



# Within Tuition

Australian Tutoring Association (ATA) Inc.

Volume 3, Issue 2

October, 2007

## The Australian Tutoring Association (ATA) newsletter

### Editorial Comment

#### ATA votes to become a Company

In July and August the ATA Committee met in order to determine the best way forward for the organisation. A number of factors were considered:

- Growth in the tutoring sector
- A need for a structure that would deliver accountability commensurate with the growing membership
- A structure best capable of maximizing market opportunities

The Committee sought legal advice and following that thought it best to adopt a company structure contingent upon the positive approval of

3/4 of all voting members. This was achieved in an Extraordinary General Meeting on 21st August. Following the vote the paperwork was lodged with the NSW Office of Fair Trading and is awaiting approval for the transfer. This change is a very big step forward for the ATA and one which I believe will enable it to best meet the needs of members nationally.

In this issue you will find an interesting discussion on the trend in tutors being asked to write and co-author books for tutoring businesses. We also look at the issue of

superannuation and its relevance for tutoring businesses.

### ATA Tender

The ATA has put in a tender for the National Programme Managers role for the tuition roll out to commence in 2008. We aware of at least two other tenders that were placed and hope that our proposal is successful. If so it will be to the huge benefit for of all ATA members.

Membership fees are due and we are proud to announce that **discounted insurance** is being offered to members. Needless to say this is the first of many member benefits that the ATA will offer to members. **Mohan Dhall**

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### ATA AGM at 11am on 1st December 2007

The ATA AGM will be held on Sat. 1st December 2007  
At: 6 College St,  
Croydon, NSW 2132

The AGM Agenda is enclosed and is also available from the website

### Nominations called for Board positions

The AGM is an opportunity for the membership to decide its Board for the coming year. Thus nominations are called for all positions. This will be the first Board for the new company: Australian Tutoring Association (ATA) Limited. Nominations close on November 14th, 2007.

## President's Message



Welcome to our Spring-time issue of Within Tuition I mention the spring season as I believe the ATA is conducting its own spring time rebirth.

Being in a transition period I believe we are moving towards

some exciting times for the ATA and its members. The ATA applied to tender for the National Programme Management role under the \$457.4m An Even Start - National Tuition Programme to be commenced next year . I am convinced that , whatever the outcome of the tender, we shall all be kept very busy with meeting the needs of voucher students. Furthermore , it is simply brilliant that the government acknowledges the role of tutors in the provision of education.

I would like to congratulate the ATA Board on their thorough and hard work in preparing the ATA tender response. In particular I would like to give a

huge thank you to Mohan Dhall who has inspired us by his consistent mentoring and sheer effort throughout this very busy time.

On a separate note, the Board has also been able to gain a very competitive insurance package for all ATA members. I urge you to seriously consider utilising this package for your own benefit.

I feel enormously proud of what we have achieved in the relatively short time that we have been representing the tutoring industry. We continue to pursue the vision that sparked the formation of the ATA. That certainly puts a "spring" in your step. **Mary O'Brien, President**

## The intellectual labour movement - By Rebecca Zhou

Last year, 61,472 students competed in the Higher School Certificate in NSW for a place in their desired university courses.

The intensity of the academic rat race has provoked an emergence of a new labour movement; one comprising primarily of high-achieving school leavers. In the construction site of academia, they are judged not by the strength of their biceps, but by their Universities Admission Index (UAI).

Endorsing their part-time careers is a myriad of tutoring schools. Some are legitimate companies who have registered with the Australian Tutoring Association (ATA), most are small businesses. Registered tutoring schools often have protocols which ensure the maintenance of their credibility. Two important issues which arise from this labour movement are worthy of the scrutiny of both parents, students and the high-achieving school-leavers.

One is the question of whether institutionalised 'intellectual labour' warrants higher awards. That is, should there be a substantial distinction between the hourly rate of an 18-year old waitress and that of an English or Mathematics tutor? In our last issue, Mohan Dhall expounded the idea that a tutor's hourly rate can be directly proportionate to the tutor's age, the reputation of the Centre they work for, the type of tuition and the number of students they teach.

The motives behind most students' decisions to continue undertake tertiary education is to eventually find a profession that will provide a middle-upper class income. Education has long been deemed the avenue to wealth and status. Jean Martin, in *The Ethnic Dimension* said that 'the sole determinant of an individual's progress through social hierarchy is of course, education.'

This notion illuminates the question of whether tutors should be given a separate minimum award wage because they are educated, very educated in fact, with the standard qualification being a UAI of 96+. This argument boils down to the simple idea of 'anyone can wait on tables, but not everybody can teach the HSC syllabus.'

