

# NOVATED LEASES



## EMPLOYEE INFORMATION BOOKLET

### Melbourne Water Corporation

Ph 03 9860 0600  
1300 PRE TAX  
1300 773 829  
Fax 03 9860 0699  
Email [info@enlist.com.au](mailto:info@enlist.com.au)  
Web [www.enlist.com.au](http://www.enlist.com.au)

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## 1. INTRODUCTION

Melbourne Water Corporation (“MWC”) is proud to offer all permanent and long-term, fixed employees in Australia an opportunity to participate in the corporate novated lease program.

This booklet has been specifically written to help employees understand the concept of salary packaging and novated leases and to outline MWC policies in relation to this program.

**A novated lease is a financial obligation for which an employee holds ultimate responsibility. MWC recommends that employees seek independent financial advice and ensure that they understand the terms and conditions of the lease agreement and taxation issues before they make any commitments.**

MWC has appointed **Enlist Pty Ltd** (Enlist) as one of its partners under the MWC novated lease program. Enlist are specialists in salary packaging, novated leasing and fleet management. Employees are encouraged to contact Enlist for a free personal consultation and quote.

There is no obligation for employees to participate. The key objective for MWC is to ensure that employee remuneration structures remain flexible, fair and competitive.

## 2. KEY BENEFITS

MWC has chosen to introduce a novated lease salary packaging program primarily due to the numerous benefits and possible tax savings that employees can obtain from such an arrangement. By improving remuneration conditions MWC is able to stay at the forefront of best practice policies and ensure that staff retention and satisfaction remain high.

Some of the key benefits that can be achieved by employees include the following:

- Reduced income tax;
- GST savings on vehicle purchase price;
- GST savings on running cost expenses;
- Access to corporate fleet discounts when purchasing new motor vehicles;
- Access to servicing and maintenance discounts through select merchants;
- Flexibility and choice – cars, merchants, insurance companies and lease terms;
- Access to free vehicle sourcing service;
- National fuel and maintenance network;
- Fixed deductions each pay period, regardless of actual expenses incurred from day to day (*Enlist fund negative balances throughout lease period at no cost*);
- Direct and permanent access to personal consultants; and
- Full cost transparency and reconciliation.

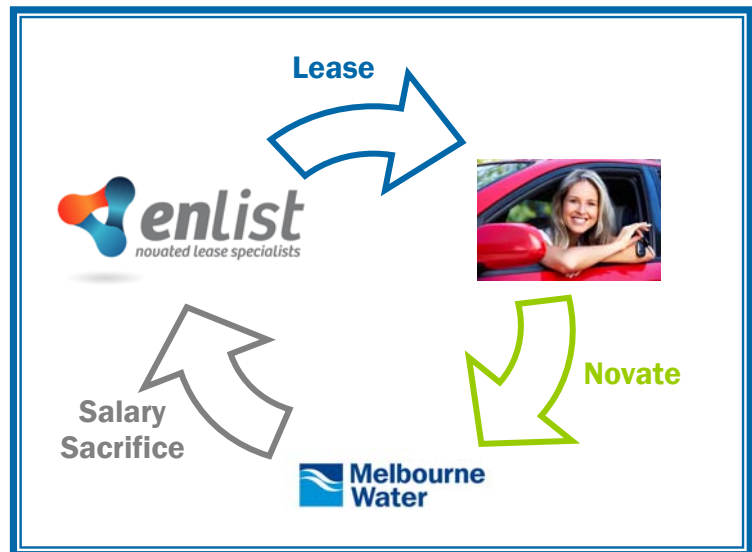
***N.B. Tax savings and benefits will vary for each employee, depending on personal circumstances such as gross incomes, annual kilometres, cost of vehicles and lease periods.***

### 3. NOVATED LEASE STRUCTURE

A novated lease is a three-way agreement between MWC, the employee and Enlist. There are two separate parts to a novated lease; a primary lease agreement and a deed of novation.

A primary lease is a contract between the employee and Enlist. The lease is a fixed monthly rental agreement over a nominated period with a lump sum final payment (residual) at the end of the contract.

A novation deed is a separate agreement between all three parties that sits behind the primary lease. A deed of novation transfers obligations of the lease (with exception of the residual) from the employee to MWC for duration of the employment period or until novation deeds are cancelled or until maturity of the lease period, whichever is first.



