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Helen's quite a helper



It is not surprising that organisations can be confused by changes in employment legislation over the past decade and their application.

The Property Trust, contrary to urban myth, is not the employer of all employees within the Synod of NSW and the ACT and may only employ staff directly to perform its own functions.

Depending upon the constitution and/or by-laws of an individual board, agency or institution within the Synod, the members of the relevant board, management committee or church council of that organisation are contractually viewed to be the employer irrespective of whether they are based in New South Wales or the ACT.

This means that the Synod is comprised of multiple employing entities.

As most organisations are unincorporated, those workplaces based in New South

Wales will be covered by state industrial legislation, while those in the ACT will be covered by federal industrial legislation.

While employers obviously employ employees and direct and control the workplace, the establishment of "alternate" arrangements may unintentionally create an employment obligation because the arrangements form a contract of service.

Under common law, a contract of service may exist if one party agrees:

- that, in consideration of a wage or other remuneration, they will provide their own work and skill in the performance of some service for the other party;
- expressly or impliedly, that in the performance of that service they will be subject to the other party's control in a sufficient degree to make the other party "in control";

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FINANCIAL MANAGEMENT SERVICES

HR SERVICES

WORKPLACE SAFETY SERVICES

PROPERTY SERVICES

IT SERVICES

uniting
RESOURCES



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and the other provisions of the relationship are consistent with its being a contract of service.

Although there are many definitions of employee, the ATO defines a “worker” as an employee, if they:

- agree to provide their personal services and are paid for time worked;
- receive paid leave;
- are not responsible for providing the materials or equipment required to do their job;
- must perform the duties of their position;
- work hours set by an agreement or award;
- are recognised as part and parcel of the employer’s organisation; and
- take no commercial risks and cannot make a profit or loss from the work performed.

Since independent contractors contract their labour and/or equipment for a specified purpose, they are not employees and any agreement between the parties is a contract for service.

As the criteria for a contract of or for service will determine the true nature of a relationship between parties, it is not sufficient or valid to just state that an individual is a contractor or write in an agreement that is what is intended, if the individual is not a genuine contractor.

Since they are not employees, independent contractors must also carry the requisite insurances as an absolute requirement.

Obligations and rights differ considerably depending on whether the organisation is considered to be an employer or a principal engaging a contractor, so the legal distinction between employees and contractors is very important.

Employers have obligations under common law, OH&S, tax and industrial legislation. They must take the care

that a reasonable and prudent person would take and, where possible, must guard against foreseeable risks of injury to employees by:

- providing proper and adequate means of performing work without necessary risk;
- warning of unusual or unexpected risks; or
- Instructing them in the performance of their work where instructions might reasonably be required to secure them from danger of injury.

An employer is principally liable for safe systems of work, premises and plant and equipment. And an employer must avoid reasonably foreseeable risks by taking practical means of avoiding or removing dangers to employees and third parties that might cause an accident.

An employer may also be liable for the actions of employees who injure their fellow workers, or third party strangers who injure an employee provided that the acts were carried out during the course of employment or were reasonably incidental to it.

Even if the acts were prohibited, the employer may be held vicariously liable.

Employers can also be exposed where there is a blurring of responsibilities between the workplace and the conduct of personal business, so such risks, if they cannot be eliminated, should be managed to reduce the risk.

In addition, employers also have a duty to pay wages and maintain trust and confidence.

All these duties are “non-delegable”, so the employer’s liability is a direct and personal one regardless of whether they are in a paid or voluntary capacity.

If organisations have any queries in relation to employment matters or want to discuss any alternative arrangements that may be currently in place, please contact HR Services.

Obligations and rights differ considerably depending on whether the organisation is considered to be an employer or a principal engaging a contractor, so the legal distinction between employees and contractors is very important.



Striving for professional service

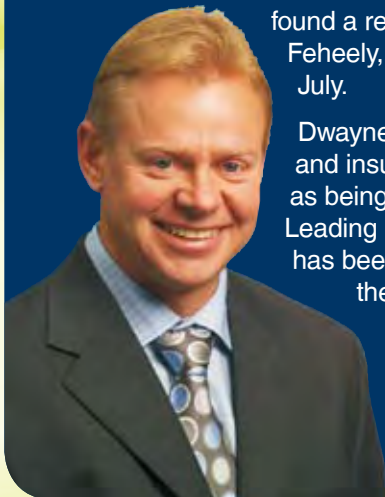
We are halfway through another year and Uniting Resources continues to strive to provide professional service and assistance to many parts of the church.

