

## Summer Newsletter 2016

**Wishing you a safe and happy Christmas and a wonderful new year ahead!**

Our office will close on **Friday 23<sup>rd</sup> December 2016** & reopen in the

New Year on **Monday 9<sup>th</sup> January 2017**.

Thank you for all your support this year. From the team at HC Partners LP.



### Hubbard Churcher Scholarship Fund

In 2004 the late Allan Hubbard and Mrs Hubbard gifted several hundred thousand dollars to establish a scholarship fund for pupils of South Canterbury Secondary Schools who wished to go on for tertiary studies beyond their High School education.

The criteria does not have to be for university study, it can include polytechnic or agricultural courses.

The main criteria is that the applicants have to be in their final year of school within South Canterbury and their parents, and or guardians have to be prepared and able to provide evidence of financial hardship.

Applications for pupils wishing to be considered have to be made through the pupils High School course advisor or school principal in July/August each year.

Depending on the applicant's course of study and success rate scholarships can be granted for up to three years and vary between \$2,000 and \$3,000 per annum so a student may receive assistance of up to \$9,000 over a 3 year study course.

With up to 3 pupils being granted a scholarship annually and with these being granted for up to a total of 3 years the Hubbard Churcher Scholarship fund can pay out a total of \$27,000 per annum from its annual earnings.

In the past the fund has supported students undertaking Commerce, Law, Medicine and Agricultural Courses, some being for one year up to a maximum of 3 years in total.

If you have children finishing their studies at a High School in South Canterbury and think that your child may qualify for this fund please enquire to the appropriate person at your child's school as every year we make contact with all the local high schools seeking applications.

### Filling employment gaps over summer

With the holidays coming up, you may have started to think about whether to employ some extra people over the holidays. If you do, think carefully about the kind of help you need and broadly what kind of employment contract is best suited to the situation. It's important to make sure you comply with current employment law and have it right from the start.

## Risk and Reward

### Buying off the plan? The bright-line test and you

We've talked before about how changes to tax law around buying and selling property might affect you. Now that the changes are in operation and the bright line test is being applied to determine tax liability, an issue highlighted only recently might leave you exposed.

As we've discussed before, people who buy or sell a property within two years of acquiring it must pay tax on the gain. The main home is exempt and there are some other exceptions such as inheritance and relationship break-ups.

However, what happens when you have bought a house and land package off the plan but titles haven't been issued yet and settlement is still 12 months off or more? Do you intend to move the asset into your family trust on settlement? If you have signed the purchase agreement in your own name but want to have the family trust settle the deal, it looks like you may be caught under the bright line test. Inland Revenue may deem your interest to have been disposed of within two years, in which case if there is a gain it will be taxable.

A spokesperson for Inland Revenue has commented that 'in the case of a purchase off the plans, the house has never been used as the main home and therefore cannot qualify for the main home exemption.' Inland Revenue have no plans at this time to review their position on this. If you think this might affect you, please contact us to discuss your tax position.

## Payroll Basics

When and how often an employee is paid (e.g. weekly, fortnightly, monthly) varies between workplaces and will often be in employment agreements or workplace policies. To make sure an employee gets their first pay paid on time, they need to give their employer all the right details, such as their IRD number, KiwiSaver information, and bank account number (if that's how they will be paid).

**Pay period** - The pay period is the time period that an employee has been paid for in their pay. If they're paid on a fortnightly basis the pay period would be 2 weeks. For employees who receive wages, they will usually be paid after the pay period. For example Mike is paid on a Wednesday, for the pay period from Monday to Saturday of the previous week.

For employees who receive a salary, they may be paid before the end of the pay period. For example, Shanti is paid fortnightly, in the middle of her pay period. This means Shanti is paid one week in advance (i.e. before she does the work related to one week of her pay), and one week in arrears (i.e. after she has done the work related to one week of her pay).

### Timing of the payment

**Pay for annual holidays** - If an employee takes annual holidays, they must be paid for the entire holiday before the holiday starts unless they agree to be paid in the normal pay payment pattern (this should be agreed to in writing to make sure they both understand).

If the employee's employment is ending, the employer must pay the holiday pay in the employee's final pay. The final pay must be made within the pay period immediately relating to the end of employment. For a casual worker who does not work regularly it may not be practical to provide holidays.

