

## THE INSTITUTE OF CERTIFIED BOOKKEEPERS

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# Bookkeepers helping Bookkeepers help Business

December 2012

News, views and things you need to know

[Click here for the Web version](#)

Welcome to the ICB's December 2012 Newsletter. You view the [web version here](#).

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In this months [Members Newsletter](#) you will find the following additional information:

#### **Best Practice Bookkeeping**

- Second Hand Goods - Business Information Sheet
- Car Allowances and Reimbursements - Business Information Sheet

#### **From the ICB**

- December 2012 eBRIEF - Fully customisable

## Important News for you

ICB's 2013 National Conference  
Today's Bookkeeping Towards Tomorrow



[Click here for more information](#)

[Click here to book](#)

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## ICB Bookkeepers Survey closes pre Christmas



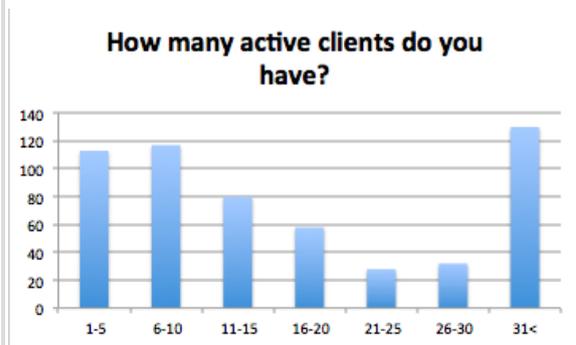
### The ICB survey is about bookkeepers

576 members have completed the ICB survey. 178 others.

#### Help us help you.

The results of this survey are used by ICB, by government, by software companies, by business to better understand and provide accurate solutions for you.

One of the many stats to date -



[Complete the survey now](#)



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## Word of mouth marketing

### Marketing – winning new business – word of mouth – capitalise on it

As I work through and research and review marketing for bookkeepers, looking to adapt information that we can apply to marketing a Bookkeeping Business, I keep returning to the fact that most of our clients come either from:

1. Networks of some kind, mostly the software company referrals

or

2. Word of mouth referrals of our existing clients to others

### How do we capitalise on and ensure word of mouth referrals happen?

I am not a fan of loyalty schemes and discounts and kick backs to an existing client due to them providing a referral. Maybe a gift of some sort following a referral but not a sales pitch upfront about a 10% discount on your next fee etc. It also becomes hard to keep adding 10% discount for each subsequent referral and also very hard to manage.

If you are looking for work, do your existing good clients know that you are looking? They may have additional work themselves that they would like your help with. Alternatively if they know you are looking then they are more inclined to say something to others. On the negative side: If we are always giving the impression we are too busy or have too much to do then they would not refer you to anybody as they don't want their work to be the one left till last.

Impress the clients by performing well. Deliver the work before the deadlines, provide information about their business or about their obligations so that you are staying in front of them and considered a vital flow of information to them.

Advise clients about an area of bookkeeping or compliance that they may not be on top of. If you provide them with information on an area that you are able to assist, further work may evolve.

Refer business to your clients. You know what they do and what they sell. Do you let people know about your clients and refer business in their direction?

[For further Marketing tips and ideas, visit the ICB's Marketing your Bookkeeping Business webpage](#)

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## Dealing with clients facing insolvency



Many of us at some stage or other have a client who is facing insolvency.

What are our obligations as a bookkeeper/BAS Agent? What should we advise if anything to the client? Should we notify the ATO?

As the bookkeeper you are in the position of seeing the accounts on a regular basis and therefore can pick up patterns or potential problems.

If you feel the business is trading insolvent and the position is not recoverable, are you obliged to report to the ATO? The answer is NO. Insolvency is a matter for the Director/s. Directors have legal obligations to ensure solvency; they must take positive action when there are questions about their company's solvency. It is not your obligation to take any action unless criminal activities are involved.

Many directors will assume that knowledge of their annual company tax return is enough — it is not, a director needs to be constantly aware of the financial position of the company. This is where you the bookkeeper comes in, as it is generally your information they are relying on. You can raise awareness by providing regular reports to the director.

### Things you can do:

- Raise your concerns with the client and discuss the current financial reports — highlighting areas that have raised your awareness of potential problems.
- Speak only about 'potential problems' or 'possible issues' for example, as the owner/director may have plans and funds you are not aware of.
- Recommend they contact their Accountant for advice ASAP. There are also many independent insolvency experts who can advise businesses.
- Advise your client to continue lodging required forms to the ATO regardless of whether the business can pay on time or not.
- Let the client know that the ATO have advised that they will take a positive attitude towards anyone who discloses problems voluntarily and early on. The earlier a business takes action the more choices the business will have about how to deal with the situation with all the entities and agencies involved.

- Direct the business owner/director to read the information from the ATO and ASIC regarding potential personal liability of unpaid superannuation and PAYG.

So long as you are still lodging forms that you know to be accurate, you are complying with your obligations. “A member must not make or prepare any account or record which they know is or may be false or misleading or the truth of which they are not satisfied on the materials or evidence before them”.

