

*A Newsletter to our clients . . .*

January, 2019.

## EMPLOYEE COMMENCEMENT FORMS (ONBOARDING) – NEW METHOD

Employees are now able to access commencement forms such as the TFN declaration through ATO Online in myGov when they commence a new job. This is referred to as onboarding. The online forms available are:

- Tax file number declaration
- Superannuation (super) standard choice
- Withholding declaration
- Medicare Levy Variation declaration.

All employees can access the new service through their myGov account, but will be directed to their employer in the first instance to get the necessary information to complete the form.

### OPTION 1 – EMPLOYEE ACCESS DIRECTLY VIA MYGOV

Employees can now access and complete pre-filled commencement forms through ATO Online via myGov. The forms are accessed by either:

- My profile > Employment; or
- 'New employment' on the home screen.

Employees should talk to their employer before they use these forms. To complete the forms, employees need to know the:

- employer's ABN
- employment type (for example, full time, part time, casual)
- employer's default super fund details
- name
- unique superannuation identifier (USI)
- ABN.

On the ATO Online screen, an employee will:

- view pre-filled information about their tax affairs (e.g., residency status and education loans)
- see information related to their superannuation, including their existing funds and the employer's default fund
- complete and submit the employee commencement forms to the ATO electronically
- need to print the form and provide a copy to their employer.

If an employee makes a mistake in the form they can update it through myGov in ATO Online and provide a new version to their employer. Employees can also make updates to previous forms if their circumstances change, for example a change in their residency or finalisation of a Higher Education Loan Program (HELP) debt. The withholding declaration will no longer be used to facilitate these changes.

The employer will:

- enter the information into their system and keep a copy of the form for their records.
- not need to send the printed form to the ATO.

### OPTION 2 – EMPLOYER'S SOFTWARE LINKING TO FORMS IN MYGOV

The specifications are now available for software developers to build this service. Employers should check with their software provider to find out when this service will be offered.

With this service, employers can allow their employees to access the ATO Online form via their own payroll software or onboarding solution. These forms would only be accessible from the link provided by the employer. An employee will need a myGov account linked to ATO Online.

Once the form is submitted, the employer's payroll software will request the information from us via SBR2-enabled software. The information provided to the employer will include the employee's tax file number, residency status, tax free threshold, Medicare levy details and chosen super fund.

### WITHHOLDING DECLARATION NOT REQUIRED FOR ONBOARDED EMPLOYEES

Employees who have used the new onboarding method for completing their TFN Declaration will not complete a withholding declaration to advise their employer of a change in circumstances. Instead they will make these changes online via myGov, print out the new details and give it to their employer. The employer will keep the information on file. It will not be sent to the ATO.

## LOW COST STP SOFTWARE SOLUTION FOR MICRO BUSINESS (1–4 EMPLOYEES)

The ATO have been working with software providers to provide simple, low-cost Single Touch Payroll (STP) solutions which should be available from early 2019. The solutions will best suit micro employers (with one to four employees) who need to report through STP, but do not currently have payroll software. The solutions are required to be affordable (costing less than \$10 per month), take only minutes to complete each pay period and not require the employer to maintain the software. A list of providers can be found at the following link:

<https://www.ato.gov.au/Business/Single-Touch-Payroll/In-detail/Low-cost-Single-Touch-Payroll-solutions/>

## INCOME STATEMENT (END OF YEAR EMPLOYEE TOTALS)

At the end of the financial year after the employer has submitted a declaration to the ATO confirming that all amounts have been reported through STP, the employee can access their income statement through their myGov account. Display of the words "Tax ready" will confirm these are the final figures for the financial year.

## ONLINE VIEW OF TAX AND SUPER INFORMATION THROUGHOUT THE FINANCIAL YEAR

The income statement section under myGov can also be used by employees throughout the year to access their tax and super information. Over time, this will enable employees to more easily understand and manage their end of year tax position (see below).

## CHECK IF AN EMPLOYEE CAN WORK IN AUSTRALIA LEGALLY

The department of immigration has an online checklist for employers hiring workers in Australia. Access the checklist and links at:

<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/hire-someone-in-australia>

## PROPOSED CHANGE TO PPL

Currently the 18 weeks Paid Parental Leave (PPL) must be taken in one period. It is proposed that parents will be given the flexibility to choose to take their parental leave payment in blocks, in the way that suits them. Both the 18 weeks PPL applicable to the primary carer and the 2 weeks PPL applicable to the partner of the primary carer will be combined, effectively taking couples to a combined 20 weeks of paid leave.

