



Australian Government

Australian Taxation Office

Deductions for prepaid expenses 2008

To help you complete your tax return
for 1 July 2007 – 30 June 2008

Covers both non-business and business prepaid
expense deductions for all types of taxpayers



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www.ato.gov.au

OUR COMMITMENT TO YOU

We are committed to providing you with guidance you can rely on, so we make every effort to ensure that our publications are correct.

If you follow our guidance in this publication and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we must still apply the law correctly. If that means you owe us money, we must ask you to pay it but we will not charge you a penalty. Also, if you acted reasonably and in good faith we will not charge you interest.

If you make an honest mistake in trying to follow our guidance in this publication and you owe us money as a result, we will not charge you a penalty. However, we will ask you to pay the money, and we may also charge you interest.

If correcting the mistake means we owe you money, we will pay it to you. We will also pay you any interest you are entitled to.

If you feel that this publication does not fully cover your circumstances, or you are unsure how it applies to you, you can seek further assistance from us.

We regularly revise our publications to take account of any changes to the law, so make sure that you have the latest information. If you are unsure, you can check for a more recent version on our website at www.ato.gov.au or contact us.

This publication was current at **May 2008**.

HOW SELF-ASSESSMENT AFFECTS YOU

Self-assessment means the Tax Office uses the information you give on your tax return and any related schedules and forms to work out your refund or tax liability. We do not take any responsibility for checking the accuracy of the details you provide, although our system automatically checks the arithmetic.

Although we do not check the accuracy of your tax return at the time of processing, at a later date we may examine the details more thoroughly by reviewing specific parts, or by conducting an audit of your tax affairs. We also have a number of audit programs that are designed to continually check for missing, inaccurate or incomplete information.

What are your responsibilities?

It is your responsibility to lodge a tax return that is signed, complete and correct. Even if someone else – including a tax agent – helps you to prepare your tax return and any related schedules, you are still legally responsible for the accuracy of your information.

What if you lodge an incorrect tax return?

If you become aware that your tax return is incorrect, you must contact us straight away.

Initiatives to complement self-assessment

There are a number of systems and entitlements that complement self-assessment, including:

- the private ruling system (see below)
- the amendment system (if you find you have left something out of your tax return)
- your entitlement to interest on early payment or over-payment of a tax debt.

Do you need to ask for a private ruling?

If you are uncertain about how a tax law applies to your personal tax affairs, you can ask for a private ruling. To do this, complete a *Private ruling application form (not for tax professionals)* (NAT 13742), or contact us.

Lodge your tax return by the due date, even if you are waiting for the response to your application. You may need to request an amendment to your tax return once you have received the private ruling.

We publish all private rulings on our website. (Before we publish we edit the text to remove information that would identify you.)

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inside back cover

ABOUT THIS GUIDE

Deductions for prepaid expenses 2008 explains how to work out deductions for expenses you incur for things to be done in a later income year.

WHO SHOULD USE THIS GUIDE?

Individuals and businesses can use this guide to work out their deductions for prepaid expenses, which are then claimed at the appropriate item on the tax return.

WHAT'S NEW

SMALL BUSINESS TAX CHANGES

New streamlined provisions for small business entities have replaced the former simplified tax system (STS). Broadly, to use the simplified taxation rules a small business entity must carry on business and have an aggregated turnover of less than \$2 million.

See *Guide to concessions for small business entities* (NAT 71874) and chapter 5 on page 9 for more information.

PUBLICATIONS AND SERVICES

To find out how to get a publication referred to in this guide and for information about our other services, see the inside back cover.

GENERAL INFORMATION ABOUT PREPAID EXPENSES

01

WHAT IS A PREPAID EXPENSE?

A prepaid expense is expenditure you incur for things to be done (in whole or in part) in a **later** income year.

If you incur expenditure for something to be done in full within the **same** income year, it is not a prepaid expense and the prepayment rules do not apply.

