



NOVEMBER 2010

## AGM

The AGM was held on Tuesday 5 October 2010 in conjunction with the monthly breakfast.

There were no changes in the executive positions—

Mike Kelly, President,  
De-anne Kelly, Vice President  
Richard French, Treasurer  
Lorraine Skinner, Secretary.

Jennifer Lecky did not seek re-election as a director. Tony Masters and Jennifer Bowcock were returned as directors and were joined by two new faces—Lavinia Hutchison and Amy Slessor from the Muswellbrook Chronicle.

Following breakfast Mayor Martin Rush addressed the members on current and soon to be commenced projects of the Shire Council, indicating that Stage II of the CBD upgrade would commence shortly. The good news is that the Muswellbrook Shire Council is ahead on budget and some projects from 2011 could be brought forward. The contribution from BHP Billiton for the expansion of Mt Arthur Mine will allow the much needed upgrade of Thomas Mitchell Drive. Planning of the Industrial Estate Sewer is well underway, with Council securing partial funding from Dept of Industry and Investment. This contribution has meant that the Council will now fully fund the headwork costs.

Mayor Rush and Mike Kelly then moved out to Bridge Street, where they officially opened Stage I of the CBD Upgrade.



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## OUR MISSION

'To represent, promote and encourage business enterprise in Muswellbrook and its districts.'



## Clarifying unfair dismissal

The new unfair dismissal laws now apply to more businesses than under the old WorkChoices system.

The Fair Work Act requires employers to ensure fairness when dismissing an employee. A person is unfairly dismissed if:

- Fair Work Australia (FWA) decides the dismissal was harsh, unjust or unreasonable
- The dismissal was not a genuine redundancy
- The dismissal was inconsistent with the Small Business Fair Dismissal Code (where the code applies). The code includes the right for an employee to have a support person present to assist at any dismissal related discussions.

The principles determining the unfairness of a dismissal remain unchanged from the previous legislation. However the new unfair dismissal laws now apply to more businesses than under the old WorkChoices system. Under WorkChoices, employers with fewer than 100 employees were exempt from unfair dismissal laws—the Fair Work Act has now removed this exemption

### The Small Business Fair Dismissal Code

The Fair Work Act has introduced new rules specifically covering the dismissal of employees of small businesses.

Businesses with fewer than 15 full-time equivalent employees can follow the 'small Business Fair Dismissal Code' (available at [www.nswbc.com.au/fwa](http://www.nswbc.com.au/fwa)), a step-by-step checklist which may help an employers' defense if a dismissed employee makes an unfair dismissal claim and could result in FWA determining the dismissal was not unfair.

It is important to note that from 1 January 2011, the number of employees used to define a small business will change from 15 full-time equivalent employees to a head count of 15 employees irrespective of employment status.

### Who can make a claim?

Not all employees are eligible to make an unfair dismissal claim. Employees excluded from accessing the unfair dis-

missal laws include:

- Employees who have not completed the qualifying period of employment of at least six months with the employer where the employer is not a small business, or 12 months where the employer is a small business.
- Employees not covered by a Modern Award or agreement whose guaranteed annual earnings exceed the 'high income threshold' (currently \$108,300 pa)
- Employees employed for a fixed term specified task or season
- Employees subject to a training agreement and whose employment is limited to the duration of that agreement and where the termination is at the end of the training period.
- Employees dismissed in cases of genuine redundancy
- Contractors

### Powers and process

Applications to claim unfair dismissal must be lodged with FWA within 14 days of the dismissal taking effect, although there is some discretion for FWA to extend the time in exceptional circumstances. A private conference of the parties is the commencement point for most matters before FWA.

FWA has the power to order reinstatement, which is the primary remedy, or compensation where reinstatement is considered inappropriate. Compensation is capped at the lesser of 26 weeks pay or \$54,150, and cannot include any amount for shock, distress humiliation or other such hurt caused by the dismissal.