Lease Period	Minimum Residual
12 Months	65%
24 Months	55%
36 Months	45%
48 Months	35%
60 Months	25%

Employees can choose any lease period between 12 months to 5 years. Each lease period must have a residual payout in accordance with the Australian Taxation Office (ATO) IT28 guidelines. The ATO guidelines refer to expected depreciation rates of vehicles and define the minimum residual amounts permissible for each respective lease period. It is possible to set residual values higher but not lower than the amounts set out in the table, unless particular circumstances exist such as travelling very high annual kilometres.

When MWC enters into a novated lease agreement the monthly rental costs are met by MWC and a salary sacrifice provision is deducted from the employee for an equal dollar value.

Lease agreements are deemed to be a taxable supply which means that GST is included in the monthly rentals. Given that payments are met by MWC it becomes possible for MWC to claim input tax credits (ITC) for the GST. The GST savings are passed on entirely to employees (i.e. salary sacrifice provisions exclude GST).

To qualify, employees will need to meet the following criteria;

- Be eligible, as defined by MWC policy (also refer to Corporate Policies Section within this document)
- Demonstrate a track record of stable employment
- Provide evidence of repayment capacity
- Demonstrate a sound financial position with good credit history

Each finance application will be treated on its own merits. Enlist reserves the right to decline finance, where in its opinion alone, the criteria set out above has not been met.

#### 4. SALARY SACRIFICE PROVISIONS

All costs relating to the operation of a vehicle, including FBT costs (if applicable), are included in the employee's salary sacrifice provisions. The provisions are deducted each pay period and remitted to Enlist where they are credited into the employee's Salary Package Account.

A budget for fixed salary sacrifice provisions is calculated by Enlist and accepted by the employee at the start of a novated lease arrangement. Salary sacrifice provisions are based on:

- total number of kilometres the employee expects to travel each year
- make and model of the vehicle
- fuel type (i.e. unleaded, premium, LPG or diesel)
- the purchase price of the vehicle
- the lease period
- annual expected costs averaged over lease period for fuel, maintenance, tyres, insurance, registration, car washes and auto club membership\*
- administration fees, and
- Fringe Benefits Tax (FBT) or GST for post tax contributions (PTC), depending on the preferred FBT model adopted under the salary package arrangement (refer to section 11 below).

*\* Employees need to advise Enlist if they wish to include provisions for car washes and auto club membership. These provisions are not mandatory requirements.*

During consultation, employees are offered an opportunity to discuss and negotiate the allocation of uncertain expense provisions such as fuel and maintenance.

Once salary sacrifice provisions have been accepted by the employee the lease can be finalised and the salary sacrifice deductions will commence from the following pay period. A Payroll Deduction Authority Report will be supplied by Enlist for employees to sign in order to accept the agreed salary sacrifice costs.

Each pay period thereafter MWC will deduct the agreed salary sacrifice allocation and remit the relevant amount to Enlist, who in turn pay the monthly lease rentals and all vehicle running expenses including reimbursements to employees.

Where actual expenses differ significantly from the budgeted salary sacrifice costs on an on-going basis throughout the lease period, the salary sacrifice budget can be adjusted. Enlist will discuss all such required adjustments directly with employees and arrange for a new Payroll Deduction Authority Report to be signed by employees before the changes are processed through payroll.

In the event that an employee incurs an unexpected expense for which a provision was not allocated in the original salary sacrifice budget, the employee may be entitled to make an additional one-off pre-tax salary sacrifice to cover the cost of the expense and it can then be claimed back as a reimbursement or paid with the Motorpass card. This means that unexpected vehicle expenses are effectively paid from pre-tax salary and the employee does not lose the associated tax benefits.

Employees need to be aware that the following costs do not constitute running expenses, and cannot be salary packaged. It is the employee's responsibility to personally meet the following costs:

- Infringements and fines
- Capital improvements to the vehicle after a lease has commenced (e.g. mag wheels, premium sound system, etc)
- Car parking
- Drivers license fees
- Tolls & E-tag

## 5. FUEL & MAINTENANCE

Enlist provide a Motorpass Card for each salary packaged motor vehicle. This card **must** be used to purchase fuel, lubricants, services, repairs, tyres and car washes at **some 11,000 merchants** nationally.

Fuel, lubricants and car washes can be purchased at almost any service station including BP, Shell, Mobil, 7Eleven, Coles Express, select Caltex outlets plus many independents.

Services, repairs, tyres and consumables (e.g. batteries) can be purchased at leading car dealerships and reputable franchises such as Bob Jane T-Marts, Beaurepaires, Goodyear Auto Service Centres, Kmart Tyre & Auto Service, O'Brien and Ultratune.

