

News about issues that affect your business

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New ID Scanning Laws - what you need to know

The new ID scanning laws came into effect in Queensland from 1 July 2017. The purpose of these laws is to identify individuals who are the subject of banning orders to the various licensed pubs, nightclubs and bars around town.

In short, all licensed venues that ordinarily trade past midnight in the Safe Night Precincts, including the CBD and Fortitude Valley, are required to have approved ID scanners installed at each entry point to their venue. They are also required to scan the ID of all patrons entering their premises after 10pm, with some exceptions being hotel guests and people attending functions at the venue.

The scanners are linked to an approved ID scanning system which allows the cross-checking of an individual's ID to any known bans held by the Office of Liquor and Gaming Regulation.

The concern for many people is the retention



and use of their personal information obtained through these ID scanners. To address this issue, the scanning system will automatically delete the scanned information after 30 days and access to the scanned data is restricted, with the scanning system keeping a record of all those that log on to the system. Further, all licensed venues must still comply with their obligations under the *Privacy Act 1988 (Cth)* in relation to the protection of personal information recorded by the scanners,

which includes compliance with the *Australian Privacy Principles (APPs)*.

Venues may only use personal information for the primary purpose for which it is collected.

It may also use the information in other limited circumstances, such as direct marketing, but must make patrons aware of the intended use of the personal information, and give patrons the option of not receiving the direct marketing, at the time of collection.

If an individual suspects there has been a privacy breach of their personal information they can first lodge a complaint to the venue directly and thereafter a complaint to the Office of the Australian Information Commissioner if they believe the venue has not appropriately dealt with the complaint within 30 days of receiving it.

For more information visit the [Queensland Government website](#).

Travel Insurance Review

The Insurance market is reviewing cover in respect to mental illness.

At the time of writing, some policies specifically exclude mental illness whilst others are reviewing their cover.

Most travel policies do not automatically cover you for claims arising from, or exacerbated by, any existing medical condition unless you disclose that condition and the Insurer agrees to extend the policy to cover the existing condition.

Usually this is completion of a simple questionnaire to enable the insurer to assess the risk and advise you their decision. With an existing medical condition, it is

important to identify a date of the first diagnosis. If you recently had a medical procedure e.g. knee replacement, even though you are happy about your current state of health, it is always best to declare the procedure to the insurer. It is better to declare now and be accepted by the insurer prior to commencement of the cover than have to sort a problem out at time of claim.

It is important that you check the policy you intend to purchase and understand the conditions of the policy. Many people make the mistake of not taking out the policy before making that first trip deposit. If you delay, it may reflect on what you can claim.



All Insurance policies require full disclosure of any matter that may influence the insurer. Corporate Travel Policies are much less restrictive than "standard" travel policies, in regard to pre-existing medical conditions, so talk to us about any concerns you have.

Social Media...grounds for termination?

The Fair Work Commission has increasingly been required to review issues raised by the use of social media in the workplace.

The proliferation of, and use of, social media sites, with nearly 70 per cent of Australians on Facebook and around 20 per cent on Instagram and Snapchat, has resulted in employees posting comments which often extend far wider than they had anticipated.

Businesses have begun to realise that social media can be used by their employees in inappropriate ways, which might damage their business.

It isn't particularly surprising that a number of unfair dismissal claims have ended up before the Fair Work Commission, arising from posts on social media.

The following cases provide some useful tips:

- An employee was sacked after posting that their night out was spoiled by someone having a heart attack.
- An architect was dismissed for excessively using social media during working hours...allegedly more than 3,000 in a three-month period. It was found that the employee wasn't given an opportunity to respond prior to the dismissal and was found to have been unfairly dismissed.



- An employee posted a crude and threatening Facebook rant on his home computer outside of working hours and while he had blocked the fellow employee who was the subject of the rant, other employees read the post. It was found that the action of the employee amounted to serious misconduct and the dismissal stood. Although not naming the employer when posting comments about their boss, the dismissal was upheld on the basis that anyone who knew the employee would know that the comment related to their workplace.
- Photos of employees planking in dangerous positions resulted in dismissal.

