

Employers Guide to Payroll Tax

– for the year ended 30 June 2015

Payroll Tax Act 2008

Contents

1. Preamble.....	3
2. Introduction.....	3
3. Registration.....	3
4. Reinstatement Registration.....	3
5. Returns.....	4
6. Cancellation of Registration.....	5
7. Calculation of Monthly Tax.....	5
8. Example calculations for the 2014-15 financial year.....	6
9. Payment of Payroll Tax.....	6
10. When are wages subject to payroll tax in Tasmania?.....	6
11. Exempt Wages.....	7
12. What are Taxable Wages?.....	7
13. Allowances and Reimbursements.....	8
14. Fringe Benefits.....	9
15. Shares and Options.....	11
16. Employer Superannuation Contributions.....	12
17. Salary Sacrifice.....	13
18. Directors' Remuneration.....	14
19. Board Members' Remuneration.....	14
20. Non Taxable Payments.....	14
21. Termination Payments.....	15
22. Workers Compensation.....	16
23. Employment Incentive Scheme (Payroll Tax Rebate) EISPR3 and EIPSR4.....	16
24. Grouping Provisions.....	16
25. De-Grouping Provisions.....	19
26. Contractors.....	20
27. Employment Agency Provisions.....	25
28. Interest and Penalty Tax.....	25
29. Anti-avoidance Provisions.....	27
30. Record Keeping.....	27
31. Investigations.....	27
32. Revenue Rulings.....	27
33. More information.....	28
34. Checklist of Taxable Items.....	29

1. Preamble

This guide is not a Ruling by the Commissioner of State Revenue. Uncertainties about any issue in this guide should be raised with the State Revenue Office.

The information in this guide applies at the time of publication.

2. Introduction

Payroll tax is imposed and collected in Tasmania in accordance with the *Payroll Tax Act 2008* (the Act). The Act is administered by the Commissioner of State Revenue and the provisions of the *Taxation Administration Act 1997* (TAA) apply to the Act. The TAA contains administrative provisions and includes those relating to assessments, refunds, interest, penalty tax, objections, reviews, appeals and investigation powers.

Tasmania's legislation is harmonised with all other states and territories except for the Australian Capital Territory and Western Australia. However, different rates and threshold amounts apply in each jurisdiction.

Legislation in the ACT and Western Australia is harmonised with other jurisdictions for these issues:

- Timing of payment;
- Employees working overseas;
- Shares and options;
- Motor vehicle allowances;
- Accommodation allowances;
- Fringe Benefits;
- Superannuation contributions; and
- Grouping provisions.

3. Registration

Any employer, whether in Tasmania or elsewhere, who pays wages to employees in Tasmania, and whose total wages paid in Australia are greater than \$1.25 million per annum (or \$24 038.00 per week during a month), is liable for payroll tax in Tasmania.

Any employer paying wages in Tasmania who is a member of a group where the total Australian wages of the group exceed \$1.25 million per annum (or \$24 038 per week during a month), is also liable. Please read 'Grouping Provisions' (section 24 of this guide). The [Application for Registration as a Employer](#) form is also available at www.sro.tas.gov.au.

4. Reinstate Registration

To reinstate your registration, please email taxhelp@treasury.tas.gov.au with your:

- company name
- previous registration number (if known);
- updated contact details;
- any wages for outstanding periods – this might include wages for previous years or wages for the preceding months in the current financial year; and
- an estimate of wages for the remainder of the current financial year.

[Return to contents page](#)

5. Returns

Employers registered for payroll tax in Tasmania must:

- lodge a periodic return (usually monthly);
- lodge an annual reconciliation return; and
- make payments of tax in accordance with lodged returns.

Periodic Returns

Periodic returns must normally be submitted monthly. Depending on the level of wages paid or payable, returns may be lodged annually.

To amend your return frequency please email taxhelp@treasury.tas.gov.au.

The deadline for lodging and paying payroll tax (except for the period ending 30 June) is the 7th day of the month immediately following the end of the period for which you are lodging. For example, if you submit quarterly returns, the return for the September quarter must be lodged and paid by 7 October.

Annual Adjustment Return and Reconciliation

The return for the period on 30 June is referred to as the Annual Adjustment Return and Reconciliation (AAR) and replaces the June return. The AAR can be accessed on Tasmanian Revenue Online from June each year and is to be lodged by 21 July or the first working day after if the 21st is a weekend. The AAR is an extended version of the normal return and requires details of the wages for the entire financial year. Amendments from previous return periods in the financial year can be resolved with this return.

If you are unable to lodge your AAR by 21 July, it is recommended that you submit an 'Interim Payment' using TRO and make an application for an extension of time by emailing taxhelp@treasury.tas.gov.au.

This interim payment will ensure the amount of interest payable will be minimised. If you lodge the AAR with a payment by the due date, the interim payment is not required.

Adjustments for previous years

Adjustments for previous financial years must not be recorded on the AAR. Where an adjustment is required, the amended Tasmanian, interstate and Australian group wages, and your reasons for the reassessment, should be emailed to taxhelp@treasury.tas.gov.au. You will receive advice about the reassessment.

Standard Business Reporting (SBR) and Payroll Tax for the 2010-11 financial year and later financial years

Standard Business Reporting (SBR) is an Australian Government initiative to reduce the business-to-government reporting burden. SBR has been co-designed by twelve Australian, State and Territory government agencies in partnership with software developers, business and their accountants, bookkeepers, tax agents and payroll professionals.

From July 2010, in addition to the existing lodgement methods, the Tasmanian SRO has supported the lodgement of monthly payroll tax returns and the annual adjustment returns by SBR. From July 2010 software developers have also been progressively SBR-enabling their products.

See the [SBR website](http://www.sbr.gov.au) (www.sbr.gov.au) for more information. For information about SBR and the SRO, call (03) 6166 4400.

[Return to contents page](#)

6. Cancellation of Registration

If you are no longer required to pay payroll tax, you can cancel your registration using the ['Payroll Tax Cancellation of Registration'](#) form available from the SRO website.

7. Calculation of Monthly Tax

Current rate of payroll tax and the monthly and annual thresholds:

Financial year	Tax rate	Threshold amount per annum	Threshold amount per month
2012-13	6.1%	\$1.01M	Number of days in the month divided by the number of days in the year multiplied by \$1.01M
2013-14	6.1%	\$1.25M	Number of days in the month divided by the number of days in the year multiplied by \$1.25M
2014/15	6.1%	\$1.25M	Number of days in the month divided by the number of days in the year multiplied by \$1.25M
2015/16	6.1%	\$1.25M	Number of days in the month divided by the number of days in the year multiplied by \$1.25M

Previous years' rates are on the SRO website, www.sro.tas.gov.au.

If an employer pays wages only in Tasmania, the full monthly threshold amount for the relevant period can be claimed. This **monthly figures** vary according to the number of days in the month and year and are rounded to the nearest whole dollar amount.

2014/15 monthly thresholds...

- 28 day month - \$ 95 890
- 30 day month - \$102 740
- 31 day month - \$106 164

2015/16 monthly thresholds...