Discounts for servicing and repairs will be available from most of the reputable merchants mentioned. Discounts will generally vary between 10% and 20% off RRP and will be passed on to employees in full, and shopper docket discounts for fuel are attainable at select Caltex outlets.

Employees must use the Motorpass Card where-ever possible, however it is understood that there may be occasions when the card has been left at home or merchants do not accept the card. In such instances employees can pay for expenses directly from their own pocket and seek reimbursements from Enlist. Reimbursement claim forms can be downloaded from Enlist website at [www.enlist.com.au](http://www.enlist.com.au) or can be located on MWC intranet site.

It is the responsibility of the employee to destroy the fuel and maintenance card at the completion of the lease or upon termination of employment, whichever is first.



## 6. COMPREHENSIVE INSURANCE

Employees are legally responsible for their vehicle to remain comprehensively insured at all times.

MWC permit employees to choose any reputable insurance company for comprehensive motor vehicle insurance or they can request for Enlist to arrange comprehensive insurance.

If comprehensive motor insurance is arranged by Enlist then the annual premium will be paid directly by Enlist at the start of the lease and upon each annual renewal date.

If comprehensive insurance is arranged by the employee the annual premium must be paid directly by the employee and reimbursements claimed from Enlist. To claim reimbursements employees will be required to complete a Reimbursement Claim Form, attach a copy of the tax invoice (policy schedule) or receipt and submit the documents to Enlist.

***N.B. Tax invoices and/or receipts will be used by Enlist to validate the expense reimbursement amount and also used to claim input tax credits (ITC) for the GST component. Where it is not possible to claim ITC for GST then it will not be possible to credit the respective GST back into the employee's Salary Package Account.***

In the event of an accident employees are advised to remember the following:

- Never admit fault;
- Call police where-ever possible;
- Record important details such as license number, name, address, phone, vehicle model and registration; &
- Take name and contact phone from any witnesses (if possible).

Although there is generally no provision included for insurance excess costs, Enlist will permit employees to claim a reimbursement for this expense and respectively debit the amount against the Salary Package Account.

## 7. LEASE PROTECTION INSURANCE (LPI) – OPTIONAL

Enlist offer an optional Lease Protection Insurance (LPI) which employees can choose to include or exclude at their own discretion. The premium is paid up front to the insurer by Enlist and then capitalised into the monthly lease rentals.

This product is designed to help employees in the event of involuntary redundancy, expatriation or accidental death. The insurance cover includes the following features:

- For involuntary redundancy, after a 30 day waiting period, 6 monthly lease payments are covered whilst seeking new employment;
- Vehicle can be handed back at any time after the 3<sup>rd</sup> monthly repayment has been approved and the vehicle hand back cover can be claimed – maximum \$25,000 any one claim;
- In the event of accidental death the amount owing on the finance contract paid up to a maximum of \$100,000; &
- Additional coverage of \$5,000 in the event of expatriation, carer's hand back benefit or funeral expenses.

## 8. GAP INSURANCE – OPTIONAL

Enlist offer an optional GAP Insurance product which employees can choose to include or exclude at their own discretion. The premium is paid up front to the insurer by Enlist and then capitalised into the monthly lease rentals.

This product is designed to give employees peace of mind about meeting financial obligations in the event of a total loss where Comprehensive Motor Insurance may leave them out of pocket.

GAP insurance covers up to a maximum \$15,000 difference between the comprehensive motor insurance payout (i.e. market value) and the total amount outstanding on the lease contract at date of loss.

An additional \$2,000 cover is also provided for direct or indirect expenses incurred as a result of total loss of the vehicle. This benefit can cover expenses including, but not limited to hire car costs, personal effects, excess or motor premium cost for the new replacement vehicle.



## 9. REGISTRATION & COMPULSORY THIRD PARTY (CTP) INSURANCE

Novated lease motor vehicles are registered in the name of the employee. It is the employee's legal responsibility to ensure that his or her vehicle remains registered at all times.

For new motor vehicles the first year registration is normally paid by the motor vehicle dealer and included in the total purchase price.

Annual registration renewals can be sent to Enlist or paid directly by the employees and reimbursements claimed from Enlist. To claim reimbursements employees will be required to complete a Reimbursement Claim Form, attach a copy of the registration renewal notice or receipt and submit the documents to Enlist.

