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TaxWise Individual News

September 2018

Its tax time 2018! What you need to know about the key changes

It's that time of year again – tax return time!

Before you complete your tax return for 2018, here are some key dates, changes and information that you should be aware of in case they affect you.

5 tax time changes that may affect you

Several new tax time-related changes have happened since last year. Here are just five of them to be aware of.

1. First home super saver scheme

The first home super saver (FHSS) scheme allows you to save money for your first home inside your superannuation fund.

From 1 July 2017, you can make voluntary concessional (before-tax) and non-concessional (after-tax) contributions into your super fund to save for your first home.

From 1 July 2018, you can then apply to withdraw your voluntary contributions to help you purchase your first home.

Note! You can only request a release of amounts under the FHSS if you are:

- 18 years old or older;
- never owned property in Australia; and
- have not previously requested the ATO to issue a FHSS release authority in relation to the scheme.

2. Personal income tax plan

From 1 July 2018:

- The top threshold for the 32.5% bracket has increased from $87,000 to $90,000.

  This will reduce the amount of tax withheld from your pay.

- A new low and middle-income tax offset is available to individuals with a taxable income less than $125,334.

  This offset won't reduce the amount of tax withheld from your pay – it will be a one-off amount applied to your Notice of Assessment to reduce the overall amount of tax you have to pay.

3. Cryptocurrency

If you are involved in acquiring or disposing of cryptocurrency, you need to be aware of the tax consequences. These vary depending on the nature of your circumstances.

Usually, a CGT event occurs when you dispose of your cryptocurrency. If you make a capital gain when you dispose of your cryptocurrency, some or all of the gain might be taxable.

Cryptocurrency as an investment: If you held cryptocurrency as an investment, any capital gain you make would usually be taxable.

Cryptocurrency as a personal use asset: Personal use of cryptocurrency is not subject to income tax or GST in Australia. Cryptocurrency may be a personal use asset if it is acquired and kept or used mainly to purchase items for personal use or consumption. In this case, any gain you make on disposing of cryptocurrency that is a personal use asset would usually be disregarded for tax purposes.

Cryptocurrency in a business: If you carry on a business that involves transacting in cryptocurrency, the trading stock rules rather than the CGT rules may apply. In this instance, gains made on disposing of cryptocurrency would be ordinary income rather than a capital gain. However, you would first need to check whether you are carrying on business and that you are holding the cryptocurrency for sale or exchange in the ordinary course of your business before the trading stock rules will apply.

Note! The tax treatment of the gains or losses you make from disposing cryptocurrency will depend on the circumstances in which you are holding it. Your tax adviser will be able to assist you to work out the correct tax treatment of your gains and losses.

Tip!

- Everybody involved in acquiring or disposing of cryptocurrency needs to keep records in relation to their cryptocurrency transactions.
- If you have dealt with a foreign exchange and/or cryptocurrency there may also be tax consequences for your transactions in the foreign country.

4. Tax deductions for personal super contributions

Eligibility rules for claiming a deduction for personal super contributions have changed.

From 1 July 2017, most taxpayers under 75 years old (including those aged 65 to 74 who meet the work test) are able to claim a deduction for personal super contributions regardless of their employment arrangement.

5. Super contributions – changes to tax offset for spouse contributions

From 1 July 2017, the spouse income threshold increased from $10,800 to $37,000. This means that more people are eligible to claim the tax offset for the 2017-18 and future financial years.