If an employee is on fixed-term agreement for up to 12 months, they may get payment for annual holidays paid as part of their regular pay (if they agree to this in writing and if holiday pay is recorded as a separate item on their payslip) instead of when they take an annual holiday or their employment ends.

**Pay for public holidays** - An employee must be paid for public holidays in their pay for the pay period in which the public holiday falls. The amount an employee is paid for a public holiday depends on whether or not they work on the public holiday. If they work on a public holiday they will be paid at a rate of at least time and a half.

**Pay for sick or bereavement leave** - An employee should be paid for sick or bereavement leave in their pay for the pay period during which they took leave, and at the rate they would usually be paid on that day.

**Payslips** - Employers don't have to provide a payslip (unless it's in the employment agreement), but these are useful tools (whether on paper or electronic) to make sure that the employer and employee have the same understanding of how the pay is made up. If an employee doesn't get a payslip, they can ask their employer to show or give a copy of the wage and time records, and this will show the pay rate, hours worked and how much the employee was paid.

If you have any queries at all or would like a quote for your payroll services, feel free to call our payroll team, Adrian Evans and Janet Karton. They will be more than happy to help you.

## Casuals

Casual employees might be right for your business, for instance if you are covering unexpected absences. But remember that, no matter what you *call* the employment, if you treat casual staff as if they are permanent — for instance, give them regular hours or work over a sustained period — their employment may be regarded as permanent, with all that that entails. Points to note:

- Casual work is intermittent or irregular, and casual employees don't have to accept every offer of work you make so it may not fit the situation you have in mind
- Just like other employees, people who work casually for you need an employment agreement
- You can offer casual employees annual holiday pay on a 'paid as you earn' basis. You need to discuss this with the people you propose to employ as casuals. If they agree, this must be stated in their employment agreements, and payment must be recorded separately in wage records at a rate of at least 8%.

## Fixed-term employees

It might suit your needs better to employ someone on a fixed-term agreement, particularly if working hours are going to be regular and predictable. But the law is very strict about the form of such agreements, and if that is not complied with, you may find yourself with a permanent employee, i.e. someone whose agreement is of indefinite duration.

Because a fixed-term agreement is intended to be for a limited time, the agreement must state the means of ending the

employment relationship. For instance, this might be a specific date or event (like the last day of the Boxing Day Sales or the final performance of the Christmas pantomime). Or it might be when a specific project is completed, for instance roofing the new hay barn or installing a new cooling system.

As an employer you must have genuine reasons for the employment period to be fixed-term and you must advise your prospective employee of when and how the employment term will end and the reasons for it ending in that way. Make sure the employment agreement backs this up clearly.

Be aware of the rules around entitlement to holiday pay. Like casual employees, employees on a fixed-term agreement of less than one year can agree that they will receive 8% added to their gross weekly earnings (paid-as-you-earn) instead of taking annual holidays or getting paid out all of the 8% at the end of their term. Again, you must state this clearly in the employment agreement, it can't be less than 8% of the hourly rate, and it must be shown as a separate item in the employee's pay slip and in wage and time records.

If you would like more information about how to cover these situations in your employment agreements or your wage and time records, please let us know.

## Ho Ho Ho! Knowing what's deductible

Do your plans for the festive season include functions to celebrate with clients and the team? What about gifts? If they do, here are some tips on the tax implications.

### Entertainment

When you're entertaining clients or colleagues, some entertainment expenses are tax deductible while others aren't. It can be tricky working out what's deductible as a business expense and what isn't.

The basic idea is that an expense is business-related if you spend the money to help your business earn income. Most business-related expenses are fully deductible. If the expense doesn't help your business earn gross income, it's private and you can't claim it as a tax deduction.

It becomes a little trickier when there's an element of private enjoyment. You might think that the firm's Christmas party for clients is a business related expense and should be fully deductible because it's promoting your business, products or services. However:

- if your clients or employees have a greater opportunity to enjoy the entertainment than the general public, you can only deduct 50% of the costs
- if anyone associated with the business has a greater opportunity to enjoy the entertainment than the general public, you can only deduct 50% of the costs

Generally speaking, if there's an element of private enjoyment, the expenses (in addition to the food and drink) associated with events where you entertain clients and/or staff will only be 50% deductible. For instance, this would include the hire of crockery, glasses, waiting staff and music.

