



Institute of Certified Bookkeepers

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Bookkeepers helping Bookkeepers helping Business

May 2017

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Important News

- [HR Intermediary Role – Get Accredited](#)

Best Practice Bookkeeping

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From the ICB

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Budget 2017-18 Report

The ICB review of the budget announced 9 May 2017 with the perspective of what directly effects the life of bookkeepers.

Note:

The budget announcements don't make it law. These are the concepts that Government intends to get through parliament.

Last year's budget did not all become law. Parts took nearly a year to be passed and not necessarily in the same form as first announced.



Small Business is now \$10m Turnover

The proposal from last year's budget was finally passed through the law and has been confirmed in these papers. Small Business concessions will apply to business with turnover less than \$10m

Asset Write Off

Small businesses with a turnover up to \$10 million will continue to be able to immediately write off expenditure up to \$20,000 for a further year.

Eligible assets cost less than \$20,000 first used or installed ready for use by 30 June 2018.

Only a few assets are not eligible (such as horticultural plants and in-house software).

Assets valued at \$20,000 or more (which cannot be immediately deducted) can continue to be placed into the small business simplified depreciation pool (the pool) and depreciated at 15 per cent in the first income year and 30 per cent each income year thereafter. The pool can also be immediately deducted if the balance is less than \$20,000 over this period (including existing pools).

The current 'lock out' laws for the simplified depreciation rules (these prevent small businesses from re-entering the simplified depreciation regime for five years if they opt out) will continue to be suspended until 30 June 2018. This measure will improve cash flow for small businesses, for another year.

From 1 July 2018, the immediate deductibility threshold and the balance at which the pool can be immediately deducted will revert back to \$1,000. We are waiting for confirmation of the impact of the increase in the turnover threshold which impacts those businesses who are now eligible for this concession.

Overseas Workers – More Work for Employers

An annual foreign worker levy of \$1,200 or \$1,800 per worker per year on temporary work visas and a \$3,000 or \$5,000 one-off levy for those on a permanent skilled visa.

TPAR Extends to Couriers and Cleaning

The Government will extend the taxable payments reporting system (TPRS) to contractors in the courier and cleaning industries.

The measure will have effect from 1 July 2018 and estimated to have a gain to revenue of \$318 million.

The TPRS is a transparency measure and already operates in the building and construction industry, where it has resulted in improved contractor compliance. Under the TPRS, businesses are required to report payments they make to contractors to the ATO. This measure brings payments to contractors in the courier and cleaning industries into line with wages, which are reported to the ATO. Businesses in these industries will need to ensure that they collect information from 1 July 2018, with the first annual report required in August 2019.

Integrity in Point of Sales Software

New laws to ban technology that allows businesses to falsify sales records by modifying or deleting sales records for the purposes of understating business income

The Government will act to prohibit the manufacture, distribution, possession, use or sale of electronic point of sale (POS) sales suppression technology and software. The prohibition will have effect from the date of Royal Assent of the enabling legislation. This measure is estimated to have an unquantifiable gain to revenue over the forward estimates period. Sales suppression technology and software allow businesses to understate their incomes by untraceably deleting selected transactions from electronic records in POS equipment. Income earned from these transactions and tax owing from this income is not reported to the ATO. The revenue risks such technologies pose have been highlighted by the OECD. The Government's action is in line with responses of other jurisdictions.

GST Change – Precious Metals

Preventing GST fraud in the precious metals industry: where some gold traders are exploiting GST loopholes or committing fraud by receiving GST and not paying it, or claiming GST refunds when no GST is paid.

The Government is amending the GST law to give effect to changes that were announced on 31 March 2017 and take effect from 1 April 2017. The Australian Taxation Office (ATO) has been working with industry to ensure they understand their obligations.

The changes provide that entities buying gold, silver and platinum that have been supplied as a taxable supply for GST purposes will be required to apply a reverse charge— they will remit the GST to the ATO instead of the seller.

Changes are also made to clarify that gold, silver and platinum are not second-hand goods. This is a technical change to the law to support integrity of GST payments. It ensures the GST payable is collected as intended and does not affect the amount of GST payable.

GST Change – Property Sector

From 1 July 2018, the Government will strengthen compliance with the GST law by requiring purchasers of newly constructed residential properties or new subdivisions to remit the GST directly to the Australian Taxation Office (ATO) as part of settlement. Under the current law, (where the GST is included in the purchase price and the developer remits the GST to the ATO), some developers are failing to remit the GST to the ATO despite having claimed GST credits on their construction costs. As most purchasers use conveyancing services to complete their purchase, they should experience minimal impact from these changes. This measure is estimated to increase GST revenue by \$660 million and associated payments to the States and Territories, net of administrative costs, by \$1.6 billion over the forward estimates period. The difference is due to the timing of when GST is collected and recognised.

GST — Removing the Double Taxation of Digital Currency

Digital currency is currently treated as intangible property for GST purposes. Consequently, consumers who use digital currencies as payment can effectively bear GST twice: once on the purchase of the digital currency and again on its use in exchange for other goods and services subject to GST.

This measure will ensure purchases of digital currency are no longer subject to the GST. Removing double taxation on digital currencies will remove an obstacle for the Financial Technology (Fintech) sector.

Other Matters of Interest

Tax Rates Cut

Legislated tax cuts for small and medium Australian businesses with turnover less than \$50 million per annum, as announced.

Incorporated small businesses with turnover less than \$10 million will have their tax rate cut to 27.5 per cent in 2016–17.

This lower corporate tax rate will extend to other companies with annual turnover less than \$50 million by 2018–19.

Related increases in the unincorporated tax discount rate and greater access to the small business tax concessions. Unincorporated businesses with annual turnover of less than \$5 million also benefit from an increase in the rate of the unincorporated tax discount to 8 per cent.

Medicare Levy Goes Up

To ensure the NDIS is fully funded an increase the Medicare Levy by 0.5 from 2 to 2.5 per cent percentage points from 1 July 2019.

Other tax rates that are linked to the top personal tax rate, such as the fringe benefits tax rate, will also be increased.

Beware Tax Cheats

The final report of the Black Economy Taskforce, due in October, will consider further measures to counter the black economy to make it harder for those who want to cheat the system, and address the social norms that facilitate acceptance of these activities. By ensuring businesses can be competitive and operate on a level playing field, and ensuring workers are not subject to exploitation.

Dob in a Tax Cheat

New rules to protect tax whistle blowers: The Government is developing new laws to protect those who come forward to report tax misconduct. The development of these new laws is being informed by the submissions received in the Government's consultation process.

Tax Transparency

The Government has also pursued a range of measures to improve corporate tax transparency and strengthen confidence in the tax system. The Tax Transparency Code is a set of principles and minimum standards to guide medium and large businesses, including multinationals, on the public disclosure of their own tax information. This complements the public reporting of key tax information of large corporates in the ATO's annual report of entity tax information.

Dedicated to Tax Integrity

The Government is committed to maintaining the integrity of our tax system and levelling the tax playing field by addressing any gaps in our rules and ensuring that the Australian Taxation Office (ATO) has all the tools it requires to enforce those rules.

Additional Funding for Addressing Serious and Organised Crime in the Tax System

The Government will provide \$28.2 million to the Australian Taxation Office (ATO) to target serious and organised crime in the tax system. This extends an existing measure by a further four years to 30 June 2021. This measure is estimated to have a gain to revenue of \$408.5 million and a net gain to the budget of \$380.3 million over the forward estimates period. The ATO's compliance work is currently funded to 30 June 2017.

Tax Integrity Package — Black Economy Taskforce: One year extension of funding for ATO Audit and Compliance Activities

The Government will provide \$32.0 million for one year of additional funding for ATO audit and compliance programs to better target black economy risks. This funding was to expire on 30 June 2017.

Under this measure, a further year of funding will be provided for the ATO's 'Strengthening Foundations' and 'Level Playing Field' programs. 'Strengthening Foundations' focuses on businesses with a turnover between \$2 million and \$15 million that have disengaged from the tax system. The 'Level Playing Field' program involves audit, review and intensive follow up and targets small businesses with turnover below \$2 million.

These programs are directed at changing black economy and related behaviours such as non-lodgement, omission of income and non-payment of employer obligations. The Government will make decisions about the future of these programs beyond 2017-18 in light of the Black Economy Taskforce's final report, which is expected to be delivered in October 2017. This measure is estimated to have a gain to revenue of \$589.0 million.

Personal Income Tax — increasing the Medicare levy low-income thresholds

The threshold for singles will be increased to \$21,655. The family threshold will be increased to \$36,541 plus \$3,356 for each dependent child or student. For single seniors and pensioners, the threshold will be increased to \$34,244. The family threshold for seniors and pensioners will be increased to \$47,670 plus \$3,356 for each dependent child or student.

Industry Specialist Mentoring for Australian Apprentices — establishment

The Government will provide \$60 million over two years from 2017-18 to establish an industry specialised mentoring service to complement the existing In-Training Support services available under the Australian Apprenticeship Support Network program. The mentoring service will support 45,000 Australian apprentices and trainees, particularly in the first two years of training, in order to improve completion rates and support the supply of skilled workers in industries undergoing structural change.

National Business Simplification Initiative — connecting Government digital business services

The Government will provide \$9.1 million in 2017-18 (including \$3.5 million in capital funding) for the simplification of business registration and licensing services across Commonwealth, State and Territory Governments. This measure will allow businesses to access registration and licensing services through State and Territory Government websites or business.gov.au, and to be guided through registration and licensing processes, and between different government sites and services.

Cyber Security Advisory Office — establishment

The Government will provide \$10.7 million over four years from 2017-18 to the Digital Transformation Agency to establish the Cyber Security Advisory Office (CSAO). The CSAO will provide strengthened central governance and assurance for cyber security and broader project vulnerability across government. The CSAO will work with agencies to ensure they are appropriately managing the risks of cyber and other digital vulnerabilities on digital services.