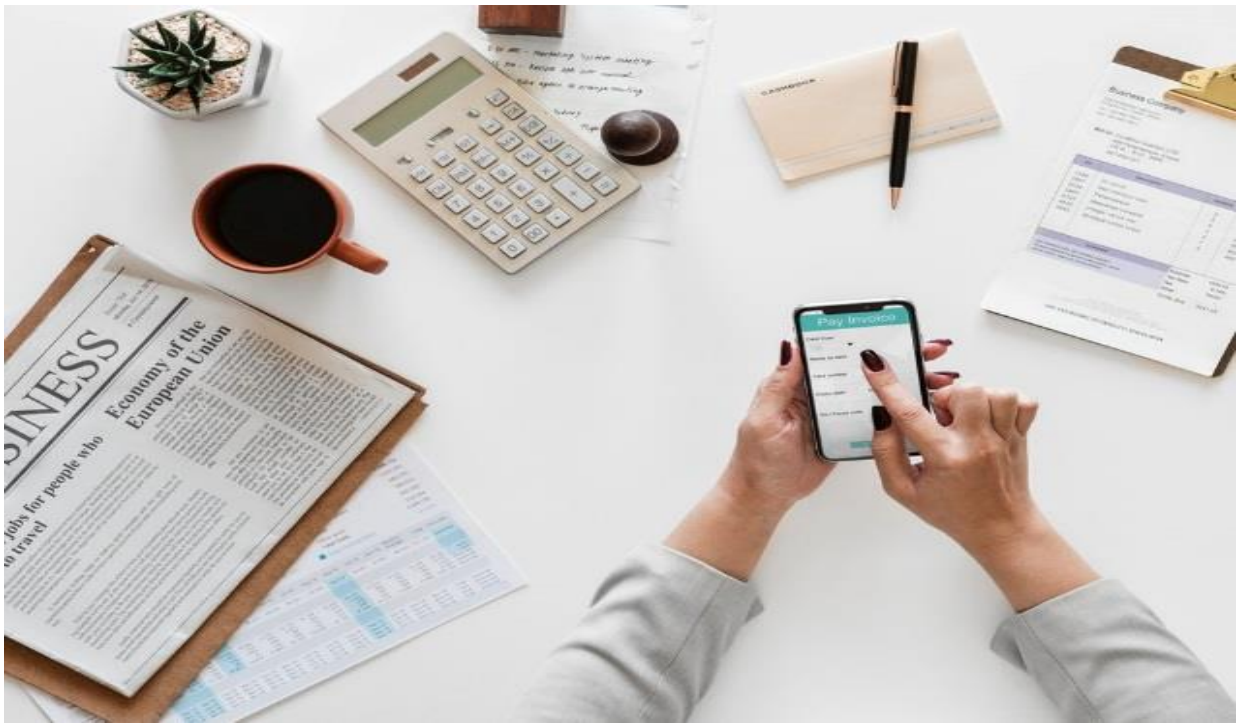
You can claim the maximum tax offset of $540 if:

- you contribute to the eligible super fund of your spouse, whether married or de-facto, and
- your spouse's income is $37,000 or less.

The tax offset amount will gradually reduce for income above this amount and completely phases out when your spouse's income reaches $40,000.

You will not be entitled to the tax offset when your spouse receiving the contribution:

- exceeds their non-concessional contributions cap for the relevant year, or
- has a total superannuation balance equal to or exceeding the general transfer balance cap ($1.6 million for 2017-18) immediately before the start of the financial year in which the contribution was made.



Common lodgement mistakes and how to avoid them

According to the ATO, the most common mistakes when it comes to completing tax returns are:

1. **Leaving out income, either deliberately or inadvertently**

   This often includes income from casual or temporary work and money earned through the sharing economy. Ensure you are including all income in your tax return and not just relying on pre-fill information.

2. **Claiming deductions for personal expenses which cannot be claimed even though they may have some remote connection with work**

   This would include:

   - Travel from home to work;
   - Normal clothes which don't qualify as uniforms;
   - Phone calls made that relate to their personal affairs, albeit on a phone which is also used for work-related purposes. In this case, an apportionment on a reasonable basis is almost certain to be accepted by the ATO.

3. **Not having records of an appropriate kind to substantiate expenses which exceed the minimum amount for which expenses must be substantiated**

   This can include not obtaining an appropriate receipt or record of the expense, or not keeping receipts appropriately in case they are asked to be produced at a later time.

4. **Claiming an amount for something which was never paid**

   There is no such thing as a standard deduction under Australian law as currently drafted. The idea that everyone is entitled to a standard deduction, usually in the amount of $300 is wrong.

   In relation to an expense where substantiation is not required, because the amount in question in total is less than $300, it does not mean that a taxpayer can never be asked to prove that the expense was incurred or that it was incurred for purposes related to their work. It simply means that a detailed tax invoice or receipt is not necessary.

   Note!

- The ATO can still challenge a $200 expense, in relation to which substantiation was not required, on the basis either that no expense was incurred, the amount claimed was more than the expense that was incurred, or that the expense that was incurred had nothing to do with work.
- How you go about proving the expense was incurred, its magnitude and its relevance to work will vary from case to case.

