

## Client Information Bulletin

### Spring 2008

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### Self Managed Superannuation Funds – Issues to consider

Self Managed Superannuation funds (SMSF) are growing in popularity as investors become more sophisticated and aim to have greater control over their retirement savings.

Did you know that a Self Managed Superannuation Fund can now borrow to invest in direct residential or commercial property, in full compliance with the law?

Investors considering formation of their own self managed fund should consider:

- The level of compliance required to satisfy:
  - The Superannuation Industry (Supervision) Act 1993
  - The ATO as the regulator, and
  - The fund's auditor.
- The cost efficiency of managing your own SMSF. We recommend that an SMSF be considered once total member funds are \$300,000 and over. Significant cost savings can be achieved above this level.
- The time required, and investment expertise needed to properly manage the investments. We can recommend specialists to assist you in these matters.
- The question – would a professional fund manager be able to obtain higher

investment returns than the trustee of the fund?

If you have the time and expertise to devote to properly manage your investments, and you have advisors that you can call on as needed, setting up a SMSF may be your best option to earn reasonable returns on your investments.

Regardless of which decision is taken, it should be an informed decision. We suggest that you contact our office to discuss the compliance costs and taxation benefits of setting up a Self Managed Superannuation Fund.

### Superannuation crackdown

The ATO has announced they will be cracking down on employers who fail to pay compulsory superannuation contributions on behalf of their workers. Please ensure that you pay nine per cent of ordinary time earnings by the following due dates:

Quarter	Due Date
1 July – 30 Sept	28 October
1 Oct – 31 Dec	28 January
1 Jan – 31 Mar	28 April
1 Apr – 30 Jun	28 July

If you fail to pay your employee's superannuation by this date, fines will be imposed and no tax deduction will be allowed for the payment of the late superannuation.

Employers must also notify their employees of the amount of superannuation contributed and where it has been paid.

It is also important to note that certain contractors, even those who have provided you with a valid ABN and Tax Invoice, can still be regarded by the ATO as an employee for Superannuation Guarantee purposes. If you are unsure, we have a fact sheet that can be emailed. Please contact us.

## Motor vehicle expenses - cents per km

The motor vehicle cents per kilometre rates for 2008-09 have been issued by the Tax Office and are listed below. Please note these rates remain unchanged from 2007-08.

Engine Capacity	Rate Per KM
Up to 1600 cc	58 c/km
1601cc to 2600cc	69 c/km
2601cc and above	70 c/km

Where possible, we recommend that you keep a logbook for 12 weeks, in order to ensure that you maximise all available tax deductions. This log book can last for up to five years. A logbook is not required for commercial vehicles that are designed to carry more than one tonne.

## Business travel rates 2008-09

The Tax Office has released the 2008-09 travel, accommodation and meal allowance rates.

When claiming travel allowance expenses and overtime meal allowance expenses the following key points must be remembered:

- **The claim must be allowable** - A deduction claim cannot exceed the amount actually incurred for work-related purposes. The payment of an allowance does not of itself allow a deduction to be claimed.
- **An allowance must be paid** - The substantiation exception only applies if the employee is paid an overtime meal allowance or a travel allowance. The allowance must have an identifiable connection with the nature of the expense covered.
- **For travel allowance expenses** - The employee must sleep away from home.
- **The substantiation exception** - Where the amount claimed is no more than the applicable reasonable amount, substantiation of the claim with written evidence is not required.
- **Claims in excess of reasonable amounts** - If the amount claimed is more than the reasonable amount, the whole claim must be substantiated with written evidence, not just the excess.
- **Verification of reasonable claims** - In appropriate cases, where the substantiation exception is relied on, the employee may still be required to show:

- How they worked out their claim;
- An entitlement to a deduction (for example that work-related travel was undertaken);
- A bona fide travel allowance was paid; and
- If accommodation is claimed, that commercial accommodation was used.

The nature and degree of evidence will depend on the circumstances: for example the circumstances under which the employer pays allowances, the occupation of the employee, and the total amount of allowances received and claimed during the year by the employee.

- **Tax return treatment** - Where a travel or overtime meal allowance which does not exceed the reasonable amounts is not shown on the payment summary, and it has been fully spent on deductible expenses, neither the allowances nor the expenses need be shown on the employee's tax return.

If an amount less than the allowance has been spent, the income tax return must include the allowance and the expense claimed.

Whenever a claim is made for overtime meal or travel allowance expenses the allowance must also be included in the tax return.

For a detailed listing of the 'reasonable amounts' as outlined by the Tax Commissioner go to the Appendix.

## Research & development (R&D)

Are you involved in research & development to create new or improved materials, products, devices, processes or services?

Did you know that you can claim 125 per cent and up to 175 per cent tax deductions for eligible expenditure in certain circumstances?