EXAMPLE: Expenditure that is not a prepaid expense

Jasmin is a solicitor. On 1 July 2007, she paid \$1,500 for an annual subscription for the monthly provision of a professional journal. The subscription covers the period 1 July 2007 to 30 June 2008. Because what the agreement covers – the provision of the professional publication – will be completed wholly within the expenditure year, the prepayment rules do not apply.

WHAT ARE THE PREPAYMENT RULES?

Generally, a prepaid expense is deductible over the eligible service period, or 10 years if that is less, rather than being immediately deductible. However, a prepaid expense may be immediately deductible if:

- it is excluded expenditure
- the 12-month rule applies, or
- it relates to a pre-Review of Business Taxation (RBT) obligation.

The prepayment rules apply **only** to expenditure deductible under the general deduction provisions or under the research and development provisions (see the next page).

Special rules apply to prepayments under tax shelter arrangements (see chapter 2) and for certain prepaid expenditure under plantation forestry managed agreements (see chapter 3).

WHAT IS THE ELIGIBLE SERVICE PERIOD?

The eligible service period is the period during which the thing is to be done under the agreement in return for the expenditure.

The eligible service period begins on the day the thing under the agreement begins to be done or on the day the expenditure is incurred, whichever is later. The eligible service period continues until the end of the last day the thing under the agreement ceases to be done or 10 years, whichever is earlier.

EXAMPLE: Eligible service period

Mike runs a delicatessen from leased premises. On 1 December 2007, Mike made a lease payment to cover the period 1 December 2007 to 30 November 2008. The eligible service period for this expenditure therefore started on 1 December 2007 and will end on 30 November 2008, a period of 366 days.

Mike's income year ends on 30 June of each year. As the thing to be done under the agreement – the provision of premises by the lessor – is not wholly done within the expenditure year, the prepayment rules will apply.

WHAT IS EXCLUDED EXPENDITURE?

Certain types of expenditure are excluded from the prepayment rules. These are:

- amounts of less than \$1,000
- amounts required to be incurred by a court order or law of the Commonwealth, state or territory
- payments of salary or wages (under a contract of service)
- amounts that are capital, private or domestic in nature, and
- certain amounts incurred by a general insurance company in connection with the issue of policies or the payment of reinsurance premiums.

EXAMPLE: Amount required to be incurred under a state law

John operates a cartage business and paid \$1,200 on 31 December 2007 to register his truck for 12 months from 1 January 2008 to 31 December 2008. The truck is used exclusively for business purposes. Although the registration fee is over \$1,000 and it covers a period spreading across more than one income year, it is excluded expenditure. This is because it is required to be incurred under a state or territory law. The prepayment rules do not apply to this type of expenditure and the fee is deductible in the year it is incurred.

WHAT IS THE 12-MONTH RULE?

If you are a small business entity, or an individual incurring deductible non-business expenditure, you can claim an immediate deduction under the 12-month rule for prepaid expenditure if the payment is incurred for an eligible service period not exceeding 12 months and the eligible service period ends in the next income year. For more information on small business entities, see chapter 5, and on deductible non-business expenditure incurred by individuals, see chapter 4.

Prepaid expenditure incurred under certain managed investments (tax shelter arrangements) is not eligible for the 12-month rule. For information about tax shelter arrangements, see chapter 2.

Certain prepaid expenditure incurred under an investment in a plantation forestry managed agreement is eligible for the 12-month rule until 30 June 2008. For more information, see chapter 3.

If the 12-month rule does not apply, your deduction for prepaid expenditure is apportioned over the eligible service period or 10 years, whichever is less.

WHAT IS A PRE-RBT OBLIGATION?

A pre-RBT obligation is any contractual obligation that:

- exists under an agreement at or before 11.45am (by legal time in the ACT) on 21 September 1999 – the date of the Government's release of the RBT
- requires you to make a prepayment in return for something to be done under the agreement, and
- cannot be avoided by your own actions.

The rules for deducting prepaid expenses incurred under a pre-RBT obligation are the same as those for small business entities that have chosen to claim an immediate deduction – see chapter 5.