GovPass Program — trusted digital identity framework

The Government will provide \$22.7 million in 2017-18 to complete the next stage of development for GovPass. GovPass will provide a trusted digital identity framework for use by people needing to provide secure proof of identity to use Government services online. In the future this is expected to expand to be used by businesses. GovPass will link to existing document and facial verification services to establish identity.

Red Tape Reductions

Further action to reward States and Territories that cut red tape costs for small business.

Department of Human Services — improving service delivery and reducing red tape

The Government will undertake a number of administrative processes to improve Department of Human Services (DHS) service delivery and reduce red tape.

Includes more efficient information-sharing arrangements with the Australian Taxation Office by requiring welfare claimants to provide their Tax File Number (TFN) when first lodging claims.

Australian Securities and Investments Commission — improving financial literacy

The Government will provide additional funding of \$16.0 million to the Australian Securities and Investments Commission (ASIC) over four years from 2017-18 to broaden ASIC's financial literacy program. This will assist ASIC in promoting investor and consumer confidence, trust and participation in the financial system, by the provision of impartial information, tools and guidance.

National Partnership on Regulatory Reform — establishment

The Government will provide \$300 million over two years from 2017-18 to establish a National Partnership on Regulatory Reform (NPRR) with the States and Territories to remove regulatory restrictions on small businesses and competition. Under the NPRR, the Commonwealth will provide payments to State and Territory Governments for the delivery of reforms that drive Australia's economic performance and living standards, with a focus on small business regulatory reform.

Reforms delivered through the NPRR will be based on bilateral agreements to be negotiated with signatory States and Territories. As part of this funding, the National Competition Council will receive additional funding of \$12.9 million over six years from 2017-18 to assess the adequacy of State and Territory reform proposals and their achievement of reform commitments.

Small Business Information Campaign

The Government provided \$15.0 million to the Department of the Treasury over two years from 2016-17 to undertake a small business information campaign to educate the small business community about what programs and support are available to assist them. A better knowledge of these measures will assist small business in accessing the initiatives that best meet their needs. The campaign was launched in April 2017.

The programs featured in the information campaign include:

- Cutting the company tax rate to 27.5%, phasing in from 1 July 2016, and to 25% by 2026-27;
- Increasing the unincorporated tax discount to 8% from 1 July 2016 and to 16% by 1 July 2026;
- Extending the Instant Assets Write-Offs program to businesses with a turnover of up to \$10 million per annum;
- Simplifying Business Activity Statements;
- Extending Unfair Contract Terms protections;
- Fixing competition laws (section 46 Competition and Consumer Act 2010);
- Introducing GST on low value imports;
- Access to Youth Jobs PaTH and wage subsidies for hiring new employees;
- Cutting red tape by \$5.8 billion per year to date;
- Rolling out Single Touch Payroll;
- Establishing the Australian Small Business and Family Enterprise Ombudsman and Australian Small Business Advisory Service; and
- Delivering Free Trade Agreements with South Korea, Japan and China. The Government has already provided for funding for this measure.

Tax Integrity — public information campaign

The Government will provide \$8.1 million over two years from 2016-17 to communicate the Government's key tax integrity measures to the Australian business community and the general public. The campaign will demonstrate Australia's international leadership in addressing multinational tax avoidance.

Australian Charities and Not-for-profits Commission — ICT system funding

The Government will provide \$3.0 million in 2017-18 in capital funding for the Australian Charities and Not-for-profits Commission (ACNC) to upgrade Information and Communications Technology (ICT) systems to provide the capability necessary for the ACNC to continue to meet its legislative and regulatory requirements.

Digital Transformation Agenda

The Government will increase the uptake of cloud systems and shared IT platforms to deliver secure services in a streamlined way. The DTA will continue to lead the Whole of Government Information and Communications Technology (ICT) and digital transformation of services to deliver a better user experience for all Australians. The DTA is delivering a range of projects including the:

- A new Digital Investment Management Office to oversee all significant government ICT and digital investment projects;
- The Digital Marketplace, which is simplifying digital procurement;
- GovPass, which aims to make the process of proving to government services who you are online simple, safe and secure; and
- Partnering with the Australian Public Service Commission (APSC) to build digital capability in the APS.

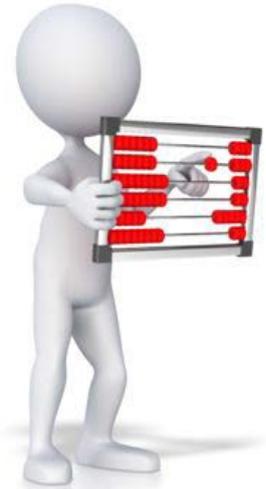
References

- [Australian Government Budget 2017-2018](#)

Legislation Updates and Threshold Changes 2017

Superannuation

- Superannuation Guarantee Contribution remains at 9.5% until 2021.
- Super contribution caps:
 - ▶ Non-concessional contribution cap will be reduced to \$100,000 per year from 1 July 2017. This will remain available to individuals aged 65 to 74 if they still meet the work test. The non-concessional contribution cap is now set at four times the concessional contribution cap (currently \$25,000) and will be indexed in line with any increases to the concessional contribution cap.
 - ▶ The non-concessional cap will be nil for a financial year in which an individual's total superannuation balance is greater than \$1.6 million.
 - ▶ The concessional contributions general cap will reduce to \$25,000 from 1 July 2017.
 - ▶ **Note:** there is no longer a different threshold for different ages. The same cap now applies to all ages.
- Superannuation maximum contribution base will increase to \$52,760 per quarter from 1 July 2017.
- Government co-contributions: full contribution of \$500 up to \$36,021 per annum; pro-rata up to \$51,021 at which point it cuts off. No changes to these thresholds have been announced, however, there are new eligibility rules regarding income test, age, superannuation balance and amount already contributed to non-concessional cap.
- Currently, a self-employed person can claim a tax deduction for personal super contributions where they meet certain conditions. The condition for less than 10% of their income to be derived from salary or wages will be removed. This means for those who work a combination of self-employed and employed by other entities, they will be able to claim tax deductions — this may apply to many bookkeepers.



Termination Payments

- Lump sum A continues to be taxed at 32%.
- No change to ETP concessional tax of 32% if the employee is under the preservation age, (currently age 55), and 17% for employees who have reached preservation age. Where the ETP has exceeded the concessional tax threshold the excess will be taxed at the top marginal rate of 49%.
- Lump Sum D Threshold will increase to \$10,155 plus \$5,078 for each completed year of service from 01/07/2017.
- ETP cap threshold for both life and death benefits will increase to \$200,000 from 01/07/2017.
- The whole of income cap remains at \$180,000 as this is a non-indexed figure.

Tax Rates

- SME threshold has increased from turnover of up to \$2 million to turnover of up to \$10 million — while this has been passed through the Senate, the Enterprise Tax Plan Bill has not yet been passed by the House of Representatives. This is expected to happen in May 2017. Once passed, the changes will apply for the 2016–2017 financial year onwards. The ATO published information in April 2017: “Based on the government’s commitment to support the amendments passed by the Senate, we are proceeding with updates to our systems and products...”
- The company tax rate for SMEs up to \$10 million turnover will be 27.5%.
- The top marginal tax rate is proposed to be 45% +
- The budget deficit levy of 2% will end on 30 June 2017.
- Medicare levy is to be increased to 2.5% from 1 July 2019.
- Tax scales 2017–2018 — no change to existing rates:

Taxable income	Tax payable
\$0 - \$18,200	Nil
\$18,201 - \$37,000	Nil + 19% of excess over \$18,201
\$37,001 - \$87,000	\$3,572 + 32.5% of excess over \$37,001
\$87,001 - \$180,000	\$19,822 + 37% of excess over \$87,001
\$180,000+	\$54,232 + 47% of excess over \$180,001

■ HELP Repayment Thresholds and Rates 2017–2018

Repayment Income	Repayment Rate
Below \$55,873	Nil
\$55,874 - \$62,239	4.0%
\$62,240 - \$68,603	4.5%
\$68,604 - \$72,208	5.0%
\$72,209 - \$77,619	5.5%
\$77,620 - \$84,063	6.0%
\$84,064 - \$88,487	6.5%
\$88,488 - \$97,378	7.0%
\$97,379 - \$103,766	7.5%
\$103,767 and above	8.0%

■ **Note:** There are proposed changes to lower the threshold at which HELP repayments begin and increase the maximum repayment rate from 1 July 2018, however, these changes would have to go through Parliament.

■ SFSS Repayment Thresholds 2017–2018

Repayment Income	Repayment Rate
Below \$55,873	Nil
\$55,874 - \$68,602	2.0%
\$68,603 - \$97,377	3.0%
\$97,378 and above	4.0%

Payroll Tax

- The State Taxation Acts Further Amendment Act 2016 was passed late last year and makes various changes to state taxes, including payroll tax. The exempt rate for motor vehicle allowances paid to employees has been updated to ensure that the payroll tax exemption continues to operate as intended and aligns with the deduction rate determined under the Commonwealth income tax legislation.
- The exempt rate for the 2016–17 payroll tax year is 66 cents per kilometre and applies from 1 July 2016 to ensure employers are able to benefit from the exemption across the entire 2016–17 tax year.
- Victoria: Payroll tax threshold will increase to \$625,000 from 1 July 2017. The rate remains at 4.85% unless the employer pays 85% of wages to regional Victorian employees; the exact definition of regional employees yet to be provided. If this applies, the rate reduces to 3.65%.
- Northern Territory: NT state budget confirms no changes to payroll tax threshold or rate; they remain at \$1.5 million and 5.5%.