The old saying "What happens in Vegas, stays in Vegas", no longer applies and with virtually

everyone with a mobile phone and people connected 24/7, nothing goes "unseen" and problems which previously would have been left at work when everyone goes home, now follow people home after work, which can lead to social media bullying and employees venting their frustration.

Nevertheless, employees have a right to free speech and privacy, so there must be a legitimate connection to the workplace and the conduct must damage the reputation of the business.

The Fair Work Commission has however, confirmed that a social media policy is a legitimate exercise of a business power to protect the security and reputation of their business...but it is vital that the business has a social media guideline in place, which is clearly communicated to all employees and obtains an acknowledgement that the employee has read and understood it.

Training is an important foundation to effectively enforce your social media policy. The policy should address bullying, cyber bullying and the use of social media...including what behaviour is appropriate and acceptable and what is not. It must also be clear that they will continue to apply, even outside working hours and also make it clear the consequences for failing to comply with it.

Employment Contracts

An **Employment Contract** is an Agreement between an Employer and an Employee that sets out Terms and Conditions of Employment.

A Contract can be in writing or verbal. It's certainly preferable to be "in writing" because should a dispute occur this will be the information that is relied upon to gain resolution between the "Parties".

An **Employment Contract** cannot provide for less than the legal minimum set out in the National Employment Standards (NES). All employees are covered by the NES, regardless of whether they've signed a contract. A contract can't make an employee worse off than their minimum legal entitlements. In some circumstances there are minimum awards, enterprise agreements or other registered agreements that may apply.

When setting out the **Terms of Employment** it's prudent to include -:

- Annual Base Salary
- Superannuation
- Minimum Hours of Work
- Additional Benefits

As suggested above when providing a "Job Offer" benefits such as motor vehicles, mobile telephones, car parking, job sharing, working from home etc. should all be outlined together with maximum costings attached so there is a full understanding by all parties.

The more well-informed and equipped an employee is the more likely they are to perform their role better. It's also prudent to sit down with future or new employees to discuss the Employment Contract and obtain



their feedback or questions so that there may then be no ambiguity going forward.

In the large majority of situations it's best to consult a Lawyer who specialises in Contract Law so that the document then becomes Legally binding.

Source(s) used: [National Employment Stand-](#)

Combustible Cladding

The Grenfell Tower fire in London in June 2017 has put building cladding under the spotlight with audits happening around Australia as a result.

Manufacturers offer two different versions of the cladding - one with a plastic core and one with a mineral core. The plastic filled version if ignited becomes a fuel for the fire, while the mineral core is considered less flammable.

Whilst investigators do not attribute the source of fires to the cladding, it certainly has attributed to the rapid spread of the fire. In the case of the Grenfell Tower fire which resulted in 79 people dead or missing, it took 15 minutes to engulf the complete 14 storey building.

The investigators believe a fridge freezer was the source. *BBC* reported that because of the rapid fire spreading on the outside of the building, the normal system of rescuing people and fighting from a lower storey did not work.

In August 2017 the Torch Building in Dubai caught fire for the second time (the first time was in 2015). Reports seem to suggest in both incidents, Combustible Cladding, whilst not the source, had a major effect on the spread and size of the fire.

In November 2014 in Melbourne, Australia, a small column of cladding on the Lacrosse building caught fire spreading quickly up the side of the building.

Reports indicated that a cigarette butt in a plastic container was the source of the fire which spread up the 23 storey building in 11 minutes.

Luckily there was a limited amount of panels involved and internal sprinklers operated protecting occupants and reduced the spread of fire internally.

There were no casualties but 450 – 500 people were evacuated and had to find alternative accommodation. It was reported that the unit owners were instructed to rip off and replace the cladding at a personal cost estimated at \$40 million.

Cladding is also used on many other buildings and authorities across the world are investigating. Following Grenfell, English authorities evacuated a further 650 apartments in other buildings fitted with the combustible cladding.

Looking at your building or if you are considering purchasing, how do you recognise the cladding? Reports seem to suggest that reviewing the building specification or looking at the cladding will not solve your question. It seems the only way to be sure is to have it tested.

The Australian newspaper reported that many buildings in Sydney could contain the cladding. And who is responsible and pay for repairs? Good Question.

CASE STUDY: FAKE HOUSE BRICKS

In July 2017 the *Daily Telegraph* reported that some builders are using flammable foam house bricks from China. These are simply rendered over to look like solid brickwork. It would appear that these are solid foam type.