### Redundancy

An employee cannot claim unfair dismissal where the termination was due to a 'genuine redundancy'. A genuine redundancy is if the employer no longer requires the role to be performed by anyone because of changes to the operational requirements, and has complied with any obligation in a Modern Award or enterprise agreement that applied to the job to consult about the redundancy.

**ARCHIBALD PRIZE  
2010**

**NEW SOUTH WALES REGIONAL TOUR**

**On display at Muswellbrook  
Regional Arts Centre until  
4 December 2010.**

**Vote for your favourite portrait in  
the exhibition and go into the  
draw for \$1,000 bank account  
with ANZ.**

## Spring Clean your Computer

Your office technology can benefit greatly from a spring clean, and that's not just brushing off the cobwebs from the hard drive grilles and dust from the deep crevices of keyboards.

You should regularly make time for some basic computer maintenance after a backup.

- Delete temporary internet and Windows files
- Delete any unneeded software programs (through Add/Remove)
- Do a full anti-virus scan
- Permanently delete bad files in quarantine folders
- Save important emails to document folders and clean up address book
- Empty your recycle bin
- Defragment your hard drives



## The Inland Adventure Trail and The Canberra Home & Leisure Show

**Many thanks to all the Muswellbrook Shire businesses who have joined the Dollar-a-Day Funding Partnership.**

As a result of your support, Upper Hunter Country Tourism recently coordinated a truly successful marketing campaign in the Canberra/ACT region. Together with Muswellbrook Shire Council, Muswellbrook Chamber of Commerce, Denman Chamber of Commerce, Upper Hunter Shire Communities and a number of tourism groups and councils throughout Northern NSW, we were able to double our investment by way of equal funding from Tourism NSW.

The campaign included a full-page feature in the Canberra Times, productions of 10,000 brochures, a five day radio campaign and competition through 2CC and 2CA Canberra, development of internet material and attendance at the three-day Canberra Home & Leisure Show.

This year's Home & Leisure Show was the most successful we have attended over the past 8 years with 26,400 visitors to the show.

Upper Hunter Country and Barrington Tops once again joined forces at the show to promote our part of the Hunter as well as taking a leading role in developing and presenting the Inland Adventure Trail campaign

We were joined at the show by the Warrumbungles Cluster and The Tablelands Way Experience who were ambassadors for the Inland Adventure Trail which includes the Tablelands Way coming from the Canberra Region into the Bylong Valley Way, through the Upper Hunter, the Barrington Tops and into the New England region and out to the west and north to Gulgong, Gunnedah, Coonamble, Coonabarabran, Wyallda, Walgett and Lightning Ridge ...

Visit [www.visithunter.com.au/IAT.pdf](http://www.visithunter.com.au/IAT.pdf)

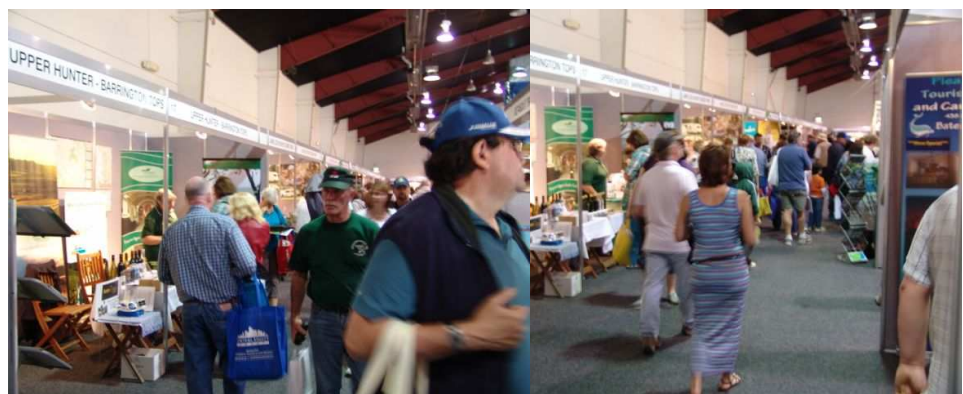
The Upper Hunter Country stand handled in excess of 650 quality enquiries over the 3 days.

A big thanks to Cherie and Gaye for their wonderful support at Canberra.

