



MEMBERS UPDATE

————— NOVEMBER 2023 —————

Welcome to the November 2023 member's update

In this month's members update we look at:

- Leave accrual changes in the ACT
- Casual pay in the Hair and Beauty Award
- Reminder - Consultations underway for payday super changes

Last Friday we had our Payroll Summit in Melbourne. It was great to catch up with our members and to network with many within the industry. Now it is time to look at the changes within November and also for the new year.



Leave accrual changes in the ACT for Workers Compensation

There are different workers compensation laws for:

- each state and territory
- Commonwealth employees.

Whether an employee is entitled to accumulate or take leave during a period of workers compensation will depend on the workers compensation law that applies to them.

Section 130 of the Fair Work Act 2009 says that employees aren't entitled to accumulate or take leave during a period of workers compensation unless the workers compensation law permits it.

ACT - From 9 June 2023

The Workplace Legislation Amendment Act 2022 (ACT) changed the operation of the workers compensation laws in the ACT.

This means that from 9 June 2023, annual leave and LSL can accumulate during workers compensation.

Before 9 June 2023

No. Annual leave and LSL leave didn't accumulate during workers compensation.

Casual pay in the Hair and Beauty Award

Casuals get paid different pay rates depending on when they work.

Daylight Saturday and Sunday work - Penalty rates are increasing between 3 November 2021 – 31 December 2023 for hours worked between 7am and 6pm on Saturday and all day on a Sunday.

The penalty rates for work on a Saturday between 7am and 6pm are:

Date	Saturday penalty rate
	% of ordinary hourly rate for a full-time employee
30 April 2022 to 30 December 2022	143%
31 December 2022 to 29 April 2023	148%
30 April 2023 to 30 December 2023	153%
From 31 December 2023	158%

The penalty rates for all hours worked on a Sunday are:

Date	Sunday penalty rate
	% of ordinary hourly rate for a full-time employee
30 April 2022 to 30 December 2022	210%
31 December 2022 to 29 April 2023	215%
30 April 2023 to 30 December 2023	220%
From 31 December 2023	225%

Reminder – Initial Consultation ends for Pay Day Super on 3rd November

From 1 July 2026, employers will be required to pay their employees' super at the same time as their salary and wages. Currently, employers are only required to pay their employees' super on a quarterly basis.

Payday super will aim to give employees greater visibility of whether their super has been paid. The changes will also better enable the ATO to recover unpaid super from employers.

These changes were announced in the 2023-24 Budget. Since then, the ATO have been working with industry bodies to co-design the measure. They include:

- Small Business stewardship groups
- employers
- super funds
- clearing houses.
- APA

There is a chance for you to be part of the consultation process

If you'd like to give feedback on the policy aspects of payday super, Treasury have released a *consultation paper*. Consultation is open until 3 November.

The final design will be determined by Government and considered as part of the 2024-25 Budget.

Compliance - Check if you have a 'zombie agreement'

Fairwork have released a checklist to help you find out if you have a pre-2010 agreement that continues to operate ('zombie agreement'). There is also information that they have about what to do if you have one.

Certain kinds of registered agreements made before 1 January 2010 continued to operate when the Fair Work Act 2009 fully commenced operation (pre-2010 agreements).

The checklist may help you find out if you have a pre-2010 agreement that continues to operate (a 'zombie agreement'). It may also help figure out what to do if you have a zombie agreement.

<https://www.fwc.gov.au/agreements-awards/enterprise-agreements/sunsetting-pre-2010-agreements/check-if-you-have-zombie>

FAQ

Q. Do I need to pay redundancy to my employee?

A. If an employee's job has been made redundant and you cannot offer your employee another suitable role, then the employee may be eligible for redundancy pay.

Most permanent employees are eligible for redundancy pay. Those who usually do not qualify include:

- Casual employees
- Employees of a small business
- Anyone who has been employed for less than a year
- The conclusion of a fixed-term contract or an apprenticeship is not considered a redundancy.

How much redundancy pay an employee receives is calculated according to the number of years they have been employed minus any periods that do not count towards continuous service.

Employees are paid their base weekly rate of pay at the time that they are made redundant. It does not include extra amounts like allowances, penalty rates, loadings or bonuses (unless the award or agreement states otherwise)

Q. Does superannuation get paid on Redundancy pay?

A. No, Superannuation is not paid on an employees' redundancy pay. It is however, paid on any payments an employee receives for in lieu of Notice.

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If you need access to your Members' portal, please send us an email at helpdesk@austpayroll.com.au

MEMBERS WEBINAR

Our November webinar will be held on Wednesday 29th November at 1pm (Sydney time) where we will be looking at **Notice/Redundancy continuous service and the Redundancy calculator**.