### **Once liquidators have been engaged**

The business owner is obliged to provide all reports and information required by the liquidator. The liquidator may approach you the bookkeeper to provide information or a copy of the current data file.

As an employee; Are you still employed? (ie has the liquidator confirmed your continued employment) If so then you continue to act as a bookkeeper and assist the new management being the Liquidator. As an external bookkeeper: you can no longer act for the entity without specifically being engaged to do so by the liquidator. The old management/directors/owners cannot have you do work for the entity as they are no longer in control of that entity nor will they pay any bills for that entity.

**IMPORTANT:** you are not under any obligation to provide information or service to the liquidator unless they separately contract with you. Arguably you cannot provide information about the pre-liquidation business to the liquidator without the previous Directors authorisation.

For you to hand over any records of your client you must receive written notice from the appointed liquidator. You would generally be given three days to comply with this notice. You should find out who is engaging you to spend time and who is going to pay you for your time.

### **From the Corporations Act 2001, Section 530B Part (4):**

The liquidator of a company may give to a person a written notice requiring the person to deliver to the liquidator, as specified in the notice, books so specified that are in the person's possession. ASIC may contact company officers or third parties to remind them of their statutory obligations to assist liquidators and administrators when companies enter external administration.

Where the failure to assist the liquidator or administrator persists, ASIC may commence criminal proceedings against:

- company officers – for failing to provide a Report as to the Affairs of the company (s475) and/or failing to provide books and records (s530A)
- >> third parties – for failing to provide books and records (s530B) <<

### **From ASIC information sheet 0053 “Providing assistance to external administrators:...”**

#### **Your Corporations Act obligations**

As you may know, an external administrator (eg a liquidator, receiver or administrator) has been appointed to the company with which you are associated. In this situation, the Corporations Act 2001 requires:

- certain officers of the company (such as directors) to provide the external administrator: other persons who have any books, records and/or assets of the company to disclose their existence to, and provide them at the request of, the external administrator.
  - A report as to the affairs of the company (commonly referred to as a RATA). Where external administrators possess the company’s books and records, company officers may seek access from the external administrator to enable them to fulfil their obligations to provide a RATA.
  - Books, records, information and assistance

Company officers and other people with relevant books and records...cannot obstruct duly appointed external administrators in the performance of their duties.

### **References:**

#### **From the ICB Code of Conduct:**

14. A member must preserve the confidentiality of their client's or employer's affairs absolutely unless required to make such disclosure by law or by the direction of the Institute or to prevent the commission of a crime.

21. Subject to the requirements of these rules, a bookkeeper must always act in the interest of his client or employer.

#### **From the TPB Code of Conduct:**

(4) You must act lawfully in the best interests of your client  
What does acting 'in the best interests of your clients' mean?

47. Acting 'in the best interests of your client' has been held to mean acting in a representative character in the exercise of the agent's responsibility to the client.

61. Acting 'lawfully' in the best interests of a client requires a tax agent or BAS agent to act in a client's best interest but only to the extent that their actions are consistent with the law. That is, 'acting in the best interests of clients', is not a justification for a tax agent or BAS agent to contravene or disregard the law.

62. When acting for, or on behalf of, a client, the tax agent or BAS agent must only act where they are authorised to do so and if their actions are in accordance with or are sanctioned by the law.

63. There may also be examples of where the law overrides the duty of a tax agent or BAS agent to their client. For example, providing information or documents to the ATO following a notice pursuant to section 264 of the Income Tax Assessment Act 1936 (ITAA 1936).<sup>44</sup> Another example may include providing information pursuant to a court order.

(6) Unless you have a legal duty to do so, you must not disclose any information relating to a client's affairs to a third party

79. In the absence of client authorisation or a legal duty to disclose, any disclosure of information relating to the affairs of a client will be a breach of this provision of the Code....

Under what circumstances can a tax agent or BAS agent disclose information relating to a client's affairs?

91. A tax agent or BAS agent may disclose information relating to a client's affairs to a third party, only if:

- disclosure is authorised by the client; or
- there is a legal duty to disclose

92. Examples of where there is a legal duty to disclose information relating to a client's affairs include:

- providing information to the Tax Practitioners Board under a notice issued pursuant to section 60-100 of the TASA.
- providing information to a court or tribunal pursuant to a direction, order, or other court process, to provide that information.
- providing information or documents to the ATO under a notice pursuant to section 264 of the Income Tax Assessment Act 1936 (ITAA 1936).<sup>62</sup> This requirement is subject to that material being properly withheld by the tax agent or BAS agent under legal professional privilege.
- providing information or documents to the ATO pursuant to section 353-10 of Schedule 1 to the Taxation Administration Act 1953 concerning indirect taxation laws (including GST)

ASIC information on Insolvency:  
<http://www.asic.gov.au/insolvency>

ATO information on tax debt:  
<http://www.ato.gov.au/content/00224959.htm>

**ICB Note:** Bookkeepers of the now insolvent company would need to be separately engaged and therefore paid by the liquidator in order to do ongoing work for the liquidator or ongoing work for the company.

