



1300 MST LAW

27 FEBRUARY 2017



LATEST NEWS FROM MST LAWYERS

FAIR WORK COMMISSION PENALTY RATE REDUCTIONS

Throughout 2015 and 2016, the Full Bench of the Fair Work Commission ('FBFWC') has taken submissions, and heard evidence, over a total of 39 hearing days, regarding the variation of weekend and public holiday penalty rates, for six modern awards, in the hospitality and retail sectors. On Thursday 23rd February, the FBFWC decided to vary Sunday, Public Holiday, and Late Night penalty rates in some of these awards.

[> Learn more](#)



MEET ALICIA HILL

FRANCHISING CASES 2016: LESSONS LEARNED

2016 was an interesting year in the franchising and business sector, with the introduction of new laws relating to unfair contract terms, high-profile scandals regarding employee underpayments and the collapse of several large and previously successful retail brands. This article provides a summary of some of the interesting franchising court cases decided in 2016 and the lessons to be learned from them.

[> Learn more](#)

ARE YOUR EMPLOYMENT CONTRACTS FIT FOR PURPOSE?

For administrative convenience and to streamline payroll function, employers will often pay employees an all-inclusive salary or wage rate to compensate for all entitlements payable under a Modern Award. If this intention is not meticulously described in an employment contract, employers remain exposed to claims for unpaid award entitlements, despite these above-award payments.

[> Learn more](#)

CROSS-BORDER INSOLVENCY DISPUTES – IT’S ALL IN THE DETAIL

The Cross-Border Insolvency Act 2008 (Cth) (Act) has undeniably simplified international insolvency disputes. But some recent cases highlight that there might be more to the law than meets the eye. These case reports from Alicia Hill and Nicholas Yusuf cover some recent decisions and their practical impact for insolvency practitioners.

[> Learn more](#)

IS YOUR BUSINESS TO BUSINESS LEASE GOVERNED BY THE RETAIL LEASES ACT 2003 (VIC)?

There has been a gradual broadening of leases that fall within the definition of “retail” under the Retail Leases Act 2003 (Vic) (RLA). It is important that you understand your rights and obligations under these revisions. For many there is still confusion as to whether or not the RLA applies to various leases where the permitted use is for services.

[> Learn more](#)

SCOPE WIDENED FOR WILL CHALLENGES BY STEPCHILDREN

In early 2015, new laws relating to Will challenges were introduced in Victoria. These amendments created new eligibility requirements for making an estate claim. The Supreme Court recently endorsed a broad definition of a “stepchild” to include a child of the deceased’s domestic partner.

[> Learn more](#)

IS THIS GOOD NEWS? ACCC REPORTS SIGNIFICANT DROP IN THE NUMBER OF FRANCHISING COMPLAINTS

Since the introduction of the new Franchising Code in January 2015, there has been a drop in the number of franchisees reporting issues to the ACCC. This is in contrast to overall complaint volumes received by the regulator, which have increased significantly over the two years.

[> Learn more](#)

great service sensible solutions

MST Lawyers

315 Ferntree Gully Road, Mount Waverley
Victoria 3149 Australia
PO Box 858 Mount Waverley Victoria 3149 Australia
DX 32001 Mount Waverley

T: +61 3 8540 0200
F: +61 3 8540 0202
E: mst@mst.com.au

www.mst.com.au

Liability limited by a scheme approved under Professional
Standards Legislation

MST Legal Pty Ltd trading as MST Lawyers | ABN 49 417 397 084