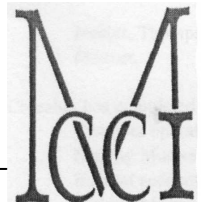


**Above**—Inland Adventure Trail Ambassadors—Aileen Bell (Coonabarabran/Warrumbungles Cluster), Cherie Donovan & Gaye Hoskings (Upper Hunter Country Tourism Board Members), Steve Baldwin (Coonamble/Warrumbungles Cluster) and Wayne Cooper (Oberon/Tablelands Way)

**Below**—Action Stations—Canberra Home & Leisure Show







# Don't Miss Out

On our

## Final Entertainment Dinner for 2010

Staring



@

### *Cruickshank Wines Cellar Door Restaurant Denman*

Friday 26<sup>th</sup> November 2010

6:30 for 7pm

\$48 per person

*Price includes dinner and entertainment*

**Bookings are Essential**



5052 Golden Highway, Denman, 2328 PO Box 60, Denman, 2328

Phone (02) 6547 1088 Fax (02) 6547 12288

[laurie@cruickshank.com.au](mailto:laurie@cruickshank.com.au) [www.cruickshank.com.au](http://www.cruickshank.com.au)

# Abernethy BOOK LAUNCH

One dog who worked as a witch's familiar. One confused high school boy who needs a friend. One parent in gaol. One over-achieving golden-boy-cum-bully.

These are some of the ingredients in *'Abernethy'* (Zeus Publications), the latest novel by award winning author Simone Bailey.

You are invited to celebrate the launch of the novel:

Muswellbrook Regional Arts Gallery  
Corner Bridge & Market Streets, Muswellbrook  
Date: Friday, 12 November 2010  
Time: 6.45pm for 7.30pm start

Copies of the novel will be available for sale.  
Please RSVP to Simone on 65410565 [bingells@bigpond.com](mailto:bingells@bigpond.com)  
or to Alex Mills on 65431913 [alexm@uhrl.nsw.gov.au](mailto:alexm@uhrl.nsw.gov.au)

If you are unable to attend, but wish to learn more about the novel, please visit the publisher's website:  
<http://www.zeus-publications.com>

## Simone Bailey

## The Cost of the Melbourne Cup

In a Melbourne Cup survey (commissioned by recruitment firm Randstad) which polled 889 employees it found that over half (54%) take more than 3.5 hours off work in the afternoon of Melbourne Cup day. These figures are extrapolated using official ABS Labour Force statistics which show 11,726,000 full-time employees in Australia, earning an average wage of \$31.40 per hour, giving a total of \$1.239 billion in lost productivity as a result of the Melbourne Cup.

While the survey indicates the Melbourne Cup productivity loss may equate to almost a billion dollars nation wide, it is thought that any negative effects on the individual organizations would likely to be offset by a boost in staff morale, employee engagement and team-building.

The Melbourne Cup is one of Australia's prominent social events—traditionally accompanied by celebratory drinks, a sweepstake and, for over half of Australian workers surveyed, an afternoon off.

While employers should be aware of the Cup's overall effect on their business bottom-line, the long-term benefits outweigh the short term costs. In fact, employers may damage their company culture, reputation and retention if they don't get involved, such is the passion, excitement and anticipation around the Cup.

South Australian employees were least enthusiastic about the Melbourne Cup while Queenslanders were most engaged, with 40% of Queenslanders taking the afternoon off.

## Check your Backups



Every business knows the importance of backing up its data, but not many businesses test their backups to see if it is possible to recover data.

It is important to test your backup regime and make sure it works, because making sure backups work will save you the hassle of figuring out what to do if you lose critical data.

Look at the data you backup. Make a list of all the data your business cannot afford to lose, and check against the items your backup is protecting. Ask your software suppliers if there are any special files that their applications need, as these are often stored in obscure directories that are hard to find.

If you find any on the list that you are not backing up, make the necessary changes to backup software to make sure it copies this data.

Once you have run backup using your newly revised list of irreplaceable data, try to restore data from that backup.