If the bookkeeper is to do ongoing work for the ex-directors, then they have to separately engage you. They cannot engage you and expect the liquidator to pay - in our experience it won't happen.

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## Best Practice Bookkeeping



### Security of client information

#### Overview

The Code of Conduct for Agents, under the TASA2009, provides obligations on Agents in relation to confidentiality of Client information and protection of client records.

ICB members are subject to similar provisions as part of the ICB code of conduct.

The ATO are concerned about Identity Fraud, and raise the issue of your client records in the context of identity theft, in particular that your client records may be compromised leading to the theft of your client's identity.

Most importantly the professional operation of a bookkeepers business or employment includes an obligation to protect your clients information and privacy.

#### Background

This document is based on ATO information provided in relation to Identity Fraud. The ATO provided information on their website at <http://ato.gov.au/content/00318759.htm>.

Our review of that information noticed that they have established some guidelines behind behaviour of Agents in relation to their client records, outside of the "identity fraud" issues. This document contains extracts of the ATO material and additional ICB information.

#### Concept

Establishing and then reviewing your internal procedures and security controls should assist in protection of client identity and information.

#### Security of your internal systems – Who can access what?

Ensuring you have appropriate procedures and security controls in place and that you and your staff follow these at all times is very important. Inadequate internal controls can leave the door open for client records to be compromised.

As a minimum, ATO recommend that you:

- use individual user login details and passwords for all systems where this is possible, including laptop computers, and these are kept private at all times
- regularly change all passwords
- remove user access and change shared passwords immediately when a staff member leaves
- ensure staff do not leave online portals open, and lock computer screens when unattended
- encrypt computer files where possible

To use most ATO online services, including the portals and standard business reporting software, you and your staff need to have an AUSkey security credential. AUSkey's are allocated to an individual person and should not be shared.

Electronic lodgement service (ELS) passwords should be secured through internal controls that provide adequate protection against incorrect or fraudulent lodgements. ELS passwords should be changed immediately where a staff member who had access leaves the practice.

### **Check client records – Authority to act**

Review your ATO client list to make sure all your clients are recorded and they are registered for the correct tax roles.

- Ensure that you obtain and retain specific authority to act for a client and to add that client and each entity to your ATO client list.
- Ensure that no “un-authorized” entities have been added to your list
- Ensure that ex-clients are removed from your list

For example, the ATO advise they have identified incidents where fraud has been committed by registered tax agents or their staff by:

- fraudulently registering individual non-business taxpayers for Australian business numbers (ABNs) and goods and services tax (GST), and attempting to divert the refunds from activity statements into their own bank accounts
- accessing the Business and Tax Agent Portals to revise activity statements already lodged and diverting the refunds to their own account.

### **Security at your premises**

The ATO report cases of organised groups making brazen and confronting attempts to steal taxpayer information from agent premises.

In one case, they gained access to these documents by asking to use the amenities in an area where files were stored, and were then seen pushing documents into a backpack. This incident occurred at closing time, when the only staff member in attendance was busy with another client.

Some ways that the ATO suggest can protect the security of your premises include:

- installing appropriate physical barriers such as door and window locks, alarm systems and lockable storage for your files
- securing taxpayer files when they are not in use
- not leaving clients alone with files or allowing them unsupervised access to areas where files are stored
- removing documents from printers and turning off fax machines at close of business and when the premises is unattended
- considering whether you should have at least two staff members on your premises during opening hours.

**Remember:** keep your documents and records secure at all times. It only takes a moment for thieves to photograph or steal valuable information.

## Report suspected fraud – A request from the ATO

If you identify potential fraud, contact us the ATO as soon as possible - they will work with you and your client to investigate and manage the incident. This can include issuing new AUSKey's, correcting records or, if necessary, assisting your client to establish a new identity.

If you or your staff can provide information about suspected fraud or possible criminal activity, phone ATO on 1800 060 062 (between 8.00am and 6.00pm, Monday to Friday) or make an online report at '[How to report](#)'.

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## Super Changes - The ATO Update

### Superannuation Law changes

Extracts from the ATO 3rd December 2012

#### New payslip obligations

To give your employees more information about their super, in the future you will need to provide details on each employee's payslip about the super that has been paid into their account. The government is expected to make a further announcement about the changes you will need to make and when they will start.

#### Changes to the super guarantee rate

To help grow Australian workers' savings for retirement, the compulsory super guarantee rate will gradually increase from 9% to 12%.

If you make super payments on behalf of your employees based on the minimum 9% super guarantee rate, you will need to increase this rate to 9.25% on 1 July 2013.

#### Removal of super guarantee upper age limit

As of 1 July 2013, there is no upper age limit for paying super for an employee. Removal of the limit is to encourage mature workers to stay in the workforce.

This means you may need to make super guarantee payments for eligible employees 70 years old or older.

#### Data and e-commerce standard – must use a Clearing House

A data and e-commerce standard is being introduced that will make it possible for you to send contributions to all funds in one standard electronic form, removing the need to submit this information to separate funds in different formats.