Fringe Benefits Tax

- FBT rate reduces to 47% for the FBT year ending 31 March 2018.
- FBT gross up rates also reduce: Type 1 (inc GST) = 2.0802, Type 2 (no GST) = 1.8868.
- Cents per km basis for calculating FBT from 1 April 2017:

Engine Capacity	Rate per Kilometre
0-2500cc	53 cents
Over 2500cc	63 cents
Motorcycles	16 cents

Changes to 457 Visa

- The Temporary Work (Skilled) visa (subclass 457 visa) will be abolished and replaced with the new Temporary Skill Shortage (TSS) visa in March 2018.

Working Holiday Makers Tax

- On 1 January 2017, tax rates for working holiday makers on a 417 or 462 visa changed.
- A reduced tax rate applies for employers who register with the ATO — 15% up to \$37,000 and 32.5% from \$37,001.
- Employers who don't register continue to withhold at the foreign resident rate of 32.5% for all earnings.
- For employees that had the new tax rate applied to their pay, **two payment summaries** are required.

Other Threshold and Rate Changes

- Small businesses with a turnover of up to \$10 million will continue to be able to immediately write off asset expenditure up to \$20,000 for a further year to 30 June 2018.
- Foreign worker levies are to be applied from March 2018. The levy will apply to employers who engage workers on certain skilled visas: the new TSS visa, 186 and 187 visas.
- LAFHA — new rates have been announced in Taxation Determination 2017/5 — see link below in references.

Changes Not Yet Announced

- Cents per kilometre rate remains at 66 cents for business kilometres as far as we know right now
- Luxury Tax/Fuel Efficient Car Limit/Vehicle GST limit for 2018 FY — not yet announced.
- ATO statutory interest rates for FBT loans from 01/04/2017 remains at 5.65% unless announced otherwise.
- Reasonable travel and overtime meal allowance — will be issued late June or July.
- No change to other states' payroll tax rates announced as yet.

References

- [Australian Government Budget 2017–2018](#)
- [ICB – Budget for Bookkeepers](#)
- [ICB – End of Year Resources](#)
- [ICB – Working Holiday Makers Tax](#)
- [ATO – Key Superannuation Rates and Thresholds](#)
- [ATO – Amendment to Small Business Legislation Changes](#)
- [ATO – TD 2017/4 Fringe Benefits Tax Vehicle Rates](#)
- [ATO – Fringe Benefits Tax Rates and Thresholds](#)
- [ATO – TD 2017/5 Reasonable Food and Drink Components FBT Year 2018](#)
- [Thomson Reuters](#)

Payment Summary Changes 2017

There have been ATO changes made to the Payment Summary Annual Report and EMPDUPE file, for those businesses that employ working holiday makers with visa 417 and 462 or if Section 57A of the Fringe Benefits Tax Assessment Act 1986 applies.

If either of these situations apply, you must use the latest version 12.0.0 when preparing payment summaries. Otherwise you can use version 11.0.1 EMPDUPE file; see below table for which software versions are compatible with versions 11 and 12.

Software	Software Version	EMPDUPE File Version
MYOB Australia		
AccountRight Plus 2017	AR2017.1 & v19.12	12.0.0
AccountRight Plus 2016	AR2016 & v19.10	11.0.1
AccountRight Plus 2014, 2015	AR2014, AR2015 & v19.9, 19.10	11.0.1
AccountRight Plus 2013	AR2013	11.0.0
Reckon Australia		
Reckon Plus, Pro, Premier & Ent 2016/17	2016/17	12.0.0
Reckon Plus, Pro, Premier & Ent 2015/16	2015/16	11.0.1
Reckon Plus, Pro, Premier & Ent 2014/15	2014/15	11.0.1
Reckon Plus, Pro, Premier & Ent 2013/14	2013/14	11.0.1
Intuit		
Intuit Web Payroll after 1 July 2016 pay cycle	2016/17 Automatic	12.0.0
Xero		
Xero with Integrated Payroll after 1 July 2016 pay cycle	2016/17 Automatic	12.0.0
GovReports		
GovReports will accept version 11.0.1 and convert to version 12.0.0, however WHM and FBT details have to be manually added		11.0.1 or 12.0.0

New FBT Reporting Requirement for 2017

Payment summaries must now show whether or not employers have an FBT exemption under Section 57A of the *Fringe Benefits Tax Assessment Act 1986*.

If you report an FBT value on a payment summary you are required to tick the following box

Is the employer exempt from FBT under section 57A of the FBTAA 1986? No Yes

- Answer **Yes** if you have exemption under section 57A. (See Eligible Exemption Entities)
- Answer **No** for employees of entities that are not eligible for an exemption.

Eligible Exemption Entities

- Registered public benevolent institution endorsed by the Commissioner of Taxation.
- Public hospitals.
- Hospital carried on by society/organisation that is a rebatable employer.
- Registered health promotion charity endorsed by Commissioner of Taxation.
- Provision of a public ambulance service.

Payment Summaries for Working Holiday Makers 2017

A reduced tax rate applies for employers who registered with the ATO from 1 January 2017 — 15% up to \$37,000 and 32.5% from \$37,001.

For registered working holiday makers who work both before and after 1 January 2017, two payment summaries will be required, with the two different tax rates applying to the gross payments, depending upon the time of payment.

Options for Payment Summary Reporting

1. Use two separate card files for the one employee. Terminate them at 31/12/16 without any final pay. Create a new card file from 1 January 2017, making sure to carry over any entitlements from the “terminated” employee card. This process will produce two payment summaries for each employee.
2. Use the one card file for each employee, but split the wages paid into amounts relevant to pre 31 December 2016, and post 1 January 2017. If your software allows it, manually adjust the payment summary amounts to produce two payment summaries.
3. Use GovReports to manually enter amounts for employees; two entries per employee will be required.

Note: Employers who did not register for the reduced tax rate and continued to withhold at the foreign resident rate of 32.5% are required to issue the usual one payment summary per employee.

New PAYG Payment Summary Form for 2017

The form for 2017 includes a new section relevant to overseas workers: Gross Payments Type Box is now required to show a **type**, which will be either **S** (salary) or **H** (registered working holiday makers).

Section B: Payment details		Day	Month	Year	Day	Month	Year
Period during which payments were made							
TOTAL TAX WITHHELD \$							
GROSS PAYMENTS (do not include amounts shown under 'Allowances', 'Lump sum payments', 'CDEP payments' and 'Exempt foreign employment income')		\$				Gross payments type	
Community Development Employment Projects (CDEP) payments		\$				Lump sum A	
Reportable employer superannuation contributions (do not include compulsory super guarantee amounts. For more information, see the back page of this form.)		\$				Lump sum B	
Reportable fringe benefits amount FBT year 1 April to 31 March		\$				Lump sum D	
Is the employer exempt from FBT under section 57A of the FBTA 1986?		No		Yes		Lump sum E	
Deductible amount of the undeducted purchase price of an annuity		\$					
Exempt foreign employment income		\$		Amount			
Allowances (provide details)		\$					
		\$					
		\$					
Total allowances		\$					
Union/Professional association fees – Name of organisation		\$		Amount			
		\$					
Workplace giving – Name of organisation		\$					

For the full Payment Summary Guide 2017 see related resources below.

Related References

- ICB – Payment Summary Guide 2017
- ICB – End of Year Resources
- ICB – Reconcile Wages and PAYGW
- ICB – PAYG Payment Summary Guide Other
- ATO – PAYG Payment Summary Labour Hire

Fair Work Ombudsman Case Studies

Overseas Workers and Working Holiday Makers

Case: Hallmark Computers Darwin

Hallmark Computers has been slapped with a \$516,000 fine by the Federal Court for underpaying workers.

In June, the Federal Court found the company had engaged in “deliberate, deceptive and systematic” abuse of workers employed under the 457 skilled visa scheme.

The court heard that Hallmark owner Ashok Alexander coerced employees from India and the Philippines into returning a significant pay packet every fortnight in cash under threat of losing their job and deportation.

This meant that employees’ annual salaries were pushed below the minimum threshold for 457 visa holders, while appearing to the Immigration Department to be making legitimate wage payments.

Alexander previously claimed to CRN’s sister title, iTnews, that he had reached an agreement with the workers to pay them \$45,000 per annum – under the 457 threshold but in line with the salaries earned by organisation’s local staff, he said.

The company and its owner were hit with fines at the top end of the sentencing threshold, which Judge Robert Buchanan said would ensure the risk of being caught breaking 457 rules is “not seen by those who commit civil penalty offences as an acceptable cost of doing business”.

Alongside the \$516,000 fine, Hallmark and Alexander were also told to pay back the three 457 visa workers still employed at the company a combined \$66,000, and the Commonwealth another \$17,500 in taxes.

The Judgment

The court found that the breaches involved “calculated, systematic, repeated and callous infringements of the sponsorship conditions and the rights of the employees” and were “a cynical misuse and exploitation” of the company’s position.

Hallmark was also ordered to pay more than \$83,000 in restitution to the workers and its sole director, Ashok Alexander, was also personally penalised \$86,000.

The court found that from October 2012 to November 2014, the company underpaid the 457 workers and also illegally recovered costs from them by requiring them to repay some of their monthly salary. One of the employees was also being told to work in different role from the position he had been sponsored to fill.

The court action followed an investigation by the Department of Immigration and Border Protection into the company.

