers need to make sure that

every letter of response that is denying a request for flexible working arrangement is written with precise clarity as to why the denial is warranted. To this end, managers responsible for such matters should receive training prior to commencement of the NE Standards to avoid penalties for non-compliance.

Parental leave

Under the NE Standards, an employee who has been employed with an employer for at least 12 months, will be entitled to 12 month's unpaid parental leave in relation to the birth or adoption of a child. Concurrent parental leave (that is, the amount of leave that can be taken by both parents at the same time, immediately after the birth or adoption of a child) will be extended from one to three weeks. Each parent is entitled to 12 months of unpaid parental leave (taken consecutively, not jointly, except for the first three week period after the birth / adoption). If one parent elects not to take his or her entitlement, the other parent has the right to request an additional 12 months leave. This request, as for the flexible working arrangements, may only be refused on reasonable business grounds.

Redundancy entitlements

Under the NE Standards, for the first time, all Australian employees covered by the Workplace Relations Act will have a federal legislative entitlement to a redundancy payment in the event that their position is made redundant. This will be in addition to any notice or payment in lieu of notice that an employee may be entitled to receive.

It is recommended that businesses start thinking now about what procedures need to be implemented to ensure compliance with the NE Standards, including whether standard contracts of employment should be amended (particularly in relation to new employees). Educating the key personnel in the requirements of the NE Standards is an important first step which Logie-Smith Lanyon can assist you with through upcoming seminars. Please contact us for further information.

Our new website by Auscomp

Logie-Smith Lanyon's new website - which was launched on 10 October - was developed by Auscomp, a leading international software solution provider specialising in the development of high-value software applications for web, desktop and hand-held platforms. Established more than a decade ago, Tasmanian-based Auscomp understands all facets of IT and is focused on meeting its clients' business needs in every respect. "We employ development methods that engage our clients every step of the way and are proud of our record for consistently delivering projects on time and within budget," Auscomp CEO Guenther Draschkowitz said. Not prepared to rest on its laurels, Auscomp continuously expands its range of flexible and customised mass-market products, solutions and services. Sold in over 100 countries, Auscomp products and technologies are used by more than 8,000 customers around the world including BHP, Lockheed Martin (a client of Logie-Smith Lanyon), Boeing, Lufthansa and BMW. "We were delighted to work with Logie-Smith Lanyon and have developed a website together that we believe to be user-friendly, functional and the equal of any in Australia," added Guenther.



A leader in the hospitality industry

Logie-Smith Lanyon's client Australian Pacific Hospitality Management (APHM) is an established company with a successful track record and a reputation as an industry leader in the management of hospitality venues. Current directors David Turner and David Ribarits have both been involved in the business for more than a decade and assumed ownership of the company in 2006. The company's services include day-to-day management of venues, establishing business structures, project management, feasibility studies, competitor analysis, the development of business and marketing plans and sourcing investors for viable projects. Venues managed by APHM include the Dandenong Club, the Lakes Entrance Entertainment Centre, Nagambie Lakes Entertainment Centre, Knox Club and Iiriki Island Resort in Vanuatu. Recently, APHM co-ordinated and supervised a \$1 million refurbishment of the Dandenong Club. APHM also runs and has a financial interest in Scusami Ristorante in the Southgate Complex, Watermark Bar at Docklands and BLVD

Bar in Freshwater Place Southbank. In November the company will take over the Aqua Restaurant and Bar and the Convention Centre at Cumberland Resort in Lorne as well as Balsamic Bar and Restaurant in Eastland Shopping Centre. It will also commence refurbishing the currently vacant Campari Restaurant in Hardware Lane Melbourne and redevelop the Wayside Inn Hotel, City Road South Melbourne. In addition to its two hands-on directors, APHM's management team includes a financial controller, accountants, a food and beverage manager, marketing manager and administrative staff. Commenting on his company's association with Logie-Smith Lanyon APHM director David Turner said, "In today's complex regulatory environment it's a case of keeping fully acquainted with all the changes and we rely heavily on Dale Curtis for advice on all aspects of this complicated area of liquor and gaming law." Dale, who has been legal advisor to APHM for more than eight years, also assists with liquor and gaming applications, business acquisitions, contracts and leases.