The building code was altered in 1996 to allow alternative construction materials. Being flammable, it may only take a small electrical spark inside your walls to combine with all that fire fuel.

The concerns are:

- What is the life span of these foam bricks?
- Subsequent owners may expect these homes are full brick homes,
- Some homes have reported water leaking into the house.

There has been a Senate inquiry into these practices.

CASE STUDY: STRATA BUILDING COMPLIANCE ISSUE - Who Pays?



Many years after a large concrete block apartment building was completed and certified for residential accommodation, the local authority undertook a building inspection.

It was discovered that all the concrete walls above the bathroom ceilings did not have the concrete blocks laid up to the concrete floor above. This allowed an open area across the floor of the apartment where a fire could easily spread.

Due to the difficult nature of the repair task and the possibility of being involved in a legal action, many builders were not prepared to quote. Finally a builder was sourced and slowly worked their way through the building.

One major challenge was the repairs involved demolishing many of the bathrooms which made the units uninhabitable during the reconstruction.

To mitigate inconvenience to occupants many of the repairs were programmed to be completed whilst they were away on holidays.

Once the repairs were completed and \$400,000 repair costs paid by the owners, the owners then faced the cost of the recovery action. These were estimated to exceed repair cost due to the many parties involved resulting in a long drawn out legal action. Many of the owners refused to fund the legal costs.

Car thefts on the rise



If car owners think the improved security now fitted to most new vehicles has forced car thieves to move on to easier targets, think again! Empirical evidence suggests that they are now just targeting older model vehicles, but car thefts are not reducing.

According to the latest Australian Bureau of Statistics figures, there was a 9 per cent national rise in car theft numbers last year. In 2016, there were 56,086 motor thefts – the highest level since 2012 and up from 51,525 in 2015.

In the worst-performing state, Victoria, motor thefts rose by 25 per cent, while Queensland was up 19 per cent and South Australia 10 per cent. All other states and territories recorded decreases.

Three-quarters of stolen vehicles were taken from outbuildings, such as garages and carports, or residential land, including driveways and streets.

Four of the top 10 hot spots in Australia were in Queensland, with Brisbane City, Gold Coast, Logan and Townsville named as Queensland's danger zones.

It's important to be vigilant and take preventive measures to reduce the chances of vehicle loss. This includes ensuring your vehicle is locked and parked in a safe area and making sure you have placed your keys in a safe place.

The car makes most susceptible for theft were the Nissan Pulsar 1995-2000 models (932 stolen in the year), Holden's VE Commodore 2006-13 (860) and Toyota Hilux 2005-2011 (759).

Also remember, one way to avoid a dispute with the insurance company as to the value of a stolen vehicle is to look at insuring the vehicle for Agreed Value at the time the insurance is arranged. We can assist with answering any questions or queries you have regarding your car policy.

Be sure. Before you insure!

Ask your CQIB broker about...

Commercial and Retail Insurance

- Business Property
- Business Interruption incl Loss of Rent
- Liability
- Burglary and Money
- Glass Breakage
- Machinery Breakdown
- Computer
- Goods in Transit
- Tax Audit
- Motor
- Contract Works
- Commercial Strata

Liability

- Public and Products Liability
- Professional Indemnity
- Management Liability
- Directors and Officers
- Employment Practices Liability
- Statutory Liability
- Cyber Risk

Premium Funding

Private and Domestic Insurance

- Home and Contents
- Car, Caravan, Boat and Trailer
- Travel
- Residential Strata

Life, Disability and Partnership

- Life/Accident and Illness
- Term Life
- Long Term Disability/Income Protection
- Key Man
- Superannuation

The CQIB represents over 57 Queensland firms employing nearly 400 staff and placing in excess of \$500,000,000 in annual premiums. The CQIB charter is to maintain the level of professionalism of its members by the sharing of knowledge, information and ideas.



For more information visit
www.cqib.org.au

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Wisewords

“All our dreams
can come true if we
have the courage to
pursue them.”

— Walt Disney

“Failure is another
steppingstone to
greatness.”
- Oprah Winfrey

“When you cease
to dream you
cease to live.”
- Malcolm Forbes