This is critical as backups can fail for a number of reasons—hardware, disks or tapes, interruptions on your network.

If you cannot restore all your data, revisit your backup regime to iron out any kinks.

While testing to see if you can restore your data, time how long it takes to do so and decide whether or not that time is acceptable.

Developing an understanding of how long you are prepared to wait for data to be restored from backup will help you to develop a 'recovery time objective' (RTO) - a measure of how long you are willing to wait to have data restored. Another measure is to consider is a 'recovery point objective' (RPO) which defines the amount of data you are willing to lose. A short RPO means the data needs to be backed up often. A long RPO means you can tolerate the loss of hours or days of data.

Testing your backups, then tweaking your backup plans so they operate using an RTO and RPO that meet the needs of your business means you can get on with your business without a nasty surprise lurking around the corner.



## *Dates for the Diary*

- 6 November–4 December **Archibald Prize 2010 New South Wales Regional Tour at Muswellbrook Regional Arts Centre**—vote for your favourite portrait and go into the draw for a \$1,000 bank account with ANZ.
- 13 November **Muswellbrook Skate Park Official Opening, 10.30 am, Rutherford Road, Muswellbrook Indoor Sports Centre.**
- 14 November **Muswellbrook Markets & Poultry Auction 8 00 am—Muswellbrook Showground**
- 14 November **Global Village Motorfest & Fair Muswellbrook Showground Fantastic Cars, Motors & Machinery. \$2.00 Entry**
- 14 November **Upper Hunter Conservatorium of Music Concert 3.00 pm, South Muswellbrook Public School**
- 16 November **Muswellbrook Women's Network Christmas Function.** What's on offer for Christmas Shopping in Muswellbrook this year. Please bring along gifts for Tree of Joy, or toiletries for residents of aged care facilities in town.
- 7 December Chamber Breakfast—Muswellbrook Baptist Church. Proceeds of breakfast will be donated to the Tree of Joy appeal. Please bring along a gift/non perishable food items for the appeal.

## *Community Announcements—Muswellbrook Shire Council*

The following information is now available on the Muswellbrook Shire Council website for a limited time.  
[www.muswellbrook.nsw.gov.au](http://www.muswellbrook.nsw.gov.au)

**Parking Study Report—Muswellbrook and Denman**—can be downloaded from the Muswellbrook Shire Council

- It is recommended that parking supply within the study area is progressively increased by the introduction of more angle parking or suitable parallel parking, but each proposal will be looked at on a case by case basis.
- Discussions with the community and businesses to identify main areas of concern
- The enforcement of time limited parking spaces within the study areas needs to be regular
- Where possible additional developments should be encouraged to provide car parking on-site

**DRAFT Display of Goods on Footpath Policy**—on display until 17 November

**DRAFT Footpath Seating Policy**—on display until 17 November

**Special development application—extension of caravan park** with 71 accommodation units on display until 17 November

**Special development application—amendment to motel accommodation and restaurant facility**—on display until 17 November

**Aged Care Facilities**

integratedliving Australia Ltd  
Mt Providence

**Accountants**

Davies Thompson & Wright Services  
Gowing & Co  
Jennifer Lecky & Assoc

**Banks, Building Societies,**

**Financial Services**

ANZ Banking Group Ltd  
Commonwealth Bank of Australia  
Hunter Mutual Ltd  
National Australia Bank Limited  
Newcastle Permanent  
St George Bank

**Bus Service**

Reg Osborn Pty Ltd

**Business Advisory Service**

Hunter Region Business Enterprise Centre

**Car Sales, Repairs,**

**Maintenance**

Crass Country Ford  
Muswellbrook City Motor Group  
Muswellbrook Holden Pty Ltd

**Cheese Factory**

Hunter Belle Cheese

**Clubs**

Muswellbrook & District Workers' Club  
Muswellbrook Golf Club  
Muswellbrook Race Club Ltd  
Muswellbrook RSL

**Community Services**

Challenge Disability Services  
Hunter Valley Youth Express  
Muswellbrook PCYC  
Upper Hunter Community Services  
Upper Hunter Show Inc