The PPL can then be split and taken at varying times through the parental leave period. More information will be available when legislation is tabled in relation to this change.

## PROTECTED EARNINGS AMOUNT 2019

Child support payments can only be varied on advice from the CSA or if the child support deduction leaves the employee with a wage that will not service a basic standard of living.

The wage an employee receives after all monies are deducted must be at least equal to what is referred to as the "protected earnings amount". The protected earnings amount for the 2019 calendar year is \$372.53 per week.

The screenshot shows the Australian Government Australian Taxation Office myGov interface. The user is logged in as [REDACTED]. The navigation bar includes Home, Tax, Super, Employment, and My profile. The 'Income statements' section is active, displaying a message about payroll income reporting. Below this, there are tabs for 'Current' and 'History'. The 'Current' tab shows details for the 2018-19 financial year, including a table with columns for Employer, Income, and Tax. The table shows a total income of [REDACTED] and a total tax of [REDACTED] for the year to date.

Employer	Income	Tax
[REDACTED] PTY. LIMITED	[REDACTED]	[REDACTED]
<b>Total</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>

# TAXABLE PAYMENT REPORTING

For the industries shown here, there is a requirement to report payments made to contractors from 1 July 2019. The first report will be due on by 28 August 2020.

## ROAD FREIGHT INDUSTRY

From 1 July 2019, entities that provide road freight services are required to report to the ATO details of transactions that involve engaging other entities to undertake road freight services for them. Reporting is required for road freight services where the total amount an entity receives for road freight is 10% or more of the entity's GST turnover.

**Note:** Where an entity offers both courier services and road freight services, the 10% threshold includes both services. Each service is not considered separately.

What are road freight services?

A 'road freight' service has been added to the third party reporting table item that covers courier services. This ensures that there is a single reporting obligation for entities that make a supply of a courier service or a road freight service. If an entity supplies either service, they are required to report to the Commissioner, unless otherwise provided.

The use of the phrase 'road freight' in addition to 'courier' is intended to ensure that any service where goods are transported over road is covered by the reporting obligation. The use of the phrase 'road freight' refers to the transport of goods by freight over road, which is not included in the meaning of a 'courier' service. Typically, goods will be sent by road freight where the goods are transported in bulk using large vehicles. This includes services such as road freight transport, log haulage, road freight forwarding, taxi trucks, furniture removal and road vehicle towing.

The use of the word "road" in relation to freight limits the requirement to only those freight services that relate to road transport, and excludes other modes of freight transportation, such as by boat or aeroplane. However, this qualification is not intended to apply to courier services, which may involve the transportation of goods other than on road, such as by bike or train. Find relevant examples at:

<https://www.ato.gov.au/Business/Reports-and-returns/Taxable-payments-annual-report/Work-out-if-you-need-to-report/Road-freight-services/#examples>

## INFORMATION TECHNOLOGY INDUSTRY

From 1 July 2019, entities that provide IT services are required to report to the ATO details of transactions that involve engaging other entities to undertake IT services for them. Reporting is required for IT services where the total amount an entity receives for IT services is 10% or more of the entity's GST turnover.

**Note:** where an entity offers both IT services and Security, Investigation and Surveillance services, the 10% threshold includes both services. Each service is not considered separately.

What are IT services?

An 'IT' service refers to services that are provided in relation to computer hardware or software, or that are provided remotely through the internet. This includes services that support or modify the operation of hardware or software.

An IT service does not include the purchase or lease of hardware or software. However, if the seller or lessor of the hardware or software modifies it for the purchaser or lessee, or develops specific software for them, then those services will be an IT service.

If computer software is used by the entity to provide a service other than an IT service, the mere use of software in these circumstances does not make the service an IT service. For example the use of software to provide an accounting, project management, or word processing service is not an IT service. Some examples of IT services performed in relation to a computer include:

- technical support;
- computer facilities management;
- internet and web design consulting;
- computer hardware consulting;
- software development;
- computer network systems design and integration;
- software installation;
- computer programming;
- software simulation and testing;
- computer software consulting; and
- systems analysis.