GENERAL DEDUCTION PROVISIONS AND THE RESEARCH AND DEVELOPMENT PROVISIONS

The prepayment rules apply **only** to expenditure which would otherwise qualify for immediate deduction under the **general deduction provisions** of section 8-1 of the *Income Tax Assessment Act 1997* (ITAA 1997) or, for eligible companies, under the **research and development provisions** in sections 73B, 73BA, 73BH, 73QA, 73QB or former section 73Y of the *Income Tax Assessment Act 1936* (ITAA 1936).

The general deduction provisions generally allow you to deduct from your assessable income any loss or outgoing incurred in gaining or producing your assessable income, or incurred in carrying on a business.

You cannot claim a deduction under these provisions for expenditure of a capital, private or domestic nature, or expenditure incurred in gaining exempt income.

If the expenditure is deductible under a specific deduction provision of the tax law **other than** those for research and development (that is, other than sections 73B, 73BA, 73BH, 73QA, 73QB or former section 73Y of the ITAA 1936), the prepayment rules do not apply.

! NOTE

Unless specifically stated otherwise, the terms 'expense' and 'expenditure' used throughout this guide refer to expenditure that is only allowable as a deduction under the general deduction provisions of section 8-1 of the ITAA 1997 or, for eligible companies, under the research and development provisions in sections 73B, 73BA, 73BH, 73QA, 73QB or former section 73Y of the ITAA 1936.

INVESTMENTS IN TAX SHELTER ARRANGEMENTS

02

WHAT IS A TAX SHELTER ARRANGEMENT?

You have a tax shelter arrangement in the income year in which you incur prepaid expenditure if:

- your allowable deductions attributable to the arrangement for the expenditure year exceed your assessable income from the arrangement for that year, and
 - you do not have day-to-day control over the operation of the arrangement, and
 - at least one of the following is met
 - more than one taxpayer participates as an investor in the arrangement, or
 - the manager, arranger or promoter of the arrangement, or an associate, carries out similar activities for other taxpayers.
- any prepaid expenditure which is excluded expenditure
 - an amount below \$1,000
 - an amount required to be incurred by a law or a court order
 - an amount of salary or wages
 - an amount that is capital, private or domestic in nature, and
 - certain amounts incurred by a general insurance company in connection with the issue of policies or the payment of reinsurance premiums.

! NOTE

If you incur prepaid expenditure that is not subject to any of the above exceptions, you must determine your deduction according to the other rules explained in this guide.

WHAT EXPENDITURE IS EXCLUDED FROM THE TAX SHELTER RULES?

The following prepaid expenditure is excluded from the application of the tax shelter rules:

- premiums for building insurance, contents insurance or rent protection insurance, and
- interest on money borrowed to acquire
 - real property or an interest in real property
 - shares listed on an approved stock exchange, or
 - units in a widely held unit trust which has at least 300 beneficiaries,

provided that the arrangement is conducted at arm's length and that you have or can reasonably expect to obtain rent, dividends or trust income. Additionally, you must not have obtained and will not obtain any other kind of assessable income (except a capital gain or insurance receipt) from the arrangement.

Also specifically excluded from the application of the tax shelter rules are:

- certain expenditure that is an allowable deduction under the infrastructure borrowing rules
- expenditure incurred under a contract (requiring prepayment for something to be done under the agreement) entered into before 1.00pm (by legal time in the ACT) on 11 November 1999 that you cannot avoid by your own actions
- expenditure under an agreement covered by a favourable Tax Office product ruling, where the ruling was made (or an application received and acknowledged by the Commissioner) before 1.00pm (by legal time in the ACT) on 11 November 1999, and

SUMMARY OF RULES

- Certain prepaid expenditure incurred under a plantation forestry managed agreement is subject to a 12-month rule. For more information, see chapter 3.
- If you invest in a tax shelter arrangement, you need to be aware that the rules for prepayments may apply to limit your immediate deductions.
- If you prepay expenditure under a tax shelter agreement for a thing that will not be wholly done within the expenditure year and it is not covered by one of the exclusions listed above, you cannot deduct all of the expenditure in the income year in which it was incurred. The deduction must be apportioned over the eligible service period or 10 years, whichever is less.
- An agreement for a tax shelter arrangement is one that covers any activities that relate to the arrangement, including those that give rise to deductions or assessable income. For example, if you invest in a tax shelter arrangement and prepay interest on a loan from a third party to pay management fees for the tax shelter, the prepaid interest on the loan would also be subject to the tax shelter rules.