5. **Claiming personal expenses for rental properties**

You cannot claim a deduction for rental expenses in relation to a property where, during certain times of the year, that property is being used by the taxpayer for their personal use. In such a case, an appropriate apportionment of the rental expenses is essential.

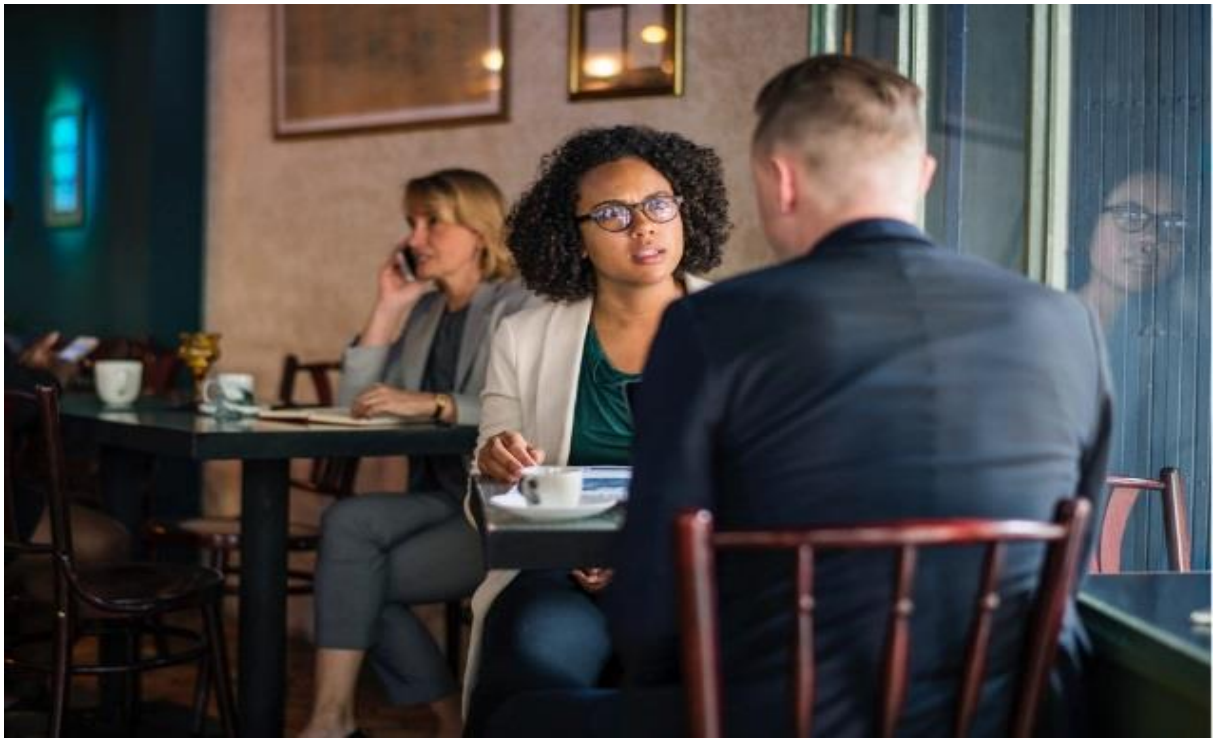
4 golden rules to claiming work-related deductions

1. You must have spent the money;
2. The expenditure must not have been reimbursed to you either directly or indirectly;
3. The expense must be directly related to earning your income; and
4. You must have some sort of record to prove that the expense was incurred (which can be produced if asked).

Note!

- There is no such thing as a standard deduction! For example, if you claim a total of $250 as work-related expenses, you can be asked to provide evidence to show the money was spent.