Certain states, such as NSW, require drivers to arrange their own CTP Insurance (green slips). Where applicable employees must arrange their own CTP insurance and submit reimbursement claims to Enlist along with the registration papers.

## 10. VEHICLE PURCHASING OPTIONS

Enlist endeavour to offer absolute flexibility where-ever possible including choice of vehicles. Recognising that vehicle preferences are personal and subjective decisions, Enlist will allow salary packaging for the following:

- Any make and model;
- New and used vehicles;
- Any price in excess of \$10,000 including luxury vehicles;
- Vehicles purchased from private vendors;
- Residual refinances; and
- Sale-and-leaseback for vehicles which the employee may already own.

Enlist offer a FREE vehicle sourcing services for new vehicles via a preferred dealer network. Corporate fleet discounts will be available for most new vehicle models. All discounts and rebates are passed on to employees in full.

Note: Luxury vehicles are defined as any vehicle with a lease value exceeding the Luxury Lease Threshold set by the Australian Taxation Office (ATO). The current luxury lease threshold is \$57,466 excluding GST. This amount is reviewed annually and may be adjusted from time to time by the ATO.

Luxury leases attract an additional cost as a result of a non deductible cost imposed on MWC. The non deductible cost for luxury leases will be included in the employee's total salary sacrifice provisions.

For more information employees are encouraged to contact Enlist, phone (03) 9860 0600.



## 11. FRINGE BENEFIT TAX (FBT)

FBT is a corporate tax levied on an employer by the ATO when the employer provides its employees with non cash benefits in lieu of cash salary. The current FBT rate is 49%, being equal to the highest marginal income tax rate.

A separate figure for "Reportable Fringe Benefits" appears on employee Group Certificates. Income tax is not payable on the reportable fringe benefit amount; however there may be some impact on the calculation of social security or other statutory entitlements.

In most instances FBT is charged on the total cost of a benefit item; however a select group of benefits qualify for FBT concessions or exemptions. A motor vehicle is one such benefit that qualifies for FBT concessions.

### 11.1 Statutory Cost Method

The Statutory Cost Method calculates an FBT concession based on the purchase price of a vehicle. This simply means that the concession (known as the "Statutory Fraction") which is a flat 20% is levied against the vehicle price and the FBT rate (49%) is then charged on the reduced amount rather than the full price of the vehicle.

For FBT purposes the price of a vehicle (known as the "Cost Base Value") is considered to be the market value of the vehicle when it is originally provided to an employee as a benefit.



- **For purchases from motor vehicle dealers:**

Cost Base Value = total vehicle purchase price including GST less stamp duty, registration and compulsory third party (CTP) insurance.

- **For sale and leaseback vehicles:**

Cost Base Value = current market value of the vehicle

- **For re-financed lease vehicles:**

Cost Base Value = the value when the vehicle was originally provided by MWC as a benefit. A one-off reduction of 33.33% can be applied to the Cost Base after the vehicle has been held for four (4) full FBT years.

## 11.2 FBT Formula

Vehicle Cost Base x Statutory Fraction = Taxable Value (also known as “Benefit Value”)

*(Taxable Value – Post Tax Contributions) x Days Held / Days in FBT Year x FBT Rate x Gross Up Factor*

**For example:**

Vehicle Cost Base Value = \$30,000

FBT Days Held = 365 days

Post Tax Contributions = \$0

**FBT Calculation = (\$30,000 x 20% - \$0) x 49% x 2.1463 = \$6,310.12**

## 11.3 Post Tax Contributions (PTC)

Recipient contributions, also known as “Post Tax Contributions”, are payments made by an employee from his or her after tax salary towards the running costs of their salary packaged vehicle. Where post tax contributions have been made then the Taxable Value of the car fringe benefit can be reduced dollar for dollar with the amount of post tax contributions.

This provides a much more attractive outcome for any employee who salary sacrifices taxable income below the top marginal income tax rate. The current top marginal income tax rate is 49% and applies to income above \$180,000.

By adopting post tax contributions an employee can effectively replace the FBT rate of 49% with their own (lower) rate of marginal income tax. The outcome results in zero FBT costs being allocated to the total salary sacrifice budget and the remaining provisions split between a mix of pre tax deductions and post tax contributions.

During consultation Enlist will calculate the correct amount to be split between pre tax and post tax income and instruct MWC of the respective deductions to be withheld via payroll.