CALCULATING YOUR DEDUCTION FOR A PREPAYMENT MADE UNDER A TAX SHELTER ARRANGEMENT

Use the following formula to work out your deduction for prepaid expenditure that is affected by the tax shelter rules:

$$\text{expenditure} \times \frac{\text{number of days of eligible service period in the income year}}{\text{total number of days of eligible service period}}$$

EXAMPLE: Investment in a tax shelter arrangement

On 30 April 2008, Marion invested in an olive grove venture. The investment has all the characteristics of a tax shelter arrangement and is not subject to any of the exceptions. Under the terms of the agreement, Marion was required to pay an initial management fee of \$10,000 on 1 May 2008 to cover the provision of services over the period 1 May 2008 to 30 April 2009 (a period of 365 days). Marion made this payment on 1 May 2008. Marion is required to apportion her deduction over the 2008 and 2009 income years.

Marion calculates her deductions as follows:

2007-08

$$\$10,000 \times \frac{61}{365} \text{ (1 May 2008 to 30 June 2008)} = \$1,671$$

2008-09

$$\$10,000 \times \frac{304}{365} \text{ (1 July 2008 to 30 April 2009)} = \$8,329$$

Over the 2008 and 2009 income years, Marion is entitled to a total deduction of \$10,000.

INVESTMENTS IN PLANTATION FORESTRY MANAGED AGREEMENTS

03

WHAT IS A PLANTATION FORESTRY MANAGED AGREEMENT?

You have a plantation forestry managed agreement in the year in which you incur prepaid expenditure if:

- the arrangement entered into is for the planting and tending of trees for felling
- you do not have day-to-day control over the operation of the agreement, and
- at least one of the following is met
 - more than one taxpayer participates in the agreement, or
 - the manager, arranger or promoter of the agreement, or an associate, carries out similar activities for other taxpayers.

Agreements entered into where trees are planted for the purpose of obtaining harvest from fruit or other produce are not plantation forestry managed agreements.

WHAT PREPAID EXPENSES ARE COVERED BY THESE RULES?

These rules apply if, under an agreement, the following requirements are satisfied:

- the prepaid expenditure is incurred on or after 2 October 2001 and on or before 30 June 2008
- the eligible service period for the expenditure is 12 months or less and the 12-month period ends on or before the last day of the income year following the year in which the expenditure was incurred, and
- the expenditure is for seasonally dependent agronomic activities undertaken during the establishment period.

WHAT ARE SEASONALLY DEPENDENT AGRONOMIC ACTIVITIES?

Seasonally dependent agronomic activities include:

- ripping and mounding a plantation site
- applying fertiliser, herbicides or pesticides in conjunction with the planting
- tending seedlings prior to planting, and
- planting.

They do not include any incidental activities of an administrative nature carried out by the manager.

NOTE

See also *Taxation Determination TD 2003/12 – Income tax: what activities are ‘seasonally dependent agronomic activities’ for the purposes of section 82KZMG of the Income Tax Assessment Act 1936?*.

WHAT IS THE ESTABLISHMENT PERIOD?

The establishment period for the planting of trees starts on the day when the first seasonally dependent agronomic activity is done and ends on the later of:

- the day when the last seedling is planted under that planting program, or
- the day when any fertiliser, herbicide or pesticide is applied to seedlings under that planting program.

EXCLUSIONS

You cannot claim a deduction for an investment in plantation forestry managed agreements if you:

- hold your interest as an initial participant in the agreement, and
- a capital gains tax event happens in relation to that interest within four years after the end of the year of income in which you first incur expenditure under that agreement.