- 29 day month - \$ 99 044
- 30 day month - \$102 459
- 31 day month - \$105 874

The monthly threshold amount is deducted from the Tasmanian wages and the difference is taxed at 6.1 per cent.

However, if an employer pays wages in Tasmania and in other states and/or territories the threshold amount will be apportioned in accordance with the ratio of taxable wages paid in Tasmania to taxable wages paid Australia wide.

If an employer is a member of a group, the threshold amount may either be claimed by the designated group member or apportioned across the group.

If the Australia-wide wages cannot be obtained on a monthly basis, an estimate based on one twelfth of the previous year's Australia wide wages can be used for the calculation of the threshold entitlement. Alternatively, tax can be paid at a flat 6.1 per cent and the threshold entitlement calculated on the AAR.

Employers not wishing to claim a threshold amount must pay tax of 6.1 per cent on all Tasmanian taxable wages for the month.

[Return to contents page](#)

8 Example calculations for the 2014-15 financial year

For examples about calculating threshold entitlements for the last financial year, please see the '[Payroll Tax – Annual Adjustment Return 2014-15 Guideline](#)', at www.sro.tas.gov.au.

9. Payment of Payroll Tax

Payment methods:

- **EPA (Direct Debit)**
select the EPA icon on the confirmation screen and use the 'submit' button once. A confirmation message will appear when the payment has been sent.
- **BPAY**
the BPay Reference Number appears in the bottom left hand corner of the return lodgement confirmation screen.
- **EFT**
credit Westpac BSB: 037-001, Account Number: 268825, Account Name: EFT Clearing Account. Please include the Reference Number from the return lodgement confirmation message as the payment reference.
- **Cheque, or personally at any Service Tasmania shop or Australia Post outlet**
please print the confirmation message and attach it to your payment.

If a refund is due, the SRO will deposit the funds into your nominated bank account.

10. When are wages subject to payroll tax in Tasmania?

Employers with employees providing services solely in Tasmania

Where an employee provides services solely in Tasmania, payroll tax for that employee's wages is paid in Tasmania.

Employers with employees providing services in more than one jurisdiction

From 1 July 2009, employers with employees working in multiple states or territories within a given month must use the following tests to determine where wages were paid or payable for payroll tax.

Employers will be liable for Tasmanian payroll tax where:

1. the employee has a principal place of residence in Tasmania on the last day of the month;
2. an employee's principal place of residence is overseas and:
 - a. for employers that are ABN holders, the employer's registered business address is in Tasmania; or
 - b. in any other case, the employer's principal place of business is in Tasmania;
3. neither the employee nor the employer is located within Australia and the wages are paid or payable in Tasmania; or
4. neither the employee nor the employer is located within Australia and the wages are not paid or payable in an Australian state or territory, the wages are paid or payable for services performed mainly in Tasmania.

For information about the nexus provisions, please read [Revenue Ruling PTA039](#), also at www.sro.tas.gov.au.

[Return to contents page](#)

11. Exempt Wages

Wages paid by certain employers are exempt from payroll tax under Part 4 of the Act.

An exemption will generally apply to wages paid to employees of the following types of organisations:

- religious institutions;
- non-profit private hospitals;
- private schools or colleges that do not provide education higher than secondary level;
- defence forces;
- public benevolent institutions; and
- non-profit charitable organisations.

This list is not exhaustive. Please contact the SRO for more information.

Non-profit training organisations

Wages paid to employees administering or participating in group apprenticeship or group training schemes are exempt from payroll tax where the:

- wages are paid by non-profit group training organisations; and
- a non-profit group training organisation is registered with the Tasmanian Training Agreements Committee.

12. What are Taxable Wages?

The following types of payments are subject to payroll tax and, collectively, are called 'taxable wages':

- salaries and wages;
- commissions;
- annual leave, long service leave and sick leave;
- pay in lieu of notice;
- allowances and reimbursements;
- fringe benefits;
- employer superannuation contributions;
- non-monetary superannuation contributions;
- salary sacrifice;
- directors' remuneration;
- board members' remuneration;
- eligible termination payments;
- travel and accommodation allowances in excess of the prescribed rates;
- bonuses, prizes and incentive payments;
- make-up payments made by the employer for workers compensation; and
- the value of shares and options granted under employee share acquisition schemes.

Please read the comprehensive 'Checklist of Taxable Items' (section 34 of this Guideline).

Payments to on-hired employment agency workers or relevant contractors may also be taxable (please read 'Contractors' (section 26 of this Guide) and 'Employment Agency Provisions' (section 27). If uncertain whether a particular class of worker (or payments made to them) is subject to payroll tax please call (03) 6166 4400 or email taxhelp@treasury.tas.gov.au.

[Return to contents page](#)

13. Allowances and Reimbursements

Generally allowances are taxable in full. However, there are four exceptions:

i) Accommodation allowances

An accommodation allowance applies where an employee is paid an allowance for being temporarily away from home. The allowance covers their meals, incidentals and accommodation.

Only amounts paid in excess of the prescribed rate are to be included in taxable wages. The prescribed rate is equal to the ATO's daily travel allowance rate for the lowest capital city for the lowest salary band. The ATO rate for the 2014-15 financial year is \$253.25 per night.

ii) Motor vehicle allowances

Motor vehicle allowances are paid to compensate employees who use their own vehicles for business purposes. These allowances are generally paid on a per kilometre rate, or a flat rate basis.

Per kilometre rate

Where a per kilometre rate is paid, and appropriate records have been kept, the exempt rate 2014-15 is 77 cents per kilometre for actual business kilometres travelled. Any amount paid in excess of this rate must be included in the taxable wages total.

Flat rate

Generally, the full amount of the motor vehicle allowance must be included in the total taxable wages if the allowance is paid as a flat rate. However, the exempt component may be calculated and deducted where the employer produces records to verify the number of business kilometres travelled.

For example, an employee drives their own car to the bank daily to deposit the day's takings. The return trip from the office to the bank is 6 km. The employee receives \$50 per week for using their own car for business purposes. The exempt component of the weekly allowance is \$23.10 (30 km @ 77 cents per kilometre). The taxable component is \$26.90 per week.

Combination of per kilometre rate and flat rate

If a motor vehicle allowance is paid as a combination of a fixed amount plus a kilometre rate, the total amount of the allowance that exceeds the exempt component will be taxable.

iii) Meal and incidental allowances paid up to the ATO's daily substantiation limits

Where an employee is required to be away from his/her home for work purposes, and the employer pays for the accommodation but pays an allowance for meals and incidentals, the amount paid up to the ATO's daily limit for meals and incidentals is exempt from payroll tax. The ATO's daily limit for the 2014-15 financial year is \$121.25 per day.

[Return to contents page](#)

iv) Living Away From Home Allowance

A living away from home allowance is a fringe benefit. Therefore the value for payroll tax purposes is the value determined in accordance with the *Fringe Benefits Tax Assessment Act 1986* (FBTAA). If the allowance does not qualify as a living away from home allowance benefit under the FBTAA, it will be treated similarly to an overnight accommodation allowance.

