

GROUPING REGISTRATION

FORM TO REGISTER RELATED EMPLOYERS FOR THE PURPOSE OF WORKERS COMPENSATION PREMIUM ASSESSMENT

This form is for related employers with combined group wages over \$600,000. Related employers include not-for-profit employers, and employers that are eligible to be grouped for purposes of pay-roll tax.

A separate registration form is to be completed for each employer within the group.

Completed forms should be returned to WorkCover, marked to the attention of the Project Officer, Premiums Branch, Locked Bag 2906 Lisarow NSW 2252, or faxed to (02) 9271 6250.

1. Employer Details

Employer legal name			
Trading name <i>(if applicable)</i>			
ABN		ACN	
WC Policy number		Policy commencement date <i>(current renewal year)</i>	
Scheme Agent		Group no. <i>(if known)</i>	

2. Address

Postal address					
Suburb		State		Postcode	

3. Employer contact details

Employer contact name		Telephone no.	()
Email address			

4. Group contact details *Name of the person authorised (if any) as a central contact point for the group as a whole.*

Group contact name		Position title			
Postal address					
Suburb		State		Postcode	
Email address		Telephone no.	()		

BEFORE you complete section 5, refer to the accompanying Explanatory Notes document for information on the meaning of 'group' (as expressed in Part 10A of the *Taxation Administration Act 1996* and in the *Workers Compensation Act 1987*).

5. Group Employers *Identify all other employers in your group. If more space is required, complete details on a separate sheet and attach it to this document.*

Employer legal name		ABN	
Employer legal name		ABN	
Employer legal name		ABN	
Employer legal name		ABN	
Employer legal name		ABN	

6. Group policy details

Proposed Scheme Agent for your group		Proposed commencement date for group policies	
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7. Declaration *This form must be completed by an authorised office-holder of the employer, and not an employer agent or broker.*

I, (print your name)		declare that, to the best of my knowledge, the information provided in this form is true and correct in every particular.	
Signature		Date	
Position title			

Note: WorkCover NSW collects the above information from related employers for the purpose of calculating the workers compensation premium of an employer who is a member of a group.

This information may also be disclosed to the Chief Commissioner of State Revenue under section 243 2(b) of the *Workplace Injury Management and Workers Compensation Act 1998*.

Explanatory Notes – Grouping Registration

Section 5. Group Employers

Section 175D of the Workers Compensation Act 1987 provides the principles of grouping for insurance purposes.

175D Grouping of employers

- (1) In this Division:
group means a group constituted under Part 10A of the *Taxation Administration Act 1996*, but does not include any member of the group in respect of whom a determination under section 175E of this Act is in force.
- (2) This Division does not apply to the following:
 - (a) an employer who is a self-insurer,
 - (b) the persons, groups of persons and bodies constituted as a primary group by virtue of section 106J of the *Taxation Administration Act 1996* (being government departments),
 - (c) the members of a group where the total wages payable to workers employed by the members of the group do not exceed:
 - (i) \$600,000 per year, or
 - (ii) if some other amount is prescribed by the regulations—that other amount.

Part 10A of the *Taxation Administration Act 1996* provides the grouping principles on which workers compensation grouping provisions are based. Sections 106G, 106H, 106I and 106IA are reproduced here to assist you in completing the registration form.

106G Primary groups of corporations

- (1) Corporations constitute a primary group if they are related corporations within the meaning of the *Corporations Act 2001* of the Commonwealth.
- (2) For the purpose of assessing whether corporations are related under that Act, they are taken to carry on a business and not to be trustee companies.

106H Primary groups arising from the use of common employees

- (1) If 2 persons have an agreement under which an employee of 1 of them works solely or mainly in connection with a business carried on by:
 - (a) the other, or
 - (b) both of them,then the 2 persons constitute a primary group.
- (2) In this section:
agreement means an agreement, arrangement or undertaking, whether formal or informal, whether express or implied, and whether or not the agreement, arrangement or undertaking includes provisions in respect of the

supply of goods or services.

person includes a set of persons.

