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# Client Information Bulletin

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## Summer 2008

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### Temporary Investment Allowance Incentive

As part of the Government's economic stimulus, a temporary 10% investment allowance has been introduced to encourage capital investment by Australian business. The allowance is an additional tax deduction of 10% (in addition to depreciation) of the cost of eligible assets – broadly new plant and equipment costing more than \$10,000 acquired or ordered before 30 June 2009 (and installed ready for use prior to 30 June 2010).

Please contact us for more information on this incentive.

### Protecting your business in tough economic times

Economic conditions are deteriorating and a recession is predicted to occur in the major economies of the world.

Owners, managers and directors of businesses are advised to act to protect their business from a downturn and loss of demand for their products and services.

Blaze Acumen can assist businesses by providing financial skills in cash flow management and financial analysis. They can advise on:

- Management of Trade Debtors
- Maintaining positive cash flow
- Effective stock levels
- Timing of payment to creditors
- More effective finance options
- Projected cash flows and budgets
- Cost control.

Businesses are encouraged to act sooner rather than later to protect their cash flow and financial position. Contact us for further advice.

### Home office expenses

Do you have an office at home? Do you use it for income producing purposes and incur additional running costs? If you answered 'yes' to these questions then you may be entitled to claim a deduction for 'running expenses'.

What you can claim:

- Expenses such as heating and electricity costs
- Telephone expenses
- Depreciation of office equipment. This may include computers, printers, desks, etc.

There are two ways to calculate the deduction:

- Using actual expenses
- Making calculations based on 26 cents per hour.

To claim the hourly rate you need to keep a diary for a four week period that establishes a pattern of use. A new diary must be kept for each financial year and be kept for five years.

Where there is no pattern, records must be kept throughout the year noting the duration and purpose of each home office use.

For telephone expenses there are two options:

- Business related calls can be identified from an itemised telephone account, or
- A four week diary can be used to make a reasonable estimate of the number of business calls.

Claiming 'running expenses' does not usually affect the main residence exemption however if you claim occupancy expenses such as interest, repairs, a proportion of rates and house insurance, it may affect your main residence exemption. If so it would result in the payment of capital gains tax on a portion of the sale of your property should you decide to sell.

## Rental property deductions – common mistakes

The Tax Office lists the following as the most common mistakes made by owners of rental properties:

- Incorrectly claiming the cost of structural improvements as repairs instead of claiming a capital works deduction. For example, remodelling a bathroom or installing a pergola is capital in nature
- Overstating interest deductions where the loan is partly for private purposes

- Claiming the full cost of an inspection visit when the visit is combined with private purposes (such as a holiday)
- Claiming a deduction when the rental property is not genuinely available for rent - such as a holiday house
- Not proportioning deductions when the property was only available for rent for part of the year
- Incorrectly claiming the cost of the land in capital works.

Many external items are not deductible but are added to the cost base of the property. This may include soft landscaping, turfing, garden beds and irrigation pipe work. Landscape architect's fees are also ineligible for a deduction.

You may be able to claim a deduction for the cost of construction of the property. This however will depend on the date the construction commenced. You require the original cost of construction for the building, and any structural improvements. You may use a cost estimate if you are unable to obtain the original construction costs from the builder and / or previous owner.

To estimate the costs you will require a quantity surveyor's report. If you refurbish the property yourself, you are required to keep substantive documentation.

If you are unsure that you are correctly claiming your rental property deductions, please contact us.

## Summer tax deductions

Now that the weather is warming up we thought it was a good time to remind you that a tax deduction is allowable for expenditure on sunscreen,

sunglasses and hats for outdoor workers.

The deduction is allowable for these items where the worker is obliged to work in an environment where they are exposed to the sun. This would generally require that the exposure is for sustained periods and not just short walks between offices.

Some examples of the occupations these relate to include:

- Building and construction workers
- Truck drivers and couriers
- Farmers and forestry workers
- Other outdoor workers such as gardeners and landscapers
- Parking inspectors.

If sunglasses are required for eye protection the cost of prescription sunglasses is also deductible.

## Self education costs – BEWARE

Self education expenses are deductible if the course has sufficient connection to the taxpayer's current employment and:

- It maintains or improves the specific skills or knowledge the taxpayer requires in their current employment, or
- Results in, or is likely to result in, an increase in the taxpayer's income from their current employment.

A deduction for self-education expenses cannot be claimed for a course that does not have a sufficient connection to the taxpayer's current employment even though:

- It might be generally related to it, or
- It enables them to get new employment.

Recent cases have demonstrated how strict the Tax Office's view is of the deductibility of self education expenses.

In one case the self-education expenses were fees paid to a university in regard to studying for a degree in hotel management. The degree required 500 hours of practical experience, which was undertaken by the taxpayer at a Hotel. He continued in various roles at the hotel beyond the requisite hours.

