



Other articles in this issue:

Business Compliance Under Updated Sexual Discrimination Laws



Important updates:

Vehicle Haulage Concession

On Farm Connectivity Program

Also in this edition:

Work experience at Byfields

Byfields 2024 Webinars

Byfields Xmas closure hours

DEMYSTIFYING SUCCESSION PLANNING

Simon Boyd | Associate

In the ever-changing landscape of the Ag industry, succession planning has become a critical consideration for farming families. As the value of farmland rises and operations become more complex, the need for a structured and well-thought-out succession plan has never been more evident.

Succession planning begins with a thorough understanding of the farm's structure. It is important for families to comprehend their business and land holdings, identifying ownership as well as acquisition timelines and the overall interconnectedness of assets.



Like managing tasks on the farm, breaking down the succession plan into small, achievable components simplifies the process. By addressing individual elements one at a time, the overall complexity is significantly reduced.

The surge in farmland value brings forth the challenge of fairness, especially when distributing assets among off-farm and on-farm children, this is a common issue amongst clients.

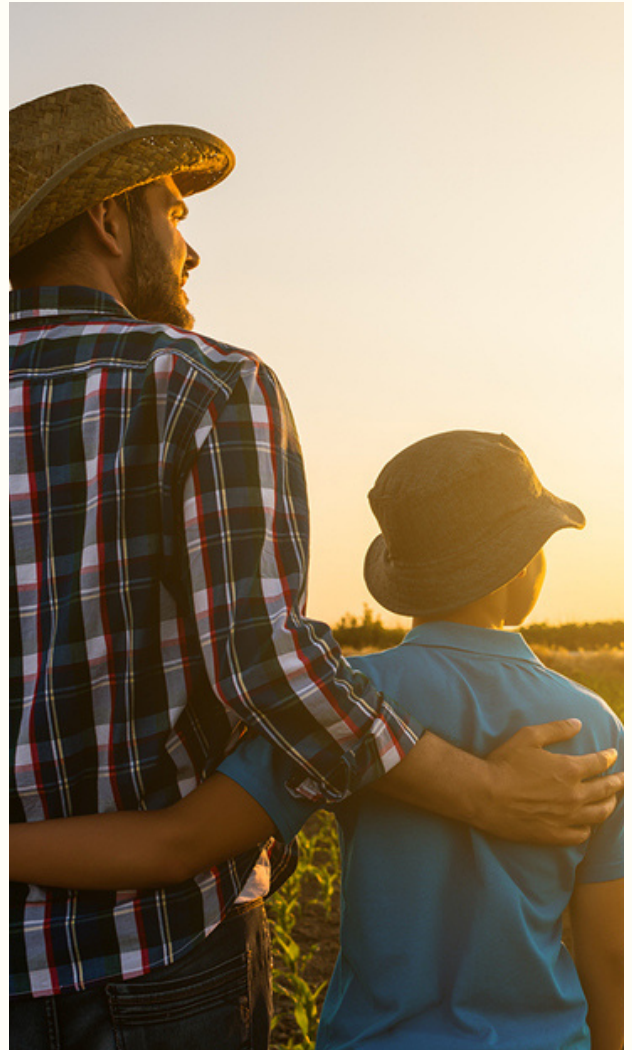
“ It is important to note that succession planning is a continuous process that requires proactive communication. It involves collaboration with business advisers who you can trust. ”

It is important to note that succession planning is a continuous process that requires proactive communication. It involves collaboration with business advisers who you can trust.

Accountants play a crucial role as mediators, helping navigate discussions between generations. Often, accountants take on a project management role. They coordinate discussions, push for decisions, and handle technical aspects like tax considerations, ensuring the plan progresses smoothly.

The process usually begins with individual meetings with the older generation. These meetings focus on understanding the existing structure, discussing potential scenarios, and gauging the viability of the farm in the future.

The next step involves separate meetings with the incoming generation, educating them on the existing structure and discussing their priorities, be it control over the business or ownership of specific assets.



Once individual concerns and priorities are addressed, a joint meeting is convened to finalise the succession plan. This meeting serves as a platform for rubber-stamping decisions and ensuring that both generations' objectives are met.

Ultimately, it's important to stress the importance of initiating succession planning early and consistently involving your advisers who align with your goals and are proactive in the process.

In conclusion, succession planning is not a one-time event but an ongoing, evolving process. By proactively engaging with advisors, breaking down complexities, and fostering open communication, farming families can ensure a smoother transition of their legacy to the next generation.

If you have any questions regarding succession planning, please contact your local Byfields office today.



