



Within Tuition

Australian Tutoring Association (ATA) Inc.

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The Australian Tutoring Association (ATA) newsletter

Contents

Editorial Comment

Welcome to the last issue of the 2007 Within Tuition Newsletter. 2007 has been a big year for the ATA, with the Association obtaining national prominence through its inclusion of key stakeholders in a submission made to the Commonwealth in response to

the Budget announcement of a huge increase in funding to the tuition sector. 2008 will provide a huge opportunity for the ATA to consolidate its position and to strongly advocate for students who use tutors. All levels of education must work closely together in the interests of students and their families.

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President's Message

It is with much pleasure that I write my first president's report. To begin I'd like to express my appreciation for the trust that has been placed in myself and the committee by our membership. Our focus, as always, will be on the continued advocacy of our industry.

2007 has been a very active year for the ATA, dominated by lobbying for and preparation of our tender for the National Numeracy and Literacy Program. The recognition we have received through this process, at both state and federal government level and in the wider educational community has been invaluable. Irrespective of the outcome of the tender, the process has vastly strengthened our credibility and standing.

Alterations were recently made to the administrative structure of the ATA changing it from an association represented by a committee to a company which will be represented by a board. This significant change should be formally

completed within the next few weeks. This was done after much consultation and will enable us to better meet any future opportunities that may arise and continue to ensure open and transparent administration.

We have made available to members an excellent opportunity for affordable comprehensive insurance and we are negotiating possible superannuation options for our membership.

In 2007 we have met with nearly every Department of Education at state and federal level, some more than once, to introduce ourselves and find common ground, establishing fundamental relationships between the ATA and the formal education sector. We see this as an ongoing process and crucial in the promotion of our industry.

I'd like to take the opportunity of thanking our committee who work tirelessly and have donated their time for the betterment of the industry. Out-

going President, Mary O'Brien, and Public Officer Mohan Dhall especially, for the work put in initially establishing the ATA and in their roles as elected officials.

The industry as a whole continues to be in a period of expansion, reflecting the wider community's growing support and awareness of the value tutoring can add to the educational process. It is exciting to be a part of this.

Our focus for the next twelve months will include lobbying for consistent and uniformed child protection laws. Importantly we need to continue to promote our Code of Conduct to ensure that standards in our industry are maintained. We'll encourage all members to actively support us through ideas, feedback and financial membership. The ATA intend to be motivated and committed to the promotion of tutoring and look forward to 2008 being another year of progress and achievement.

- Chris Druett, President.

Renewal of Membership

The ATA issued membership renewals in early October 2007. With the membership renewals came forms for insurance at discounted rates for ATA members.

To date of the 330 ATA members we had in September 2007, 135 have renewed their membership. Of these approximately half have taken advantage of the discounted insurance.

By the end of February the ATA will be updating its website to include ONLY paid up members. This means that if members are considering maintaining their membership they will need to do so at their earliest convenience.

In 2008 the ATA Board will be seeking further options for adding value to ATA memberships. This should take the form of discounts on purchases and superannuation.

The December 2007 Annual General Meeting (AGM) - Mohan Dhall

On Saturday 8th December the ATA Annual General Meeting was held at 6 College Street in Croydon, NSW. At this meeting all of the Committee positions were up for election. Nominations had been received for all positions, the President's position being closely contested. As a result of the vote, constituting a combination of postal votes and votes cast on the day the following Committee were elected for the 2008 year:

Office Bearers:

- President: Mr. Chris Druett, Tutoring for Excellence, NSW
- Public Officer: Mr. Mohan Dhall, Independent Tutor, NSW
- Treasurer: Mr. Bill Edwards, Literacy Circle, NSW

General Committee:

- Mr. Paul Flymen, Zambusters, Qld
- Ms. Mary O'Brien, Clever Kids, NSW
- Ms. Pamela Davies, Independent Tutor, Vic
- Mr. Mazen Fahme, Alpha Omega Education, NSW
- Mr. Storm McGrath, Kip McGrath Education Centres, NSW

A series of summary reports were tabled for the meeting: the President's Report, Secretary's Report and Treasurer's Report.

The meeting commenced at 11am and concluded at Noon.

Consumer Protection News: Mathemagic Computer Tutor distributor fined

Western Australia

The company selling the Mathemagic Computer Tutor AIMWA Pty Ltd and its directors were today fined a total of \$1,200 in the Perth Magistrates Court for failing to give a customer mandatory information about their rights to cancel door to door trading contracts and two other related offences.

The Company, and its Directors Damian Bock of City Beach and Damian Frearson of East Perth, each pleaded guilty to three charges under the Door to Door Trading Act and were also ordered to pay costs of \$198.