You are an initial participant if:

- you obtain your forestry interest from the forestry manager of the scheme, and
- your contributions are used to establish trees.

SUMMARY OF RULES

- If your prepaid expense is incurred for seasonally dependent agronomic activities that occur during the establishment period, it is immediately deductible under the 12-month rule if
 - the prepaid expenditure is incurred on or after 2 October 2001 and on or before 30 June 2008
 - the eligible service period for the expenditure is 12 months or less, and
 - the period ends no later than the last day of the income year following the year in which the prepaid expense was incurred.
- If your prepaid expense is not incurred for seasonally dependent agronomic activities that occur during the establishment period, or the 12-month rule is not satisfied, your deduction for the expenditure is determined in accordance with either the tax shelter rules (see chapter 2) or the general prepayment rules (see chapter 1).

EXAMPLE: Deduction for expenditure in a plantation forestry managed agreement

Donald made a prepaid investment of \$10,000 in a plantation forestry managed agreement on 1 June 2008. The prepaid activities are carried out within 12 months of the expenditure being incurred. An amount of \$4,000 is for seasonally dependent agronomic activities that occur within the establishment period. This component of the prepaid expense is deductible in the 2007–08 income year.

The remaining \$6,000 continues to be subject to the other prepayment rules. For example, under the rules applicable to tax shelter arrangements, the deduction for that expenditure will need to be apportioned over the eligible service period.

INDIVIDUAL TAXPAYERS INCURRING DEDUCTIBLE NON-BUSINESS EXPENDITURE

04

WHAT IS NON-BUSINESS EXPENDITURE?

Non-business expenditure is any expenditure you incur in gaining assessable income from activities that do not relate to carrying on a business. The most common forms of non-business expenditure are amounts incurred by individual taxpayers in gaining their assessable salary and wage income. Other examples include certain expenditure made for a rental property or shares held purely as a passive investment.

EXAMPLE: Non-business expenditure

Ian is employed as a bank manager and the primary source of his income is the salary received from his employer. Ian also owns a rental property from which he receives assessable income. Ian's rental property activities do not constitute the carrying on of a business. Prepaid expenditure incurred by Ian for the rental property or for work-related expenses will be subject to the prepayment rules that apply to deductible non-business expenditure incurred by an individual.

SUMMARY OF RULES INCLUDING THE 12-MONTH RULE

- Prepaid expenditure that is subject to the tax shelter rules is apportioned over the eligible service period or 10 years, whichever is less. For more information, see chapter 2.
- If you are an individual, your prepaid non-business expenditure is immediately deductible under the 12-month rule if
 - the eligible service period for the expenditure is 12 months or less, and
 - the period ends no later than the last day of the income year following the year in which the expenditure was incurred.
- If you are an individual, you apportion your deduction for prepaid non-business expenditure over the eligible service period or 10 years, whichever is less, if the eligible service period is more than 12 months or it ends after the last day of the next income year.

CALCULATING YOUR DEDUCTION IF THE 12-MONTH RULE IS SATISFIED

If you incur prepaid non-business expenditure and its eligible service period is 12 months or less, and it ends on or before the last day of the next income year, you are entitled to deduct that expenditure in the income year it was incurred.

EXAMPLE: Deduction for non-business expenditure with an eligible service period of 12 months or less

On 1 June 2008, Jasmin, an employed solicitor, paid \$1,750 for a subscription for the provision of a monthly professional journal for the period 1 June 2008 to 31 May 2009. Because the thing to be done under the agreement is wholly provided within a 12-month period ending before the last day of the next income year, Jasmin is entitled to a deduction for the expenditure in 2007–08.

