



# EAGAR EXTRA

## July Newsletter 2009

Hello and welcome to your July newsletter. This newsletter is sent to keep you updated with news in the industry and within FWA Eagar&Co. Please forward this newsletter to your staff, colleagues and friends.

### IN THE NEWS

#### CHANGES TO THE MEANING OF "ORDINARY TIME EARNINGS" AND "SALARY OR WAGES"

The ATO has advised that from 1 July 2008, employers have been required to use "ordinary time earnings" (OTE) to work out their employees' minimum superannuation guarantee (SG) contributions. Because of this law change and other changes over the last 15 years, superannuation guarantee rulings SGR 94/1 (Earnings bases), SGR 94/4 (Ordinary time earnings) and SGR 94/5 (Salary or wages) are no longer current.

A new ruling (SGR 2009/2) about categorising different payments as "ordinary time earnings" and "salary or wages" will replace SGR 94/4 and SGR 94/5. This ruling is entitled Superannuation Guarantee: meaning of the terms "ordinary time earnings" and "salary or wages" and includes easy-to-follow examples.

The ruling was released on 13 May 2009. It will be effective from 1 July 2009. SGR 94/4 and SGR 94/5 will be withdrawn from 1 July 2009. (Note: SGR 94/1 was withdrawn on 30 July 2008).

#### FAIR WORK AUSTRALIA ACT REPLACES WORKCHOICES LEGISLATION – 1 JULY 2009

The 1 July 2009, sees the second major change to the Commonwealth's employment laws in 3 years. The major part of the Fair Work Australia Act becomes law replacing the WorkChoices legislation. The new legislation makes significant changes to the employment law that applies to about 85% of NSW workers, being those employed by a constitutional corporation. A summary of these is below for your information.

1. A maximum 38 hour week
2. A maximum of leave, other than holiday, sickness and parental leave, of 10 days per annum
3. Increased redundancy provisions (which will make it harder for larger organizations to make redundancies)
4. Giving a Fair Work Information statement to each new employee
5. The modernisation of awards
6. A requirement of good faith bargaining
7. The introduction of flexibility agreements (which allow other requirements to be modified, eg the maximum 38 hour week requirement, provided there is an overall benefit to the worker)
8. New arrangements for the transfer of employees when a business (or part of it) is sold
9. Changes to the unfair dismissal provisions
10. Wider categories of unlawful discrimination, and inclusion of independent contractors (meaning that they will be treated the same as employees, with the result that the benefits of outsourcing will be reduced).

Like WorkChoices before it, the Fair Work Australia Act will have an impact on almost all employees and employers in NSW. For more info see: [http://www.industrialrelations.nsw.gov.au/About\\_OIR/Legislation/Fair\\_work\\_Australia.html](http://www.industrialrelations.nsw.gov.au/About_OIR/Legislation/Fair_work_Australia.html)

#### COMPANY DIRECTORS AND SILENT VOTERS

We have recently come across this issue and thought it would be prudent to bring to your attention. If for professional or other reasons you are what is called a "silent voter" i.e. your name does not appear on the electoral roll but you are enrolled to vote, there is a provision under the Corporations Act that allows you to apply to the Australian Securities and Investments Commission (ASIC) to have your residential address effectively hidden. By effectively hidden we mean that ASIC allows you to nominate another address that will appear on the Company's records should someone do a company or equivalent search. ASIC will still hold the silent voters residential address on their records, it just won't be a matter of public record.

As a company director or secretary, you are required to give ASIC details of your usual residential address on various forms and applications that you lodge with ASIC. It is possible to apply to ASIC for approval to have your usual residential address suppressed on the public database and, in its place, to use an alternative address (under s205D of the *Corporations Act 2001*). You may be entitled to use an alternative address if:

- the Australian Electoral Commission (AEC) has granted you '**silent enrolment**' status; or
- your name is not on an electoral roll at all within Australia and ASIC determines, in writing, that including your residential address on our public database would put at risk your personal safety or the personal safety of members of your family.

If you fall into one of these categories and have been registered as a silent voter or wish to register as a silent voter please contact John Hensley on (02) 9954 3409 to discuss.