It was with sadness that we lost Michael Barr in January as manager of the Property Services Team. Michael took on an excellent opportunity in Perth and the last we heard was that he was not only doing well but also that his wife Rachel had given birth to their first child.

Fortunately God provides and it is with much pleasure that I can announce that we have found a replacement in Dwayne Feheely, who starts with us in July.

Dwayne has fantastic property and insurance experience as well as being a very relational person. Leading up to this appointment has been further work in refining the focus and service of the Property Services team to provide even better service.

The accountants in the Financial Management



team are gearing up for the financial year end. The process started off in May with pre-year end work and planning and culminates in the finalisation and presentation of the complete set of Synod Accounts at the November Synod Standing Committee.

Uniting Financial Services are also working toward the financial year end as they come to grips with what has been a very difficult investment market this last year. The Board and management of Uniting Financial Services have done an excellent job in the circumstances.

Other parts of Uniting Resources, such as HR, IT and Workplace Safety Services, also seem to be travelling at full speed and hardly a week goes by without some major event or piece of work being completed before the next task looms up.

As you can see, it has been busy and yet very satisfying. One of the great things about being a believer is that when we work we do it to honour God. Colossians 3:23 tells us, "Whatever you do, work at it with all your heart, as working for the Lord, not for men." What a blessing!

*GAVIN PRETORIUS, EXECUTIVE DIRECTOR,
UNITING RESOURCES*

Changes to superannuation contributions

Some employers currently pay superannuation on an earnings base that existed before the superannuation guarantee was introduced. This means an employee may be paid lower superannuation contributions (as a proportion of total remuneration) when compared with another employee in similar circumstances.

From July 1, employers have to use ordinary time earnings as defined in the Superannuation Guarantee (Administration) Act 1992 (SGAA), to calculate super guarantee contributions for their employees.

This ensures all employees are treated the same for super guarantee purposes.

If an employer is currently using an earnings base other than ordinary time earnings, to calculate super guarantee contributions, you must start using ordinary time earnings for all employees from July 1, 2008.

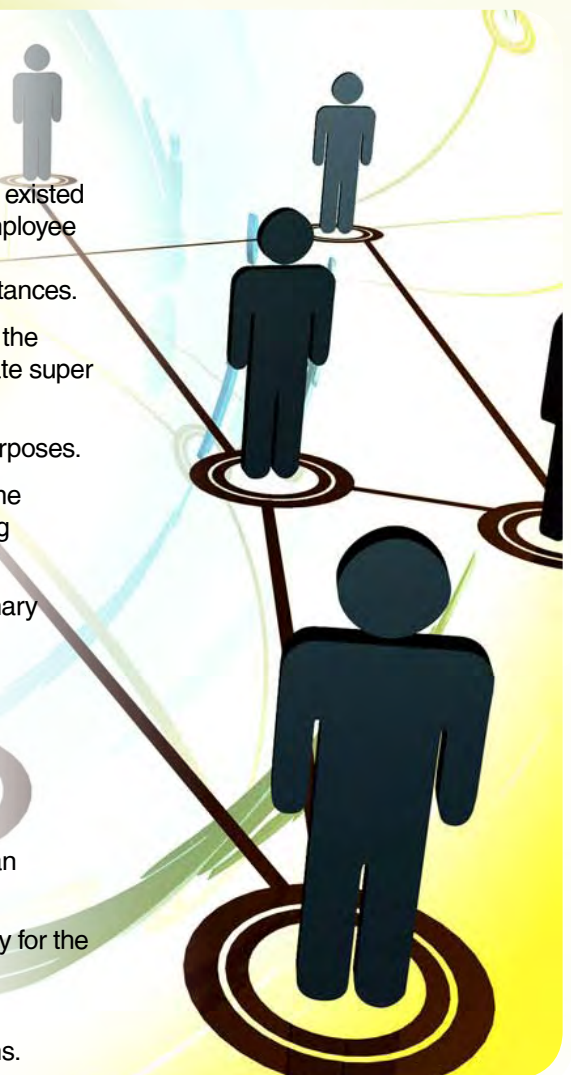
Ordinary time earnings are generally what employees earn for their ordinary hours of work, including:

- over-award payments
- commissions
- shift loadings
- allowances, and
- paid leave.