References

- [Workforce Guardian – Fine for Underpaying Workers](#)
- [ARN News – 457 Workers Breach](#)
- [CRN News – Fine for Underpaying Workers](#)

Fair Work Orders and Compensations

Case: FWO v Complete Windscreens (SA) Pty Ltd:

“Windscreens Company penalised for Exploiting Employees”

In a recent judgment handed down by the Federal Court (*Fair Work Ombudsman v Complete Windscreens (SA) Pty Ltd (No 2)* [2016] FCA 1563), an Adelaide car windscreen business and its director have been fined nearly \$85,000 for the underpayment of employees after a Federal Court decision ruled some of the company’s conduct involved “*an element of exploitation*”.



The Federal Court handed down penalties of \$73,425 to Complete Windscreens and \$11,220 to the company's sole director and part-owner Lindsay Dean after the company was found to have underpaid seven employees over a four year period from 2007 to 2011.

Background

Fair Work inspectors found one of the company's employees had been paid a flat rate of \$12.50 an hour over a period of 10 years. Three other workers aged between 18 and 20 were found to have been paid flat rates of between \$12.00 and \$21.62 an hour.

This resulted in various employees being underpaid their minimum hourly rates, casual loadings or penalty rates for weekend and overtime work. Meal allowances and leave entitlements were also underpaid and record-keeping and pay slip laws were contravened. The underpayments of the seven employees ranged from \$1,308 to \$17,990.

The Judgment

In handing down his findings, Justice Besanko found that Complete Windscreens and Dean must have known that the employee paid the lowest flat rate, was being underpaid. His Honour said: *"His hourly rate was considerably lower than other employees who were both younger and less experienced. (He) was paid \$12.50 per hour over 10 years and nearly every other employee was earning more than him, including the trainees with no experience."*

Justice Besanko rejected the company's argument that, as a family business, it was not as culpable as a large organisation with dedicated human resources and accounting advisers. He found Complete Windscreens made "... no or no adequate enquiries about the pay and conditions of the employees..." despite being a member of the Motor Traders Association of South Australia and having access to industrial advice.

Acting Fair Work Ombudsman Michael Campbell said the scale of the underpayments were a contributing factor in the decision to take the case to the courts.

The Penalties

The Federal Court imposed the following penalty and compensation orders on the employer:

- Pursuant to [subsection 719\(1\)](#) of the [Workplace Relations Act](#) and [section 546](#) of the [Fair Work Act](#), the first respondent is to pay a total penalty of \$73,425 for its contraventions declared in paragraphs 1 to 25 above.
- Pursuant to [subsection 719\(1\)](#) of the [Workplace Relations Act](#) and [section 546](#) of the [Fair Work Act](#), the second respondent is to pay a total penalty of \$11,220 for his involvement in the first respondent's contraventions, as declared in paragraph 26 above.
- The first respondent pay all outstanding superannuation contributions arising from the contraventions outlined at paragraphs 1 to 21 above.

References

- [Timebase Legislation Research – Complete Windscreens](#)
- [Federal Court Ruling – FWO vs Complete Windscreens](#)

Case: Stewart v Next Residential Pty Ltd: Annual Salary Precedent

Ms Stewart was employed as an administration coordinator under the Clerks Private Sector Award 2010 (Clerks Award) and was paid an annual salary of \$78,000 per year. According to the contract, the annual salary was intended to be inclusive of "any award provisions/entitlements that may be payable under an award."

On 28 January 2016, Ms Stewart lodged a claim against Next Residential Pty Ltd (Next Residential) seeking to recover \$28,984 for money owed in overtime and lunch breaks that she worked as directed. Ms Stewart further claimed that she was entitled to this money as Next Residential did not comply with the requirements under clause 17 of the Clerks Award, namely that the company did not identify in writing the applicable provisions satisfied by the annualised salary and also did not specify the award that covered her employment.

Next Residential argued that the Ms Stewart was not directed to work overtime or work through her lunch breaks and that this was done on Ms Stewart's own initiative. In addition, Next Residential submitted that any additional hours worked by Ms Stewart were offset against early finishes, late starts and half days worked. Further, Next Residential submitted that Ms Stewart was paid an annualised salary in accordance with clause 17 of the Clerks Award, that the contract was explicit and intentions were clear that it was inclusive of all the provisions set out and payable under the Clerks Award.

The Judgment

The Court noted that clause 17 of the Clerks-Private Sector Award allows an employer to pay an annual salary in satisfaction of any or all of the following: minimum weekly wages; allowances; overtime and penalty rates; and annual leave loading. However, Clause 17 also makes it very clear that where an annual salary is paid, the employer must advise the employee in writing of the annual salary and the specific provisions of the Award which have been included in that annual salary.

The employer's failure to specifically itemise the monetary entitlements included in the salary mean Ms Stewart is now entitled to claim back-pay, despite the fact her salary was approximately \$30,000 more than Award rate.

Full details of this case available at [ICB – FWO Case Studies](#).

References

- [Workforce Guardian – Annual Salaries](#)
- [Australian Payroll – Employee Pursues Employer for Underpayment](#)

Serious Misconduct

Case: Ms. Heidi Cannon v Poultry Harvesting Pty Ltd

A Victorian chicken farm worker who was sacked after she was found asleep in a truck the morning after the Melbourne Cup has won her [unfair dismissal bid](#) and \$7000 in compensation from the Fair Work Commission.

Heidi Cannon was dismissed from Mornington Peninsula-based Poultry Harvesting on November 5, 2014, following an incident where 50 to 60 chickens were run over or "smothered" while she was operating machinery.

Cannon, whose job was to move a large piece of machinery with an attached conveyor belt through a large shed to load chickens onto trays, started work at midnight after Cup day.

She admitted to drinking alcohol the day before, [telling the commission](#) she had three or four glasses of wine since noon.

Cannon denied she was intoxicated but said the wine had left her unable to drive to work, having gotten a lift to the farm in the morning.

"I didn't want to take the risk of having a breathalyser because I would have had it on my breath still which could make me over .05," Cannon told the commission, maintaining that she thought she was still capable of operating the machinery.

Cannon's boss Matteo Geminian gave evidence he found her "passed out" in the truck, smelling like alcohol and said "50-60 birds got run over or smothered" by Cannon's actions.

Geminian told Cannon to go home and said her conduct would be reason enough to fire her, but said he would call her the next day to discuss her future employment with the company.

Cannon gave evidence Geminian dismissed her via a telephone call a few hours later.

Poultry Harvesting argued that it had a valid reason for Cannon's dismissal because she arrived for work intoxicated and her conduct could cause "serious and imminent risk to the health and safety of the person" or amounted to "conduct that caused serious and imminent risk to the reputation, viability or profitability of Poultry Harvesting's business".

But Commissioner Nick Wilson found Geminian had insufficient evidence that would allow him to form the view she was intoxicated to the point of being unable, or unsafe, to work and took no steps to objectively assess her condition.

He also found the company had not afforded her procedural fairness and was not provided with an opportunity to respond to the allegation.

The Judgment

After carefully considering the employer's procedural failings during the dismissal process, Commissioner Wilson concluded:

"I find that the Applicant was dismissed and that it was unfair within the meaning of the Act.

I find that reinstatement is not an appropriate remedy in this case.

I find that compensation is appropriate.

The approach by the Fair Work Commission in these matters, and which I follow here, is to estimate the remuneration the employee would have received if they had not been dismissed (usually calculated by estimating how long the employee would have remained in the relevant employment but for the termination of their employment); deduct any remuneration earned by the employee since their dismissal until the end of the anticipated period of employment; deduct an amount for contingencies; consider the impact of taxation and adjust the figure accordingly; and assess the figure against the compensation cap set by s.392(5)

The evidence submitted on behalf of Ms Cannon includes that her average weekly wage in the period from 1 July 2013 to 30 June 2014 was \$1453.46 per week, and that her earnings in the period after June 2014 were consistent with that amount. Accordingly the amount of \$1453 will be used as the basis of calculating the compensation to be paid, in addition to which will be paid 9.5% superannuation, which is the superannuation guarantee percentage applicable from 1 July 2014.

In relation to the matter of contingencies, I find there are none that require being taken into account in this matter.

Having regard to the criteria established by s.392 of the Act, and the considerations established by the FWC, I find that compensation should comprise a payment by the Respondent to the Applicant calculated as follows:

My estimation of the amount Ms Cannon would have received or would have been likely to receive if her employment had not been terminated is \$8,718 (calculated on the basis of \$1,453 per week for six weeks). In addition to this amount will be a further payment of 9.5% payable as a superannuation contribution on Ms Cannon's behalf;

- I deduct from the above amount sum of \$1750 plus 9.5% in superannuation, being my estimation of the amount Ms Cannon earned vaccinating chickens prior to her injury;
- I make no deduction for contingencies or for misconduct;
- In respect of taxation, the order to be made will require the deduction of taxation according to law.

The result of the foregoing analysis requires a payment to Ms Cannon by Poultry Harvesting of \$6,968, to be taxed according to law, plus 9.5% in superannuation. An order to that effect will be issued by the Commission requiring payment within 14 days of the date of this decision."

References

- [Smart Company – Unfair Dismissal](#)
- [Fair Work Commission – Unfair Dismissal Decision](#)

Payroll Concerns – Accessory

Case: FWO v Oz Staff Career Services Pty Ltd & Ors [2016]

The Federal Circuit Court has ruled that a recruitment and labour hire company, its director and HR manager knowingly falsified employment records and made unlawful deductions from the wages of cleaners working in Melbourne's Crown Casino and Federation Square.

Judge Philip Burchardt ruled that OzStaff Career Services Pty Ltd deducted an administration fee from 102 employees, took meal allowances from another 44 employees and falsified employment records provided to the FWO after a targeted audit in January 2012.

OzStaff's deduction of the administration fee and meal deduction infringed s323 of the Fair Work Act and were not permitted within the meaning of s324. The deductions – of at least \$25 a week from each employee – were unlawful because they didn't benefit the workers, nor were they authorised.