The standard will make processing easier and result in:

- fewer data quality issues
- a simpler, more consistent contribution process
- fewer lost accounts and unclaimed monies
- faster processing of employees' money into their super accounts

- lower overall processing costs

Employers with 20 or more employees must use the data and e-commerce standard from 1 July 2014.

Employers with fewer than 20 employees will need to start using the standard from 1 July 2015, subject to further consultation.

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## BAS Agent Information



### Proof of Identity and False Refunds

#### Best Practice Statement

The identity of your client and false refunds

The ATO would have you undertake an identity check and "authority to instruct you" check on each and every new client. What does this imply? Do you have to?

(Extracted and modified from a recent [ATO web publication 318759](#)).

(You may wish to review their material)

#### The issue

Refund fraud occurs where tax returns, activity statements and other documents are deliberately falsified in order to claim a tax refund a taxpayer is not entitled to.

Fraudulent claims can be lodged by individuals on their own account or by third parties on behalf of others. Sometimes this involves identity crime, where taxpayer identities are used by third parties to make fraudulent claims for personal gain.

ATO report incidents where registered tax agents, BAS agents or their staff have been inadvertently involved in lodging claims that are fraudulent.

#### Recommended Best Practice

(ICB has changed the below)

#### Ask clients

1. Take reasonable care to check the true identity of all new clients?
  - Does the person you are meeting with or being instructed by have authority to engage you on behalf of the entity?
  - Check that original source documents ie copies of past BAS's, the changed or missed invoice or claim etc provides you with sufficient comfort that the person is correctly authorised and able to represent the entity for which you are about to do work.
2. Indicators that a new client or clients may not be genuine include they:
  - provide information that results in unusually high credits / refunds, maybe expenses compared to income
  - provide amendments to past BAS's that result in refunds
  - amendments are not adequately substantiated or logical
  - request change to the bank account details prior to processing refund amendments
  - are accompanied or represented by a person who speaks on their behalf
3. what records or evidence they have to support this income and expense amounts
  - Ask clients to explain the processes they have in place to record and report transactions
  - Ask sufficient questions to satisfy yourself that the information provided by your client is correct and complete

4. what statement are you being asked to make
  - o you must apply a higher level of “Reasonable Care” if you are making a statement on behalf of the client

### **Advise clients**

1. Their general record keeping obligations
2. Your obligation to ensure that tax laws are applied correctly to the matter which the client is involving you

### **Detail the Engagement**

1. Agree and document what you are being engaged to perform for the client
2. Ensure that you are NOT simply lodging a statement fully prepared by the client without any involvement of your review (a subjective assessment and this will vary between clients, however this is a risk area)

### **To the extent engaged by the client (specifically agreed):**

1. Ascertain the factors and information relevant to the work you are to perform
2. Correctly apply the tax law to the clients information
3. Advise the client specifically how the law applies to them
4. Obtain the clients specific written authority to act and authority to lodge a specific form with the ATO

### **The ATO perspective on the role of an agent in relation to client identity and authenticity**

1. It is becoming more common to accept new clients from online referrals. Establishing proper proof of identity can be more difficult where you don't see the client face to face. Implementing strong internal procedures can help minimise the chance of your practice being used in attempts to commit refund fraud.
2. If you cannot confirm the identity of the person or that the information they have provided is authentic, explain your responsibility as a registered agent and decline to act for them.

### **ICB Comment:**

The TASA2009 code contains the provision that you must act with honesty and integrity, you must act lawfully in the best interests of your client

But more importantly it also says:

*“You must not disclose any information relating to a client’s affairs to a third party without your client’s permission” (unless you have a legal duty to do so)*

Therefore despite who may engage you to do work on behalf of an entity, you may not disclose the output of that work to that person unless they are the “client” or the person who does have authority of that “client” to have information disclosed to them.

This is the closest provision we can find that requires you to undertake a review of the client’s identity

## **BAS Agents have a Code obligation and Professional Bookkeepers should anyway:**

1. Advise clients generally
2. Agree on the work to be performed
3. Advise clients specifically as to their obligations and the application of the law to the matter you have agreed to act (where applicable)
4. Perform the work taking reasonable care to correctly understand the matter and to correctly apply the law to the matter
5. DO NOT make a statement to the commissioner that you know to be incorrect or omit information.

## **Advise the ATO if you are approached**

The ATO would also like you to advise them of details about false approaches as soon as possible. Phone on **1800 060 062** (between 8.00am and 6.00pm, Monday to Friday) or make an online report at '[How to report](#)'.