CALCULATING YOUR DEDUCTION IF THE 12-MONTH RULE IS NOT SATISFIED

If you incur non-business expenditure and the eligible service period is more than 12 months or it ends after the last day of the next income year, you must use the following formula to work out your deduction:

$$\text{expenditure} \times \frac{\text{number of days of eligible service period in the income year}}{\text{total number of days of eligible service period}}$$

EXAMPLE: Deduction for non-business expenditure with an eligible service period of more than 12 months

On 1 January 2008, Martin, a senior clerk employed by a legal firm, paid \$1,250 for a subscription for the monthly provision of a professional journal to cover the period 1 January 2008 to 31 January 2009 (397 days). As the eligible service period is more than 12 months, Martin must apportion his deduction over the 2008 and 2009 income years. Martin's deductions are:

2007–08

$$\$1,250 \times \frac{182}{397} \text{ (1 January 2008 to 30 June 2008)} = \$573$$

2008–09

$$\$1,250 \times \frac{215}{397} \text{ (1 July 2008 to 31 January 2009)} = \$677$$

Over the 2008 and 2009 income years, Martin will get a total deduction of \$1,250.

From the 2007–08 income year changes to the law have made it easier for small businesses to access a range of existing concessions. Eligible small businesses are now called **small business entities** and they may choose to use the concessions which best suit their business needs.

ARE YOU A SMALL BUSINESS ENTITY?

You are a small business entity if you are an individual, partnership, company or trust that:

- is carrying on a business, and
- has an aggregated turnover of less than \$2 million.

Aggregated turnover is your annual turnover plus the annual turnovers of any businesses you are connected with or have influence over. The aggregation rules determine when you need to include the annual turnover of another business when calculating your aggregated turnover.

❗ If you are not linked with any other business and your business turnover is less than \$2 million, you are a small business entity.

➡ For more information, see the electronic publications *Am I eligible for the small business entity concessions?* and *What are the aggregation rules?* available on our website.

SUMMARY OF RULES INCLUDING THE 12-MONTH RULE

- Prepaid expenditure that is subject to the tax shelter rules is apportioned over the eligible service period or 10 years, whichever is less. For more information, see chapter 2.
- Certain prepaid expenditure incurred under a plantation forestry managed agreement is deductible under the 12-month rule if
 - the prepaid expenditure is incurred on or after 2 October 2001 and on or before 30 June 2008
 - the eligible service period for the expenditure is 12 months or less, and
 - the period ends on or before the last day of the income year following the year in which the expenditure was incurred.

For more information, see chapter 3.

- Prepaid expenditure incurred by a small business entity is immediately deductible under the 12-month rule if
 - the eligible service period for the expenditure is 12 months or less, and
 - the period ends no later than the last day of the income year following the year in which the expenditure was incurred.

This rule, known as the 12-month rule, applies to both deductible business expenditure and deductible non-business expenditure incurred by a small business entity that chooses to use this concession.

- If a prepayment does not meet the 12-month rule, you cannot claim an immediate deduction. Small business entities must apportion the deduction over the eligible service period or 10 years, whichever is less.



FORMER SIMPLIFIED TAX SYSTEM (STS) TAXPAYERS STILL USING THE STS ACCOUNTING METHOD

Although the STS has now ceased, a transitional provision allows for the continued use of the STS accounting method in certain circumstances.

You may continue using the STS accounting method if you:

- were in the STS in the 2006–07 income year
- were using the STS accounting method **continuously** since before 1 July 2005, and
- are a small business entity from the 2007–08 income year.

If you meet these three requirements, you can continue using the STS accounting method until you choose not to, or are no longer a small business entity.

If you are a small business entity using the STS accounting method, the expense must not only have been incurred, it must also have been paid before a deduction can be claimed.

CALCULATING YOUR DEDUCTION IF THE 12-MONTH RULE IS SATISFIED

EXAMPLE: Prepaid expense that is immediately deductible

The Jacobs Trust is a small business entity. On 1 June 2008, it made a payment of \$24,000 to cover the lease of its business premises for a 12-month period commencing on 1 July 2008 and ending on 30 June 2009.

As the eligible service period for the expenditure does not exceed 12 months and ends on or before the last day of the income year following the year in which the payment was made, the prepayment satisfies the 12-month rule. The Jacobs Trust can therefore choose to claim an immediate deduction of \$24,000 in the 2007–08 income year.