Find examples at:

<https://www.ato.gov.au/Business/Reports-and-returns/Taxable-payments-annual-report/Work-out-if-you-need-to-report/IT-services/#examples>

## SECURITY, INVESTIGATION AND SURVEILLANCE (SIS) SERVICES

Entities that provide SIS services are required to report to the ATO details of transactions that involve engaging other entities to undertake SIS services for them. Reporting is required for SIS services where the total amount an entity receives for SIS services is 10% or more of the entity's GST turnover.

**Note:** where an entity offers both Security, Investigation and Surveillance services and IT services, the 10% threshold includes both services. Each service is not considered separately.

What are Security, Investigation and Surveillance Services?

Security refers to protection from, or measures taken against, injury, damage, espionage, theft, infiltration, sabotage or the like. The use of this term is intended to include services such as locksmithing, burglary protection, body guards, security guards, armoured cars and any other services which can be provided to protect individuals or property.

An investigation refers to a searching inquiry in order to ascertain facts. This would typically be conducted by a detective or an enquiry agency, and may be about matters that are not necessarily related to security. For example, it could refer to investigations conducted or enquiries made to assess the veracity of insurance claims. However, it does not refer to any service which may be used to gather information, such as online search engines. Generally, investigation services involve a person making specific investigations into persons or matters.

A surveillance service refers to a general watch or observation maintained over an area or location, by one or more persons or by using devices such as motion detector alarms, cameras or recorders. This includes watchmen services, alarm monitoring and services that involve the use of closed circuit television cameras for the purpose of surveillance or maintaining security.

Find examples at:

<https://www.ato.gov.au/Business/Reports-and-returns/Taxable-payments-annual-report/Work-out-if-you-need-to-report/Security,-investigation-or-surveillance-services/#examples>

### REQUESTS FOR FLEXIBLE WORKING ARRANGEMENTS IN AWARDS

The request for flexible working arrangements are also contained in modern awards from 1 December 2018. An additional requirement under modern awards is that, before responding to a request from an eligible employee, an employer must first discuss the request with the employee to try to reach an agreement about a change to their working arrangements. Flexible working conditions apply to:

- workers with caring responsibilities within the meaning of the Care Recognition Act 2010;
- employees who are parents, or who have responsibility for the care of a child of school age or under school age including employees returning from unpaid parental leave requesting part-time employment as opposed to returning to their previous fulltime role;
- employees with a disability;
- mature-age employees (55 years or older); or
- workers experiencing family violence and workers providing personal care, support and assistance to a member of their immediate family or member of their household because they are experiencing family violence.

A casual employee that has been employed by the employer on a regular and systematic basis for a sequence of periods of employment of at least 12 months can also request flexible working arrangements.

### ATTENDING MEDICAL APPOINTMENTS AND ELECTIVE SURGERY

Medical appointments and elective surgeries that are pre-arranged can only be covered by personal leave if an employee is not able to work because of a personal illness or injury. It will depend on each individual circumstance.

The question that needs to be asked is “is the employee unable to work because of the illness or injury afflicting them self or the person they’re caring for?” If the answer is “no”, personal leave can be used.

Time off for elective surgery and related appointments that is not being carried out because of an existing injury or an illness, for example plastic surgery, will not be covered by personal leave.

An employer can ask for evidence from an employee to confirm that they were unfit for work. This can help decide if an employee should be paid personal leave or be paid a different type of leave or entitlement. Access the Fair Work website for more information:

<https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/notice-and-medical-certificates>

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### UNPAID FAMILY AND DOMESTIC VIOLENCE LEAVE PART OF THE NES

All employees covered by an award or otherwise can now take unpaid leave to deal with family and domestic violence issues, following a change to the Fair Work Act 2009 effective December 12, 2018. The Fair Work Act now includes unpaid family and domestic violence leave as part of the National Employment Standards (NES).

The new entitlement is to 5 days of unpaid family and domestic violence leave each year. It applies to all employees (including part-time and casual employees).

Family and domestic violence is violent, threatening or other abusive behaviour by a close relative of an employee that:

- seeks to coerce or control the employee
- causes the employee harm or to be fearful.