Reimbursements of expenses

A reimbursement is not an allowance and therefore is not taxable. To be considered a reimbursement, a payment must be:

- incurred by an employee in the course of the employer's business;
- a precise amount whether as a pre-payment or reimbursement; and
- be supported by receipts that verify the full amount paid.

If a payment does not conform to these characteristics, it is not a reimbursement and will generally be taxable in full.

14. Fringe Benefits

The definition of wages includes a payment for services "whether paid or payable in cash or in kind" and includes the value of Fringe Benefits provided to employees.

For the purpose of the Payroll Tax Act, a fringe benefit means a fringe benefit under the FBTAA.

The Type 1 and Type 2 Benefits amounts and factors referred to below are defined in the FBTAA.

Definition of 'fringe benefit'

The definition of 'fringe benefit' for the purpose of the Act does not include:

- (a) a tax-exempt body entertainment fringe benefit within the meaning of the FBTAA; or
- (b) any payment or benefit which may be prescribed by regulation under the Act not to be a fringe benefit.

Exempt fringe benefits or fringe benefits with a nil taxable value will not be subject to payroll tax, that is, they will have a nil value for payroll tax purposes.

Value of Fringe Benefits for payroll tax purposes

The payroll taxable fringe benefits amount should be calculated by adding the pre-grossed aggregate fringe benefits taxable amounts and then applying the lower, type 2 factor to determine the grossed-up taxable amount. Please refer to the ATO website for the current rates <https://www.ato.gov.au/Rates/FBT/?page=3>

Example: (this example is using a previous year's rate)

Type 1 aggregate fringe benefits amount	\$2 000
Type 2 aggregate fringe benefits amount	<u>\$3 000</u>
Total Type 1 & 2 aggregate fringe benefits amount (pre-grossed)	\$5 000
The payroll taxable fringe benefits amount is: \$5 000 × 1.8692 =	\$9 346

The same records of calculation are acceptable for both Fringe Benefits Tax (FBT) and payroll tax purposes.

[Return to contents page](#)

Inclusion of the value of Fringe Benefits in monthly returns

Where it is not practical to calculate the actual taxable value of the fringe benefits for inclusion on the periodic return, the Commissioner has the discretion to accept an estimate of the value of those benefits.

For example, a reasonable monthly estimate would be 1/12th of the taxable value of the benefits declared in the employer's latest annual FBT return.

Employers must include the actual taxable value of fringe benefits declared in their annual FBT return on their Annual Adjustment Return.

Example:

An employer declares \$1 000 of fringe benefits in each monthly return from July 2013 to May 2014 (based on the 2013 annual FBT Return $\$12\,000 \div 12$). The 2014 annual FBT Return includes taxable benefits of \$24 000 for that year. The employer should declare \$24 000 in their 2013-14 Annual Adjustment Return.

Fringe Benefits Tax returns:

FBT year ended 31 March 2013 – Taxable value:	\$12 000
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FBT year ended 31 March 2014– Taxable value:	\$24 000
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Payroll tax returns for the year ended 30 June 2013:

July 2013 to May 2014 (\$1 000 / month)	\$11 000
June 2014 Annual Adjustment Return	<u>\$24 000</u>

Undeclared taxable value of fringe benefits for the 2012-13 financial year:

2014 taxable value	\$24 000
Less: already declared	<u>\$11 000</u>
Balance	\$13 000

Therefore, payroll tax will be payable on the balance of \$13 000 for the 2013-14 financial year in addition to the monthly payroll tax already paid between July 2013 and May 2014 inclusive.

Part-year employers

An employer who ceases to be an employer during a financial year must advise the SRO of their final FBT liability calculated at the end of the fringe benefits tax year. This may lead to an adjustment of the amount of fringe benefits previously declared for the period during which the business was an employer.

An employer who commences being an employer during a financial year, and who has not yet lodged an annual FBT return, may calculate the taxable value of fringe benefits declared in monthly payroll tax returns based on:

- the actual value of benefits provided for that month; or
- a reasonable estimate of the final FBT liability allocated over each month remaining of that financial year.

[Return to contents page](#)

Component of wages covered by two or more sections of wages definition

Where a component of wages is covered by two or more sections of the payroll tax wages definition, it should only be declared once in the calculation of total wages.

This situation may occur with fringe benefits where the benefit may fit the definition of wages, as a fringe benefit, or as wages paid in kind. In such cases the value for payroll tax purposes is the value determined in accordance with the FBTAA.

Salary sacrifice arrangements used to acquire excluded or exempt benefits under the FBTAA

Salary that is sacrificed to obtain exempt or excluded benefit under the FBTAA is not to be included as taxable wages for payroll tax purposes.

For more information please contact the SRO on (03) 6166 4400 or email taxhelp@treasury.tas.gov.au.

ATO Taxation Rulings & Determinations

The Commissioner of State Revenue will adopt all Taxation Rulings and Determinations issued by the Commonwealth Commissioner of Taxation in relation to fringe benefits.

ATO Audits

If an ATO audit results in the issue of an amended FBT assessment, you must advise the SRO and lodge another return for the month of June for the relevant financial year/s to reflect the changes made by the ATO.

15. Shares and Options

The value of an employer's contributions under a share acquisition scheme will be liable for payroll tax where shares or options are granted to:

- an employee;
- a director;
- a former director;
- a member of the governing body of the company; or
- a former member of the governing body.

The employer is able to choose the liability date. The liability date is either the:

- date on which the share or option is granted to the employee; or
- vesting date (the date when all conditions of the grant have been met and the legal or beneficial ownership is unable to be rescinded) of the share or option.

The granting of a share or option, which is classified as a fringe benefit under the FBTAA, will not be seen as a fringe benefit, but rather as wages for payroll tax.

[Return to contents page](#)

16. Employer Superannuation Contributions

Payroll tax is payable on employer superannuation contributions referred to as a 'superannuation benefit' in the Act.

Payments classed as taxable superannuation contributions include:

- employer contributions made to superannuation funds within the meaning of the Commonwealth *Superannuation Industry (Supervision) Act 1993*;
- employer contributions which are a superannuation guarantee charge within the meaning of the Commonwealth *Superannuation Guarantee (Administration) Act 1992*;
- employer contributions to the Superannuation Holding Accounts Reserve (SHAR);
- employer contributions to a retirement savings account within the meaning of the Commonwealth *Retirement Savings Accounts Act 1997*;
- employer contributions to the Retirement Benefits Fund scheme established under the *Retirement Benefits Act 1993*; and
- employer contributions (including top-up contributions) to any other form of superannuation fund or scheme including contributions to, or in relation to, unfunded or partly funded superannuation schemes where the contributions are in respect of employees' service.

Taxable superannuation contributions will **also include**:

- superannuation contributions made on behalf of Directors or Board Members. Please read 'Directors' Remuneration' (section 18 of this Guide) and 'Board Members' Remuneration' (section 19 of this Guide);
- contributions made on behalf of both employees and deemed employees (for example, certain contractors). Please read 'Relevant Contractor Provisions' (within section 26 of this Guide);
- Super Guarantee Contributions (SGC) (+ amounts > 12 per cent);
- Salary Sacrifice contributions (read section 17 of this Guide); and
- non-monetary superannuation contributions eg works of art, property.

