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## Debtor Rights

This article is by Victoria Legal Aid, to learn more about their services visit [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

If your client is in debt, they have the right to be protected from illegal behaviour from creditors and debt collectors. They have the right to:

- not be discriminated against
- have their privacy protected
- get help
- question the debt

### The right to be treated fairly

Your client has the right not to be harassed or bullied when a creditor or debt collector contacts them. There are very strict guidelines on debt collector behaviour.

### The right not to be discriminated against

Discrimination happens when someone is treated unfairly. For example, discrimination towards a race, age or disability. If your client thinks they have been discriminated against, they need to contact the Victorian Equal Opportunity and Human Rights Commission.

### The right to have your privacy protected

Your client has the right to privacy. The creditor can collect, store, use or give out information about them but they need to follow the rules set out in the Privacy Act. A creditor cannot contact anyone else about your client's debt unless they have their written permission.

If your client thinks that their privacy has been violated, they need to complain to the organisation that did it. Your client can also contact an ombudsman. For example, if it is an electricity company that has breached their privacy, then contact the Energy and Water Ombudsman. Your client can also contact the Office of the Australian Information Commissioner.

## ATO Lodgement Dates

These dates are from the ATO website and do not take into account possible extensions.

You remain responsible for ensuring that the necessary information is with us in time.

#### **BAS/IAS Monthly Lodgements**

Final dates for lodgements and payments:

March Activity Statement  
21 April 2019

April Activity Statement  
21 May 2019

May Activity Statement  
21 June 2019

#### **BAS Quarterly Lodgements**

Final dates for lodgements and payments:

**3rd Quarter 2019 Financial Year:**  
**March Quarter 2019 (incl. PAYGI)**  
28 April, 2019

**4th Quarter 2019 Financial Year:**  
**June Quarter 2019 (incl. PAYGI)**  
28 July, 2019

When a due date falls on a Saturday, Sunday or Public Holiday\*, you can lodge or pay on the next business day.

\*A day that is a public holiday for the whole of any state or territory in Australia.

Due date for super guarantee contributions:

**3rd Quarter 2019 Financial Year:**  
January to March 2019 – contributions must be **in the fund** by 28 April, 2019

**4th Quarter 2019 Financial Year:**  
April to June 2019 – contributions must be **in the fund** by 28 July, 2019

The super guarantee charge is not a tax deduction if not paid by these dates.

Refer to the ATO for details regarding any SGC charges applicable if not paid by due date.

## The right to get help

Financial counsellors and other services that deal with debt problems can also help your client. Your client may feel pressured to make a quick decision or to agree to something when a creditor or debt collector contacts them. They have a right to get financial or legal information and advice before signing or agreeing to anything.

## The right to question the debt

Your client needs to know they have the right to question the debt. If they do not believe it is their debt, or if they think that the amount is wrong, they can find out for themselves if they are not sure what the creditor says is true.

Some of the reasons your client may want to question a debt are if:

- the debt is not your client's – for example, if they think someone has fraudulently used their identity
- they have already paid the debt or settled it in some way
- they disagree with or are unsure about the amount being claimed
- they have a valid defence (a legal reason) to not pay the debt.

## Single Touch Payroll

The ATO want to reassure small business and give their guarantee that their approach to extending Single Touch Payroll will be flexible, reasonable and pragmatic.

If you are still to make plans as to STP compliance, please make a time to see up and we can discuss your options



## Protecting Your Intellectual Property - Hints and Tips

This article is the first in a series introducing you to the importance of intellectual property and how to protect your intellectual property. In this first article you will learn about trade marks and domain names.

Your brand can be the difference between success and failure. It will be how your customers seek you out, remember you, and talk about you. A common misconception is that a trade mark is the same thing as a business name, company name or domain name. It's not. As you start to work on your initial ideas, you should think about developing and securing all these aspects of your brand.

Your first step in establishing an online presence will probably be registering your domain name. Naturally you'll want to see if the domain name is available, but trade marks and business names should weigh on decision. Here's why:

- If you use a registered trade mark for your brand, you may be open to legal action from the trade mark owner. This can occur for names which are the same and similar to the registered trade mark.

## Let's search

You can check the availability of your preferred business name and domain name using the [Business.gov.au](https://www.business.gov.au) name check tool.

To check if there are conflicting trade marks try IP Australia's Trade Mark Assist tool or for a small fee, you can use IP Australia's TM Headstart service to get one of the trade mark examination team to do a qualified search and provide you with a report to help you decide. If the search is clear (i.e. no other trade marks prevent you from registering your trade mark) you can continue with the application and get your trade mark protection locked away.

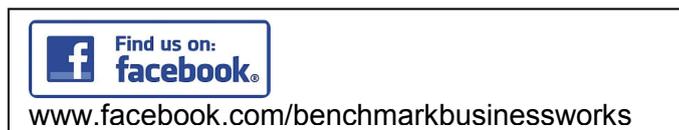
*Top tip: When using Trade Mark Assist, remember to search spelling variations.*

## A trade mark for your domain name?

When it comes to protecting your brand, a registered trade mark is the most powerful option. Whether you need to apply for protection for both your trade mark and your domain name will depend on your circumstances.

A trade mark is used to differentiate your business from your competitors. The owner of a registered trade mark has the exclusive right to use the trade mark in relation to the goods and/or services for which the trade mark was registered. This includes in a domain name. A trade mark registration may also protect your domain name if your domain name contains your trade mark.

The advantage of securing a trade mark registration which also protects your domain name is the ability to stop similar domain names competing in your space. To do this you need to lodge a complaint with auDA. This only applies to the .au country code – it doesn't extend to other countries, nor generic top-level domains such as .com or .org regulated by other bodies.



Disclaimer: All or any advice contained in this newsletter is of a general nature only and may not apply to your individual business circumstances. For specific advice relating to your specific situation, please contact your accountant or contact me for further discussion.

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