The company also breached Regulation 3.44(1) of the Fair Work Regulations because it failed to ensure employee records were not false or misleading.

Judge Burchardt found that the evidence established that it was "more probable than otherwise" that the HR manager was well aware of the administration fee and meal deductions contraventions by OzStaff and its director. "He knew that the deductions were not lawful from his interrelationship with the Fair Work Inspectors he had met in 2012 and 2013."

"He thus had knowledge of the constituent parts of the contravention, albeit that he may not have known which section of the FW Act, if any, was capable of being contravened," he said.

The Judgment

The judge found the HR manager's knowledge sufficient to constitute 'involvement' within the meaning of s550(2)(c) of the Fair Work Act 2009.

He continued that it was clear OzStaff provided the FWO with a set of "false and misleading" records that omitted details of the administration fee and meal deductions.

Given OzStaff was "wholly the creature" of the director and there were no other directors, the judge rejected his claims he wasn't accessorially liable.

"[It] is clear in my view beyond doubt that the [director] was knowingly involved with the contravention in the provision of false and misleading pay records," the judge said.

"I simply do not accept that the person running the human resources activities of [OzStaff] and intimately involved, as he clearly was, with award matters was not aware not only that the deductions were being made but that the records which were forwarded to [the FWO] not showing those deductions were false and misleading. He was clearly involved within the meaning of s.550 of the FW Act," he said. A penalty hearing is set down for August.

References

- [HC Online – The Year of Accessorial Liability](#)
- [Workforce Guardian – Fair Work Act Breaches](#)
- [Federal Court Ruling – FWO vs Staff Career Services Pty Ltd](#)

Bookkeepers Approach to Cashflow Loans

Quick Finance From Your Accounting Software — Tread Carefully!

The last few months have seen each of the accounting software providers talk about the integration of banks and lending providers into the software.

While the process is becoming easier, advisors need to be conscious of the professional, ethical and legal implications.

In general, we may have entered a world that is far more efficient and simple to obtain finance for your business. The easier access to data should expedite the process and remove form-filling as well as tedious bank manager interviews.

However, there are bigger issues than simply speed and ease of the process. If anybody were to get a clip of the ticket from a lender because they helped a business borrow money, either as a referral fee or a monthly commission, then that advisor has put him or herself in the firing line for being questioned. They can be challenged about why they referred the business to borrow funds and why they recommended a particular lender.



Disclosure of commissions is absolutely required in all senses of the word by everyone involved. If software providers are taking a clip, then they need to disclose that. If the advisors (bookkeepers, accountants or anybody), is assisting or encouraging a business to borrow funds, then that advisor has a professional obligation to disclose.

Many advisors will have a legal obligation to disclose, let alone the overwhelming ethical obligation.

Summary of the Process

- A link between the lender, (the bank or other), who is in the business of loaning money, connecting to your business data, (the software), through an API or similar.
- The lender gets restricted access to the business records and runs its own analytics and checking program over the data to make a risk assessment.
- Based on that assessment, it offers an amount of cash for a period of time at a determined interest rate.
- The connection might be initiated by the business itself, depending on how the software has established the link, or the introduction might be by the bookkeeper or accountant.
- Typically the lender is providing an introduction referral fee to both the software provider and the bookkeeper or accountant.

Four Things Advisors Should be Aware of

1. **Disclose, disclose, disclose**

Anybody that is receiving commission or a referral fee for introducing a lender to a business should be disclosing that fact to the business.

2. **Understand the interest**

The interest amount, (in the short term cashflow lending world interest is sometimes called another name), has to be thought about differently.

The risk rating of such borrowing is going to apply fairly hefty real interest rates. It might make sense for a business to access short-term, (e.g., two weeks, four weeks, two months), funding to overcome a seasonal or short term cashflow crisis.

That business might deem that the \$10,000 it needs for two months is worth the \$1,000 "interest". However do the maths: \$1,000 interest for two months would be \$6,000 for a year on a borrowing of \$10,000. A rate of 60 percent is pretty huge!

The numbers I have used were for simplicity and fairly large, however the example is real and the issue needs to be considered!

3. **Short term vs long term finance**

When an advisor is involved in arranging business finance there is a professional expectation that the real requirements of the business should be considered. Meeting a longer term finance need with a series of short term cashflow lending solutions can be both very expensive and not the right solution for the business.

4. **Be professional**

Are you competent to be involved in the financing decisions of the business? The "newer" lenders seem to be most willing to work with you, inform you, train you and therefore ensure that it is they who provide the expert lending advice.

In our view there would be an expectation on any professional advisors to provide additional information to that provided by one connected lender. What is an alternative lending option? Is the interest rate reasonable? Is it really a short term cashflow crisis or is long-term lending required?

It may be a whole new world of needing to understand a more complete picture about financing business. Just because the software integrates with a lender and the lender says it will lend the money is not a good enough reason to borrow the money.

The MYOB & OnDeck Relationship – Your Role

The relationship that you are establishing is that of a referral partner and not a broker or agency relationship. The promotion for you to “advise them on financing options” is not a reference to providing financial advice, which would otherwise trigger regulatory issues. Further, commercial lending does not fall under consumer credit laws. No Licencing requirement should arise as a result of the referral. You are helping clients understand their options and creating an introduction between OnDeck and your client.

Once the introduction has been made, OnDeck’s team does all the heavy lifting; they work with your client to determine lending needs, qualifications, terms and more, – all while keeping you in the loop.

Contractually as a partner, you will need to disclose that a commission may be payable. If you don’t want to keep the commissions yourself, you can pass it on to your client.

The Future

Similar to what we are now seeing with electricity companies and health insurance, there will be a range of third parties offering comparisons of all the suppliers. It looks like we are very close to having your software link to a comparison service with a range of providers and you will get a report comparing and detailing several offers of finance.

Summary

In the meantime, tread carefully!

If your client is offered short-term loans from within the software, are you the right person with the right expertise to consider the appropriateness of the loan?

If you proceed, make sure the client understands the process, the fact that their business data will be accessed by the provider, (obtain their written consent), and disclose any commission you may receive.

References

- [ICB – Disclosing Commissions to the Client](#)
- [ICB – TPB Code of Conduct-Honesty and Integrity](#)
- [SMEs Say Alt-Fi is Better Than the Bank](#)

The BAS Agent World

G1 Compared to T1

G1 Total Sales – Legislative References

G1 Definition

Essentially there is no legislative definition of ‘G1 total sales’ as this is an administrative label.

All sales included under G1 total sales are captured under **supplies** in [section 9-10](#) of the GST Act. This includes ‘taxable supplies’, ‘GST free’ and ‘Input taxed sales’ and the GST Act defines each of these categories.

The term **taxable supply** is defined in [section 9-5](#) of the GST Act. A taxable supply is a supply with 10% GST. A supply is not a taxable supply to the extent that it is GST-free or input taxed.



A supply is **GST-free** if it is GST-free under [Division 38](#) of the GST Act or in another Act. There quite a lot of provisions in the GST Act that make a supply GST-free, including:

- [Section 38-2](#) Food
- [Section 38-7](#) Medical services
- [Section 38-85](#) Education courses
- [Section 38-185](#) Export of goods
- [Section 38-325](#) Supply of a going concern
- [Section 38-385](#) Supply of precious metals

A supply is **input taxed** if it is input taxed under [Division 40](#) of the GST Act or in another Act. The provisions in the GST Act that make a supply input taxed are not as many as those for GST-free, including:

- [Section 40-5](#) Financial supplies
- [Section 40-35](#) Residential rent
- [Section 40-100](#) Precious metals

BAS Exempt Transactions

BAS exempt transactions would be those that are considered to fall outside of the definition of **supplies** in [section 9-10](#) of the GST Act (i.e., not **taxable supplies**, **GST-free** or **input taxed**).

The [Treasurer's determination of 2011](#) covers the exempt taxes, fees and charges for the purpose of Division 81 of the GST Act (prior to the amendment to that Division in 2011). Division 81 is unlikely to affect label G1 for business taxpayers because those taxpayers are recipients (not suppliers) when they make a payment to a government entity.

The ATO [GST - completing your activity statement](#) booklet provides general list of examples to include at G1 and the BAS exempt items under the heading 'Do not report at G1'.

G1 Compared to T1

1. Legislative references which form the basis of the definition of T1

The PAYG Instalment system is dealt with Part 2-10 of the Taxation Administration Act 1953.

The primary legislation involved is section 45-120 Tax Administration Act 1953 meaning of what instalment income is.

Requirement of a taxpayer to notify the commissioner of this instalment income is section 45-20 TAA 1953

2. Basic description of what is reported at T1

Label T1 is used by taxpayers to notify the commissioner of their ordinary income (inclusive of business and investment activities) excluding specific non-applicable amounts such as CGT, and salary and wages earned.

The [PAYG instalments – how to complete your activity statement](#) contains a brief description (at page 7) of what goes into T1.

[T1 - PAYG instalment income](#) contains a table of what is and what isn't included at T1.

