

Further Enquiries

Please ensure when distributing or publishing this information within your agency that a contact officer from your agency is nominated for further enquiries.

Tony James
Executive Director

FURTHER INFORMATION

Industrial Relations, Public Sector (IRPS) provides advice to Queensland Government departments and agencies. It is part of the Office of Industrial Relations. General enquiries about public sector industrial relations matters should be directed to IRPS on phone number 07 3406 9826.

Specific enquiries about salary packaging should be directed to either of the salary packaging administrators on phone 1300 30 40 10 (RemServ) or phone 1300 218 598 (SmartSalary).

For information about salary packaging go to either the Queensland Contract Directory website (<http://gcd.govnet.qld.gov.au/Pages/Details.aspx?RecID=1696>) or the administrators' websites at www.remsservsalarypackage.com.au (RemServ) or <http://qld.smartsalary.com.au/> (SmartSalary).

Enquiries about novated leasing should be directed to one of the novated leasing providers on the contact details below:

Alliance Leasing Pty Ltd (SME)
1300 225 582
<http://www.qldallianceleasing.com.au/>

FleetPlus Pty Ltd
1300 092 565
www.fleetplus.com.au/qld-govt

nlc Pty Ltd
1800 652 652
www.nlc.com.au/qldgov

Remuneration Services (Qld) Pty Ltd (RemServ)
1300 731 429
www.remsservlease.com.au

SmartLeasing (a division of Smartsalary Pty Ltd)
1 DRIVE (13 74 83)
www.qld.smartleasing.com.au

Statewide Novated Leasing Pty Ltd (SME)
1300 761 114
www.statewideqld.net.au

Toyota Fleet Management (a division of Toyota Finance Australia Ltd)
1300 888 875
www.toyotafleetmanagment.com.au/novated-lease/qld-government

- Some FBT debt recovery issues may involve the employee disputing departments' application of the FBT legislation. However, interpretation of the FBTA and FBT treatment decisions are at the sole discretion of the entity that is the employer for FBT purposes. The employer is obliged to exercise due care and diligence in this respect, and respond to reasonable questions from employees regarding FBT calculations. Lengthy discussions or correspondence with an employee or the employee's representative regarding matters of FBT interpretation and treatment will not be entered into.
- Employees must raise any queries with respect to FBT with the employer (or salary packaging administrator in case of salary packaged fringe benefits) as soon as possible, and must not unduly delay the FBT debt recovery process. Where there is a reduction in FBT liability, the employer (or the administrator as the case may be) is not obliged to respond to any further queries after 21st December following the end of the FBT year on 31 March in the same calendar year. Also where there is a reduction in FBT liability, the employer is not obliged to amend its FBT information on the FBT return is finalised with the ATO.
- It is not the employer's or the salary packaging administrator's responsibility to inform individual employees regarding the FBT impact of any fringe benefit occurring or provided to them, nor to predict and/or advise employees of any emerging issues which may give rise to the existence of, or changes in the value of, taxable fringe benefits that may or may not affect an employee's salary packaging arrangements. This is because the FBT law is inherently very broad and subject to changes made by the Commonwealth Government, Court decisions and the administration of the law by the ATO.
- Entering into salary packaging arrangements is at the sole risk of the **employee**. Therefore it is **strongly** recommended that employees obtain independent financial advice.
- The employee must obtain and provide to the salary packaging administrator, the employer, the Australian Taxation Office and/or any other relevant person or body all necessary declaration forms, receipts and supporting documentation and information reasonably required by the employer or required to be provided for the purposes of taxation legislation in respect of any benefits provided to the employee under the salary packaging arrangements ("*required information*").
- The employee is responsible for all costs, losses, outgoings and liabilities of every description including, without limitation, any penalties, or general interest charge payable under any taxation legislation suffered or incurred by the employer, arising out of any failure on the employee's part to provide any required information or for any inaccuracies or omissions in any required information provided by the employee.

Under the terms of the Standing Order Arrangement (SOA PT 0027-16), salary packaging administrators will recover all employee FBT debts incurred. Agencies are required to invoice the full value of employee FBT debts to the salary packaging administrator which will directly manage the employee debt recovery process. Employees are required to make arrangements with the salary packaging administrator to repay the total of any FBT liability outstanding to the salary packaging administrator.

Therefore, employees are subject to the salary packaging administrators' debt recovery processes as part of their salary packaging arrangements. This could include the use of debt collection agencies, suspension/cancellation of salary packaging arrangements, and/or legal action. Employees are expected to either pay the FBT immediately or negotiate reasonable repayment arrangements with the salary packaging administrator within a period of 28 days of receiving written advice of an FBT liability.

Failure to do so will result not only in the salary packaging administrator commencing debt recovery processes, but also in the cancellation/suspension of the employee's salary packaging arrangements after the required notice until such time as the FBT debt is satisfied or an appropriate debt repayment arrangement is entered into.