

# Revenue Ruling

*Payroll Tax Act 2009*

PTA001

## SOUTH AUSTRALIAN PAYROLL TAX LIABILITY FOR WAGES PAID BY AN EMPLOYER

### Preamble

The *Payroll Tax Act 2009* (the "Act"), which commenced on 1 July 2009, rewrote and repealed the *Pay-roll Tax Act 1971* and provides fully harmonised legislation with New South Wales, Victoria, Tasmania and Northern Territory.

The purpose of this Revenue Ruling is to clarify the circumstances when wages must be declared in South Australia for payroll tax purposes and to clarify the liability for wages paid for services performed in another country (or countries).

### Ruling

Payroll tax is payable when an employer's total Australian wages exceed the tax-free threshold (deduction amount). Australian wages comprise South Australian wages and all interstate wages. South Australian wages are the wages subject to tax under the Act. Interstate wages are those wages subject to tax in the other states and territories under their equivalent payroll tax legislation.

To determine whether the wages paid or payable in respect of each monthly return period are subject to South Australian payroll tax, two factors need to be considered:

- ▶ the place where the wages are paid or payable; and
- ▶ the place where the services are performed.

As there are several possible combinations of these factors, employers may experience difficulty in determining their payroll tax liability where wages are paid or payable by employers outside South Australia, or where wages are paid in respect of work performed outside South Australia.

Wages are deemed to be paid at the place of receipt by the employee.

The following table shows the circumstances in which wages are taxable in South Australia. It is important to note that the liability for South Australian payroll tax must be considered separately for each calendar month.

Place where wages are paid or payable	Place where services are performed during the calendar month
In South Australia	Wholly or partly in South Australia
In South Australia	In two or more states and/or territories other than South Australia
In South Australia	Wholly in another country (or countries) on an assignment of less than six continuous months

In South Australia	Partly interstate & partly in another country (or countries)
In South Australia	Wholly or partly outside any state or territory (as defined under the respective payroll tax legislation of the relevant state or territory) but not in another country
In another state and/or territory	Wholly in South Australia
Outside Australia	More than 50% performed in South Australia

In circumstances other than those shown above, the wages are not taxable in South Australia but may be taxable in another state or territory.

Where an employee is working outside any state or territory, but not in another country, the wages are taxable under the Act if they are paid in South Australia. Employees working on an oil rig would not be considered as working in another country unless the oil rig is physically located in another country.

### Employees working in another country

Where services are performed by an employee in another country whose wages are paid in South Australia, the following points need to be considered:

- ▶ wages are exempt if the employee has worked in another country for a continuous period of more than six months (i.e. the exemption from payroll tax applies for the whole assignment, including the first six months);
- ▶ the six-month period does not have to be within the one financial year but must be a continuous period;
- ▶ where an employee, working in another country, returns to Australia in the following circumstances, it will not be considered to be a break in continuity:
  - for a holiday; or
  - to perform work exclusively related to the overseas assignment for a period of less than one month.

and the employee immediately returns to that country to perform further work on the assignment.

Please refer to [Revenue Ruling PTA002](#) entitled *Expatriate Employees* for further details on employees working in another country.

## Further Information

Further information can be obtained from RevenueSA.

**Location** RevenueSA  
State Administration Centre  
200 Victoria Square East  
ADELAIDE SA 5000

**Postal** Commissioner of State Taxation  
RevenueSA  
GPO Box 1353  
ADELAIDE SA 5001

**Telephone** (08) 8204 9880

**Facsimile** (08) 8226 3805

**Email** payrolltax@sa.gov.au

**Website** www.revenuesa.sa.gov.au

## History

This Revenue Ruling is effective from 1 July 2009 and replaces:

Document	Issue Date
Circular 296	3 July 2008

Mike Walker  
COMMISSIONER OF STATE TAXATION  
1 July 2009