ATO web page on "Reduce the risk of Refund Fraud" <http://ato.gov.au/content/00318759.htm>

## **CPE (Continued Professional Education)**



**This month from the ICB CPE webpage**

## **Upcoming events**

### ICB National Conference – Today's Bookkeeping Towards Tomorrow

Nationally  
March 2013

### ICB Network Meetings

Nationally, Monthly

### New Features and Go Live with MYOB - Canberra

17th January, 2013  
9am (AEDST)

### AccountRight 2012 - Things you need to know

22nd January, 2013  
9am (AEDST)

### AccountRight 2012 - Live Bank Feeds

24th January, 2013  
12pm (AEDST)

### Intuit QuickBooks Innovation Workshop

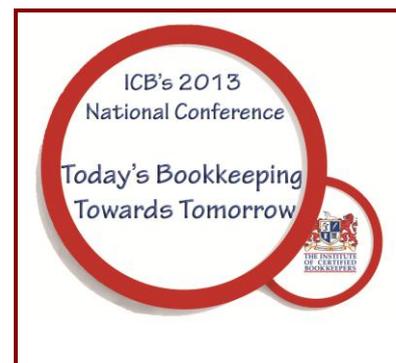
Vic, NSW, Qld and WA  
30th January - 6th February, 2013

### Learn MYOB in a Day - Canberra

5th February, 2013  
9.30am

### Xero Roadshows

February, 2013





**What would you do??**

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

My client gives their employees and subcontractors incentives and gifts like movie tickets, (worth \$60 - \$100).

When I called the ATO they said that this is deductible, but you can't claim any GST on the amount and it is classified as entertainment, but I have heard other bookkeepers recording it in different ways.

What is the best way to record these expenses and can I claim the GST?

What do you think? Discuss at your network meeting, let us know your thoughts, post comments and questions on the forum.



[Let us know your responses and thoughts here](#)

### **Last month we asked you:**

What's the difference between a probationary period and minimum employment period?

#### **Our response:**

A probationary period is an agreed period during which the employer can assess the employee's suitability for the role. (The employee is paid at the same rate of pay as normal and receives the same entitlements, there are no reduced rates of pay or entitlements for this period). However, the employee does not have a guarantee of ongoing employment once the probationary period is over. If a formal probation period is entered into, a review should be conducted and a letter of successful or unsuccessful probation provided.

A minimum employment period as governed by the Fair Work Act is 6 months for businesses with more than 15 employees, or 12 months for businesses with less than 15 employees. This minimum employment period governs whether an employee can make an unfair dismissal claim against the employer.

If the employee has not served the minimum employment period then the employee cannot make an unfair dismissal claim.

A probationary employee is still entitled to all the National Employment Standards. This includes that if the employee is given notice during the probationary period, the notice period cannot be less than the minimum period prescribed in the NES, for example, 1 week notice for less than 12 months service.

Did you know? If a business employs less than 15 people then it can use a simplified system called the Small Business Fair Dismissal Code—see here for a link to the document:

<http://www.fairwork.gov.au/termination/unfair-dismissal/pages/small-business-fair-dismissal-code.aspx>

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## Upcoming Network Meetings



Join a network meeting this month, not just to share, but to also network and keep informed.

All ICB Network Facilitators volunteer their time to assist ICB in keeping you up to date and informed and without the help of these fantastic people it would not happen.

If you are unable to attend your local meeting due to time restraints or there isn't a meeting in your area, why not join us via webinar on the 2nd Friday of each month.

<b>Webinars</b>		
Online 8th February, 2013 - 12pm (AEDST)	Online 11th February, 2013 - 5pm (AEDST)	
<b>Queensland</b>		
Gold Coast (am & pm sessions) 12th February, 2013	Brisbane North 8th January, 2013	Brisbane South 19th February, 2013
South Sunshine Coast 14th February, 2013	North Sunshine Coast 7th February, 2013	Logan 21st February, 2013
Bundaberg 5th February, 2013	Hervey Bay 14th January, 2013	Cairns 8th February, 2013
Toowoomba 8th February, 2013	Townsville 11th January, 2013	Moreton Bay 11th February, 2013
<b>New South Wales</b>		
Sydney - Balmain 21st January, 2013	Sydney - Moorebank 6th February, 2013	Sydney - Randwick 16th January, 2013
Sydney - Brookvale 4th February, 2013	Sydney - Hornsby 7th February, 2013	Sydney - Newport TBA
Sydney - Sutherland 23rd January, 2013	Ballina 1st February, 2013	Blue Mountains 21st January, 2013
Central Coast 13th February, 2013	Newcastle 13th March, 2013	Shoalhaven 11th February, 2013
Orange 31st January, 2013	Bellingen TBA	
<b>ACT</b>		
Canberra - Phillip 12th February, 2013		
<b>Victoria</b>		
Burwood 6th February, 2013	Mordialloc 12th February, 2013	Frankston 12th February, 2013
Docklands 8th February, 2013	Lilydale TBA	Point Cook 12th February, 2013
Sale 14th February, 2013	Geelong TBA	Macedon Ranges 19th February, 2013

Western Australia		
Balcatta TBA	Bunbury TBA	Melville 6th February, 2013
Joondalup 21st January, 2013	Midland 13th February, 2013	
South Australia		
Unley 19th February, 2013	Henley Beach TBA	Para Hills 16th January, 2013
South Adelaide TBA	Mt Barker TBA	
Tasmania		Northern Territory
Hobart 14th January, 2013	Launceston TBA	Darwin TBA

These meetings are conducted in a relaxed and informal environment to promote discussion amongst those attending the meetings.