Ordinary hours of work are not limited to any set number of hours and can include night and weekend work.

For full details of the changes and what employers need to do to be ready for the changes please go to:

http://www.unitingresources.org.au/hrs/superannuation_changes/changes_to_superannuation_contributions.





VICKI ROPER, MANAGER

Are you doing the right thing?

Regardless of whether you are a voluntary member of a board, management committee or church council, an employee or a volunteer you have a vested interest in maintaining the wellbeing of the organisation you are involved with or employed by.

Nothing can undermine the wellbeing of an organisation as detrimentally as unacceptable behaviour. Behaving appropriately or “doing the right thing” is important and should not be underestimated or assumed to occur as a matter of course.

In this age of legislative regulation there is an obligation to comply with the regulated standards of acceptable behaviour regardless of personal opinions.

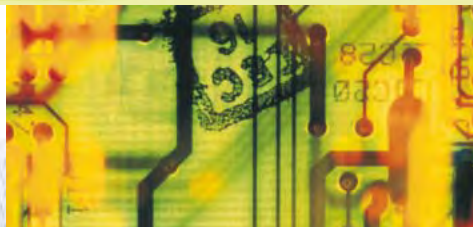
Any organisation that limits the application of acceptable behaviours to certain groups of people within its structure and excludes others merely because they are, for instance, “only volunteers” can face being non-compliant with legislation.

Behaving appropriately is a matter of practical concern, involves the relationships between all members of the organisation and requires the commitment of the *whole* organisation to make it work.

To achieve this, organisations need to determine and define organisational values, delineate how these values will be translated into acceptable behaviours, educate *all* members of the organisation accordingly and — most importantly — ensure consistency of application regardless of the members’ relationship with the organisation.

Where these processes are successfully applied throughout an organisation it can have a profound effect on organisational culture and engender solidarity of members through a common understanding of who they are and what they stand for.

If an organisation within the Synod of New South Wales and the ACT requires further information or assistance with respect to levels of acceptable behaviour, developing and/or implementing codes of conduct, please contact the HRS..



BRUCE COYTE, MANAGER

What is VoIP?

VoIP (Voice over Internet Protocol) is just another, cheaper way for you to speak to people all over the world.

In the past, the “plain old telephone system” (POTS) was the only way to carry your voice across wires and cables to the person you were speaking to.

However, now many people have broadband (fast) internet which is connected all the time.

Since you could get web pages from around the world at no extra cost, it was inevitable that at some point people would start using the internet to talk to their friends instead of using the POTS and, in doing so, save a lot of money.

Advantages

The saving comes with the significant price difference in phone calls.

Disadvantages

Many broadband connections require you to have an active phone line.

Emergency numbers such as 000 are not always supported and a broadband service/router is in some way less reliable than the regular land line.

Do you really need VoIP?

- If you make a lot of phone calls generally you will find VoIP is more than justifiable and will quickly pay for itself in the savings you make.
- If you are an average phone user, but are an avid broadband internet user, you are already halfway there so the cost may still work out in your favour.
- If you live regionally but do have access to broadband, the savings you make in national and STD calls will quickly justify VoIP service.

Insurance renewal process

Our Insurance Services have gone through a significant review process to make sure that we have appropriate valuations assigned to properties.

One of the key outcomes of the insurance renewal review was that a significant portion of church properties were found to be valued below their current replacement value.

As a result of this revaluation process, many properties have been assigned increased valuations and hence increased insurance premiums.

In recognition of the fact that many properties have had significant increases in insurance premiums, the Uniting Resources Board set aside \$700,000 to help congregations meet increases in insurance premiums for this insurance year.

Insurance schedules and insurance renewal letters were sent out to all entities at the beginning of May 2008. In many instances, feedback referred to the change in revaluation values and a consequent increase in insurance premiums.

In other cases the feedback referred to actual errors in property information; for example, an incorrect address or building.

Due to the rigorous revaluation and insurance renewal process, Property Services has allocated extra resources and effort to ensure that our property information can be updated, to be as accurate and complete as possible. The Uniting Resources Board will reassess the situation again next year.

New website

Feedback from congregations and other key customers identified the need for Property Services to have a website based on key customer requirements.