SGC penalties are not taxable (Revenue Ruling PTA030)

The value of non-monetary contributions to a superannuation fund is to be included as taxable wages if made on behalf of:

- an employee;
- a contractor deemed to be an employer; or
- a director.

[Return to contents page](#)

Inclusion of superannuation contributions in returns

Employers may either pay payroll tax on superannuation contributions when:

- the liability arises (i.e. remitted on monthly returns regardless of when the actual contribution is paid to the fund); or
- the superannuation contribution is made to the fund.

The Commissioner of State Revenue requires that whichever method is chosen, it must be consistently used from one year to another as the basis for the inclusion of superannuation contributions in returns.

For employer contributions to the Retirement Benefits Fund, a superannuation benefit must be included in monthly returns based on the following calculations:

- In the case of an employee to whom Part 5 of the Retirement Benefits Regulations 2005 applies and who is employed by:
 - a) a prescribed authority that is not specified in column I of Schedule I to the State Service Act 2000; or
 - b) a controlling authority of any industry or undertaking, carried on by or on behalf of the State; or
 - c) the person, organisation or authority responsible for payment of contributions to the Fund, in respect of a contributor where the services of a prescribed authority are transferred to another person, organisation or another prescribed authority,

by multiplying the wages of the employee by the average new entrant contribution rate;

- In the case of any other employee to whom Part 5 of the Retirement Benefits Regulations applies and who is employed by a government department, statutory authority or other organisation specified in column I of Schedule I to the State Service Act, by multiplying the wages of the employee by 11 per cent or such other rate that may be determined by the Treasurer from time to time.

Contribution Holidays

Where a fund is on a 'contribution holiday' (i.e. the fund's investments have performed well and the employer is not required to contribute funds for a period of time) and no employer contributions are being made to the fund, no payroll tax is payable.

17. Salary Sacrifice

Salary sacrifice is a key component of salary packaging. It refers to the situation whereby the employee's cash salary is reduced and the employee directs the employer to make payments or contributions towards other benefits on their behalf. Salary sacrifice arrangements typically involve, but are not limited to:

- superannuation;
- subscription fees;
- mortgage repayments;
- novated leases;
- school fees; and
- shares.

Any remuneration foregone by an employee falls within the definition of wages as being "paid or payable in cash or in kind".

[Return to contents page](#)

Some benefits such as subscription fees, mortgage repayments, novated leases and school fees are subject to FBT. Payroll tax liability on these benefits is satisfied with the inclusion of the value of fringe benefits in taxable wages.

Salary sacrificing for superannuation is a payment 'in kind' not subject to FBT, and payroll tax liability on the payment is satisfied by including employer superannuation contributions in taxable wages.

For more information please call (03) 6166 4400 or email taxhelp@treasury.tas.gov.au.

18. Directors' Remuneration

Directors' remuneration including directors' fees, board fees, allowances, superannuation contributions, the taxable value of fringe benefits and termination payments are subject to payroll tax. This is the case for both working and non-working directors.

Directors' remuneration must be declared as wages regardless of the method of payment including the payment of fees that are billed through a professional practice, such as an accounting or legal firm.

19. Board Members' Remuneration

Board members' remuneration including fees, allowances, superannuation contributions and the taxable value of fringe benefits are subject to payroll tax.

Board members' fees, where billed through a professional practice, must be declared as wages.

20. Non Taxable Payments

The Act **exempts** the following payments from payroll tax:

- motor vehicle and accommodation allowances paid at rates that do not exceed the statutory exemption limits;
- direct reimbursements;
- workers compensation;
- adoption/maternity leave;
- trust distributions paid in lieu of wages;
- wages paid to employees involved in voluntary work or emergency relief work; and
- wages paid to an indigenous person employed under the Community Development Employment project.

Adoption/maternity leave

Wages paid to an employee on adoption or maternity leave will be exempt from payroll tax. The exemption is limited to wages paid or payable in respect of a maximum of 14 weeks' maternity leave, for any one pregnancy or any one adoption.

Paternity leave

Paternity leave payments **are** subject to payroll tax.

[Return to contents page](#)

Paid parental leave

The Paid Parental Leave scheme entitles eligible working parents who are primary carers of a child born or adopted on or after 1 January 2011 with a maximum of 18 weeks of government funded parental leave pay at the National Minimum Wage.

Even though these payments are paid by employers, the Commissioner of State Revenue is of the view that they do not constitute wages under the Act as they are not paid by the employer for services provided by the employee (or in anticipation of future services to be provided by the employee). They are Commonwealth Government payments that employers are asked to pay on its behalf.

Employees involved in voluntary work or emergency relief work

Wages paid to employees will be exempt where the employees are:

- taking part in bushfire fighting activities as volunteer members of the fire brigade; or
- engaged in emergency operations or rescue and retrieval operations as a volunteer member of an emergency services organisation.

Community Development Employment Scheme

Wages paid to an indigenous person employed under a Community Development Employment Project funded by the Commonwealth Government are exempt from payroll tax.

21. Termination Payments

Termination payments generally constitute wages for payroll tax purposes. Taxable termination payments include payments made in consequence of the retirement from, or termination of, any office or employment of an employee. This includes:

- unused annual leave and long service leave payments;
- employment termination payments, within the meaning of section 82-130 of the *Income Tax Assessment Act 1997* (ITAA) that would be included in the assessable income of an employee under Part 2-40 of the ITAA;
- transitional termination payments, within the meaning of section 82-10 of the *Income Tax (Transitional Provisions) Act 1997* and any payment that would be an employment termination payment but for the fact that it was received more than 12 months after the termination;
- amounts paid or payable by a company as a consequence of terminating the services or office of a director;
- amounts paid or payable by a person taken to be an employer under the contractor provisions as a consequence of termination of the supply of services by a person taken to be an employee under those provisions.

Any component of an employment termination payment which would not be included in an employee's assessable income Part 2-40 of the ITAA does not constitute wages for payroll tax purposes.

[Return to contents page](#)

22. Workers Compensation

Workers compensation payments do not fall under the definition of wages and are therefore excluded from wages for payroll tax purposes.

This exclusion applies to the following payments:

- the excess met by the employer (usually the first 5 working days) on approved claims only; and
- wages reimbursed by the insurer.

Employers must keep documentation to support the amount of the excluded payments.

'Make-up' payments made by the employer that are in excess of what is covered by the insurer **are subject** to payroll tax.

23. Employment Incentive Scheme (Payroll Tax Rebate) EISPR3 and EIPSR4

EISPR3 provides employers with a Payroll Tax rebate for up to 2 years on newly created positions between 10 December 2012 and 30 June 2014. Claims for EISPR3 cease 30 June 2015.

EISPR4 provides eligible employers with a payroll tax rebate for up to two (2) years on newly created positions between 1 July 2014 and 30 June 2016.