## STAFF NEWS

### INTRODUCING KRISTY-LEE GARDINER



Kristy joins Browne&Co and FWA Eagar&Co from a Sales and Marketing Coordinator role at Cypress Lakes Resort in the gorgeous Hunter Valley. Kristy has 3 years of experience as a Personal Assistant and is committed and hard working in the support/PA environment. Kristy is studying a Bachelor of Business with a major in Corporate Governance.

At Browne and Eagar Kristy will be your first point of contact. Kristy will be working with Phil as his PA and also working on reception for Browne and Eagar.

We would like to take this opportunity to welcome Kristy to Browne and Eagar. It is fantastic to have her on board. Welcome Kristy!

### WHAT'S ON SYDNEY - JULY 2009



#### City Of Sydney Business Awards

Recognise, reward and celebrate your local business achievements with the most prestigious awards program for small and medium businesses in the City of Sydney.

You can play your part in supporting local businesses by voting in the Awards, and have the opportunity to win fantastic prizes including a \$25,000 prize pool for businesses and \$1,500 cash draw for voters.

Voting will be available from Friday 3 July by visiting the [website](#), but be quick - nomination and voting will close on Sunday 16 August, with the finalists announced on Monday 24 August, and the Awards dinner on Tuesday 20 October.

For more information phone (02) 8353 1950 or visit the website [www.sydneybusinessawards.com.au](http://www.sydneybusinessawards.com.au)



#### NAIDOC Week 2009 at City of Sydney Libraries

Saturday 4 July to Thursday 16 July 2009

Join us at the Library whilst we celebrate National Aboriginal & Islander Day Observance Committee (NAIDOC) Week, promoting a greater understanding of Aboriginal and Torres Strait Islander people and culture



#### Household Energy Consumption Trial

Thursday 2 July to Friday 31 July 2009

Home energy consumption trial needs volunteers who live in The Rocks, Millers Point, Haymarket or the CBD

## THE TEAM at FWA EAGAR & CO

***Our vision is to be the Company that people look to for financial, business and community success. We value accountability, leadership, quality, integrity, transparency, diversity and care for our clients.***

<b>MANAGEMENT CONSULTING and AUDIT</b>	<b>Phillip Browne</b> <b>Peter Adams</b> <b>Manuel Escudero</b> <b>Venkat Iyer</b>	CEO Manager – Specialist Tax Advice Manager – Audit & Consulting Auditor and Accountant	<a href="mailto:phillip@browne.com.au">phillip@browne.com.au</a> <a href="mailto:peter@browne.com.au">peter@browne.com.au</a> <a href="mailto:manuel@browne.com.au">manuel@browne.com.au</a> <a href="mailto:venkat@browne.com.au">venkat@browne.com.au</a>
<b>TAX &amp; ACCOUNTING</b>	<b>Ian Ryall</b> <b>Ayan Mohamed</b> <b>John Hensley</b> <b>Charles Berkeley</b> <b>David Su</b> <b>Heesoo Lee</b>	Manager – Tax & Accounting Accountant Manager – Tax & Accounting Accountant –Tax & Accounting Assistant Accountant Assistant Accountant	<a href="mailto:ian@eagar.com.au">ian@eagar.com.au</a> <a href="mailto:ayan@browne.com.au">ayan@browne.com.au</a> <a href="mailto:john@browne.com.au">john@browne.com.au</a> <a href="mailto:charles@browne.com.au">charles@browne.com.au</a> <a href="mailto:davids@browne.com.au">davids@browne.com.au</a> <a href="mailto:heesoo@browne.com.au">heesoo@browne.com.au</a>
<b>BUSINESS SUPPORT</b>	<b>Anna Donaghy</b> <b>Kristy Gardiner</b> <b>Suet Mandic</b>	Business Manager PA to CEO Bookkeeper	<a href="mailto:anna@browne.com.au">anna@browne.com.au</a> <a href="mailto:kristy@browne.com.au">kristy@browne.com.au</a> <a href="mailto:suet@browne.com.au">suet@browne.com.au</a>
<b>BEX FINANCIAL</b>	<b>Joel Xuereb</b>	Director and Financial Planner	<a href="mailto:joel@bexfinancial.com.au">joel@bexfinancial.com.au</a>
<b>BACKPACKERS BUDDY</b>	<b>Robyn Hinson</b> <b>David Goldsmith</b>	Customer Service Manager Business Development Manager	



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