CALCULATING YOUR DEDUCTION IF THE 12-MONTH RULE IS NOT SATISFIED

If you make a prepayment that does not satisfy the 12-month rule, you cannot claim an immediate deduction. As a small business entity, you must apportion the deduction over the eligible service period or 10 years, whichever is less, using the following formula:

$$\text{expenditure} \times \frac{\text{number of days of eligible service period in the income year}}{\text{total number of days of eligible service period}}$$

EXAMPLE: Prepaid expense where eligible service period is greater than 12 months

Tom Pty Ltd is a small business entity. On 31 May 2008, it paid \$15,000 for business advertising to cover the period 1 June 2008 to 30 June 2009 (395 days). Because the eligible service period is longer than 12 months, the prepayment does not satisfy the 12-month rule. Tom Pty Ltd cannot claim an immediate deduction for the prepayment. Instead, the deduction for the expenditure must be apportioned over the eligible service period as follows:

2007–08

$$\$15,000 \times \frac{30}{395} \text{ (1 June 2008 to 30 June 2008)} = \$1,139$$

2008–09

$$\$15,000 \times \frac{365}{395} \text{ (1 July 2008 to 30 June 2009)} = \$13,861$$

The total deduction allowed proportionately over the 2008 and 2009 income years will be \$15,000.

EXAMPLE: Prepaid expense where the eligible service period is 12 months or less but ends after the last day of the next income year

Noel Pty Ltd, a small business entity, was offered a 15% discount on advertising to cover the period 15 July 2008 to 14 July 2009 providing payment was made by 30 June 2008. Noel Pty Ltd accepted these conditions and paid \$10,200 for these services on 30 June 2008.

Although the eligible service period is for a period of 12 months or less, the 12-month rule has not been satisfied. This is because the eligible service period does not end before the last day of the income year following the one in which the expenditure was incurred. The deduction for the expenditure must be apportioned over the eligible service period as follows:

2007–08

Nil. No part of the eligible service period occurred in this income year.

2008–09

$$\$10,200 \times \frac{351}{365} \text{ (15 July 2008 to 30 June 2009)} = \$9,809$$

2009–10

$$\$10,200 \times \frac{14}{365} \text{ (1 July 2009 to 14 July 2009)} = \$391$$

The total deduction allowed proportionately over the 2009 and 2010 income years will be \$10,200.



For more information, see our publications:

- *Business and professional items 2008* (NAT 2543)
- *Partnership and trust tax returns instructions 2008* (NAT 2297)
- *Company tax return instructions 2008* (NAT 0669).

TAXPAYERS CARRYING ON A BUSINESS INCURRING DEDUCTIBLE BUSINESS EXPENDITURE

06

If you are a small business entity, see chapter 5.

SUMMARY OF RULES

- If you are carrying on a business and are not a small business entity, you must apportion your deduction for prepaid business expenditure over the eligible service period or 10 years, whichever is less.
- Prepaid expenditure that is subject to the tax shelter rules is apportioned over the eligible service period or 10 years, whichever is less. For more information, see chapter 2.
- Certain prepaid expenditure incurred under a plantation forestry managed agreement is deductible under the 12-month rule if
 - the prepaid expenditure is incurred on or after 2 October 2001 and on or before 30 June 2008
 - the eligible service period for the expenditure is 12 months or less, and
 - the period ends on or before the last day of the income year following the year in which the expenditure was incurred.

For more information, see chapter 3.

- If you are not an individual or a small business entity, your deduction for prepaid non-business expenditure is apportioned over the eligible service period or 10 years, whichever is less.

For more information, see chapter 7.

- If you are an individual, your prepaid non-business expenditure is immediately deductible under the 12-month rule if
 - the eligible service period for the expenditure is 12 months or less, and
 - the period ends no later than the last day of the income year following the year in which the payment is made.

For more information, see chapter 4.