**Westpac Rescue Helicopter Service**

**Construction**

C&W Constructions

**Dance School**

Giant Leap Dance School

**Education /Training**

Hunter TAFE  
Muswellbrook South Public School

**Protector Alsafe**

SGS—Stax

**Electricity Generation**

Macquarie Generation

**Employment Services**

Advanced Personnel Management  
Alliance People Solutions  
Joblink Plus  
Mission Employment Solutions  
Workpac

**Engineering**

G & S Engineering  
RHM Consulting Engineers Pty Ltd

**Fitness Centre**

Anytime Fitness

**Hospitality /Tourism**

Baybrook Motor Inn  
Benson's Hospital Shop  
Comfort Inn Noah's in the Valley  
Doherty, Kevin

**La Ciboulette**

Lucky Inn  
McDonalds, Muswellbrook  
Prince of Wales Tavern  
Sandy Hollow Tourist Park  
The Upper Hunter Wine Centre

**Industrial Supplies**

Hitachi Construction Machinery  
(Aust) P/L Muswellbrook Branch  
Power & Mining Industrial Supplies  
Wear Parts Services

**Internet Service Provider**

**Maxnet**

**Reset Internet Services**

**IT Sales & Support**

Muswellbrook Computers Pty Ltd  
NGCS Pty Ltd

**Reset Computers**

**Kitchen Manufacturers**

Edmonds Joinery

**Laundry**

Muswellbrook Laundrette

**Local Government**

Muswellbrook Shire Council

**Massage/Beauty Therapy**

Healthy Touch Natural Beauty & Body Therapies

**Media**

Muswellbrook Chronicle/Hunter Valley News  
Radio Hunter Valley

**Medical**

Brook Medical Centre  
Muswellbrook Diagnostic Imaging

**Mining, Industrial, Agriculture**

Anglo Coal (Drayton Management) P/L  
Bengalla Mining Company  
Coal & Allied  
Darryl's Bobcat Pty Ltd  
Mt Arthur Coal  
Muswellbrook Coal Co  
Muswellbrook Crane Services  
Xstrata-Mangoola Coal  
Yore Contractors Pty Ltd

**Olive Grove**

Pukara Estate

**Optical**

Aaron Henry Optometrist  
Muswellbrook Eyecare

**Pharmacy**

Berry & French  
Chemistworks & Sub Newsagency

**Photography**

Tanya D'Herville Photography

**Printing**

Comprint Solutions  
Hunter Valley Printing

**Property Development & Management**

Seatune Services Pty Ltd

**Property Owner**

Doug & Roslyn Cleal  
Lexus Pty Ltd

**Real Estate Agents**

Edward Higgins Parkinson First  
National Real Estate  
JTS Realty  
John Flood Real Estate  
LJ Hooker Muswellbrook  
Premium Real Estate Services

**Refrigeration /Air Conditioning Sales & Service**

**RMS Services**

**Relocation Consultant**

Priority Relocations

**Retail**

Abundance of Colour & Inspiration  
Freechoice Tobacconist  
Head Over Heels  
Matthews Jewellers  
Ryans Newsagency  
Telstra Shop—Muswellbrook

**Security & Locksmiths**

Elks Security Locksmiths  
Muswellbrook Security  
P & L Protection & Security

Solutions Pty Ltd

**Shopping Centres**

Central Arcade Pty Ltd  
Muswellbrook Marketplace

**Solicitors**

Curtis Gant Irving  
Equilaw Solicitors  
Lawlers Solicitors & Conveyancers  
Mark Diggins Solicitor  
Sparke Helmore Lawyers

**Steel Merchants**

Muswellbrook Steel Supplies P/L

**Surveyors**

Boardman & Peasley

**Thoroughbred Horse Stud**

Coolmore Australia

**Wagering**

Muswellbrook TAB

**Water Carriers**

K Milwain & Son

**Web & Graphic Design Service**

Total e Solutions

**Wineries**

Cruickshank Wines Pty Ltd  
Two Rivers Wines