The rebate amount will be the same as the payroll tax amount you have paid for any new employee. **Employers must still declare the total taxable wages in payroll tax returns and pay the tax by the due date.**

For more information see [EISPR3](#) and [EISPR4](#), at www.sro.tas.gov.au.

24. Grouping Provisions

The grouping provisions are set out in Part 5 of the Act and provide for employers to be grouped where:

- companies are 'related'; or
- employees of one business are used in another business; or
- the business conducted by persons, corporations, partnerships or trusts are commonly controlled.

A business is defined to include:

- a trade or profession;
- any other activity carried on for fee, gain or reward;
- the activity of employing one or more persons who perform duties in connection with another business;
- the carrying on of a trust (including a dormant trust); and
- the activity of holding any money or property used for, or in connection with another business, whether carried on by one or more persons together.

[Return to contents page](#)

Related corporations

Corporations are grouped for payroll tax purposes if they are deemed to be related to each other under section 50 of the Commonwealth *Corporations Act 2001*.

Section 50 of the Corporations Act defines 'related corporations' and the definition includes the following:

- a holding company and its subsidiary;
- two or more subsidiaries of a common holding company; and
- a subsidiary and its subsidiary.

A holding company is a company having one or more subsidiaries.

A subsidiary is a company of which another company:

- controls the composition of its board; or
- is in a position to cause, or control the casting of more than one half of the maximum number of votes that might be cast at a general meeting of the company; or
- holds more than one half of the issued share capital.

This means that a group includes not only those corporations that are in a direct holding/subsidiary relationship but also corporations with:

- common holding corporations; or
- with a common ultimate holding corporation.

Use of employees in another business

An employer and the persons controlling another business form a group where:

- an employee of the employer performs duties solely or mainly for that other business; or
- the employer has an agreement, arrangement or undertaking with the persons who conduct the other business in respect of the employment or the performance of duties by an employee (section 71 of the Act).

Commonly controlled businesses

Where the same person or persons acting together have a controlling interest in each of two businesses, the persons who carry on those businesses constitute a group.

A person or persons are considered to have a controlling interest in each of two or more businesses if that person has (or those persons acting together have) a controlling interest in one business under any one of the following situations. That person or those persons must also have a controlling interest in another business under the same or another of the following situations:

Business carried on by a corporation

A person has a controlling interest where:

- any director of the corporation is entitled to exercise a majority in voting power at meetings of directors;
- a director is accustomed or under an obligation (formal or informal) to act in accordance with the instructions of that person or those persons acting together; or
- that person or those persons exercise, control or substantially influence the exercise of more than 50 per cent of the voting power of the voting shares issued by the corporation.

[Return to contents page](#)

Business carried on by a partnership

A person/group of people has a controlling interest where that person or group of people:

- controls or substantially influences the exercise or more than 50 per cent of the capital of the partnership; or
- is entitled to more than 50 per cent of the profits of the partnership.

Business carried on by a trust

A person has a controlling interest where that person (whether or not as the trustee of another trust) or those persons (whether or not as the trustees of another trust) are beneficiaries entitled to more than 50 per cent of the interests in the trust. A **beneficiary under a discretionary trust** is deemed to be a beneficiary in respect of more than 50 per cent of the interests in a trust.

Business carried on by a sole trader or trustees of a trust

A person has a controlling interest where:

- a person (whether or not as a trustee of a trust) is the sole owner of the business; or
- two or more trustees of a trust have a controlling interest in a business of which they are the owners.

Smaller groups to be incorporated into larger groups

Where a person(s) is a member of two or more groups, all the members of those groups together constitute one group (section 74 of the Act).

Group members jointly and severally liable

If a member of a group fails to pay any amount of payroll tax in respect to any period, every other member of that group is jointly and severally liable to pay any outstanding tax (section 81 of the Act).

Groups arising from tracing of interests in a corporation

An entity and a corporation form part of a group if the entity has a controlling interest in the corporation.

There are three types of controlling interest in a corporation:

- **direct interest**
an entity has a direct interest in a corporation if it can directly or indirectly exercise the voting power attached to the voting shares in the corporation. An entity has a controlling interest in a corporation where the value of that direct interest exceeds 50 per cent;
- **indirect interest**
an entity holds an indirect interest in a corporation if the entity has a direct interest in another corporation and that second corporation holds a direct interest in the first corporation. For example, corporation 'A' holds a direct interest in corporation 'B' and in turn 'B' holds a direct interest in corporation 'C'. Corporation 'A' therefore holds an indirect interest in corporation 'C'. An entity has a controlling interest in a corporation where the value of that indirect interest exceeds 50 per cent; and
- **aggregate interest**
an aggregate interest exists if an entity has a direct and an indirect interest, or two or more indirect interests. The aggregate interest is the sum of the entities direct and indirect interests in the corporation. An entity has a controlling interest in a corporation where the value of that indirect interest exceeds 50 per cent.

[Return to contents page](#)

A set of associated persons may include direct family members and corporations in which that family has a major shareholding.

Example:

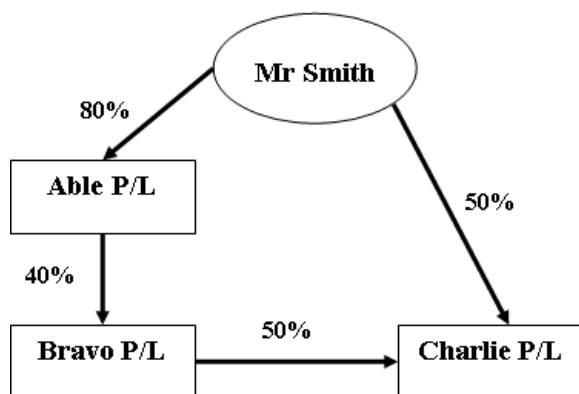
Mr Smith has a controlling interest in Able Pty Ltd of **80%**

Mr Smith has a direct interest in Charlie Pty Ltd of **50%**

Mr Smith has an indirect interest in Charlie Pty Ltd of $80\% \times 40\% \times 50\% = \mathbf{16\%}$

Mr Smith has an aggregate interest in Charlie Pty Ltd of $50\% + 16\% = \mathbf{66\%}$

Mr Smith has a controlling interest in both Able Pty Ltd and Charlie Pty Ltd.



Able Pty Ltd and Charlie Pty Ltd are a group because Mr Smith has an interest of greater than 50% in both of them. Bravo Pty Ltd is not part of the group because the level of interest is 50% or less.

Multiple shareholders

If two or more shareholders are involved they must be associated persons as defined in the Act in order to use tracing interest provisions. If in the example above the shareholdings were held by two brothers the grouping would be established. If the shareholding was held by two persons who are not associated, such as a grandfather and granddaughter, the tracing interest provisions would not apply (the related person definition does not extend to grandparent/grandchild).

An entity and a corporation form part of a group if the entity has a controlling interest in the corporation.

25. De-Grouping Provisions

The Commissioner has the discretion to exclude an employer from a group provided the business carried on by the employer seeking exclusion is carried on independently of and is not connected with the business carried on by any other member of that group (section 79 of the Act).

