

## Tax News – July 2009 Edition

This month's Tax News contains important information relating to general ATO information, tax determinations and rulings that are of relevance to financial advisers.

### Capital Gains Tax

These ATO have released the following capital gains tax guides in the last month:

- [Guide to capital gains tax 2008-09](#)
- [Personal investors guide to capital gains tax 2008-09](#)
- [Managed Investment Trusts - election to allow capital gains tax to be the primary code for disposals of shares, units and real property](#)

### Baby Bonus Scheme

- [Baby bonus claim options](#)
- [Baby bonus instructions and claim 2008-09](#)

### First Home Saver Accounts (FHSAs)

The ATO have released the following documents regarding application and eligibility for FHSA:

- [Completing your first home saver account \(FHSA\) notification of eligibility](#)
- [Completing your application for payment of FHSA government contribution for a deceased estate](#)
- [Completing your FHSA government contribution destination nomination](#)

### Fringe Benefits Tax

The government has announced that it will amend the fringe benefits tax (FBT) law to ensure that donations made under salary sacrificing arrangements do not result in an employer incurring an FBT liability. They have also released the latest fringe benefits tax rates and thresholds:

- [Fringe benefits tax - donations made under salary sacrifice arrangements](#)
- [Fringe benefits tax - rates and thresholds](#)

### GST

This GST and property guide will assist in working out how GST applies to GST property transactions.

- [GST and property](#)

### Income Tax

The ATO have released this documentation outlining the key dates for tax agents between July and September 2009, as well as the new income tax thresholds and additional tax information.

- [New personal income tax thresholds apply from 1 July 2009](#)
- [You and your shares 2008-09](#)
- [Refund of franking credits instructions and application for individuals 2008-09](#)
- [Guide to foreign income tax offset rules 2008-09](#)

### Deductible Expenses

Explains the income your clients can declare, deductions and credits they can claim, and records they need to keep.

- [Time to get money back on school costs](#)
- [Work-related expenses](#)
- [Guide to depreciating assets 2008-09](#)

- [Rental property deductions - know what you can claim](#)

### Superannuation

This information sets out the Australian tax treatment of a transfer from a foreign super fund, as well as a SMSF audit report template.

- [Self managed superannuation funds audit report](#)
- [Tax treatment of transfers from foreign super funds](#)

### ATO Interpretative Decisions

The ATO have released the following interpretative decisions over the past month of relevance to financial advisers:

- [ATO ID 2009/42](#) – Capital Allowances: business related costs - business proposed to be carried on - A business was 'proposed to be' carried on for the purposes of paragraph 40-880(2)(c) of the ITAA 1997 at the time the taxpayer incurred their capital expenditure because as at that time the taxpayer demonstrated a commitment of some substance to commence to carry on the business, there was sufficient identity and was proposed to be carried on within a reasonable time.
- [ATO ID 2009/47](#) - Capital Allowances: tax break - used for the principal purpose of carrying on a business – The ATO determined it reasonable to conclude, as the taxpayer will use the asset for more than 50% of the time for the purpose of carrying on a business that the taxpayer will use the asset for the principal purpose of carrying on a business for the purposes of s41-20 ITAA 1997.
- [ATO ID 2009/39](#) - Capital Allowances: business related costs - capital expenditure - The ATO determined that a taxpayer cannot claim a deduction under section 40-880 of the ITAA 1997 for the payment made voluntarily by them because the payment does not constitute capital expenditure.

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Justifying  
your advice just  
got a whole lot  
easier with...

 *reasonable basis*