BUSINESS COMPLIANCE UNDER UPDATED SEXUAL DISCRIMINATION LAWS

**Danielle McNamee | Managing
Director**



Right at the end of 2022 there were a flurry of bills presented to Parliament that would have large scale impacts on employment practices. One of the focusses of these would be the prohibition on sexual harassment within the workplace. To prevent this the Federal Government signed into law the following:

- The Respect at Work Act 2022 (Anti-discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022)
- The Secure Jobs, Better Pay Act 2022 (Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022)
- The Gender Equality Act (Workplace Gender equality Amendment (Closing the Gender Pay Gap) Act 2023 (Cth))

These changes expand the previous protections around sexual harassment in the workplace which are provided by Discrimination, Human Rights and Work, Health and Safety laws.

“Sexual harassment in the workplace is prohibited and a breach of this prohibition can result in claims and civil penalties.”

The amendments will help to protect workers (e.g. employees, contractors, subcontractors, apprentices, students, volunteers etc.), prospective workers, third parties (e.g. clients and customers) and persons conducting or undertaking a business from sexual harassment.

Under the Act, sexual harassment in the workplace is prohibited and a breach of this prohibition can result in claims and civil penalties with employers being given a grace period until 13 December 2023 to ensure they are compliant.

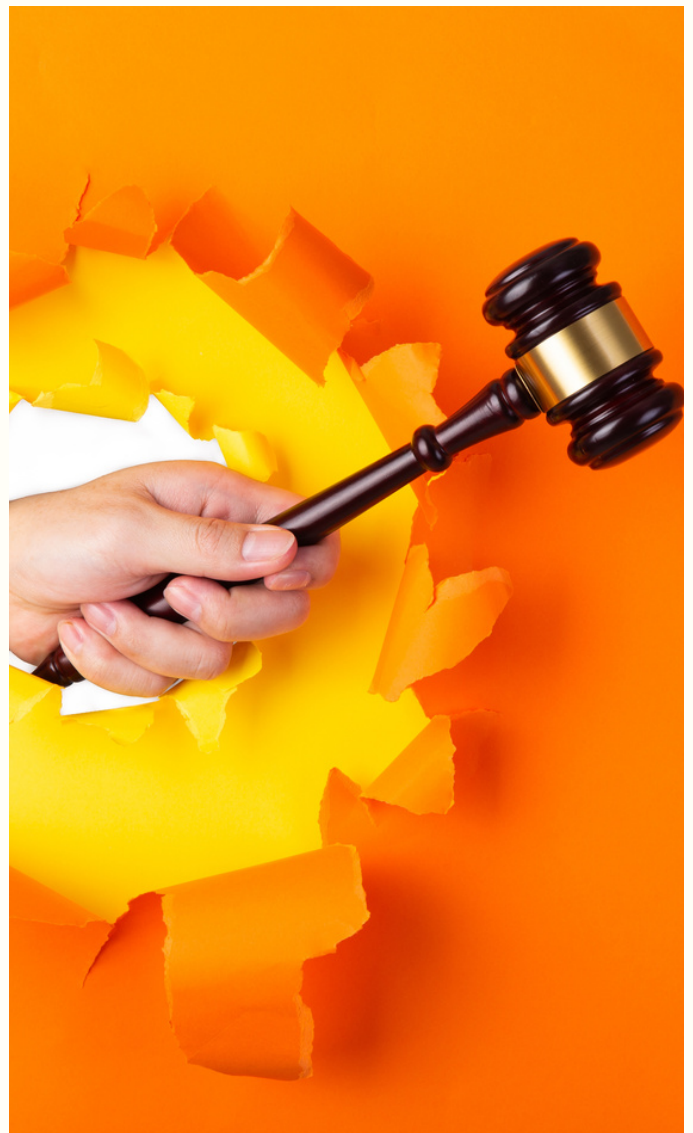
Effective from 6 March 2023, The Fair Work Commission (FWC) can issue a Stop Sexual Harassment order if it is satisfied the aggrieved person has been sexually harassed and there is a risk that the aggrieved person will continue to be sexually harassed. The FWC may make any order it considers appropriate (other than an order requiring payment of a pecuniary amount) to prevent the aggrieved person from being sexually harassed.

The new legislation will also address discrimination based on breast feeding, gender identity and intersex status extending the previous protections under the Fair Work Act 2009 (Cth).

The Respect at Work Act 2022 puts a Positive Duty on employers to ensure their workplace is free from sexual harassment, including prohibiting:

- Sexual harassment in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility of offence harassment or intimidation,
- Sexual discrimination,

- Sex-based harassment, meaning unwelcome conduct of a demeaning nature because of a persons sex, or characteristics that generally apply to a particular sex in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility of offence harassment or intimidation; and
- A hostile work environment on the ground of sex.



Not all of the above require a specific complainant or for the offence to be directed at someone. For example a hostile work environment can occur when a reasonable person, having regard to all the circumstances, would have anticipated the possibility of the conduct resulting in a workplace environment being offensive, intimidating or humiliating because of a persons sex or characteristics related to a persons sex, comments such a “man flu” could fall into this category.