3. Comparison between G1 Total Sales and T1 PAYG Instalment Income.

Comparative Table: G1, PAYG Installation income (T1) and Business Income

G1	T1
<p>What is included in G1:</p> <p>gross fees for services</p> <p>gross sales</p> <ul style="list-style-type: none"> ■ trade-ins and barter transactions ■ the sale, lease or rental of land and buildings ■ interest earned ■ membership fees and subscriptions ■ government grants and certain private sector grants ■ the sale of business assets such as office equipment ■ amounts recovered as a result of a lay-by sale being cancelled ■ holding or security deposits forfeited by customers <p>Super funds need to include any amounts of statutory income at T1. This includes:</p> <ul style="list-style-type: none"> ■ net capital gains ■ gross interest ■ gross dividends ■ gross taxable employer contributions ■ gross taxable employee or depositor contributions ■ gross distributions from trusts ■ gross distributions from partnerships 	<p>What is included in T1:</p> <ul style="list-style-type: none"> ■ goods or services that you sell or supply ■ interest received or credited to your bank account ■ gross rent ■ dividends paid or reinvested on your behalf - don't include imputation credits royalties ■ gross amount of income where tax has been withheld because you did not provide your tax file number (TFN) or Australian business number (ABN) ■ foreign pensions that are assessable in Australia ■ your proportion of any partnership or trust income ■ withdrawals from farm management deposits ■ fuel tax credits
<p>What is <i>not</i> included in G1:</p> <ul style="list-style-type: none"> ■ dividends ■ private sales not related to your business ■ salary and wages you receive ■ hobby activities ■ gifts ■ trust and partnership distributions you receive ■ tax refunds ■ government pensions, allowances and payments 	<p>What is <i>not</i> included in T1:</p> <ul style="list-style-type: none"> ■ GST, WET or LCT you collected ■ GST credits ■ any income - such as salary, wages or income subject to a PAYG voluntary agreement - where amounts have been withheld or should have been withheld (other than income that an amount has been withheld from because you did not provide your TFN or ABN) ■ loans received ■ owner's capital ■ grants under the energy grants credits scheme, including the fuel sales grant, the product stewardship (oil) benefit and the cleaner fuels grant scheme ■ capital gains ■ amounts transferred between accounts ■ imputation (franking) credits
<p>Where is the data extracted from:</p> <ul style="list-style-type: none"> ■ GST Tax codes 	<p>Where is the data extracted from:</p> <ul style="list-style-type: none"> ■ Relevant income accounts from General Ledger Details report
<p>Key difference between G1 and T1 data reported:</p> <ul style="list-style-type: none"> ■ the sale, lease or rental of land and buildings (G1 but not T1) ■ dividends on business (T1 but not G1) ■ gross amount of income where tax has been withheld because you did not provide your tax file number (TFN) or Australian business number (ABN) (T1 but not in G1) ■ foreign pensions that are assessable in Australia (T1 but not in G1) ■ your proportion of any partnership or trust income (T1 but not in G1) ■ fuel tax credits. Investments (T1 but not in G1) 	

References

- ATO – Simpler BAS
- ICB – Simpler BAS

Continued Professional Education

Continuing Professional Education

ICB Events and Webinars	Classroom	Online
<p>2017 June End of Year Workshops Multi-locations, Multi-date</p> <p>ICB Technical Webinar – End of Year Payroll, Payment Summaries & Superannuation Webinar, Online, 6th June, 2017</p> <p>ICB Technical Webinar - HR Intermediary Process Webinar, Online, 8th June, 2017</p> <p>ICB Technical Webinar – End of Year Business Activity Statement Webinar, Online, 20th June, 2017</p> <p>ICB Technical Webinar - End of Year Financials and Accountants Webinar, Online, 18th July, 2017</p>	<p>ATO Open Forums Open Forums, Multi-locations, Multi-dates</p> <p>MYOB - Complete Training Course Classroom, VIC, Multi-dates</p> <p>Xero Training Course Classroom, VIC, Multi-dates</p> <p>TASA Course Classroom, VIC, Multi-dates</p> <p>Getting Started with Xero Accounting Software Classroom, Perth, Multi-dates</p> <p>Terminations Classroom, Multi-locations, Multi-dates</p>	<p>Not-for-profit News Service: Getting Started Webinar, Online, 7th June, 2017</p> <p>Excel Training Courses Excel Courses, Online, Multi-dates</p> <p>MYOB Training Courses MYOB Courses, Online, Multi-dates</p> <p>Xero Training Courses Xero Courses, Online, Multi-dates</p> <p>Introduction to Xero Tax Webinar, Online, Multi-dates</p>
<p>Note: Webinars are recorded and available for members to listen to in your own time.</p> 	<p>Understanding Financial Reports - including Non Reporting entities Classroom, Perth, Multi-dates</p> <p>Learn Calxa in a Day Classroom, Multi-locations, Multi-dates</p> <p>Budgets and Cashflow Management Classroom, Perth, Multi-dates</p> <p>Xero Accounting & Xero Payroll Classroom, Multi-locations, Multi-dates</p> <p>MYOB Bookkeeping Classroom, Multi-locations, Multi-dates</p> <p>Reckon One Certification Training, Multi-locations, Multi-dates</p> 	

May 2017 Question of the Month: Top-up Wages for Dad and Partner Pay

This month's question for you all to debate at your network meeting is:

An employee has applied for Dad and Partner pay. The employer wants to make up the difference between the DHS payment and his usual wage. Is this allowed? How do I do this in payroll?



[Let us know your thoughts here](#)

April 2017 Question of the Month: Nanny on Payroll - ICB's Response

Last Month we Asked You:

I have just taken on a client who has a nanny for her children on the payroll of the company. I don't believe this is correct but they have had the nanny on payroll for some time. How should I treat this situation?

ICB's Response:

Generally it is individuals who engage nannies for personal services, and it would generally be the individual who pays the nanny as an employee. (Nannies can sometimes be contractors but as it is the individual who is engaged and they are not free to delegate work, they are generally paid as employees). However, to avoid the issue of the individual having to register for PAYGW, pay SGC and report to the ATO, it is not uncommon that the individual's company 'employs' the nanny.

The wages (and allowances and SGC) are paid by the company and at the end of the financial year, the amount is transferred to the director's loan account or drawings account.

As far as tax and super matters are concerned, it is no problem to do this from the accounting perspective. The company pays the employee on behalf of the parent, the company withholds tax, pays SGC, reports to the ATO and issues payment summaries at the end of the year. (It is similar to an intercompany arrangement where one company pays employees for another company and the costs are transferred to the other entity).

If the individual engaging the nanny is not a director of the company, then fringe benefits should be considered and raised with the tax agent — is this actually a reportable fringe benefit being provided to the employee?

But there may be bigger issues the individual should consider — the main one being workers' compensation insurance. What happens if the employed nanny is injured during the course of providing nanny duties?

The employer in this case being the company, they would have to include the nanny as part of their rateable remuneration declaration to the workcover insurer. We suggest that you talk to the workcover insurer to make sure the nanny will be entitled to workers compensation in this situation. The individual should also get advice from the tax agent as to working out the portion of workcover insurance that is actually an expense of the individual, to be included in the transferred amount at end of year.

The individual should also consider taking out nanny insurance, a type of public liability insurance that covers medical procedures, loss of wages, compensation and so on if the nanny has an accident that involves the children. This may be paid for by the individual engaging the nanny as part of the contract agreement. If the company pays, then this is also included in the end of year amount transferred to the individual's loan account or drawings. If the nanny is engaged as an employee, this insurance would be an employer expense. If the nanny is a contractor working for several families, she would more likely take out this insurance herself.

Nannies and au pairs are not covered by a modern award, but are entitled to the National Employment Standards the same as any other employee.

References

- [Fair Work Ombudsman – Nannies and Au Pairs](#)

Upcoming Network Meetings

Webinars				
Online 16th June 2017	Online 19th June, 2017			
ACT				
Canberra - Northside 21st June, 2017	Canberra - Phillip 13th June, 2017			
NSW				
Albury 26th May, 2017	Ballina 16th June, 2017	Balmain 19th June, 2017	Bathurst 20th June, 2017	Bella Vista 19th June, 2017
Bellingen 20th June, 2017	Blue Mountains 29th May, 2017	Brookvale 19th June, 2017	Central Coast 21st June, 2017	Dubbo 26th June, 2017
Hawkesbury Region 27th June, 2017	Hills Region (Rouse Hill) 21st June, 2017	Hornsby 8th June, 2017	Lower North Shore 19th June, 2017	Newcastle 19th June, 2017
Newport 20th June, 2017	Orange 16th June, 2017	Port Macquarie 13th June, 2017	Randwick - Bondi 7th June, 2017	Shoalhaven TBC
Southern Highlands 12th June, 2017	Sutherland 21st June, 2017	Wollongong 20th June, 2017		
NT				
Darwin 19th June, 2017				
Queensland				
Atherton Tablelands 14th June, 2017	Brisbane Central 15th June, 2017	Brisbane North 13th June, 2017	Brisbane South 20th June, 2017	Bundaberg 20th June, 2017
Burpengary 14th June, 2017	Cairns 16th June, 2017	Dalby 25th May, 2017	Gold Coast - AM 13th June, 2017	Gold Coast - PM 13th June, 2017
Hervey Bay 20th June 2017	Ipswich 13th June, 2017	Logan 21st June, 2017	Moreton Bay 12th June, 2017	North Sunshine Coast 9th June, 2017
Port Douglas 23rd June, 2017	South Sunshine Coast 8th June, 2017	Toowoomba 16th June, 2017	Townsville 9th June, 2017	
South Australia				
Adelaide West 16th June, 2017	Mt Barker 20th June, 2017	Para Hills 14th June, 2017	South Adelaide 15th June, 2017	Unley 8th June, 2017
Tasmania				
Hobart 9th June, 2017	Launceston 15th June, 2017			
Victoria				
Brunswick 20th June, 2017	Bulleen 13th June, 2017	Burwood 7th June, 2017	Chadstone 5th June, 2017	Cobram 1st June, 2017
Craigieburn 13th June, 2017	Docklands 9th June, 2017	Echuca 16th June, 2017	Frankston 1st June, 2017	Geelong 13th June, 2017
Lilydale TBC	Macedon Ranges 20th June, 2017	Melbourne CBD 13th June, 2017	Mordialloc 13th June, 2017	Mornington TBC
Mt Waverley 6th June, 2017	Narre Warren 13th June, 2017	Point Cook 9th June, 2017	Sale 8th June, 2017	Warragul 20th June, 2017
Yarra Valley 9th June, 2017				
Western Australia				
Broome TBC	Bunbury 13th June, 2017	Busselton TBC	Cockburn Central 21st June, 2017	Geraldton 12th June, 2017
Joondalup TBC	Kalgoorlie 14th June, 2017	Melville 14th June, 2017	Noranda 14th June, 2017	Northam TBC
Welshpool 20th June, 2017	Cockburn Central 22nd June, 2017			

National Simplification of Business

We're simplifying business in Australia

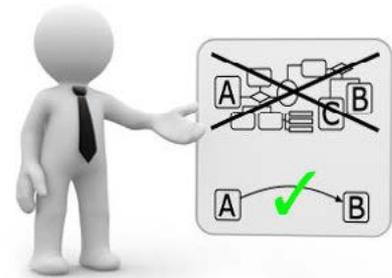
Find out about the National Business Simplification Initiative...