A close relative of the employee is a person who:

- is a member of the employee's immediate family, or
- is related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Employees can take the leave if they need to do something to deal with the impact of family and domestic violence and it's impractical to do so outside their ordinary hours of work.

On 1 August 2018, all industry and occupation awards were updated to include unpaid family and domestic violence leave. The award entitlement is for the same amount of leave as the new entitlement in the NES.

### OFFSETTING RULES FOR CASUAL LOADING (FROM WORKPAC V STEYNE)

Employers who incorrectly classify employees as casual instead of full-time or part-time could be responsible for back paying various entitlements under the National Employment Standards (See Workpac v Steyne decision in our October 2018 newsletter). To put a stop to double dipping, the Government has varied the Fair Work Regulations 2009 to clarify that employers, in certain circumstances, may claim that an employee's casual loading payments should be offset against certain NES entitlements owing to the employee. The new regulation applies where all of the following criteria are met:

- an employee is employed by their employer on a casual basis
- the employee is paid a casual loading that is clearly identifiable as being an amount paid to compensate the person in lieu of entitlements that casual employees are not entitled to under the NES, such as personal or annual leave
- despite being classified by the employer as a casual, the employee was in fact a full-time or part-time employee for some or all of their employment for the purposes of the NES
- the employee has made a claim to be paid for one or more of the NES entitlements (that casual employees do not have) that they didn't receive for all or some of the time that they were incorrectly classified as a casual.

The new regulation applies to all employment periods.

**Important:** Although the recent decision impacts more heavily on labour hire firms who engage a significant number long term casual employees, all employers are now looking to Fair Work for definitive clarification on which employees can and can't be classified as casual.

## END OF EMPLOYMENT CHANGES

### NOT ENOUGH NOTICE BY EMPLOYEE

An employer can hold back money from the employee's final pay only if the employee:

- doesn't give a notice period, or
- gives part of the minimum notice period; and
- there is a clause in the employee's award, registered agreement or employment contract which allows for this.

The amount the employer keeps can't be more than the amount for the:

- minimum notice period
- remaining minimum notice period (when part of the notice is given).

However, employers can only deduct from wages owed under the award. They can't deduct from other entitlements owed to the employee, such as accumulated leave or other over award payments. Fair work confirms this at: <https://www.fairwork.gov.au/pay/deducting-pay-and-overpayments>

In addition, most modern awards limit the deduction to one week as it generally states: *"If an employee who is at least 18 years old does not give the period of notice required under paragraph (b), then the employer may deduct from wages due to the employee under this award an amount that is no more than one week's wages for the employee."*

### CHANGE TO GENUINE REDUNDANCY PAYMENT AGE THRESHOLDS FROM 1 JULY 2019

It is proposed that the age below which individuals can receive genuine redundancy payments be aligned with the Pension qualifying age. Therefore, from 1 July 2019 the age thresholds up to which an employee will be able to receive a tax free amount at Lump Sum D will be as follows:

<b>Birth date</b>	<b>Age up to which a tax free redundancy can be received</b>
1/7/1952 to 31/12/1953	65 years and 6 months
1/1/1954 to 30/6/1955	66 years
1/7/1955 to 31/12/1956	66 years and 6 months
From 1/1/1957	67 years

### NEW FORMAT SEPARATION CERTIFICATE

Employers can download, print and fill out the new Employment Separation Certificate form and hand it back to the employee or fax it to Human Services on 132 115. Access the certificate at: <https://www.humanservices.gov.au/individuals/forms/su001>

Employers need to be registered with Centrelink Business Online Services to submit an Employment Separation Certificate online. Employers that are already registered for paid parental leave do not have to register again. Employers can register for Centrelink Business Online Services at: <https://www.humanservices.gov.au/organisations/business/enablers/registering-centrelink-business-online-services/26766>

Registered employers can access a step by step guide to lodging certificate online at:

<https://www.humanservices.gov.au/organisations/business/enablers/submit-employment-separation-certificate-online/35236>

## SUPERANNUATION GUARANTEE AMNESTY BILL NOT YET PASSED

Subject to the passage of legislation the proposed amnesty is intended to be available for 12 months from 24 May 2018 to 23 May 2019. The Amnesty applies to previously undeclared SG shortfalls for any period from 1 July 1992 up to 31 March 2018. The Amnesty does not apply to the period starting on 1 April 2018 or subsequent periods.