- If you are an individual, your deduction for prepaid non-business expenditure is apportioned over the eligible service period or 10 years, whichever is less, if the eligible service period is more than 12 months or it ends after the last day of the next income year. For more information, see chapter 4.

TAXPAYERS, OTHER THAN INDIVIDUALS AND SMALL BUSINESS ENTITIES, INCURRING DEDUCTIBLE NON-BUSINESS EXPENDITURE

07

If you are an individual taxpayer, see chapter 4.

If you are a small business entity, see chapter 5.

Non-business expenditure is any expenditure you incur in gaining assessable income from activities that do not amount to a business. For an entity carrying on a business, there may be occasions when you incur deductible non-business expenditure – for example, if you incur expenditure for a rental property held as a passive investment.

SUMMARY OF RULES

- If you are not an individual or a small business entity, your deduction for prepaid non-business expenditure is apportioned over the eligible service period or 10 years, whichever is less.
- Prepaid non-business expenditure that is subject to the tax shelter rules is apportioned over the eligible service period or 10 years, whichever is less. For more information, see chapter 2.

MORE INFORMATION

INTERNET

- For general tax information and up-to-date and comprehensive information about deductions, visit **www.ato.gov.au**

PUBLICATIONS

Publications referred to in this guide are:

- *Am I eligible for the small business entity concessions?*
- *Business and professional items 2008* (NAT 2543)
- *Company tax return instructions 2008* (NAT 0669)
- *Guide to concessions for small business entities* (NAT 71874)
- *Partnership and trust tax returns instructions 2008* (NAT 2297)
- *Private ruling application form (not for tax professionals)* (NAT 13742)
- *Taxation Determination TD 2003/12 – Income tax: what activities are ‘seasonally dependent agronomic activities’ for the purposes of section 82KZMG of the Income Tax Assessment Act 1936?*
- *What are the aggregation rules?.*

To get any publication referred to in this guide:

- visit our website at **www.ato.gov.au** for publications, taxation rulings, practice statements and forms
- phone our Publications Distribution Service on **1300 720 092**, or
- visit one of our shopfronts.

INFOLINES

We can offer a more personalised service if you provide your tax file number (TFN).

- **Personal tax** **13 28 61**
Individual income tax and general personal tax enquiries, including capital gains tax
- **Business** **13 28 66**
General business tax enquiries including capital gains tax, GST rulings, Australian business number (ABN), pay as you go (PAYG) instalments, business deductions, activity statements (including lodgment and payment), accounts and business registration (including ABN and TFN), dividend and royalty withholding tax

- **Superannuation** **13 10 20**
- **Fax** **13 28 60**

Get information faxed to you about individual taxes and the repayment of debts under the Higher Education Loan Programme (HELP) and the Student Financial Supplement Scheme (SFSS). Note that debts under the former Higher Education Contribution Scheme (HECS) have now been added to any debt under HELP to become one accumulated HELP debt. Phone **13 28 60** and follow the instructions to order information to be faxed to you.

OTHER SERVICES

- **Translating and Interpreting Service** **13 14 50**

If you do not speak English well and need help from the Tax Office, phone the Translating and Interpreting Service.

- **Hearing or speech impairment**

If you are deaf or have a hearing or speech impairment, you can phone us through the **National Relay Service**:

- If you are a TTY or modem user, phone **13 36 77** and ask for the number you want. For 1800 free call numbers, phone **1800 555 677** and ask for the number you want.
- If you are a voice-only (speak and listen) user, phone **1300 555 727** and ask for the number you want. For 1800 free call numbers, phone **1800 555 727** and ask for the number you want.

LODGE ONLINE USING E-TAX

- Why not lodge online?
- e-tax is a fast, secure and easy way to prepare and lodge your tax return.
- Most refunds are issued within 14 days.
- For more information, visit our website at **www.ato.gov.au**

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As this is a publications area only, any tax matters will be passed on to a technical area; alternatively, you can phone our Personal Infoline on **13 28 61** for help.

Deductions for prepaid expenses 2008