In developing the new website, the key to the design was simplicity, a user-friendly format and the ability to download key forms, including property application forms for the purchase, sale, building and lease of a property.

In the last couple of months Property Services has worked on redesigning the website and making current forms simpler and more customer-friendly.

The new website is now in operation. You can find out more by going to www.unitingresources.org.au/ps.

We welcome your feedback and suggestions for improvements to the website.

Property database improved

Currently there are a number of different databases within Property Services. This can lead to questions over which data is correct and it can take time to find the appropriate information.

The key objective is to have one database; that is, “one-version-of-the-truth” of owned and leased property of the Uniting Church Property Trust. The database should contain data that is 100 per cent accurate and complete, and it must be stored in a system that is logical and easily retrievable.

In order to achieve the objective, Property Services is introducing Proclaim (a relational property database) to ensure we will have good quality information available at our fingertips.

Property Services is consulting all relevant stakeholders across the church to identify their property information needs.

The plan is to have Proclaim implemented in September 2008.



Giving everyone *'a fair go'*

Australians are great believers in "a fair go" and that everyone should have a fair chance to get ahead.

It's therefore reasonable to conclude that everyone has the right to compete for suitable employment and that once they have secured a job they have the right to be treated with respect and work in a non-threatening or intimidating work environment, free from bullying or harassment.

Legal proceedings in Australia reveal that there is an increasing number of instances of unacceptable behaviour in the workplace in the form of bullying and harassment.

Thus, unfortunately, not everyone who secures employment is given "a fair go".

Recently, there have been a number of instances of unacceptable behaviour in the workplace that have resulted in the work environment becoming so intolerable for the victim, that it has actually threatened their job security.

Too often these instances result in Workers' Compensation claims and, in some cases, prosecutions under Occupational Health and Safety (OH&S) Legislation.

A conviction under the NSW OH&S Act amounts to a criminal conviction and penalties can be awarded to those individuals with control and influence in the conduct of the business; this includes board members (whether in a paid or voluntary capacity), directors and others with managerial and supervisory responsibility.

How do we decide if behaviour is unacceptable or inappropriate?

The answer lies in "how" words or actions are received. What one person may find acceptable or "a bit of fun" may offend another person and what is actually "meant" by certain words or actions is often irrelevant.

It's important that serious consideration be given to how a recipient may feel about potentially offensive words or actions and, if there is any doubt about whether something might cause offence, it would be wise to refrain.

Of course, if somebody objects to something that is said or done, their objection should be respected and whatever was said or done should not be repeated. Ignoring or covering up for unacceptable behaviour doesn't work; in fact, it usually makes matters worse.

The best approach is to challenge the behaviour straight away. Usually, pointing out to a person that they are being offensive is enough; they realise their mistake, apologise and think twice in future.

**FOR FURTHER
INFORMATION PLEASE
CONTACT BILL TOBIN ON
8267 4242.**



Prudential management of assets

I understand that market volatility and uncertainty in investment markets over the last few months may have caused concern for some investors.

Although I can't control the market, I can assure you that all our staff at Uniting Financial Services are dedicated to protecting your investments and making the most informed decisions to create and safeguard growth and ensure the long-term financial security of all of our investments.

It is reassuring to be able to trust implicitly the values and ethics of Uniting Financial Services and know that we are also directly assisting the church's mission as the surplus generated by Uniting Financial Services reduces the financial burden on individual congregations and the Synod.

The board at a strategic level and the management of Uniting Financial Services at an operational level have the policies and controls to manage and withstand the uncertainty in the market.

Our comfort lies in the composition and quality of our investment portfolio. We operate a very conservative fund with our major allocation to income-producing assets such as cash, loans backed against quality income-producing properties and commercial property.

This has definitely reduced our exposure to risk in the current market uncertainty.

One of the most significant decisions we made as a team several years ago was to avoid investment in areas related to problems associated with the subprime market or any CDOs (collateralised debt obligations), both of which you may have read about in the press.

We have and will continue to always hold strong, quality assets within our portfolio.

The other critical factor is that we have only small exposure of our portfolio invested in the Australian or international share markets.

These investments have been outsourced to two very skilled, experienced and respected fund managers who, while not immune to present short-term losses, have minimised those losses by also not investing in more speculative stocks that have battled under significant debt obligations.

Accordingly I am very confident in the ability of the Board and Management of Uniting Financial Services and our consultants and adviser to continue to prudently manage the assets of Uniting Financial Services.