In order to be eligible you need to register for the income year with the Industry Research & Development Board and meet the minimum R&D threshold expenditure of \$20,000 or contract your R&D to an approved Registered Research Agency. You also need to have a R&D plan.

Detailed information about the R&D Tax Concession is available in the *Guide to R&D Tax Concession* on the AusIndustry website [www.ausindustry.gov.au](http://www.ausindustry.gov.au)

If you would like more information on how to claim a deduction for R&D please contact our office.

## Climate ready program launch

In a media release issued on 29 July, the Minister for Innovation, Science and Research, Senator Kim Carr, announced the Government's \$75m *Climate Ready program* was open for applications.

The program will support Australian businesses developing new products, processes and services to tackle climate change by providing

dollar-for-dollar support for research and development, proof-of-concept and early-stage commercialisation activities.

Applications are expected in areas as diverse as water recycling, waste recovery, small scale renewable energy technologies, green-house building materials, and other products, processes or services to monitor emissions or reduce energy use. The Senator said that applicants can apply for grants ranging from \$50,000 to \$5m.

For further information visit the AusIndustry website at: [www.ausindustry.gov.au](http://www.ausindustry.gov.au) or call the hotline on 13 28 46.

## Company financial reporting obligations

Large Proprietary Companies must lodge Financial Statements. Set out below for Officeholders is the current criteria used to assess if a company is (or has become) a Large Proprietary Company.

### Criteria

A Proprietary Company is considered to be a Large Proprietary Company for a financial year if it satisfies at least two of the following conditions:

- The consolidated revenue for the financial year of the company and the entities it controls (if any) is \$25m or more
- The value of the consolidated gross assets of the entity for the financial year of the company and the entities it controls (if any) is \$12.5m or more

- The company and the entities it controls (if any) have 50 or more employees at the end of the financial year.

If any two of the above criteria holds true for the company then it is considered a Large Proprietary Company.

It must therefore lodge financial statements for the relevant financial year with a form 388 *Copy of Financial Statements and Reports*.

The Financial Statements and Reports form must be lodged within four months after the end of the company's financial year end.

A Small Proprietary Company is not required to lodge Financial Statements or Reports unless:

- Directed by ASIC or shareholder(s) with at least five per cent of the vote; or
- Controlled by a foreign company for all or part of the year and is not consolidated for that period in financial statements for that year lodged with ASIC:
  - (i) By either a registered foreign company; or
  - (ii) A company, registered scheme, or disclosing entity

If you are unsure of your requirements kindly contact our office.

## Council rate notices

Municipal Council's are currently issuing their Rate Notices for 1 July 2008 to 30 June 2009.

Included in this year's Rate Notice is a 'Notice of Valuation'

which has been set at 1 January 2008.

Councils are required to revalue properties on a bi-annual basis.

It is important you check the valuations – particularly the site valuation as this valuation is the valuation that will be used to calculate your land tax.

If you wish to object to your valuation you only have a period of two months from the date of notice as placed on the 'Council Rates Notice'.

If you do need any assistance in obtaining the forms or completing the objection, please contact our office..

## Leadership

Strong leadership is critical to the success of any company.

For companies facing constant change due to internal and/or external influences, it becomes even more critical.

To successfully cope with change, businesses need leaders who can provide an understanding of change as well as the motivation to achieve change.

'Transformational Leadership', a leadership style where the CEO gets results by challenging, motivating and inspiring employees, benefits organisations undergoing change. A CEO that exhibits this style of leadership can raise the results of their employees.

These leaders act as role models and are admired, respected and trusted by their employees. Employees of transformational leaders often aim to emulate their leader's characteristics.

Examples of transformational leaders in business include:

- Anita Roddick of The Body Shop
- Steve Jobs of Apple Computers
- Jack Welch of General Electric
- Richard Branson of the Virgin Group
- Bob Ansett when at Budget Car Rentals

In all these examples the transformational leaders were able to inspire their employees and, in doing so, their companies to greatness.

**DISCLAIMER: The contents of this publication are general in nature and we accept no responsibility for persons acting on information contained herein. We suggest that you contact our office on 9965 3710 if you have any queries in this regard.**

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## Appendix: Business Travel Rates 2008-09

### Reasonable amount for 2008-09

The reasonable amounts for daily travel allowance expenses, according to salary levels and destinations, for the 2008-09 income year are shown in Tables 1 to 5 as follows:

<b>Table 1: Employee's annual salary - \$90,000 or below</b>				
<b>Place</b>	<b>Accomm. \$</b>	<b>Food &amp; drink \$</b> B'fast 21.10 Lunch 23.65 Dinner 40.65	<b>Incidentals \$</b>	<b>Total \$</b>
Adelaide	145	85.40	15.90	246.30
Brisbane	198	85.40	15.90	299.30
Canberra	133	85.40	15.90	234.30
Darwin	159	85.40	15.90	260.30
Hobart	117	85.40	15.90	218.30
Melbourne	162	85.40	15.90	263.30
Perth	148	85.40	15.90	249.30
Sydney	183	85.40	15.90	284.30
High cost country centres	See Table 4	85.40	15.90	Variable - see Table 4
Tier 2 country centres (see Table 5)	106	B'fast 18.85 Lunch 21.55 Dinner 37.15	15.90	199.45
Other country centres	89	B'fast 18.85 Lunch 21.55 Dinner 37.15	15.90	182.45