So if tutoring should be an exclusive career restricted only to the academic elite, should the composition of study guides and textbooks also be limited to those with substantial qualifications and credibility?

A branch of the new movement of young intellectual labour is the emergence of 'young writers', school leavers who compose study guides or textbooks on the subject of their expertise. Aside from the issue of these writers' credibility, there is the question of whether these young writers are entitled to the same financial re-

wards as their older counterparts.

Policy states that authors can receive either one-off payments or royalties for their work. Although it is not illegal not to offer royalties, many young writers are being deprived of rightful revenues if they merely receive one-off payments. Yet most young writers are so enticed by the offer of \$2- 3,000 per publication that the potential of continuous profit does not occur to them propelling them to agree to flat fee deals.

This is a form of exploitation in the sense that employers are take advantage of these young writers' lack of knowledge and experience in the publishing industry. It is ultimately the writers' responsibility to choose between the option of long-term or short-term profits but it is up to the publishers to inform them of these options. This form of exploitation is not essentially illegal but there is a question of ethics which revolves around the issue of disclosure.

Along with the issue of financial profit is the question of fame. Nick V\* agreed to co-write a HSC Mathematics 4-unit study guide with publisher and tutoring school owner RY\* under the impression that he would be composing part of the book and his employer would complete the other. This did not happen. What did happen was that RY made increasing demands as the months wore on and did not contribute anything himself to meet these demands. "He got really pedantic and wanted all the syllabus bullet points covered," Nick says.

When V complained, Y hired another school leaver, JJC\* to assist him. After the book was completed, V saw that the prototype of the study guide cover was not how he had imagined it to be.

"Before I signed the contract he was always going on about how he was going to help build my reputation, how my name would be on the book," V said, 'but instead his name was in large print above mine and Jayla's even though he did absolutely nothing.'

This is again, not a question of legality, but a one of ethics. Publishing law dictates that the name which appears in the most prominent form on a series book cover is the name of the 'creator' of the series. Y, being the creator of the study guide series which V and JJC wrote for, is its foremost author. Take the American novel series 'Sweet Valley' for example, the series consists of hundreds of novels written by a plethora of different authors but the only name which appears on their covers is the creator, Ann Pascall's.

However, V's confusion and outrage is justified because he was not informed of this rule beforehand, his employer did not tell him enough for him to make an informed decision.

## When tutors are authors as well - trends in tutoring and writing, by Mohan Dhall

A trend is emerging whereby tutoring businesses are publishing their own material - course summaries, study guides, skills guides and subject specific support materials. Some of the publications are used in-house but increasingly some are being sold on the open market. Tutors involved with businesses that are involved with publishing are sometimes offered additional employment through an offer of co-authorship. Tutors involved in such work should be alerted as to their rights in regards to writing and publication. These rights are ostensibly commercial in nature and require that tutoring businesses disclose information to their authors.

There are four options with respect to remuneration that should be disclosed to tutor-authors.

These are:

- A once off flat fee (fee for service)
- An upfront payment and progressive payments (possibly based on time worked/an hourly rate)
- A fee arrangement and a proportion of CAL (copyright) distribution monies
- A royalty only arrangement

Tutors should know their value and be appropriately rewarded for their efforts. Business owners involved in the area of publication have a duty to disclose to their author tutors information about their rights.

## Superannuation – Obligation or Opportunity? By Ken Peters

The development of superannuation as an integral component of Australian remuneration packages has witnessed phenomenal growth of the superannuation industry. Since the introduction of compulsory super (Superannuation Guarantee) in 1992 the total dollars under management by super funds has grown to almost \$1.2 Trillion. The ATA has now sought more information to clarify how tutoring is affected by superannuation regulations.

### What are the obligations?

The Australian Taxation Office (ATO) website states that, under the Government's legislation, employers have obligations to pay superannuation on behalf of employees who are between 18 and 70 years of age, and who are paid \$450 or more (before tax) in any calendar month, whether full time, part time or casual, at the rate of 9% of ordinary time earnings. "Ordinary time earnings" does not include overtime, but does include over award payments, shift allowances, commissions and paid leave.