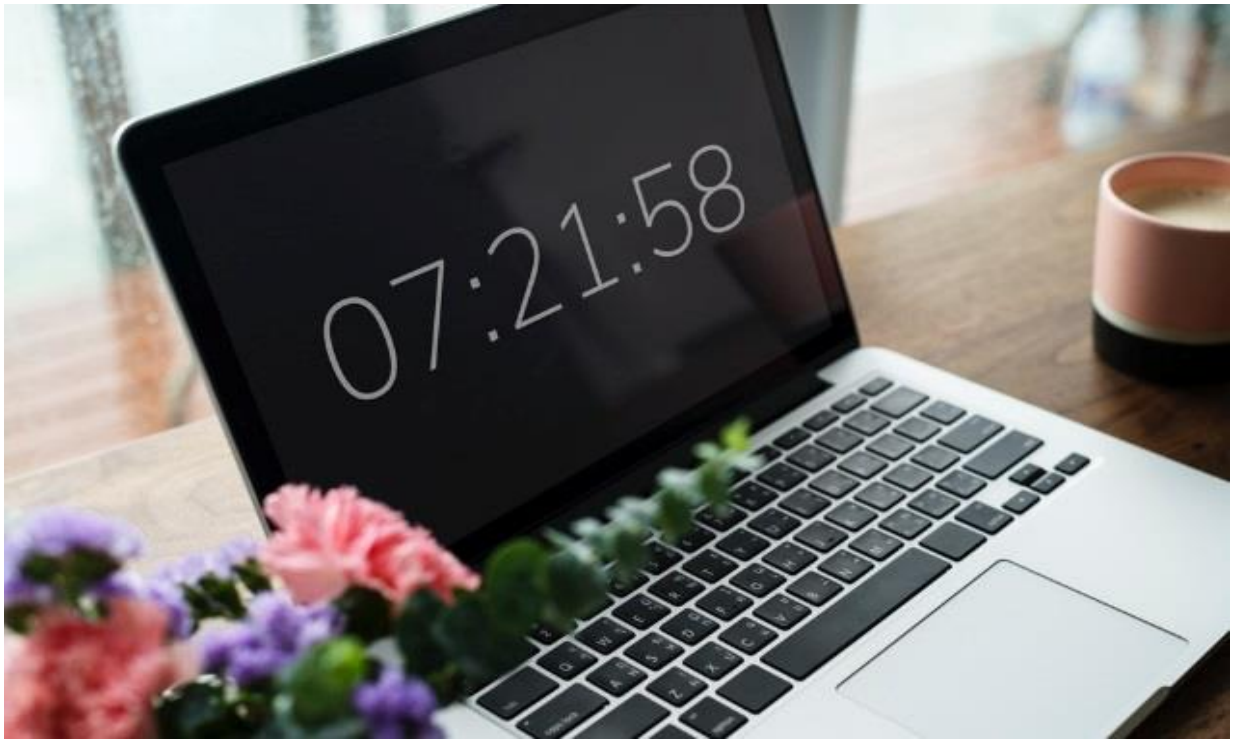
If you can't provide evidence that you actually spent the money, the ATO can deny the deduction on the basis that you've failed the fourth golden rule – which is that they need a record to demonstrate that you have spent the money. This is so even though the total is less than $300.



Claiming deductions? Top 10 myths busted

The ATO has identified the top 10 tax myths it says are causing incorrect claims.

- Myth 1: Everyone can automatically claim $150 for clothing and laundry, 5000 kilometres for car related expenses, or $300 for work-related expenses, even if they didn't spend the money
- Myth 2: I don't need a receipt, I can just use my bank or credit card statement
- Myth 3: I can claim makeup that contains sunscreen if I work outside
- Myth 4: I can claim my gym membership because I need to be fit for work
- Myth 5: I can claim all my travel expenses if I add a conference or a few days' work to my holiday
- Myth 6: I can claim my work clothes because my boss told me to wear a certain colour
- Myth 7: I can claim my whole Netflix or Foxtel subscription because I need to keep up to date for work
- Myth 8: I can claim home-to-work travel because I need to get to work to earn my income
- Myth 9: I've got a capped phone plan, so I can claim both personal and private phone calls
- Myth 10: If I use an agent, they will take responsibility for my claims.



Lodgement deadline

The deadline for lodging your tax return for the 1 July 2017 to 30 June 2018 fiscal year is **31 October 2018**.

If you use a registered tax agent, the deadline for lodging your tax return is generally later. Your tax agent will consult with you about this and let you know.

ATO's processing timelines

The ATO started full processing of 2017-18 tax returns on 6 July 2018 and started paying refunds from 17 July 2018.

- If you lodged electronically, you can expect that the ATO will process your tax return within 12 business days of receipt;
- If you lodged by paper, you can expect that the ATO will process your tax return within 50 business days of receipt.

What might delay a return?

Processing may be delayed if your tax return contains incorrect or incomplete details. Common examples of delayed returns are because:

- the ATO has identified omitted income;
- the ATO needs to cross-check data provided by third parties;
- a tax file number (TFN) has been compromised;
- you have a debt obligation with the ATO.

Tip!