### No meeting in your area?

We are always on the lookout for facilitators to run meetings in their local area so if you are interested please contact Rick Van Dyk at [rick@icb.org.au](mailto:rick@icb.org.au)



ICB Network Meetings are proudly supported by MYOB

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## Other things happening in the world



### Annual leave and shutdowns



### What is the story?

Two of the most common questions we are asked here at Workforce Guardian are whether or not an employee can 'cash-out' their unused annual leave and whether or not a business can direct employees to take leave during annual closedowns, such as between Christmas and the New Year. No doubt many of your clients are wondering exactly the same things so this month we're very pleased to provide you with the answers to these tricky questions.

## Cashing Out Annual Leave Entitlements

Cashing out of unused annual leave is no longer a matter that can simply be agreed between your client and their employees. The Fair Work Act 2009 imposes a number of very important – and legally enforceable – restrictions around the cashing out of unused leave and these must always be fully considered before any agreement to cash out is reached.

The first and most important step is to determine whether or not the employee in question is covered by one of the 122 Modern Awards that now apply to many industries and occupations. This is vital because if a Modern Award does apply to the employee, cashing out of annual leave entitlements is only allowed if that Modern Award expressly permits cashing out to occur. If an applicable Modern Award expressly prohibits cashing out of leave – or if it is silent on this matter – cashing out of leave is not permitted and penalties will apply if it occurs. This will still be the case even if both parties have genuinely agreed in good faith for the cashing-out to occur.

If there is no Modern Award that applies to the employee's position, the employee is described as 'Award-free'. Award-free employees are allowed to cash-out annual leave entitlements but certain restrictions do apply. The following table summarises when and how annual leave entitlements may be cashed out by both Award-covered and Award-free employees:

	<b>Cashing Out Allowed?</b>	<b>Restrictions that Apply</b>
<b>Award-covered Employees</b>	<ul style="list-style-type: none"> <li>Only if the Modern Award expressly permits cashing out</li> </ul>	<ul style="list-style-type: none"> <li>All restrictions imposed by the specific Modern Award will apply</li> </ul> <p>PLUS</p> <ul style="list-style-type: none"> <li>The employee must maintain a minimum balance of at least 4 weeks' leave</li> <li>The agreement to cash-out must be recorded in writing</li> <li>Your client must not exert undue influence or undue pressure on their employee</li> <li>Your client must pay their employee the full amount that he or she would have received if the annual leave had actually been taken</li> </ul>
<b>Award-Free Employees</b>	<ul style="list-style-type: none"> <li>Yes, subject to the restrictions imposed by the Fair Work Act 2009</li> </ul>	<ul style="list-style-type: none"> <li>The employee must maintain a minimum balance of at least 4 weeks' leave</li> <li>The agreement to cash-out must be recorded in writing</li> <li>Your client must not exert undue influence or undue pressure on their employee</li> <li>Your client must pay their employee the full amount that he or she would have received if the annual leave had actually been taken</li> </ul>

## Annual Shutdowns

Many businesses close down at certain times of the year for a range of industry or company-specific reasons. Whether your clients can require their employees to use any of their annual leave entitlements during such periods is once again regulated by the Fair Work Act 2009 and by any applicable Modern Awards.

The following table summarises when your clients may direct an employee to take annual leave and the restrictions that will apply:

	<b>Cashing Out Allowed?</b>	<b>Restrictions that Apply</b>
<b>Award-covered Employees</b>	<ul style="list-style-type: none"> <li>Only if the Modern Award expressly permits your client to direct the employee to take leave</li> </ul>	<ul style="list-style-type: none"> <li>All restrictions imposed by the specific Modern Award will apply</li> </ul> <p>PLUS</p> <p>The instruction to take leave must be 'reasonable'. Reasonableness is determined by taking into account factors that include:</p> <ul style="list-style-type: none"> <li>Your client's requirements and the needs of his or her employees</li> <li>Whether any arrangement has been made between your client and their employees</li> <li>The usual custom and practice of your client's business</li> <li>The specific timing of the instruction to take leave</li> <li>Whether your client gave their employees a reasonable period of notice</li> </ul>
<b>Award-Free Employees</b>	<ul style="list-style-type: none"> <li>Yes, subject to the restrictions imposed by the Fair Work Act 2009</li> </ul>	<p>The instruction to take leave must be 'reasonable'. Reasonableness is determined by taking into account factors that include:</p> <ul style="list-style-type: none"> <li>Your client's requirements and the needs of his or her employees</li> <li>Whether any arrangement has been made between your client and their employees</li> <li>The usual custom and practice of your client's business</li> <li>The specific timing of the instruction to take leave</li> <li>Whether your client gave their employees a reasonable period of notice</li> </ul>

You are now ready and able to answer your client's questions regarding these two common sources of confusion!

Have a great month.

David Bates BA(Govt) LL.B(Hons)  
 Managing Director  
 Workforce Guardian



Workforce Guardian provided this article as a free support to ICB and it's members

[For more details regarding Worforce Guardian, click here](#)



This month...