After 13 December 2023 employers can be investigated at random and without a complaint. As such, it is not enough to “know” that your workplace does not engage in unlawful actions and assume that this will mean no complaint will be made and so no investigation could occur.

What do employers need to do?

Identify the hazards and risks that can lead to sexual harassment and put control measures in place which can include:

- Develop knowledge and leadership on the risks of sexual harassment and ensure those in senior positions fully understand their duty under the law.
- Develop a plan on how to manage sexual harassment in the workplace.
- Develop and implement policies and procedures around preventing and responding to Sexual Harassment.
- Create a positive and respectful workplace culture.
- Provide information, instruction, training and support about the importance of preventing and addressing sexual harassment in the workplace.

- Conduct a risk assessment on this risk of sexual harassment, ensuring to focus on all potentials including customers and contractors entering the business.
- Address unwanted or offensive behaviour early.
- Encourage reporting of sexual harassment and having effective complaints procedures.
- Respond to reports of sexual harassment.

If you would like some assistance in preventing sexual harassment in your workplace, please contact ProcessWorx. They can assist on a consultancy basis, or you can purchase a package which gives you everything you need to prevent and respond to sexual harassment at work and maintain compliance with legislation.

How ProcessWorx can help your business:

With over 10 years of experience working with small businesses, ProcessWorx knows the importance of understanding and protecting your business from ongoing changes to the Industrial Relations landscape, while ensuring you remain compliant.

If you need assistance implementing any changes in your business or would like a review of your current workforce planning and contracts, please contact ProcessWorx and they can assist you with your IR compliance.

If you would like more information about Industrial Relations for your business, please contact ProcessWorx on **(08) 9316 9896** or email **enquiries@processworx.com.au**

IMPORTANT UPDATES

Vehicle Haulage Concession

Does your business rely heavily on the use of vehicles? If so, the Farm Haulage Concession could be of benefit to you!

This concession offers a 50% reduction in vehicle license charges and is a significant opportunity for farmers to enhance their bottom line.

What is the Farm Haulage Concession?

The Farm Haulage Concession is a government initiative designed to alleviate the financial strain placed on farmers when it comes to vehicle license charges. It provides a 50% reduction in these charges, potentially leading to substantial cost savings for your business.

Eligibility Criteria:

- They must have an unloaded mass of over 1,524 kg.
- They should be goods vehicles, trailers, semi-trailers, or used for hauling trailers or semi-trailers (vehicle combinations).
- They must be used solely or primarily for the transportation of your farm's products or requisites on roads and road-related areas.
- They should be owned by a farmer
- Applicants must provide a current Australian Business Number (ABN) as proof of operating a farming business.

Generally the concessions apply to trucks and trailers, you cannot claim for machinery, vehicles used for agistment or horse transport, and converter dolly trailers.

You may also apply for a second concession if you operate a farming business at a second farming location.





How to Apply for the Concession:

The concession form is available at the Department of Transport website and can be either emailed to concessions@transport.wa.gov.au or presented at a Vehicle Licencing Centre, such as your local shire office.

On Farm Connectivity Program

The On Farm Connectivity Program provides eligible Equipment Suppliers with up to \$30,000 rebate for sales of digital farming technology to eligible Primary Producers to help improve their connectivity and productivity, covering up to 50% of the costs.

To be an eligible Primary Producer for this program, the business must have turnover between \$40k-\$2m and pay the remaining costs of the digital farming technology.

The Equipment Suppliers handle the application and the grant, streamlining the process for the farmer. Please contact your suppliers to find out more, or discuss with your Byfields Accountant.



What matters to you, matters to us.

Business Advisory & Taxation
Succession Planning
Agribusiness
Self Managed Superannuation
Bookkeeping

www.byfields.com.au

Work Experience at Byfields

Byfields is always looking to provide on the job learning and mentoring to those studying a business degree. Work experience is available across the Byfields network.

If you know someone who is studying, we would love to hear from them. We will tailor a work experience program to fit with their availability and to ensure exposure to the different services we offer.

Please contact our Senior People & Culture Adviser, Yolandi Nagel on (08) 6274 6400 OR yolandin@byfields.com.au from the 16th of January 2024 onwards or speak to your Byfields accountant.



Starting Again in 2024!

More information coming soon!

Scan for past Byfields Webinar resources:



Employer Obligations | Tips & Traps
&
Family Trusts

The Directors & staff at Byfields wish you & your family a Merry Christmas & Happy New Year!

During the festive season, our offices will be closed from Friday 22nd December 2023 @ 1.00pm, reopening Tuesday 2nd January 2024 @ 8.30am.