



***SGD 93/2 - When calculating the base year annual national payroll for an employer, are all the businesses of an individual or a non-incorporated entity treated as separate employers?***

 This cover sheet is provided for information only. It does not form part of *SGD 93/2 - When calculating the base year annual national payroll for an employer, are all the businesses of an individual or a non-incorporated entity treated as separate employers?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *11 February 1993*

Superannuation Guarantee Determinations do not have the force of law. Each decision made by the Australian Taxation Office is made on the merits of each individual case having regard to any relevant Determinations and Rulings.

## Superannuation Guarantee Determination

### When calculating the base year annual national payroll for an employer, are all the businesses of an individual or a non-incorporated entity treated as separate employers?

1. No. Even though an individual or a non-incorporated entity (e.g. a partnership) carries on more than one business (none of which is incorporated) that person or entity is still treated as a single employer for the purposes of the Superannuation Guarantee.

*Example :*

*Michael Jones has two businesses:*  
*the businesses are not incorporated entities;*  
*each has its own Group Employer Number;*  
*each uses a registered business name;*  
*they both were employers for the whole of the 1991-92 financial year.*

*Michael's base year annual national payroll was*

<i>Frog Services had a payroll for 1991-92 of</i>	<i>\$750,000</i>
<i>Tadpole Constructions had a payroll for 1991-92 of</i>	<i><u>\$700,000</u></i>
<i>Michael's base year annual national payroll is</i>	<i>\$1,450,000.</i>

*Michael therefore has a charge percentage for each of his employees for the contribution period:*  
*1 July 1992 to 31 December 1992 of 4%; and*  
*1 January 1993 to 30 June 1993 of 5%.*

**Commissioner of Taxation**

11/2/93

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Related Determinations:

Related Rulings:

Subject Ref: annual national payroll; employer; base year

Legislative Ref: SGAA 6(1); SGAA 20(2) and 21(2)

Case Ref:

ATO Ref: 92/7705-6

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