What is the National Business Simplification Initiative?

As a small business owner, there's never enough hours in the day to work your way through the complex layers of government regulation.

The National Business Simplification Initiative is an agreement between the federal, state and territory governments to help simplify the process of operating a business in Australia.

We're working to improve business regulation and services, so that you can focus on starting, running and growing your business.



1. Better Regulation

As part of the Initiative, we're tackling the burden of unnecessary regulation, particularly where there's duplication across federal, state and local governments.

We will:

- identify and deliver quick wins that provide immediate benefits for business
- address long-standing regulatory barriers and deliver reforms that improve the business environment and support innovation
- make regulatory improvements in key sectors to reduce costs and improve competitiveness.

2. Better Business Services

We're working to make it easier and more convenient for you to access our information and services.

We will:

- use the latest digital technologies to give you personalised information and advice
- simplify transactions and provide government information in one place
- use research to develop services that are centred on your business journey, rather than the administrative structures of government.

What's already started in the Initiative?

As part of the Initiative, we're taking a practical approach to understanding business needs.

The New South Wales and federal governments are already working on a pilot to reduce the amount of time it takes to set up a café, restaurant or small bar in the Parramatta area. Currently, it can take up to 18 months to set up a café in New South Wales. People need to complete up to 48 forms and comply with up to 75 different regulations across different levels of government.

Other projects across specific industries are planned, and successful projects will be rolled out in other regions and sectors. This work forms part of the National Innovation and Science Agenda and will be implemented over the next three years.

How can you get involved?

There will be opportunities for you to have your say about the potential changes to business policy and regulation, and improvements to the way you receive government information and services.

[Subscribe to our e-news](#) to keep informed about the National Business Simplification Initiative.

Source: Business.gov.au

Fair Work Ombudsman Campaign Targets Retail and Beauty

Retail outlets and beauty salons to be audited in new FWO campaign

Inside Small Business

April 11, 2017

Hair and beauty salons and retail outlets are the focus of a new Fair Work Ombudsman compliance campaign that will target businesses along the east coast of Australia.

Fair Work Inspectors will conduct audits of at least 1600 businesses in randomly selected urban and regional areas of Queensland, New South Wales and Victoria. The campaign will be conducted in two phases, with audits to be conducted in waves.

Acting Fair Work Ombudsman Michael Campbell said the first phase was already underway and the campaign would take approximately 12 months to complete.

“The retail, hair and beauty sectors have been selected for audit because they employ high numbers of workers, particularly young people and workers from migrant backgrounds,” Campbell said. “In addition, previous audits into hair and beauty businesses and the retail industry have found high levels of non-compliance.”

“In 2013, the Fair Work Ombudsman released the results of a national hair and beauty campaign which identified an overall industry non-compliance rate of 55 per cent,” Campbell said. “Victoria recorded the highest rate of non-compliance with almost three quarters of salon operators audited not meeting their obligations under workplace laws,” Campbell said.

The retail industry is Australia’s second largest employer, and Campbell said a previous Fair Work Ombudsman national campaign saw \$585 000 returned to 755 workers.

“Our 2012 report revealed that more than 40 per cent of the underpayments identified through the campaign were owed by NSW employers,” Campbell said. “This new hair, beauty and retail campaign will build on our previous work to reinforce the need for all workplace participants to proactively ensure they are meeting their obligations under Australian workplace laws.”

Inside Small Business





WorkCover Queensland sharpens policy compliance focus

Want to avoid copping your clients' wrath if they are facing thousands of dollars in penalties for being uninsured for workers' compensation? There's an easy way to add value to your client relationships by ensuring they have appropriate workers' compensation insurance and understand 'who is a worker'.



If your clients employ workers in Queensland, even family members, it is compulsory for them to have an accident insurance policy with WorkCover. If a worker is injured at work, they can apply for workers' compensation no matter whom or what caused their injury, so it's important that your clients are covered.

In 2015, uninsured businesses lodged 260 workplace injury claims with WorkCover Queensland, costing the scheme approximately \$6.5 million. During this period, WorkCover audits of 650 Queensland businesses found that 8% of employers omitted to declare wages paid to contractors deemed workers and 3% were uninsured.

To ensure the sustainability and fairness of the workers' compensation scheme in Queensland, WorkCover has bolstered its year-round employer compliance and education visits and employer wage audits with access to data matching information linked to the Australian Tax Office and the Office of State Revenue.

WorkCover Queensland Manager – Customer Compliance, Ms Stacey Looney said the vast majority of businesses do the right thing by having an accident insurance policy and paying the right amount of premium. Yet bookkeepers and accountants can still add real value by stressing the risks of non-compliance to clients.

"If your Queensland clients are employing workers they are breaking the law if they don't have a WorkCover Accident Insurance policy," Ms Looney said.

"Uninsured employers who lodge WorkCover claims are held to account and subject to significant financial penalties, including the cost of the claim. These penalties can amount to hundreds of thousands of dollars for severe injuries."

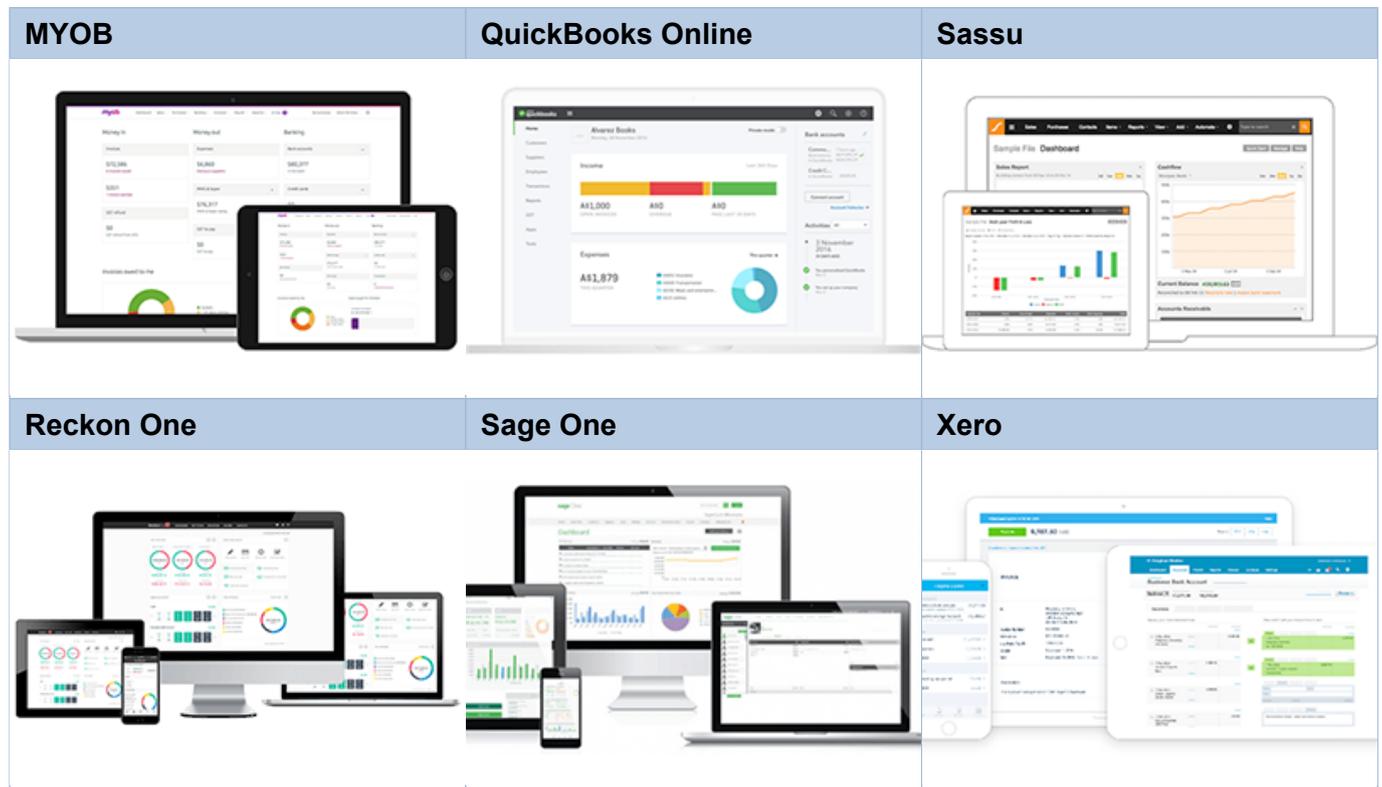
Ms Looney said a WorkCover Accident Insurance policy costs as little as \$200 per year, including GST (depending on which industry a business belongs to and wages paid to its workers).

"It's never too late to ensure your clients are complying" Ms Looney said. "Small businesses covered by WorkCover enjoy benefits including protection for the business and workers against injuries and protection against penalties for employing workers without having a policy," Ms Looney said.