We have and will continue to always hold strong, quality assets within our portfolio.

Our Relationship Team under Cathy Tunbridge looks forward to discussing with you your existing financial needs and ways we can further assist you. That's why we're here.

Please call us on 1300 133 673.

**TONY DIMAURO,
CHIEF EXECUTIVE,
UNITING FINANCIAL
SERVICES**



Up to **8.25%** p.a.*

It would have been years since you had seen a guaranteed investment return as good as this.

Enquire now at **Uniting Financial Services** to see how you can turn back the clock and enjoy the benefits of this offer.



Uniting Financial Services
Level 3, 222 Pitt Street, Sydney NSW 2000
PO Box A2178 Sydney South NSW 1235
t 1300 133 673 f +61 2 9267 4965
contactus@unitingfinancial.com.au
www.unitingfinancial.com.au

* Interest rate available as at 31 June 08 and subject to change. Please enquire directly to UFS for shorter term rates to meet your needs.

Helen is here to help

Helen Meillon's role as Insurance Administration Officer with Property Services involves answering phones, processing claims ... and catching up with friends.

Having worked for the Methodist Church before her impressive ten-and-a-half year stint with the New South Wales Synod, Helen is well acquainted with many of the people she helps. The next incoming phone call could always be a reunion.

Regardless of who is on the other end of the line, Helen believes in giving her clients her full attention.

"When somebody rings or emails I drop everything I'm doing," she said.

"They are my focus and my number one priority. I hope that comes across."

Away from work, Helen treasures spending time with her three grandchildren. She also enjoys walking and reading.

Helen's expert knowledge of the church comes from a lifetime of involvement. An active member of her congregation at Belrose, Helen was brought up with a strong spiritual commitment that she has passed on to her family.

"I've always been a member of a church. It's just been a natural thing to do for me. Being part of the church is just like being part of a large family."

She said job satisfaction had kept her in the Synod offices for over a decade — something she regarded as a privilege in this day and age.

And it was admiration for her clients that contribute significantly to that satisfaction, she said.

"I mostly deal with the treasurers. I'm more than happy to provide any help I can because it is a tough job they've got."

"I know the workload we give them and that's only a portion of what the other boards give them! You really need to be a qualified accountant to be a church treasurer now; so many of them do such a fantastic job."

She said no two months were ever the same. Day-to-day projects included processing claims from the time they were recorded to the moment the finalised cheques were sent out, organising and renewing insurance

cover for congregations, boards, aged care facilities and church vehicles and helping with church property evaluations. In addition, she had been making sure that all of the property of the Synod of New South Wales and the ACT was appropriately covered and protected from potential damage.

All insurance-related information that congregations and boards require is accessible online and Helen is available to help callers locate what they need on the Uniting Resources website.

"I feel that what I do is appreciated. I work for a team, not just one person, and I really feel that the bonding of that team is essential. That's what keeps us running in here and it always has."

"We are working for the church and we all understand each other. I find that exciting."

It is also important to her to give back to a church that she feels has given her a lot.

"When I came to work here I didn't have any insurance experience. People here have been very fair and have given me the opportunity to learn on the job and it's been great. I thank God for the opportunity."

LYNDAL IRONS

Helen Meillon: Serving clients is her number one priority.



how to contact us



Uniting Resources, NSW Synod

Phone: 02 8267 4300 Fax: 02 9264 4487

Web: www.unitingresources.org.au

Level 3, 222 Pitt Street, Sydney NSW 2000

PO Box A2178, SYDNEY SOUTH, NSW, 1235

This newsletter is produced by the NSW Synod Communications Unit

Phone: (02) 8267 4304 Fax: (02) 9267 4716

Web: www.nsw.uca.org.au/cu

UNITING FINANCIAL SERVICES

Freecall: 1300 133 673

Email: contactus@unitingfinancial.com.au

PROPERTY SERVICES

Phone: 02 8267 4348

HR SERVICES

Phone: 02 8267 4365 Email: vickir@nsw.uca.org.au

IT SERVICES

Email: its@nsw.uca.org.au

WORKPLACE SAFETY SERVICES

Phone: 02 8267 4242 Email: billt@nsw.uca.org.au

FINANCIAL MANAGEMENT SERVICES

Phone: 02 8267 4333 Email: kegank@nsw.uca.org.au