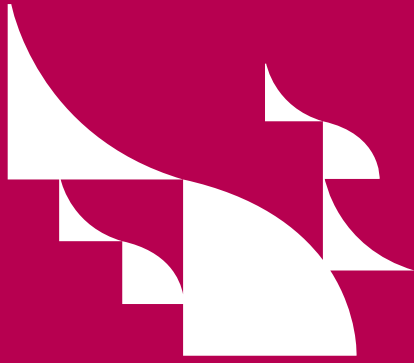
Senior appointment



Hyder Gulam
Associate

Logie-Smith Lanyon is delighted to announce the appointment of Hyder Gulam FRNCA who joined the firm on 1 September as an associate. His background in international law, defence and government practice, and knowledge of - and contacts within - the Islamic community will be invaluable to Logie-Smith Lanyon and its clients. Hyder, who was born in Singapore and emigrated to Australia with his family when he was seven years old, completed an Arts Degree at Swinburne University of Technology in 1995, then the following year graduated as a Bachelor of Nursing at Deakin University and took up a position at the Royal Childrens Hospital. Three years later he completed his LLB at La Trobe University and, after serving for three years in the Air Force Reserve, joined the Department of Defence as an in-house counsel with responsibilities that included military prosecution and workplace mediation. After almost six years with the Royal Australian Air Force, during which he attained the rank of Squadron Leader, Hyder embarked on the next

phase of his career. "For some time friends had been advising me to leave the comfort zone of the military fearing I would regret not moving across to the business world later on in life, so I joined Baker and McKenzie in Riyadh, Saudi Arabia as an associate." Hyder said. At Baker and McKenzie Hyder was responsible for drafting contracts and agreements, providing legal advice on a range of matters including doing business with Saudi Arabia and the Middle East generally, drafting legal comment on government policy and due diligence on public offerings. At Logie-Smith Lanyon Hyder will be working closely with Andrew Logie-Smith on a broad range of defence-related matters. In addition to his legal duties Hyder plays an active role in Melbourne's Islamic community. "My objective is to make a contribution by providing advice and assistance, and, at the same time, establish Logie-Smith Lanyon as the preferred law firm for businesses operating in, and with, the Islamic community throughout Australia and overseas."



Logie-Smith Lanyon directory

Business and corporate

- defence contract procurement
- ASIC, ASX and regulatory requirements
- mergers and acquisitions
- takeovers
- trusts
- international trade and investment
- banking, finance and investment
- capital raising
- business structures
- franchising

Contact: Andrew Logie-Smith
Phone: 9628 4121
Mobile: 0411 474 786
Email: alogiesmith@logielaw.com

Litigation and dispute resolution

- trade practices
- debt collection
- insolvency
- securities enforcement
- professional negligence claims
- contractual disputes
- insurance claims
- corporation law disputes
- property
- ASIC enforcement actions & s 19 hearings

Contact: David Grant
Phone: 9628 4164
Mobile: 0419 517 155
Email: dgrant@logielaw.com

Private client services

- business succession planning
- real estate conveyancing and leasing
- probate
- superannuation
- trusts and estates
- wills consumer law

Contact: Michael Lanyon
Phone: 9628 4119
Mobile: 0412 496 919
Email: mlanyon@logielaw.com

Contact: Susan Campbell
Phone: 9628 4106
Email: scampbell@logielaw.com

Contact: Kate Callil Roberts
Phone: 9628 4145
Email: kroberts@logielaw.com

Employment and industrial relations

- contracts of employment
- AWAs
- collective agreements
- sexual harassment
- anti-discrimination
- occupational health and safety
- industrial disputes
- employment/IR litigation before the various courts and tribunals
- service, consultancy and management agreements
- rights and obligations under the Federal employment, IR and OHS legislation
- unlawful dismissals
- unfair dismissal claims
- policy/employment manuals, documents, handbooks and training
- redundancy/restructures
- workplace codes of conduct
- workplace strategy review
- employment benefits
- confidentiality and restraint of trade
- conciliation and arbitration

Contact: Rima Newman
Phone: 9628 4143
Mobile: 0418 149 453
Email: rnewman@logielaw.com

Property and construction

- development
- subdivisions
- leases
- tenders
- construction contracts
- project documentation
- contract administration
- claims
- dispute resolution
- planning
- environmental
- licensing
- stamp duty planning
- finance

- structuring

Contact: Michael Lanyon
Phone: 9628 4119
Mobile: 0412 496 919
Email: mlanyon@logielaw.com

Contact: Bryce Anderson
Phone: 9628 4123
Mobile: 0418 381 938
Email: banderson@logielaw.com

Contact: Dale Curtis
Phone: 9628 4108
Mobile: 0488 071 566
Email: dcurtis@logielaw.com

Information technology and telecommunications

- IT procurement
- service contracts
- service level agreements
- technology licensing
- wholesale and resale arrangements
- regulatory compliance
- privacy law

Contact: Peter Moon
Phone: 9628 4137
Mobile: 0418 539 135
Email: peter.moon@logielaw.com

Taxation

- income tax
- capital gains tax
- goods and services tax (GST)
- Division 7 A loan issues
- stamp duty
- land tax
- tax effective business structuring
- tax effective succession and estate planning
- tax dispute resolution
- tax litigation
- accountants'/tax agents' registration and regulation
- superannuation

Contact: George Kolliou
Phone: 9628 4168
Mobile: 0427 883 547
Email: gkolliou@logielaw.com