If your clients are confused about their obligations to insure their workers against injury or who they need to cover, WorkCover is here to help. You can apply for a WorkCover policy online on their behalf by visiting Worksafe.qld.gov.au, or by calling WorkCover on 1300 362 128 to get the right advice.

Six Cloud Accounting Solutions Compared

Business IT has published a comprehensive comparison of accounting software that looks at the pros and cons of six systems: MYOB, QuickBooks, Reckon, Saasu, Sage and Xero. Various factors are considered; there is a comparison table at a glance, as well as a detailed review for each product.



See here for the full article on [Business IT website](#).

From the ICB

What's New this Month from ICB

New and updated resources for May 2017

- [Employing Overseas Workers](#)
- [Payment Summary Guide](#)
- [End of Month Checklist](#)
- [Reconcile Accounts](#)
- [Reconcile Creditors](#)
- [Reconcile Debtors](#)



[Click here to view the latest news for the month.](#)

[ICB Q&A Space](#) – You can check out all the latest threads here.

Feel free to ask your questions regarding any issue you may be having or if you require clarification, we are here to help.

The [Latest Updates](#) lists all the topics in order of replies.



Court Finds Accounting Firm Liable

In a precedent setting legal decision, an accounting business has been found liable as an accessory for its role in the underpayment of employees by its client.

The Federal Circuit Court ruled that Ezy Accounting 123 Pty Ltd was found to have “deliberately shut its eyes” to cases of employee underpayment by its client, Blue Impression Pty Ltd.

Ezy Accounting 123 Pty Ltd provided payroll services to Blue Impression Pty Ltd for workers at its Melbourne-based Hanaichi food outlets. However it failed to ensure its client correctly classified workers under the correct Modern Award which resulted in significant underpayment of workers.

The court found the accountant firm liable, despite claims by the bookkeeper in charge of Blue Impression's accounts that they had “no knowledge” of minimum rates for employees in Australia.

“I did not know which award applied to employees of Blue Impression at Hanaichi QV. I did not know the name of any award which applied. I did not know the amount of any minimum rate set out in any relevant award,” the bookkeeper told the court.

“I did not know if the rates complied with the award. I did not think twice about it. It never crossed my mind. Only now, looking back, I believe it was not my business to know whether or not the rates complied with any award. That was a matter for the employer.”

In the judgment, Judge John O'Sullivan stated “As a result of what I'm satisfied was [the company director's] wilful blindness Ezy should be found to be aware of the essential matters which go to make up the contraventions admitted by the first respondent,” O'Sullivan said.

The court will now make a determination on the penalties against Ezy Accounting 123. Corporations found to be in breach of the Fair Work Act face penalties of up to \$54,000 per contravention.

This is wake up call for key advisors, such as HR managers, accountants and payroll managers, that they have a legal obligation under Section 500 of the *Fair Work Act 2009* to ensure that their clients are compliant.

[Read more about how to avoid personal fines for accessorial liability | Recent prosecutions](#)

[Read more about fines and penalties: Fair Work Act 2009 | Recent prosecutions](#)



Inflexible Workplace Laws are Holding Small Businesses Back

Owning and operating a small business certainly brings with it many challenges. I should know; I ran my own small businesses for a number of years, so I speak from experience when I say it occupies the majority of your waking – and sometimes your sleeping – hours!

Therefore, a lot of the work the ASBFEO team is doing centres around finding ways to make life easier for small-business owners. That includes the promotion of streamlined regulation in order to allow small businesses to be able to get on with the job of running their operation, and perhaps even getting a little down-time as an added bonus.

For small business in particular, the Fair Work Act is complex and inflexible; the entire system is an albatross around the neck of Australia's more than two million small businesses.

The resignation of Fair Work Commission vice-president Graeme Watson earlier this year, and his scathing assessment of the Commission highlighted the challenges businesses face in dealing with the current industrial relations system.

As many small-business owners will testify, there are 122 different industry or occupation awards stipulating staff pay and conditions (and let's not forget, not all employees in a particular small business necessarily fall under the same award, so small business owners often have to deal with three or four different awards). There are 960 sections in the Fair Work Act which has a grand total of a quarter-of-a-million words for small business owners to wade through.

And when you consider that small businesses don't have HR departments or in-house lawyers to help navigate the system, surely we can work out a way to make it simpler for small businesses to hire new people; to hire school leavers; to hire mums and dads; to hire older Australians; to unleash growth.

The idea of one small business award or code of practice surely merits further discussion and investigation; one document, that clearly and simply – in no more than a couple of pages – outlines an employers' responsibilities in treating their staff fairly while ensuring they stay inside the law.

In other words, an award that says to business: "as long as you follow these rules, you're doing the right thing".

At the moment, small businesses are operating under legislation and regulation that's been written for big businesses. We've simply got to move away from this framework and stop trying to fit a round peg in a square hole.

Close to four million people are employed by small businesses in Australia. Unlike large businesses, the tax revenue generated by this sector is on the rise, so their importance should never be underestimated, and their growth shouldn't be taken for granted.

So, Australia, that's the challenge; we need to have a serious and sensible conversation about small business and industrial relations. We need sensible dialogue that leads to practical outcomes. So, let's not let the challenge of sweeping IR reform, frustrate meaningful changes for small business. Let's focus on how we can make it easier for this vital sector to employ and grow and continue to be the engine room of the economy.

By: Kate Carnell, Australian Small Business and Family Enterprise Ombudsman

This article first appeared in Issue 16 of the [Inside Small Business](#) quarterly magazine, see ICB's [Products and Solutions](#) webpage for a discounted subscription to Inside Small Business.



Reckon One and GovReports Integration

To celebrate the new GovReport integration, Reckon One users obtain \$50 Credit when lodging their BAS

It's time to lodge that BAS again. As we speak, dedicated tax agents are furrowing brows and toiling away on Activity Statements to lodge for their clients. Amid the flurry there has been a boon for our Reckon One users, with GovReports now ready for Reckon One users to lodge BAS online.

Many of you will already know that "GovReports is an online reporting platform for business, BAS and tax agents to prepare, manage and or lodge regulatory and compliance reports including tax returns to the Australian Tax Office (ATO) and payroll tax returns to all States and Territories Revenue Offices using SBR gateway."

GovReports mercifully simplifies the process of online compliance reporting by integrating with all major accounting software providers which allows its users to access their account anywhere there is an internet connection. All you have to do then is prefill your reporting data and you are ready for lodgement, without multiple handlings of the account information.

"The integration with Reckon One means that the GST data is prepopulated from your sale and purchase figures straight onto the ATO form format via GovReports ready for lodgement. This eliminates the need to manually enter the figures into the BAS statements on to the ATO portal or print a form and send to ATO."

For Tax and BAS agents, GovReports boasts a handy digital signature function so once you have prepared and validated your activity statement information with the ATO, the reports can be sent directly to a client for authorisation.

To encourage users to try out the new integration with Reckon One, GovReports is giving away \$50 credit to users when lodging their first Reckon One BAS report. This is available for both existing and new GovReports users and valid to 30th June 2017.

GovReports Director, Tiana Tran has a positive outlook on the Reckon One integration as it provides users with even more options to prepare BAS reports for online lodgment and covers users of one of the country's most prolific accounting solutions. This also marks the beginning of a wider integration effort by GovReports to further simplify the compliance reporting process for tax payers and practitioners.

As Jason Hollis, Head of Reckon Product Strategy – Business Group, noted on the integration:

"GovReports have been a long-term partner with Reckon complementing our Reckon Accounts range of business accounting software for many years. Extending their integration to Reckon One further strengthens our relationship and mutual commitment to simplifying and automating government reporting for business owners and professionals alike."

To lodge Reckon One March quarterly BAS, April or May IAS:

- Go to the Business Profile
- Click on Forms
- Select Activity Statements
- Click List to get listing of all ATO issued activity Statement for the selected entity
- Select the BAS report to work on
- Select Reckon One to import and prefill BAS Report
- Enter your username and password for Reckon One
- Proceed to review and lodge BAS

For any queries regarding the Reckon One integration and its process, please contact Tiana Tran on 02 8677 9669 or email info@govreports.com.au.



From the ATO

ATO Portal Maintenance

See [this link for scheduled times](#) for the full guide to system maintenance and issues.

The portals will be unavailable at the following times for scheduled system maintenance.

Regular Planned System Maintenance

Start Time	End Time
Saturday 10 June 2017 – 8.00pm EST	Sunday 11 June 2017 – 8.00am EST
Saturday 5 August 2017 – 10.00pm EST	Sunday 6 August 2017 – 7.00am EST

For more details regarding BAS Agent portal maintenance, [click here](#).

Additional Planned Maintenance

Start Time	End Time
Friday 23 June 2017 – 11.30pm EST	Monday 26 June 2017 – 7.00am EST

ICB Membership Statistics

5,571 Members at 30 April 2017

3,671 Members maintain Fellow, Member, Associate, Affiliate and Educator Membership. ICB also has 18 Accredited Training Provider Members and 1,882 Student Members.

ICB Supporters and Sponsors



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ICB's Newsletter contains news articles, links and regular sections that we feel will be of interest. If there is anything that you would like to see, whether a regular feature or a one-off, please let us know. Email your ideas to admin@icb.org.au

The monthly Newsletter for members of the Institute of Certified Bookkeepers.

A selection of those articles listed are accessible by ICB Members **only** – ICB Members, you will need to be logged onto the ICB website to view all the articles in full.

The newsletter of ICB is designed as information and resources for Bookkeepers with clients and also bookkeepers in employment.

The content of the newsletter maybe relevant in part or in whole to other publications or other purposes.

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Kind regards,
ICB Newsletter Team

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