**For example:**

Annual Taxable Salary	\$70,000	Annual Lease Rentals	\$7,692 (Ex GST)
Vehicle Price	\$33,000 (Inc GST)	Annual Running Costs	\$6,800 (Ex GST)
Annual Kilometres	20,000 km	Annual FBT	\$6,689
Lease Period	36 months		

	Privately Funded Arrangement (Post Tax Only)	Standard Packaging (Pre Tax Sacrifice)	Post Tax Contributions (Pre & Post Tax Sacrifice)
Gross Salary	\$70,000	\$70,000	\$70,000
Pre tax Sacrifice	\$0	\$21,541#	\$9,070# *
Taxable Salary	\$70,000	\$48,459	\$60,930
Income Tax & Medicare Levy	\$15,697	\$8,265	\$12,568
Post Tax Contribution	\$0	\$0	\$6,360
Private Vehicle Expenses	\$15,570^	\$0	\$0
<b>Remaining Cash in Hand</b>	<b>\$38,733</b>	<b>\$40,194</b>	<b>\$42,002</b>

^ Comprises loan payments under identical term as novated lease + running costs including GST

# Includes administration fees

\* Includes \$578 for GST on Post Tax Contribution (i.e. 1/11<sup>th</sup> of \$6,360)

The above example clearly demonstrates that the employee would be left with more cash by salary packaging a novated lease. Under the traditional (full pre tax) method, which includes FBT, the employee would save \$1,461 each year. However, by adopting the Post Tax Contribution Method and effectively swapping the FBT rate of 49% with the employee's marginal income tax rate of 34.5% the annual savings will increase to \$3,269 and a **total net saving of \$9,807 over three years.**

#### 11.4 FBT Reconciliation

At the end of each FBT year (31 March) an FBT reconciliation will be performed to ascertain whether sufficient provisions have been deducted from employees throughout the year or alternately whether post tax contributions have sufficiently offset the FBT value. An adjustment will be made to either recover any FBT shortfalls or reimburse excess FBT deductions. FBT shortfalls will be recovered from employee's pre tax salary and FBT reimbursements will be paid to employees as taxable salary which requires income tax to be withheld at the employee's marginal tax rate.

Employees who use post tax contributions to offset FBT cannot be reimbursed any FBT because there was no FBT deducted in the first place. However, subject to employment contracts, it may be possible to refund the portion of income tax that was withheld on the excess amount of post tax contributions.

## 12. FEES

MWC employees will be charged the following fees which will be included in the total salary sacrifice allocation.

Fee Description	Amount	Frequency
Establishment Fee	\$195	Once at the start of a new lease
Administration Fee (includes fuel card)	\$25	Monthly

*All fees exclude GST. Input tax credits for GST can be claimed and the net cost is charged to employee Salary Package Accounts.*

N.B. An additional “one-off” document fee may apply if purchasing a used vehicle from a private vendor (i.e. not applicable when used vehicles are purchased from registered motor vehicle dealers).

## 13. ONLINE PORTAL

Employees receive access to a secure online portal. The online portal includes the following features and information:

- Daily transactions and balances;
- Itemised fuel card transactions;
- Odometer tracking information;
- Lease information;
- Kilometre projection calculator (if applicable);
- Important FBT information;
- Monthly account statements;
- Pre-filled forms; and
- Novated lease calculator.

## 14. TERMINATIONS & RECONCILIATIONS

At the conclusion of each lease novation period Enlist reconcile the employee’s Salary Package Account back to a zero balance. The reconciliation will calculate the final balance between actual expenses and the allocated provisions received from payroll. Neither MWC nor Enlist retain a profit from positive balances or carry losses from negative balances. The shortfall or surplus of the final balance will be credited to the employee’s pre tax salary.

It is the responsibility of each employee to advise Enlist of any intention to terminate the lease and/or if the employee intends to terminate employment with MWC.

***In the event that lease novation ceases as a result of employment termination the employee will be offered one of the following three options:***

- (1) Payout the lease from personal savings or proceeds of sale (if vehicle is to be sold);
- (2) Transfer lease to a new employer. This option is subject to policy conditions of new employer; or
- (3) Continue to pay lease rentals from personal savings.

***In the event that lease termination arises due to maturity of a lease period, the employee will be offered one the following three options:***

- (1) To purchase the vehicle at the residual value and own the vehicle privately;
- (2) To sell the vehicle (or trade in) and pay out the lease residual from the proceeds of sale; or
- (3) Refinance the residual value (ex GST) and continue the salary packaging arrangement.