ICB Staff and Management would like to wish you a very Merry Christmas and a safe and happy New Year.



Our office will be attended over the Christmas period excluding public holidays.

Office hours will be 9am - 4.30pm AEDST

Thank you for your continued support and we look forward to working with you in 2013.

Matthew, Rick, Helen, Jan, Carmel, Jo, Toni and Simone

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## Bright Star Kids

Name labels, school labels and school bags

Keep track of your children's belongings with great value name labels. Bright Star Kids cute range of lunch and school bags are perfect for school, kindy and day care. Shop for kids name labels and school bags.

Discover the most affordable and high quality name labels around. You can also find the cutest wall stickers for children. Free delivery over \$20 for labels!

ICBenefits members also receive a further 20% cash back, [click here for more details](#)



ICBenefits is quick, it is easy and it is **FREE** for all ICB Members to register.

**Start saving today**..... just go to [www.icbenefits.com.au](http://www.icbenefits.com.au) (or click on the image to the left) and use your ICB member number to register.

If you have any questions at all regarding the program, in the first instance contact the rewards program provider on 1300 900 186 or on the [www.icbenefits.com.au](http://www.icbenefits.com.au) website.

Otherwise please contact ICB at [admin@icb.org.au](mailto:admin@icb.org.au) or 1300 85 61 81

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## Business Newsletter - eBrief - December 2012

Welcome to the ICB December 2012 Bookkeeping eBRIEF, YOUR newsletter for YOUR business

Keeping you and your business in front of your client and well regarded and respected.



Click the button to subscribe now and each month you will receive the Bookkeeping eBRIEF directly to your inbox

You can download the December newsletter for your business here:

- [December 2012 Bookkeeping eBRIEF](#)

[Back copies are available here](#)

Templated client information newsletters are not a new concept but are certainly a new concept in bookkeeper space.

*"The best bookkeepers using the best resources".*

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## ICB's 2013 National Conference - Today's Bookkeeping Towards Tomorrow

### ICB's 2013 National Conference Today's Bookkeeping Towards Tomorrow



#### Agenda:

9.00am registration for a 9.30am session start, tea and coffee on arrival, morning, afternoon tea and lunch will be provided with the conference concluding at approximately 3pm. Followed by the ICB Members meeting which will conclude by 4pm.

Conference agenda includes:

- What is happening in our world - to Bookkeepers, to Technology, to the Cloud, to BAS Agents, to Business?
- How to respond to so many software options?
- Impact of change on Bookkeeping Procedures - Impact and approach of Bank Feeds, remote access opportunities and technology changes
- Best Practise Business Bookkeeping - what does a Bookkeeper do when and how to
- Interaction with Accountants - The professional interactions (now possible) and maintaining the positive and effective relationship

**Your conference ideas** – Assist us to refine and tailor the content to meet your information and training needs. [Click here](#) to ask your questions and post your thoughts.

**Members Meeting** – Reporting to you and seeking your input into ICB. Let us know of anything you would like addressed at the meeting, send to [Simone@icb.org.au](mailto:Simone@icb.org.au)

**Nominations for “Fellow” recognition** – In 2010, Members decided to define “Fellow” membership to be recognition of those Members of ICB who have contributed significantly to the Bookkeeper community. 15 people were recognised in 2011. [Further details and application form available here.](#) Nominations to be received by 31 January 2013.

### Members book now

Bookings available to **ICB Full Members ONLY** until 20th January, 2013

Early Bird Full Member pricing until 20th January, 2013 \$198.00  
(excluding Student and Subscriber members)

### From 21st January, 2013

Full Member	\$220.00
Student and Subscriber	\$242.00
Non Member	\$297.00

### Launceston

5th March, 2013  
Hotel Grand Chancellor  
29 Cameron Street  
Launceston

### Melbourne

6th March, 2013  
Melbourne & Olympic  
Park  
Batman Avenue  
Melbourne

### Perth

7th March, 2013  
The Pan Pacific  
207 Adelaide Terrace  
Perth

### Brisbane

12th March, 2013  
Royal on the Park  
Cnr Alice & Albert Streets  
Brisbane

### Cairns

13th March, 2013  
The Sebel Cairns Hotel  
17 Abbott Street  
Cairns

### Darwin

14th March, 2013  
The Vibe Hotel Darwin  
7 Kitchener Drive  
Waterfront

### Adelaide

19th March, 2013  
The InterContinental Hotel  
North Terrace  
Adelaide

### Canberra

20th March, 2013  
Exhibition Park in  
Canberra  
Cnr Flemington Rd &  
Northbourne Ave  
Mitchell

### Sydney

21st March, 2013  
Four Seasons Hotel  
199 George Street  
Sydney

If you have any queries please do not hesitate in contacting us on 1300 85 61 81 or by email at [admin@icb.org.au](mailto:admin@icb.org.au)

**Special Dietary requirements:** Advise us of your requirements when completing your online registration.



## Major Sponsors



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### ICB invites nominations for Fellow Membership admission

In 2010, Members decided to define “Fellow” membership to be recognition of those Members of ICB who have contributed significantly to the bookkeeper community. 15 people were recognised in 2011.