Employers who are not up-to-date with their SG payments and who don't come forward during the Amnesty may face higher penalties in the future. At time of print the legislation had not passed the parliament.

If you make payments under the Amnesty but the legislation is not passed:

- you will be required to pay the administration component
- you won't be able to claim a deduction for the catch-up payments
- The ATO will remit the penalties.

**Important:** Although the ATO will apply the current law to a SGC statement completed before enactment, if the amnesty legislation is enacted, they will apply the benefits of the proposed amnesty retrospectively where it meets all the eligibility requirements.

Once the law is passed:

- catch-up payments are tax-deductible
- the penalties that normally apply to late payments will be waived
- the administration component of the SG charge is not payable.

## SALARY SACRIFICE INTEGRITY BILL STILL NOT PASSED

The government bill introduced to improve the integrity of the superannuation system by ensuring that an individual's salary sacrifice contributions cannot be used to reduce an employer's minimum SG contributions, has still not passed the senate. The measure was meant to apply from 1 July 2018 but now will apply no earlier than 1 March 2019. The amendments will:

- prevent contributions made as part of a salary sacrifice arrangement from satisfying an employer's SG obligations; and
- specifically include salary or wages sacrificed to superannuation in the base for calculating an employer's SG obligations.

## PAYROLL TAX NSW – RETURN LODGEMENT CHANGES

From 1 July 2019 employers with an annual payroll tax liability of up to \$20,000 will only be required to make an annual payment and lodge an annual payroll tax return and reconciliation. Businesses with a liability greater than \$20,000 and up to \$150,000 may make automatic monthly payments of a fixed amount but need only provide an annual return and reconciliation. Businesses with payroll liabilities above \$150,000 will continue to pay monthly and make monthly lodgments, with an annual reconciliation.

## 2019 PUBLIC HOLIDAYS

PUBLIC HOLIDAYS 2019	OCCASION	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Tuesday 1st January	New Year's Day	X	X	X	X	X	X	X	X
Saturday 26th January	Australia Day								
Monday 28th January	Additional Day	X	X	X	X	X	X	X	X
Monday 12th February*	Royal Hobart Regatta						X*		
Monday 4th March	Labour Day								X
Monday 11th March	Labour day/Eight hour	X				X	X	X	
	Canberra Day								
	Adelaide Cup								
Friday 19th April	Good Friday	X	X	X	X	X	X	X	X
Saturday 20th April	Easter Saturday	X	X	X	X	X		X	
Sunday 21st April	Easter Sunday	X	X		X			X	
Monday 22nd April	Easter Monday	X	X	X	X	X	X	X	X
Tuesday 23rd April	Easter Tuesday						X**		
Thursday 25th April	ANZAC Day	X	X	X	X	X	X	X	X
Monday 6th May	May Day/Labor Day			X	X				
Monday 27th May	Reconciliation Day	X							
Monday 3rd June	WA Day								X
Monday 10th June	Queen's Birthday	X	X	X		X	X	X	
Monday 5th August	Bank Holiday###		X						
Monday 5th August	Picnic Day			X					
Wednesday 14th August	Brisbane show day*				X				
Monday 30th September	Queen's Birthday								X
Friday, 27 <sup>th</sup> September	Before Grand Final							X	
Monday 7th October	Labour Day	X	X			X			
Monday 7th October	Queen's Birthday				X				
Monday 4th November	Recreation Day						X		
Tuesday 5th November	Melbourne Cup Day							X	
Monday 24 December from 7pm - Midnight	Christmas Eve			X		X			
Wednesday 25 December	Christmas Day	X	X	X	X	X	X	X	X
Thursday 26 December	Boxing Day	X	X	X	X	X	X	X	X
Thursday 31st December from 7pm - Midnight	New Year's Eve			X		X			
<b>X – Indicates public holiday   * Applicable to only part of State   **Applies to certain awards</b> <b>### – Applies to banks and certain financial institutions</b>									

### TIMES LIMITS FOR CLAIMING GST CREDITS

The time limit for businesses to claim GST credits is four years from the due date of the first business activity statement in which they could have claimed the credit. This cannot be extended by requesting an amendment, lodging an objection or applying for a private ruling.