## **15. CORPORATE POLICIES**

In addition to the scope of the novated lease program outlined in this booklet, MWC also requires employees to be aware of the following corporate policies:

### **Eligibility**

The novated lease salary packaging program is only available to permanent employees in Australia. Employees on probation periods cannot participate until such time that the probation period has expired or unless prior written authorisation has been granted by MWC HR Manager or other authorised representative.

Fixed-term contract employees may be eligible at the discretion of the HR Manager. As a minimum requirement, the term of the vehicle lease must not exceed the term of the fixed-term contract.

### **Leave without Pay**

Leave without pay (LWOP) includes maternity leave, carer's leave, unpaid sick leave or other MWC approved leave.

Employees with a novated lease vehicle who take LWOP will normally be required to stop the salary packaging arrangement and either pay out the lease or continue to pay the lease rentals and running costs from personal savings. The employee's salary package account will be reconciled with the respective adjustment applied to the gross salary.

In the event that an employee is aware of impending LWOP in advance (such as maternity leave), the employee can elect to increase salary sacrifice provisions in months leading up to the period of leave in order to build up a surplus in the salary package account. The surplus can then be used to pay for expenses during the leave period and the vehicle can remain novated with MWC.

### **Expense Contingency Provision**

MWC also strongly recommends employees include a nominal contingency of \$20 per month to cover unexpected costs and ensure that employees do not accrue large negative balances in the Salary Package Accounts. The unspent contingency, together with any other surplus amounts remaining in the Salary Package Accounts are reimbursed to employees in full. This is only a precautionary guideline to cover events such as:

- Insurance accident excess (normally no provision is included specifically for insurance excess costs);
- Large surges in fuel prices and/or other running cost increases; and
- Employees travelling greater distances than originally predicted and therefore spending more for fuel and maintenance costs.

## 16. OBLIGATIONS & RESPONSIBILITIES

Each party has defined tasks they must perform in order to meet key obligations as outlined below:

### Employee Obligations

- Seek independent financial advice;
- Choose a preferred vehicle model;
- Sign a Payroll Deduction Authority Form as acceptance of agreed salary sacrifice provisions;
- Provide an odometer reading to merchants when purchasing fuel and maintenance with the fuel card;
- Maintain responsibility for other drivers using the vehicle;
- Pay for road tolls, traffic and/or parking infringement notices;
- Arrange comprehensive insurance through an insurance company of personal preference and maintaining comprehensive insurance at all times;
- Ensure the vehicle is registered at all times and claiming reimbursement from Enlist on an annual basis;
- Claim reimbursements direct from Enlist (as and when required);
- Pay for any additional capital improvements after delivery of the vehicle;
- Adhere with the vehicle manufacturer's handbook and the financier requirements as documented in the individual lease agreements;
- Advise Enlist when personal circumstances change (e.g. new residential address, contact details, etc);
- Return the fuel and maintenance card at the completion of the lease or upon termination of employment, whichever is first; and
- Repay all outstanding amounts owed to MWC as a result of final reconciliation of the Salary Package Account, including FBT. (N.B. final repayment for negative account balances can be deducted from pre-tax salary).

### MWC Obligations

- Implement, administer and review salary packaging policies;
- Supply employment confirmation letters to the employee, for Enlist. The employment confirmation letter is required by Enlist and the financier during the credit application process;
- Process salary sacrifice provisions via payroll;
- Remit deductions to Enlist after each pay period;
- Recover or reimburse final reconciled balances from employee pre tax salaries at completion of novation periods.

### **Enlist Obligations**

- Provide a personalised consulting service to ensure each employee understands the novated lease program and associated costs relating to individual circumstances;
- Provide unlimited number of Novated Quote Reports (as required);
- Free vehicle sourcing services for new vehicles;
- Arrange competitive lease finance;
- Manage all document requirements;
- Administer all aspects of the Motorpass account;
- Pay for all third party supplies and reimbursements in full;
- Fund negative balances in employee Salary Package Accounts throughout the lease period at no cost to MWC or employees;
- Supply Payroll Deduction Authority Reports directly to MWC payroll department;
- Provide monthly GST invoice statement to MWC;
- Provide access to secure online reporting;
- Monitor Salary Package Account balances and communicate directly with employees to negotiate adjustments that may be reasonably required from time to time;
- Provide a range of corporate reports to MWC including, but not limited to, account balances, kilometre projections, annual FBT reconciliations and termination reconciliation reports;
- Implement educational initiatives as mutually agreed with MWC including information workshops and literature; and
- Communicate industry and product updates to MWC and employees (as required).