This year, we are looking for your assistance in nominations for Fellow Membership.

#### Selection Criteria (one or more of the following):

- Provided significant contribution into ICB and the membership over a period of time
- Significant contribution to the Bookkeeper community
- Contributions to resources and support
- Network facilitation
- Bookkeepers helping Bookkeepers
- Representing ICB
- Bookkeeper education
- Considered and approved by the admissions board

If you know someone suitable for ICB Fellow membership, a Fellow Membership nomination form is [available here](#).

Nominations are to be received by 31 January 2013.

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### What's new this month

#### New Resources

- The BAS Agent - Edition 32 - [PDF](#)
- GST Governance - [Link](#)
- SBR Information - [Link](#)
- Windows 8 - [Link](#)

## News Items

- [Festive Season public holidays](#)
- [Xero - December Product Update](#)
- [Penalties increase from \\$110 to \\$170](#)
- [Sham Contract Engagement - Fines for the employer](#)
- [BASAAG Key Messages](#)

## ICB Q & A Space News

During December we have seen queries regarding [Contracts with Clients, Non BAS Agents, Part time salaries paid monthly](#), and [What are \(BAS\) Revision Type Indicators?](#) - what are your thoughts on these issues?. Keep asking your questions on things you are not sure of. Remember there is no such thing as a stupid question.

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](#)

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## From the ATO



### Business Viability Tool

#### ATO Business viability assessment tool

Use the ATO business viability assessment tool to help you determine whether a business is viable.

<http://ato.gov.au/content/00339314.htm>

Published: 04 Dec 2012

The ATO has recently released a “Tool” to “assist” business and their advisors to assess the viability of the business.

We have read material that indicates the tool is aimed to provide business with a first glance assessment of whether the business is viable or whether it needs some further assistance. The apparent aim being to prevent more businesses running up tax debt that is subsequently not paid.

While we understand and like the idea the tool suffers from some issues in execution and concept:

## What is the issue?

- What does the tool and any outcome of the report indicate in the eyes of the ATO?
- What is the impact of having a nonviable business to the ATO?
- Does anyone in the ATO use this or a similar tool?
- What impact does any use of this tool have?
- Do the ATO use this tool? Do their auditors use this tool? Does the tool indicate anything to the ATO that would result in an ATO action or required change by the taxpayer?
- If a business uses this tool and finds it reports "RED" then what should it do? What is the impact of being non viable?
- Why would a business use this?
- Why would the ATO use this?
- When would the ATO use this?
- Is this tool linked to the benchmarks provided by the ATO on industry? If not why not?

## Terminology issued

- double negatives throughout the assessment

A declining trend in gross margin as a % of sales is not evident?

NO

## There are many subjective assessments in the outcome

- Declining EBITDA doesn't necessarily mean anything?
- Gross margin benchmarked at 10% or negative response – really!!!!!!

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## ICB Links



- [Apply for ICB Membership here](#)
- [Renew your ICB Membership here](#)
- [BAS Agent updates and information](#)
- [Other Newsletters](#)
  - [The BAS Agent](#)
  - [ATO Small Business Newsletter](#)
  - [Workforce Education News](#)
  - [The Association of Payroll Specialists \(TAPS\)](#)
  - [Calxa](#)
  - [Xero Bookkeeper News](#)

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## ICB Membership Statistics

**3,473**

2,070 Members maintain Fellow, Member, Associate, Affiliate and Educator membership, ICB also has 1,314 Student Members and 89 Subscriber Members.

Up until December 14th we have admitted 14 new Members, upgraded 10 Students to Member status and admitted 11 new Students. We have also renewed 65 Members and 14 Student / Subscribers.

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## ICB Supporters and Sponsors

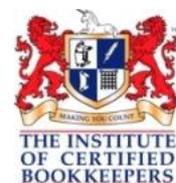
**Insurance Made Easy** providers of Professional Indemnity Insurance for bookkeepers and BAS Agents

**MYOB** has sponsored the ICB Network meetings as a direct support of the need for members of the ICB and other bookkeepers to get together for development and networking. MYOB has engaged ICB to provide the assessment knowledge and expertise behind the MYOB Approved Bookkeeper program

**Xero** proudly supporting ICB as a major sponsor to assist ICB in providing bookkeepers to their business and clients

**Reckon** joined ICB as a major sponsor to assist in providing Bookkeepers with solutions and benefits for their business and clients.

**ICB Global** continues to support ICB Australia through the provision of web resources, database infrastructure, bookkeeping resources, information and IT support.



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Please note that, in between newsletter issues, articles may be published straight to the *Latest News* section of the website. Please check the headlines which can be found in the top right of the website homepage, to ensure you stay up-to-date.

The Institute of Certified Bookkeepers complies with the Spam Act 2003 and we have a documented [Spam Policy](#) on our website. You can unsubscribe from ICB newsletters and updates [here](#).

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](mailto:admin@icb.org.au)

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**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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