AIMWA uses door to door representatives to sell the Mathemagic Computer Tutor home tutoring program and admitted that when it sold a home tutoring package to a Golden Bay family for \$5,460 this May this year it had:

- Taken a deposit within the ten day cooling off period that applies to door to door contracts;
- Improperly supplied services under the contract by installing and demonstrating software during the cooling off period; and
- Did not provide compulsory forms informing the consumer about their right to the to the cooling off period

"The ten day cooling-off period for door to door contracts required by law allows consumers to check that a purchase is good value for money, especially if an agreement has been made under pressure or on the spur of the moment with someone cold-calling them", Consumer Protection Commissioner Patrick Walker said.

"We take seriously failing to provide information about the cooling off period and conduct likely to mislead consumers about their right to cancel a door to door contract. Under the Act, conduct such as AIMWA's on this occasion is not only an offence, but also extends the cooling off period a consumer is entitled to from ten days to six months.

"Disappointingly, the consumers involved in this case were denied a refund, to which they were rightfully entitled, until Consumer Protection intervened. They subsequently received their refund and they also retained the product Mr. Walker said. Under the Door to Door Trading Act, company directors can be

personally liable for an offence by their company if they did not exercise reasonable diligence to prevent an offence from occurring. The directors of AIMWA were prosecuted after they had failed to heed the formal warning issued in 2005.

The Magistrate noted that although the directors had been previously warned by Consumer Protection, the fines were appropriate in view of the defendants being first offenders and their co-operation.

"We recommend that parents check with their child's teachers before paying thousands of dollars for a computer program that may not suit their child's needs", Commissioner Walker said.

Consumer Protection has issued information through for inclusion into school newsletters around Western Australia, warning parents against making hasty buying decisions without first doing their homework.

Adapted from source: "Mathemagic Computer Tutor distributor fined", www.docep.wa.gov.au; Media Statements 23.11.07

Renaka Senaratna, of Croydon in Victoria, was fined \$1,000 in the Joondalup Magistrates Court for not ensuring that his company provided legal entitlements to its "door-to-door" customer.

Mr Senaratna is a director of the company ASM Australian Specialised Maths Pty Ltd, which went into liquidation in September 2007 after it was charged with offences under the Door to Door Trading Act.

"Mr Senaratna and his company were charged for offences where a door-to-door customer in Carramar was likely to be misled about their right to a 10-day cooling off period... It enables consumers to review their decisions that may have been made under pressure, and allows them time to check that a purchase represents value-for-money", Consumer Protection Commissioner Patrick Walker said.

Adapted from Source: "Maths tutoring director fined. ASM Australian Specialised maths Pty Ltd", www.docep.wa.gov.au, Media Statements 09.11.07 (Note a related article was issued on 16 August 2007)

Copyright Basics

What is copyright?

Copyright is a form of intellectual property that protects, among other things, a variety of literary, artistic, musical and dramatic activities. It is not ideas but their expression that are protected by copyright law.

Copyright is intended to protect creative works from being used without the agreement of the owner and to provide an incentive for creators to continue to create new material.

Who owns copyright?

In Australia, the Copyright Act gives owners of copyright exclusive rights to do certain things with their material. Questions as to who owns copyright can arise in certain situations. The general rule contained in the Copyright Act is that the creator of a work is the first owner of copyright, except for:

- Material created by most employees in the course of their employment (with the exception of people working freelance, who generally own copyright in their work);
- Some commissioned artistic material; and
- Material made or first published by, or under the direction or control of, the Commonwealth or State

Governments. Where the work is the product of collaboration, copyright may be owned jointly.

The rules about ownership of copyright as set out in the Copyright Act can be varied by an agreement between the parties concerned. And just like any property, copyright can be traded. This means owners of copyright can assign or licence their rights to someone else.

- The Australian Copyright Council provides comprehensive information about copyright and related matters, including copyright of training materials. For more information visit their website at <http://www.copyright.org.au/>.

The Australian Society of Authors provides its members with comprehensive information on contracts and contract advice. Visit www.asauthors.org for more information.

Who is CAL?

Copyright Agency Limited (CAL) is an Australian rights management company working with copyright owners and users. CAL licenses organisations to copy or communicate works, collects licence fees and then distributes these fees to the relevant copyright owners.

What will CAL do for me?

While membership of CAL does not guarantee payment for copying of your works, CAL's members enjoy a range of benefits, including:

- Entitlement to claim moneys from CAL if our records show your works have been copied.
- Centralised licensing of the right to copy your works, at equitable rates, in areas such as educational and financial institutions and government bodies
- Representation of your interests in areas such as copyright law reform at a national and international level.
- Access to information about copyright and a referral point for copyright problems.
- Information on matters of concern to authors and publishers

Who can be a member?

Membership of CAL is free. CAL offers a number of membership categories. To be an author member, you must control the rights in copyright works. To be a publisher member, you must control the rights in works and published editions.

How do I join CAL?

Simply visit www.copyright.com.au to download a membership application, or call CAL's membership team on (02) 9394 7600 for more information.



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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

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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 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.