There are exceptions. Entertainment supplied for charity is 100% deductible. For instance if you throw a Christmas party for the children's ward at the local hospital, this is fully deductible. Entertainment enjoyed outside New Zealand is 100% deductible. If you take the team to the Gold Coast for Christmas (lucky them) it will be fully deductible. However, if they contribute towards the cost of their airfares (or anything else), you will need to reduce your expense claim by the amount of the contribution.

### Functions and events

Some entertainment expenses are fully deductible but some are not. Use these examples as a guide.

#### 50% deductible

Christmas drinks for team members or clients in the office
Christmas drinks for team members or clients in the pub
Hire of a launch to entertain clients
Restaurants providing food and drinks to team members at a social function in their restaurant
Staff Christmas party on or off the business premises
Function hosted in a marquee at the races (or in a corporate box at the rugby). Includes the cost of tickets and any food and drink provided
A weekend away for the team at holiday accommodation in New Zealand. Includes any food and drink provided

#### 100% deductible

Donating food to a Christmas party in a children's hospital
Providing morning and afternoon tea for your team
Providing entertainment, including food and drink at your promotional stand for the Cracker Christmas Festival
Holding the Christmas party in Fiji (woo-hoo!)

#### 0% deductible

Taking your family (who don't work with you in your business) out for dinner to thank them for being patient while you worked long hours and paying for this using the business credit card
---

### GST

If that's not enough to think about, you will need to make a GST adjustment for entertainment expenses which are 50% deductible. This adjustment will be required to be made at the time your income tax return is filed. Of course, we can help and advise you on this.

## Gifts

The rule of thumb with gifts is that if they consist of food or drink, you can only claim 50% of the expense as a tax deduction. If you are giving out gift baskets or hampers and some of the contents are food or drink, but not all, the food or drink items are 50% deductible but the other gift items are 100% deductible. When you come to claim the tax deduction, you will need to apportion the expense between the 100% deductible items and the 50% deductible items.

## Gifts to clients

If your Christmas giving includes gifts to clients, remember that some gifts will be fully deductible while others will be only 50% deductible. Use these examples as a guide.

50% deductible	100% deductible
Bottle of wine or six pack of beer	Calendar
Meal voucher	Book or gift voucher
Basket of gourmet food	Tickets to a rugby game (but not corporate box entertaining)
Box of chocolates/biscuits	Movie tickets
Christmas ham	Presents (not food or drink)

## FBT on gifts and entertainment

If you are giving gifts to your team you may also be liable for fringe benefits tax. There's a \$300 exemption from paying FBT per employee per quarter so if the value of the gift is less than \$300 you may be exempt. However, if the value of total benefits for an employee goes over \$300 for the quarter year (and provided the total value of all benefits doesn't exceed \$22,500 for the year), the full value of the benefits is subject to FBT.

As for entertainment events, if you invite your team to an event that qualifies as a business-related entertainment expense which is only 50% deductible, you are not liable for FBT as well. So if you are entertaining employees at a party or you've hired a launch or holiday accommodation and the expenses for that are only 50% deductible, it isn't subject to FBT. (On the other hand, if the event is being held outside New Zealand, it will be subject to FBT.)

There are exceptions to this that make it a tricky area so if you'd like more information on a whether a specific event you're hosting is 50% deductible but may also be liable for FBT, please contact us.

## Timely Reminders

Note: these dates apply to those clients for whom we prepare tax returns. Different dates will apply for those clients for whom we don't prepare returns. Please ask us if you'd like more information.

Tax Type	Who / What	When it's due
PAYE	<b>large employers</b> return and payment	5 December AND 20 December 16 January AND 20 January 7 February AND 20 February
	<b>small employers</b> return and payment	20 December, 20 January, 20 February
GST	return and payment for the period ended 30 November	16 January
	... for the period ended 31 December	30 January
	... for the period ended 31 January	28 February
FBT	quarterly return and payment (if you pay it quarterly)	20 January

## Provisional Tax

These dates assume you have a March or a May balance date and that we prepare your tax returns. Please contact us if you have a different balance date and would like more information.

I pay provisional tax...	And my balance date is...	So my provisional tax is due next...
2 monthly (6 times a year)	March OR May	16 January AND 28 February
4 monthly (3 times a year)	March	16 January
	May	28 February
6 monthly (twice a year)	May	16 January

## Disclaimer

*This publication has been carefully prepared, but it has been written in general terms only. The publication should not be relied upon to provide specific information without also obtaining appropriate professional advice after detailed examination of your particular situation.*