<b>Table 2: Employee's annual salary - \$90,001 - \$160,100</b>				
<b>Place</b>	<b>Accomm. \$</b>	<b>Food and drink \$</b> B'fast 22.90 Lunch 32.45 Dinner 45.45	<b>Incidentals \$</b>	<b>Total \$</b>
Adelaide	155	100.80	22.70	278.50
Brisbane	228	100.80	22.70	351.50
Canberra	168	100.80	22.70	291.50
Darwin	170	100.80	22.70	293.50

Hobart	150	100.80	22.70	273.50
Melbourne	192	100.80	22.70	315.50
Perth	184	100.80	22.70	307.50
Sydney	200	100.80	22.70	323.50
High cost country centres	See Table 4	100.80	22.70	Variable - see Table 4
Tier 2 country centres (see Table 5)	127	B'fast 21.10 Lunch 21.55 Dinner 41.95	22.70	234.30
Other country centres	107	B'fast 21.10 Lunch 21.55 Dinner 41.95	22.70	214.30

<b>Table 3: Employee's annual salary - \$160,101 and above</b>				
<b>Place</b>	<b>Accomm. \$</b>	<b>Food &amp; drink \$ B'fast 25.00 Lunch 36.00 Dinner 57.30</b>	<b>Incidentals \$</b>	<b>Total \$</b>
Adelaide	209	118.30	22.70	350
Brisbane	231	118.30	22.70	372
Canberra	216	118.30	22.70	357
Darwin	195	118.30	22.70	336
Hobart	195	118.30	22.70	336
Melbourne	265	118.30	22.70	406
Perth	275	118.30	22.70	416
Sydney	265	118.30	22.70	406
Country centres	\$186, or the relevant amount in Table 4 if higher	118.30	22.70	Variable - see Table 4 if applicable

<b>Table 4: High cost country centres - accommodation expenses</b>			
<b>Country centre</b>	<b>\$</b>	<b>Country centre</b>	<b>\$</b>
Ballarat (VIC)	116.00	Kalgoorlie (WA)	116.50
Bendigo (VIC)	122.00	Karratha (WA)	243.50
Broome (WA)	173.00	Kununurra (WA)	147.00
Burnie (TAS)	123.00	Launceston (TAS)	115.50

Cairns (QLD)	120.50	Mackay (QLD)	112.00
Carnarvon (WA)	133.00	Maitland (NSW)	108.00
Christmas Island (WA)	122.50	Mount Gambier (SA)	107.00
Cocos (Keeling) Islands	110.00	Mount Isa (QLD)	115.00
Dampier (WA)	158.50	Naracoorte (SA)	106.00
Derby (WA)	165.00	Newcastle (NSW)	116.50
Devonport (TAS)	115.50	Newman (WA)	150.00
Emerald (QLD)	106.00	Norfolk Island	108.00
Exmouth (WA)	173.50	Pt Hedland (WA)	247.00
Geraldton (WA)	116.00	Pt Lincoln (SA)	106.00
Gladstone (QLD)	111.00	Port Macquarie (NSW)	115.00
Gold Coast (QLD)	135.00	Thursday Island (QLD)	180.00
Halls Creek (WA)	132.00	Warrnambool (VIC)	113.00
Hervey Bay (QLD)	109.50	Weipa (QLD)	138.00
Horn Island (QLD)	139.00	Wilpena-Pound (SA)	135.00
Jabiru (NT)	190.00	Wonthaggi (VIC)	122.00
Kadina (SA)	107.00	Yulara (NT)	313.00

<b>Table 5: Tier 2 country centres</b>	
<b>Country centre</b>	<b>Country centre</b>
Albany (WA)	Geelong (VIC)
Alice Springs (NT)	Horsham (VIC)
Bairnsdale (VIC)	Innisfail (QLD)
Bathurst (NSW)	Port Augusta (SA)
Bordertown (SA)	Portland (VIC)
Bright (VIC)	Renmark (SA)
Broken Hill (NSW)	Roma (QLD)
Bunbury (WA)	Orange (NSW)
Castlemaine (VIC)	Seymour (VIC)
Ceduna (SA)	Swan Hill (VIC)
Dalby (QLD)	Townsville (QLD)
Dubbo (NSW)	Wagga Wagga (NSW)
Echuca (VIC)	Whyalla (SA)
Esperance (WA)	Wollongong (NSW)

Overseas travel rates are also available. Contact our office should you need more information.