Note that the legislation covers Directors and Contractors if the contractors are employees for the purposes of the superannuation guarantee. The ATO defines such contractors thus:

*"A contract is principally for labour if more than half of the dollar value of the contract is for the person's labour. Even if the contractor quotes an Australian Business number (ABN), they may be considered an employee for the purposes of the superannuation guarantee. The other party to the contract is the employer."*

*"A contract can be made orally or in writing, and needs to state clearly that the work must be performed by the party to the contract. If you make a contract with someone other than the person who will actually be providing the labour, there is **no** employer-employee relationship with the person actually doing the labour. This would happen:*

- *If you make a contract with a company, trust or partnership, or*
- *If the person you have the contract with is free to hire other people to perform the work, even if the person ends up performing the work themselves."*

Note also that the maximum contribution the law requires for any quarter is set (for 2007-2008) at \$3,282.30 – 9% of \$36,470.

The Australian Tax Office (ATO) produces a comprehensive Guide for employers which may be downloaded from their website [www.ato.gov.au](http://www.ato.gov.au).

## And what of the opportunities? By Ken Peters

There has never been greater publicity regarding superannuation than at the present time. The Federal Government has introduced a number of significant changes to superannuation with effect from July 1<sup>st</sup> 2007. For example:

- If you are over 60 you will pay no tax on your superannuation payout if you are in a taxed superannuation fund (that includes most workers).
- Most self-employed people will be able to claim all the superannuation contributions as a tax deduction.
- It will be easier to combine multiple super accounts into one fund.
- If you are over 60 and want to work part-time you will be able to take part of your super balance as regular income – tax free – and use it to top up your take home pay.

But the benefits are not just for people approaching retirement. There are great incentives for younger people to really make a difference to their future by taking some simple steps now to increase their contributions.

Details of how you can save tax through salary sacrifice, or even be eligible for the Government Co-Contribution of up to \$1,500 per year, may be obtained by contacting the Australian Taxation Office (ATO), or you may contact First State Super (FSS) on 1300 650 873.

Superannuation therefore should be viewed as a serious consideration for all tutors – whether it is as a result of an obligation, or as an opportunity.

**Important note:** *This article contains general information only and does not take into account your specific objectives, financial situation or needs. It is therefore important, before acting upon any advice, that you consider the appropriateness of the advice having regard to your objectives, financial situation or needs.*

Further, before deciding to invest in a superannuation account, to consider a Product Disclosure Statement (PDS) having regard to your own situation. A First State Super Product Disclosure Statement may be obtained by calling 1300 650 873 or by visiting the website at [www.firststatesuper.com.au](http://www.firststatesuper.com.au). FSS Trustee Corporation (ACN 118 202 672, AFSL 293340, RSE Licence L0002127), is the Trustee of the First State Superannuation Scheme (ABN 53 226 460 365, RSE Registration R1005134, SPIN FSS 0100AU).

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### **ATA Committee Meetings**

ATA Committee meetings are held 6 - 8 times per year. Members are welcome to email Committee members to have items discussed at Committee level. All issues raised, ideas and initiatives are taken seriously and assessed in the light of the best interests of the ATA.

Note that views expressed in this Newsletter do not necessarily reflect the views of the ATA Committee. Private contributions are welcome and are a necessary aspect of raising issues for discussion amongst ATA members and in the wider community.

The ATA is currently reviewing its management structure with a view to delivering the type of organisation that can most effectively represent member interests, whilst benchmarking accountable, open and honest tutoring practices that serve the best interests of our clients. Any structural changes will be detailed in future newsletters and on our website.

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### **Contacting Us**

For contributions and comments please email the ATA  
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 6 College Street  
 Croydon, NSW, 2132

Phone (02) 9704 5724; (0408) 619 714

### **STOP PRESS STOP PRESS STOP PRESS**

#### **ATA Updates:**

##### **Publicity**

The ATA is always looking for opportunities to promote our aims of raising consumer protection issues and raising consumer awareness on the need for accountable, open and honest tutoring. If you have an issue you feel needs to be brought to the attention of the public please contact the Public Officer of the ATA.

##### **Membership Numbers**

All ATA members have been allocated a Membership Number. This number is on the website and can be quoted in any official correspondence. Tutors will be aware that under the present RAV the Federal Government asks prospective providers to quote their Membership Number or to provide details of membership with any other relevant professional body. Such membership is understood to include membership of professional associations such as the Association of Australian Mathematics Teachers, the various literacy and English Teachers Associations (State and Federal).

##### **Sticker availability**

ATA bumper and window stickers are now available. There are two different versions available (see insert in newsletter). If you wish to purchase additional stickers they may be bought for \$1 each. Please contact the ATA office at the number, address or email on this page.

##### **Back Issues of the Newsletter**

Previous issues of the ATA newsletter are available upon request. Moreover, they can be downloaded from the ATA website: [www.ata.edu.au](http://www.ata.edu.au).