In considering whether the businesses are operating independently of each other and are not connected the Commissioner will have regard to a range of factors including:

- who makes the day-to-day management decisions for each business;
- the extent the persons who commonly control each business get involved in the day-to-day operations of the businesses;
- any common customers;
- whether the principal activities of the businesses are complementary or supplementary to each other, including group purchasing or supply arrangements;
- the extent that the business seeking exclusion trades or provide services to any other group member;

[Return to contents page](#)

- the extent that the businesses share resources;
- the extent of financial dependence between group members including provision of initial or on-going working capital;
- if a group member provides a loan to another member then whether this capital was provided on a strictly commercial basis including formal agreements, commercial interest charged, repayment schedules adhered and securities provided for the loan where appropriate.

There is **no provision** to allow for the de-grouping of corporations that are related under the Corporations Act (see Section 70 of the Payroll Tax Act 2008).

For more information please call (03) 6166 4400 or email taxhelp@treasury.tas.gov.au.

26. Contractors

Many businesses have replaced employees with contractors. Payments made to these contractors may also be subject to payroll tax.

In the first instance, it needs to be determined if the person performing the work is a common law employee or a contractor. If the person is a contractor, the relevant contractor provisions apply.

Employee or contractor?

The term 'employee' is not defined in the Act and therefore takes its ordinary or common law meaning. The courts have established a number of principles that assist in determining whether a worker is a common law employee.

Factors that have been considered by the courts in determining whether a worker is an employee include:

- control and direction;
- contract and practical relationship;
- contracts to achieve a 'given result';
- independent business;
- power to delegate;
- risk;
- provision of tools and equipment; and
- other indicators.

If a worker is not a common law employee, it does not necessarily mean that payments made to them are not subject to payroll tax. The definition of wages in the Act also includes amounts paid or payable to contractors under the contractor provisions detailed below.

For more information please read Revenue Ruling PTA038, at www.sro.tas.gov.au.

Relevant contractor provisions

Where a contractor is engaged, payments for services under the contract are subject to payroll tax. They will remain so unless one of the relevant contractor exclusions applies. If none of the exclusions are satisfied, payroll tax is payable on the GST exclusive component of the contract's labour content only.

For more information please read Revenue Ruling: PTA008: GST Considerations for the Calculation of Payroll Tax Liability, at www.sro.tas.gov.au.

Payments for the labour content of relevant contracts will be subject to payroll tax whether or not the person supplying the services, or labour, does so as a natural person or through a company, a trustee (incorporated or unincorporated) or a partnership.

Termination payments made to contractors deemed to be employees under the relevant contractor provisions are also included for payroll tax purposes. [Return to contents page](#)

What is a relevant contract?

The Act provides that, subject to the payroll tax threshold, tax will be levied on payments made for services provided under a 'relevant contract'.

Relevant contracts (subject to the exclusions set out in the following seven sub-sections), are those where a contractor, who in the course of carrying on their own business:

- (i) performs work for another business that is an employer; or
- (ii) hires a worker to perform that work; or
- (iii) outsources that work to another contractor to complete.

What is an excluded contract?

If the requirements of any one of the following seven exclusions are satisfied the payments made under the contract are excluded for payroll tax purposes.

- (i) Contracts where the supply of a person's labour is ancillary to the supply of goods or the use of goods which are owned by the person** (refer to section 32(2)(a) of the Act).

This exclusion recognises that there are circumstances in which a contractor may provide a considerable amount of labour in supplying goods or the use of goods, but the supply of goods is the fundamental object of the contract. The associated labour is ancillary to the contract itself.

For example, where a person contracts to **supply** and **install** an air-conditioning system – in such a case, the associated labour is ancillary to the contract itself.

- (ii) Contracts for services not ordinarily required by the employer and provided by a person who performs such services of a similar kind to the public generally in the same financial year** (refer to section 32(2)(b)(i) of the Act)

There are two parts to this exclusion. For the exclusion to apply both parts must be satisfied.

- the first looks at the business or 'taxpayer' and relies on answers to the following questions – "What is the principal activity of the business?" and "Is this service normally required?"
- the second examines the contractor hired by the taxpayer and relies on answers to the following questions – "Does the contractor render services to others?" and "Has this service been provided to other entities in the same financial year?"

This exclusion recognises that many transactions are contracts for service that are not part of the mainstream of a person's business (that is, they are not normally required by the business in an ongoing sense). It applies where contractors perform work of this type for other businesses and the public generally.

For example, if a small retailer engages a shopfitter to refit the interior of their premises, it would not be a regular requirement of the retailer's business. The exclusion test would be satisfied if the shopfitter has provided services to shopkeepers generally during that year.

Conversely, where a large chain store engages a shopfitter permanently on contract in a series of contracts, because the scale of its operations requires ongoing shop fitting in various stores, payment for the shopfitter's services would be subject to payroll tax.

For more information please read [Revenue Ruling PTA022: Contractors – Services Not Ordinarily Required](#), at www.sro.tas.gov.au.

[Return to contents page](#)

(iii) Contracts for services normally required by an employer for less than 180 days in the year (refer to section 32(2)(b)(ii) of the Act)

This provision recognises that businesses require various ad hoc services allied to the main stream of work, but so infrequently that permanent employees are not engaged. The requirements of the business are a crucial part of the exemption.

For example, a contract fruit picker may work more than 90 days, but as the employer does not normally engage fruit pickers for more than 180 days in the financial year (i.e. the employer does not require the fruit picking **service** for more than 180 days), the contract would not be liable for payroll tax.

If, on the other hand, the service is provided for more than 180 days, it is not ad hoc and payroll tax is applicable.

For more information please read [Revenue Ruling PTA020: Contractors – 180-day Exemption](#), at www.sro.tas.gov.au.

(iv) Contracts where services are performed by one contractor on no more than 90 days in total during a financial year (refer to section 32(2)(b)(iii) of the Act)

This provision excludes payments to contractors who are generally employed for a short term by the same employer in one financial year. However, if the contractor performs similar services for the same employer under a different contract arrangement, the total days worked by the contractor under one or more relevant contracts must be included in counting the total number of days worked.

For example:

- If a person contracts as a concreter in the first instance and as a cement mixer operator in the second, but is providing the same services, then both terms of services must be included; or
- If 'Alpha Pty Ltd' provides services in July and August and 'Beta Pty Ltd' provides similar services in November and December, and the persons actually performing the work are the same, then these periods must be aggregated.

Where a person has performed services for 80 days only, the contract is excluded at that point. However, if a further 11 days' work are performed by the same person later in the year, the contract can no longer be excluded and payroll tax is payable on all payments relating to the full 91 days.

In these circumstances employers are only required to declare these payments on a monthly basis when **90 days is exceeded** and not amend previous monthly returns. However, the aggregate total of payments must be included in the Annual Adjustment Return as *contractors*.

The word 'days' refers to the number of days on which work is performed. The number of hours worked each day is not relevant. That is, if only two hours are worked on one day then this must still be counted as a 'day'.