106I Primary groups of commonly controlled businesses

- (1) If a person or set of persons has a controlling interest in each of 2 businesses, the persons who carry on those businesses constitute a primary group.
- (2) For the purposes of this section, a person or set of persons has a controlling interest in a business if:
 - (a) in the case of 1 person—the person is the sole owner (whether or not as trustee) of the business, or
 - (b) in the case of a set of persons—the persons are together the exclusive owners (whether or not as trustees) of the business, or
 - (c) in the case of a business carried on by a corporation:
 - (i) the person or each of the set of persons is a director of the corporation and the person or set of persons is entitled to exercise more than 50% of the voting power at meetings of the directors of the corporation, or
 - (ii) a director or set of directors of the corporation that is entitled to exercise more than 50% of the voting power at meetings of the corporation is under an obligation, whether formal or informal, to act in accordance with the direction, instructions or wishes of that person or set of persons, or
 - (d) in the case of a business carried on by a corporation that has a share capital—that person or set of persons can, directly or indirectly, exercise, control the exercise of, or substantially influence the exercise of, more than 50% of the voting power attached to the voting shares issued by the corporation, or
 - (e) in the case of a business carried on by a partnership—that person or set of persons:
 - (i) own (whether beneficially or not) more than 50% of the capital of the partnership, or
 - (ii) is entitled (whether beneficially or not) to more than 50% of the profits of the partnership, or
 - (f) in the case of a business carried on under a trust—the person or set of persons (whether or not as a trustee or trustees of another trust) is the beneficiary in respect of more than 50% of the value of the interests in the first mentioned trust.
- (3) If:
 - (a) 2 corporations are related to each other within the meaning of the *Corporations Act 2001* of the Commonwealth, and
 - (b) 1 of the corporations has a controlling interest in a business, the other corporation has a controlling interest in the business.
- (4) If:
 - (a) a person or set of persons has a controlling interest in a business, and
 - (b) a person or set of persons who carry on the business has a controlling interest in another business, the person or set of persons referred to in paragraph (a) has a controlling interest in that other business.
- (5) If:
 - (a) a person or set of persons is the beneficiary of a trust in respect of more than 50% of the value of the interests in the trust, and
 - (b) the trustee of the trust (whether alone or together with another trustee or trustees) has a controlling interest in a business of the trust,
the person or set of persons has a controlling interest in the business.
- (6) A person who may benefit from a discretionary trust as a result of the trustee or another person, or the trustee and another person, exercising or failing to exercise a power or discretion, is taken, for the purposes of subsection (5), to be a beneficiary in respect of more than 50% of the value of the interests in the trust.

- (7) If:
- (a) a person or set of persons has a controlling interest in the business of a trust, and
 - (b) the trustee of the trust (whether alone or together with another trustee or trustees) has a controlling interest in the business of a corporation,
the person or set of persons is taken to have a controlling interest in the business of the corporation.
- (8) If:
- (a) a person or set of persons has a controlling interest in the business of a trust, and
 - (b) the trustee of the trust (whether alone or together with another trustee or trustees) has a controlling interest in the business of a partnership,
the person or set of persons is taken to have a controlling interest in the business of the partnership.
- (9) Subsection (1) does not apply in relation to a person or set of persons that has a controlling interest in 2 businesses if:
- (a) in the case of 1 person—the businesses are wholly owned by the person, whether as trustee or otherwise, or
 - (b) in the case of a set of persons—the businesses are wholly owned by the persons as trustees.
- (10) A statutory State owned corporation (within the meaning of the *State Owned Corporations Act 1989*) is not a member of the same group as another statutory State owned corporation because of this section.
- Note.** Under the *Pay-roll Tax Act 1971*, if 2 businesses are owned by the same employer then the employer would provide a single return in relation to all wages paid in respect of those businesses. There is no need to apply the grouping provisions. This also applies where the trustee is answerable under that Act as an employer (see section 42 of that Act).

106IA Primary groups arising from tracing of interests in corporations

- (1) An entity and a corporation form part of a primary group if the entity has a controlling interest in the corporation.
- (2) For the purposes of this section, an entity has a **controlling interest** in a corporation if the corporation has share capital and:
- (a) the entity has a direct interest in the corporation and the value of that direct interest exceeds 50%, or
 - (b) the entity has an indirect interest in the corporation and the value of that indirect interest exceeds 50%, or
 - (c) the entity has an aggregate interest in the corporation and the value of the aggregate interest exceeds 50%.
- (3) Schedule 2 has effect.
- Note.** Schedule 2 sets out the manner for determining whether an entity has a direct interest, indirect interest or aggregate interest in a corporation, and the value of such an interest.
- (4) In this section:
- associated person** has the meaning given by the *Duties Act 1997*.
- entity** means:
- (a) a person, or
 - (b) a group of associated persons.

Further information on grouping under the *Taxation Administration Act 1996* and *Workers Compensation Act 1987* may be viewed at www.legislation.nsw.gov.au