The taxpayer argued that the course of study was relevant to his progression at the hotel but conceded that it was not a condition of his continued employment. Furthermore, pay rises were based on ability and enthusiasm for the job rather than any formal qualification.

The Tribunal found that the taxpayer had not shown that the expense was incidental and relevant to the gaining of assessable income or was a loss or outgoing incurred in gaining assessable income. Rather the expenses were concerned with the getting of work in the future. As such no deduction was available.

Personal development course fees and life coaching programs are not generally deductible as there is insufficient nexus between the current employment and the program – the expenditure is essentially private in nature. Also if a course is too general or the skills learned are much greater than required for the current position the necessary connection between the self-education expense and employment will not be met.

If you have any questions relating to the deductibility of self education expenses contact us.

## **ATO's compliance program for 2008-09**

The Commissioner of Taxation released the ATO's *2008-09 Compliance Program*. There does not seem to be a great deal of change from last year and the ATO continues to have a 'prevention is better than cure' approach.

The additional Government funding of \$700m, improved analytical skills, cooperation with other government agencies as well as revenue authorities overseas, will mean taxpayers will be under more scrutiny, particularly if they fall in the high wealth individual and large business categories.

Some details of the program are set out below.

### **Individuals**

For individuals the ATO will focus on:

- Investors – looking at capital gains, rental income and financial products
- Superannuation – over-claiming deductions for superannuation contributions and excess contributions
- Work related expenses – incorrectly claimed work-related expenses
- Executives and directors – expansion of the review of the remuneration package for senior executives to include those in private and foreign-owned companies.

### **Micro enterprises**

Micro enterprises include small businesses and self managed super funds. The main compliance issues that arise for this group include:

- Employer obligations, including the superannuation guarantee – employers who do not pay the correct superannuation guarantee contributions or do not offer

choice of superannuation fund

- The cash economy – focusing regional activities, business-to-consumer transactions and micro enterprises with conspicuous consumption or multiple obligations
- International dealings – ensuring offshore income is correctly reported
- Capital gains on the sale of assets and investments – ensuring capital gains and losses are correctly reported
- Managing tax debt – risk profiling to identify small businesses that may be struggling to manage their tax payment obligations and offer them assistance
- Saving for retirement – ensuring trustees and auditors are achieving a high level of compliance.

### **Small to medium enterprises (SMEs)**

Businesses that have an annual turnover of between \$2m and \$250m are classified as an SME by the ATO. Compliance issues for this group include:

- Increased focus on income tax compliance – the Government has provided additional funding to focus on tax compliance by SMEs particularly within the \$100m and \$250m turnover bracket
- Highly wealthy individuals – the *High Wealth Individuals Taskforce* will be expanded to monitor compliance and follow up with reviews and audits as needed
- Clarification on trust issues – the ATO will seek judicial clarification on a number of trust issues including the effectiveness of clauses in trust deeds that seek to equate trust income with trust taxable income
- Tax planning around business exits – the capital

management, international transactions and tax planning around business exits, service trusts and phoenix arrangements will be examined

- Fuel tax credits – monitoring the compliance behaviour of claimants since the fuel tax credit scheme was expanded on 1 July 2008 to allow more businesses to claim a credit.

### Non-profit organisations

Organisations that are classified as non-profit are many and varied. The biggest compliance issue facing them is:

- Defining what is a charity – this will focus on arrangements that seek to abuse the concessional status of charities and deductible gift recipients, including arrangements that seek to manipulate access to the GST concessions.

### Serious abuse of the tax and superannuation system

There are a small number of people that deliberately abuse the tax and superannuation system. The ATO will be looking into:

- Tackling cross-border tax crime
- Refund fraud – stolen identities used to commit tax fraud
- Tax implications of criminal activities – organised groups that accumulate wealth from illegal activities and invest it in the financial system through legitimate channels.

Through the ATO's compliance program the hope is that people understand and meet their tax and superannuation obligations at the lowest possible compliance cost to them.

## First Home Saver Accounts

The First Home Saver Accounts are open for those aged between 18 and 65. Family members are allowed to contribute as well.

As part of the Saver Accounts the Government will provide a 17 per cent contribution on the first \$5,000 of individual contributions made each year. This means that anyone who contributes \$5,000 to their account will receive an \$850 deposit from the Government.

Combined with a low tax rate of 15 per cent that is equivalent to superannuation, a couple both earning average incomes, putting 10 per cent of their income into individual First Home Saver Accounts, will be able to save more than \$88,000 after five years depending on returns.

This is almost \$13,000 more than they would have saved in a standard savings account, according to the press release.

Since 1 October, the Saver Accounts have been offered by major financial institutions across the country.

For further details on First Home Saver Accounts please contact us.



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