### GST AND THE NATIONAL INSURANCE DISABILITY SCHEME (NDIS)

The ATO have released information to help payers determine if a supply through the NDIS is GST-free

Supplies of disability supports may be GST-free, depending on the kind of support provided and whether or not you receive government funding. For detailed information access the following link:

<https://www.ato.gov.au/Business/GST/In-detail/Your-industry/GST-and-health/?anchor=NationalDisabilityInsuranceScheme#NationalDisabilityInsuranceScheme>

If you made supplies of disability supports before the NDIS started and they were GST-free because you received government funding for making the supplies, these supplies will continue to be GST-free providing you continue to receive government funding for making those supplies.

### IS SALE OR PURCHASE CONNECTED WITH AUSTRALIA

GST Ruling GSTR 2018/2 sets out the ATO's views on when supplies of goods are connected with Australia. The concept discussed in the ruling is important because one of the preconditions for liability for GST is that a supply must be connected with Australia.

The ruling concerns only the supply of goods for GST purposes. It defines a supply of goods as a supply of any form of tangible personal property. Therefore, it does not include intangible personal property such as intellectual property like a copyright, or land or an interest in land. A supply of goods is not limited to a sale of goods. It can include other means of supply such as a lease or hire of goods. The ruling covers:

- Supplies wholly within Australia
- Supplies of goods from Australia
- Supplies of goods to Australia
- Supplier as importer
- Exceptions to the connected with Australia rule

Access the ruling at:

<https://www.ato.gov.au/law/view/document?docid=GSTR20182/NAT/ATO/00001>

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### SUPPLY OF REAL PROPERTY AND CONNECTION WITH AUSTRALIA

For information about whether a supply of real property is connected with Australia refer to ATO Goods and Services Tax Ruling GSTR 2018/1 – Goods and services tax: supplies of real property connected with the indirect tax zone (Australia) which can be accessed at:

<http://law.ato.gov.au/atolaw/view.htm?docid=GSTR20181/NAT/ATO/00001>

### GUIDANCE ON WHEN TOUR OPERATORS ARE AGENTS FOR GST PURPOSES

Draft Practical Compliance Guideline PCG 2018/D7

The ATO has provided preliminary guidance to taxpayers who are tour operators providing or arranging tours in Australia for non-residents. The guidance in Draft Practical Compliance Guideline PCG 2018/D7 is around whether a tour operator is acting as an agent of the non-resident or as a principal. If an agent, any commission charged will be GST-free but if a principal, the entire supply, including any profit margin, may be subject to GST.

Having recognised the complexities to determine whether a tour operator is acting as an agent or principal, the Commissioner has set out certain requirements in the draft guideline which if met, mean the ATO will not apply compliance resources to examine a tour operator's agency status for GST purposes. The requirements deal with the terms of agreements that a tour operator must have with a non-resident and with an Australian provider (such as a hotel), a tour operator's commission, as well as their cancellation policy and invoicing.

The position of agent or principal taken by a tour operator for GST purposes is expected to be consistent with that taken for income tax purposes. The guideline will also not apply if the tour operator purports to be an agent of the Australian provider and charges it a fee for agency services. Where a tour operator acting as an agent also provides other services in capacity of a principal, only part of the commission would be GST-free and apportionment will be required.

### CHANGE TO GST ON FEMININE HYGIENE PRODUCTS

From 1 January 2019, GST will be removed from most menstrual products including:

- tampons
- menstrual cups
- cloth or flannel pads
- menstrual pads and panty liners
- maternity pads
- menstrual underwear.

However, GST will still apply to products such as:

- feminine washes
- feminine deodorants
- intimate wipes
- supplements and vitamins marketed for use during menstruation or pregnancy.

If you sell menstrual products, start updating your business systems and pricing to make sure you're ready.

## EARLY ENGAGEMENT (ADVICE) REQUEST AND ACCESS TO DISPUTE RESOLUTION

### ADVICE ON COMPLEX TAX ISSUES

Small businesses and individuals may request an early engagement discussion if you are seeking private advice for a complex transaction you are considering, or have implemented. You can use this service for complex tax technical interpretation queries you have been unable to resolve using our online channels or by phone. For example:

- advice about new or changed legislation
- complex tax law issues
- help with legal interpretation – where a decision is required around our view.