For more information please read [Revenue Ruling PTA014: Contractors – What constitutes a day's work?](#), at www.sro.tas.gov.au.

v) Contracts where the Commissioner is satisfied that the services are provided by a person who has provided services to the public generally in the same financial year (refer to section 32(2)(b)(iv) of the Act)

This exclusion allows for anomalous (unusual or unconventional) cases not intended to be caught by the legislation.

To rely on this exclusion, the employer **must apply** to the Commissioner of State Revenue for a determination.

[Return to contents page](#)

An application for exclusion may be granted if it can be demonstrated to the Commissioner that the contractor:

- regularly conducts an independent trade or business; and
- has been consistently performing such services to a wide range of clients in the same financial year.

For more information please read Revenue Ruling PTA021: Exemption for contractors ordinarily rendering services to the public, at www.sro.tas.gov.au.

(vi) Contracts where the person, who contracts to provide services, engages labour to perform those services (refer to section 32(2)(c) of the Act)

Contracts **will not** be considered relevant contracts where the party who contracts to provide the services:

- (a) including a corporation and or partnership, engages two or more people to perform the actual work under the contract; or
- (b) is a partnership of natural persons and the work is performed by one or more partners plus one or more people engaged by the partnership to perform some of the actual work required under the contract; or
- (c) is a natural person and that person, together with at least one other person engaged by him or her, performs the actual work required by the contract.

*In all cases, the person engaged by the contractor must perform the work that is the object of the contract. The exclusion provisions would not be satisfied if, for example, a spouse performed purely clerical work, as he or she would not be engaged in **the work to which the contract relates**.*

This exclusion will not apply if the Commissioner determines that any part of the arrangement was entered into with the intention of avoiding the payment of tax.

For further information see Revenue Ruling PTA023: Contractors engaging others, at www.sro.tas.gov.au.

(vii) Contracts for the provision of services by Owner Drivers, Life Insurance Salesman and Door to Door salesman of Domestic Goods (refer to section 32(2)(d) of the Act)

Contracts **will not** be considered relevant contracts where services are:

- (a) provided by an owner driver where the services are additional to conveyance of goods by means of a vehicle.
- (b) supplied solely for or in relation to the procurement of persons desiring to be insured.
- (c) supplied for or in relation to the door-to door sale of goods solely for domestic purposes.

For more information please read Revenue Rulings, PTA006: Payroll tax exemption for payments to owner-drivers, and PTA007: Contractor Provisions – Door-to-Door Sale of Goods, at www.sro.tas.gov.au.

[Return to contents page](#)

Allowances for equipment and material costs

Payroll tax is only applied to the labour portion of any contracts for the performance of work. Where a contract does not distinguish between labour and other costs, the Commissioner will accept, without verification, the following percentage deductions as an allowance for materials:

Trade	Deduction allowable without verification
Architect	5%
Blind fitter	25%
Bricklayer	30%
Building supervisor (who provides their own vehicles and inspects more than six sites per week)	25%
Cabinet maker/Kitchen fitters	30%
Carpenter	25%
Carpet layer	25%
Computer programmer	5%
Draughtsperson	5%
Electrician	25%
Engineer	5%
Fencing contractor	25% *
Painter	30% (if the painter provides the paint)
Painter	15% (if the painter does not provide the paint)
Plumber	25%
Resilient floor layers/vinyl layers	37%
Roof tiler	25%
Tree feller	25%
Wall and ceiling plasterers	20%
Wall and floor tilers	25%

These percentages have been arrived at after considerable consultation with industry sources, the Office of State Revenue New South Wales and the State Revenue Office Victoria.

[Return to contents page](#)

Should an employer maintain that a lesser percentage applies to labour in a particular contract, details should be submitted for consideration when the payroll tax return is lodged. Likewise, if an employer maintains that an allowance should be made for a trade not listed above, the relevant details should be submitted with the appropriate return.

For more information please read Revenue Rulings [PTA019: Contractors – Labour and Non-Labour Components](#); and [PTA018: Contractor Deductions](#), at www.sro.tas.gov.au.

27. Employment Agency Provisions

The employment agency provisions in the Act apply to a labour hire arrangement where a person (the employment agent) contracts with another (the client) for the provision of labour where there is no agreement between the service provider (contract worker) and the client.

Employment agencies that engage persons to provide services to their clients under an employment agency contract are liable to payroll tax. The tax is calculated on any amount paid to the contract worker from any source for that contract and the value of any fringe benefits and superannuation contributions provided.

Section 38 of the Act deems an employment agent under an employment agency contract to be the employer, and the contract worker under an employment agency contract to be an employee of the employment agent.

These provisions apply regardless of whether the relationship between the contract worker and the employment agency is one of principal/contractor or employer/employee.

Where the Employment Agency provisions apply the following amounts will not be taxable:

- any amount paid in fees to the employment agency;
- any amount paid for services provided to a client that was an **exempt employer** under the provisions of Part 4 of the Act (see the Exempt Wages, section 11 of this guideline). In these situations, the exempt employer must provide the employment agent with a **statement** stating that they are exempt from payroll tax.

The relevant contractor provisions are **not applicable** where a contract worker is provided under an employment agency contract.

28. Interest and Penalty Tax

Under the TAA, interest and/or penalty tax may be charged for late lodgement of returns, late payment of tax, failure to register as an employer or failure to include all taxable wages in your returns.

Interest

Interest, calculated on a daily basis, is automatically imposed for late payment of tax. There are two parts to the interest rate - a 'market rate' ([current and previous market rates of interest](#) at www.sro.tas.gov.au) and a 'premium rate' of 8 per cent per annum.

The market rate of interest is based on the 90-Day Bank Accepted Bill Rate determined by the Reserve Bank of Australia for the month of May in the financial year prior to the identification of the tax default.

Market interest is imposed to reimburse the Government for revenue lost due to the late payment of tax.

Premium interest is imposed to deter employers from using the SRO as a financier. The Commissioner will only remit interest in exceptional circumstances.

An application for remission of interest or penalty tax must be made in writing to the Commissioner.

[Return to contents page](#)

Penalty tax

Penalty tax is incurred on tax defaults in addition to interest (a 'tax default' can be either a late payment or a tax shortfall). The rate of penalty tax depends on the culpability or the extent to which the taxpayer or their professional representative's behaviour or actions contributed to the tax default and failed, in the Commissioner's opinion, to demonstrate reasonable care.

The rate of penalty tax may be reduced when 'reasonable care' has been taken, where the tax default is attributable to circumstances outside your control or when a voluntary disclosure is made to the Commissioner. Conversely, higher penalty tax may be applied when there has been hindrance during an investigation or concealment of an underpayment of tax.