- Check any pre-filled information against your own records. You can amend or delete your pre-filled information if you have more up-to-date information.
- You could also contact the organisation providing the data and resolve any discrepancies before lodging your return.

What happens if an inadvertent error occurs?

From 1 July 2018, the ATO will not apply a penalty to tax returns and activity statements where you have made an inadvertent error in your tax return by failing to take reasonable care or have not taken a reasonably arguable position.

Penalty relief doesn't apply to everyone. For example, wealthy individuals and their businesses or associates of wealthy individuals that may be classified as a small business entity in their own right are not eligible.

It is only available to individuals and entities with a turnover of less than $10 million. The entities can be:

- small businesses
- self-managed super funds (SMSFs)
- strata title bodies
- not-for-profit (NFP) organisations
- co-operatives.

Note!

- Your tax adviser cannot apply for penalty relief for you. The ATO will provide it during an audit if you are eligible.
- Penalty relief will be available once every three years at most.

Rental property deductions – the do’s and don’ts!

Do you own a rental or investment property? If the answer is yes and you are thinking of buying one, read on for the do’s and don’ts, and other helpful information to help you with your tax obligations.

What expenses can you claim?

Did you know that in Australia, there are over 2 million people who claim some $46 billion in rental property deductions in their tax returns?

The lion's share of the available tax deductions is generally the interest portion of a mortgage connected with the property.

However, other costs can be claimed on an immediate basis provided that they have been incurred by the relevant taxpayer, and they have not been recouped from elsewhere, such as a payment from the tenant.

Items that can be claimed include:

- advertising for tenants;
- bank charges;
- body corporate fees and charges/strata levies;
- cleaning costs;
- council rates;
- depreciation (including certain capital works);
- electricity and gas;

- gardening and lawn mowing services;
- in-house audio/video service charges;
- insurance (including building contents and public liability);
- land tax;
- letting fees;
- pest control services;
- property agent's fees and commission;
- quantity surveyors' fees;
- secretarial and bookkeeping fees;
- security patrol fees;
- servicing costs (eg costs of servicing a water heater);
- stationery and postage costs;
- tax-related expenses;
- phone calls and rental costs;
- water rates.

What expenses can't you claim?

You cannot claim expenses which are:

- of a capital nature or of a private nature;
- related to the acquisition and disposal of the relevant property;
- body corporate payments to a special purpose fund to pay a particular capital expenditure;
- expenses which are not actually incurred by the taxpayer – eg water and electricity charges paid by the tenants;
- expenses that are not related to the rental of a property – eg expenses connected to a holiday home that is rented out for part of the year.

A few tips…

1. **Keep good records and receipts!**

   An absence of receipts will make life difficult if an ATO audit calls for proof of the expense claimed.

2. **Your property must either be rented or "genuinely available" for rental in the income year for which a deduction is claimed.**

   If you use the property for private purposes, you cannot claim expenses.

3. **You must demonstrate a clear intention to rent out the property.**

   If no attempt is made to advertise the property, or the rent is set at an unrealistically high non-commercial level such that it could not on any reasonable basis be rented out, the ATO is likely to take the view that there was no intention to rent out the property, and the rental claims will be disallowed.

4. **Rental expenses, in some situations, need to be apportioned.**

   This usually arises in the context of holiday homes, where either you or your family or friends, can stay in the property free of charge for part of the year.

To the extent that the expenses relate to that part of the year during which the property is not rented or available for rent, you are not entitled to a deduction for costs incurred during those relevant periods.

Note!

- If your property is rented to family or friends for less than arms-length market rental, the ATO may treat the arrangement as being of a private nature, and could only allow you to claim sufficient deductions to offset the rent, but not so as to make a tax loss.

5. **You are no longer able to claim any deductions for the cost of travel relating to inspecting, maintaining, or collecting rent for a residential rental property**.

   You can only claim travel deductions if you are carrying on a business of property investing or are an excluded entity (ie a corporate tax entity, public unit trust etc).

6. **Plant and equipment depreciation deductions will be limited.**

   If residential investment properties were purchased after 9 May 2017, plant and equipment depreciation deductions will be limited only to outlays actually incurred by the investor.

Tip!

- All these various rules can give rise to some complex outcomes. Where investment property is involved, it can be worthwhile obtaining the professional advice of a competent tax agent who can reliably advise on what can and cannot be claimed as a deduction.