If you have a complex tax question, the ATO encourage you to engage with them early by either:

- submitting an advice request through the link <https://www.ato.gov.au/assets/0/104/694/815/e94976c8-93ac-4bc5-95ab-56fe10f0eda4.pdf>
- submitting a call back request

### ACCESS FOR SMALL BUSINESSES TO RESOLVE TAX DISPUTES

The government announced that it will make tax dispute resolution between small businesses and the ATO cheaper, easier and quicker. The government is establishing a Small Business Concierge Service within the Australian Small Business and Family Enterprise Ombudsman's office to provide support and advice about the Administrative Appeals Tribunal (AAT) process before an application is made. The Government will also create a dedicated Small Business Taxation Division within the AAT, with key features including:

- a case manager to provide support
- a standard application fee of \$500
- fast-tracked decisions to be made within 28 days of a hearing, and
- if the ATO appeals the AAT decision to the Federal Court it will pay the reasonable costs of the small business.

## OUR 1 DAY PAYROLL SEMINAR WILL BE NEAR YOU SOON

Month / Year	State and City/Suburb
<b>January/ February 2019</b>	NSW Sydney, Nth Sydney, Cronulla Wollongong, Terrigal, Newcastle Port Macquarie, Coffs Harbour Ballina
	ACT Canberra
	QLD Brisbane, Brisbane Airport Toowoomba, Sunshine Coast
	WA Perth, Fremantle, Joondalup Mandurah
	VIC Melbourne, Melbourne Airport Melton, Preston
	SA Adelaide, Glenelg
<b>March/April 2019</b>	TAS Hobart, Launceston
	NSW Dubbo, Wagga Moree
	NT Darwin, Alice Springs
	Plus our FBT seminars - access <a href="https://austwidetax.com.au/seminars/#fbt">https://austwidetax.com.au/seminars/#fbt</a>

## PAYMENT OF LONG SERVICE LEAVE ON TERMINATION

In light of the new termination payment rules as stated in modern awards (see October 2018 Newsletter) it is important to be aware of the payment deadlines for long service leave as these are not covered by the Fair Work Act or the NES.

The payment rules for long service leave being paid on termination are as follows:

State / Territory	When is long service leave payable on termination
<b>NSW SA NT</b>	The amount is to be paid immediately on termination of employment
<b>VIC</b>	The amount must be paid in full on the final day of employment
<b>ACT TAS</b>	The amount must be paid as soon as practicably possible
<b>WA</b>	The amount must be paid in line with the employee's industrial instrument
<b>QLD</b>	The amount must be paid within 3 days of termination

## AMOUNT PAYABLE LSL NSW

For long service leave (LSL) purposes, ordinary pay is calculated as the higher of:

- Ordinary pay for the last pay period prior to leave being taken, and
- Average weekly ordinary rate of pay earned during the previous 5 years.

Additional Notes:

- Ordinary pay does not include payments made in respect of shift work, overtime or other penalty rates.
- Work related allowances which are skill related, (e.g. leading hand allowance, site allowance, first aid allowance) are included in the ordinary pay. Expense allowances, (e.g. car allowance, meal allowance, living away from home allowance) are not included in the calculation of ordinary pay.
- Bonuses and commissions received by the employee are averaged over the previous 12 months (or averaged over the previous five years if the five year average pay rate is used) and added to the weekly rate used to calculate the leave payment. However, bonuses paid to workers who are otherwise paid in excess of \$145,400 annually are not included.
- Ordinary pay for employees who are paid other than in relation to a fixed pay rate, will be the higher of their average weekly wage earned during the prior 12 months or 5 years prior to the leave being taken.
- Calculation is based on total service (Years, Months and Days) up to 15 years the only completed years thereafter.

## ATO PORTAL BROWSER ISSUES

The ATO are aware of an issue impacting some AUSkey users accessing the ATO portals when using Internet Explorer and Safari. To access the portal you will need to clear your Java Cache or switch to Firefox or Chrome.

Instructions on how to how update your browser extensions and clear your Java Cache can be found online.