Interest and penalty tax in relation to payroll tax

INTEREST AND PENALTY TAX – PAYROLL TAX

Tax Default	Taxpayer's behaviour	Penalty Tax	Market	Premium
Late payment	Monthly return lodged/tax paid after due date (7 th day of the following month) but before issue of assessment.	0	✓	✓
	Assessment not paid by due date as shown on the notice of assessment.	0	✓	✓
	The Commissioner is satisfied late payment was beyond the control of the taxpayer.	0	✗	✗
	Monthly return lodged/tax paid late on more than two occasions during a financial year before the issue of assessment.	5%	✓	✗
Tax shortfall	Monthly return not lodged and assessment issued for tax owing for the month.	25%	✓	✗
	Voluntary disclosure before investigation commenced.	0	✓	✓
	Disclosure made after investigation commenced.	20%	✓	✗
	Assessment issued after investigation completed (and the taxpayer did not take reasonable care).	25%	✓	✗
	Assessment issued after investigation completed (and evidence of intentional disregard of the law).	75%	✓	✗
	The Commissioner is satisfied that the taxpayer took reasonable care.	0	✓	✓
	The Commissioner is satisfied tax shortfall was beyond the control of the taxpayer.	0	✗	✗
Annual Returns	Annual return lodged before issue of assessment. Tax paid late or remains outstanding.	0	✓	✓
	Annual return not lodged and assessment issued for tax owing.	25%	✓	✗

For more information please read the payroll tax specific [Revenue Ruling, PTA036 \(version 2\)](#), 'Interest and Penalty Tax' and the general [Revenue Ruling, PUB-GEN-2011-1](#): 'Interest and Penalty Tax', at www.sro.tas.gov.au.

[Return to contents page](#)

29. Anti-avoidance Provisions

The Act contains a specific anti-avoidance provision (Section 36 of the Act) relating to payments made with the intention of avoiding or evading the payment of payroll tax under the contractor provisions.

A similar anti-avoidance provision applies to employment agency contracts which have the effect of reducing or avoiding payroll tax. In these cases the Commissioner may disregard the contract, determine who the employer is and determine that any payment made in respect of the contract is wages for payroll tax purposes (section 42 of the Act).

A General Anti-Avoidance Provision (GAAP) contained within the Taxation Administration Act applies to the Act. The GAAP applies to schemes entered into with the sole or dominant purpose of obtaining a tax benefit.

The GAAP provides the Commissioner with the power to reassess the tax liability of a person or persons who entered into or carried out a scheme, to include the amount of the tax benefit that was obtained or that would have been obtained.

30. Record Keeping

Registered employers, or employers required to be registered, must keep the proper books or accounts and retain those records for a period of five years to enable payroll tax liability to be determined.

31. Investigations

The Commissioner conducts regular audits to ensure the correct amount of payroll tax is collected.

In most cases, investigations begin with the SRO contacting an employer by telephone or by mail. Certain records and documents may be requested, or an appointment arranged for an authorised officer to inspect relevant documentation. The brochure, [Investigations – what you should know](#), is available at www.sro.tas.gov.au.

The authority to inspect records and documents is set out in Part 9 of the TAA.

32. Revenue Rulings

The Commissioner provides a Revenue Ruling service for all revenue lines as part of the SRO's commitment to:

- provide timely and accurate advice about the correct treatment of transactions subject to state taxation legislation;
- achieve greater consistency in the administration of taxation laws; and
- reduce the costs of compliance for taxpayers.

What are Revenue Rulings?

Revenue rulings are written documents that give taxpayers an interpretation, precedent or practice to be followed under a taxation law.

Public rulings are issued when advice is required to be provided to a taxpayer that relates to a general set of circumstances which could potentially affect a significant number of taxpayers; and

- a ruling has not been previously issued;
- a persuasive or binding precedent is created in a determination of a competent court in an Australian jurisdiction, including the determination of an objection that affects the interpretation of a taxation law; or
- as required by the Commissioner.

[All Revenue Rulings](#) can be accessed at www.sro.tas.gov.au.

[Return to contents page](#)

Legal status

Revenue Rulings are the Commissioner's interpretation of the law but do not override the relevant legislation.

For more information please read [PUB-GEN-2011-3, 'Explanation and Status of Revenue Rulings](#), at www.sro.tas.gov.au.

The information is this is correct at the time of printing but may be subject to change.

33. More information

Email	taxhelp@treasury.tas.gov.au
Telephone	(03) 6166 4400 weekdays, 9:00am to 5:00pm
Facsimile	(03) 6234 3357
In person	3 rd floor, 80 Elizabeth Street, Hobart weekdays, 9:00am to 5:00pm
Post	GPO Box 1374, Hobart, Tax 7001
Website	www.sro.tas.gov.au

[Return to contents page](#)

34. Checklist of Taxable Items

The following checklist provides guidance on the payroll tax treatment of certain items based on the legislation in effect as at 1 July 2011. The list is current but may change in the future.

T = Taxable

F = Taxability to be determined in accordance with the *Fringe Benefits Tax Assessment Act 1986* (Cwlth)

C = Taxable under certain conditions

E = Exempt

Remuneration item	Taxable or exempt
Accommodation	F
Accommodation allowances	C
Adoption leave	E
Remuneration item	Taxable or exempt
Agency supplied staff	C
Allowances	C
Annual leave	T
Annual leave paid on termination	T
Back Pay	T
Benefits	F
Board and quarters	R
Bona fide redundancy payments (tax-free component)	E
Bonuses	T
Car allowances	C
Car parking	F
Clothing allowances	T
Commissions	T
Consultant's fees	C
Contractor payments	C
Credit cards	F
Debt waivers	F
Defence force payments	E
Directors' fees	T
Dirt allowances	T
Discounted staff purchases	F
Education expenses	F
Employer-funded (pre-income tax) superannuation contributions	T
Employment agency personnel	C
Entertainment allowances	T

Footwear allowances	T
Fringe benefits	F
Gifts	F
Gross wages	T
Health insurance	F
Holiday pay	T
Housing	F
Leave loading	T
Living away from home allowances	F
Loans (interest free/low interest)	F
Long service leave	T
Make up pay	T
Maternity leave	E
Meals	F
Meal allowances	C
Motor vehicles	F
Motor vehicle allowances	C
Options	T
Outworker payments	C
Overtime	T
Overtime meal allowances	T
Paid Parental Leave	E
Paternity leave	T
Pay in lieu of notice	T
Piece-work payments	T
Prizes	F
Professional advice	F
Redundancy payments	C
Reimbursements (business expenses)	F
Relocation payments	F
Rental subsidy allowances	T
Representation allowances	T
School fees	F
Shares or options granted or vested under an employee share acquisition scheme	T
Shift allowances	T
Sick pay	T

Site allowances	T
Staff discounts	F
Subcontractors	C
Subscriptions	F
Superannuation contributions (pre-income tax/employer)	T
Taxi fares	F
Telephone account payments	F
Termination payments	
- Accrued annual leave and long service leave	T
- Employment termination payments	T (to the extent assessable income of the employee under the ITAA)
- Bona-fide redundancy payments (income tax free component)	E
- Bona-fide redundancy payments in excess of tax free component	T
Tool allowances	T
Travel (free or subsidised)	F
Travel allowances	C
Uniform allowances	T
Vouchers	F
Worker's compensation payments	E

[Return to contents page](#)