INDIVIDUALS	RENTAL PROPERTY OWNERS	GUIDE	NAT 1729–6.2006
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Australian Government
Australian Taxation Office

Rental properties 2006

This guide explains how to treat rental income and expenses, including how to treat more than 230 residential rental property items.

For more information visit **www.ato.gov.au**

OUR COMMITMENT TO YOU

We are committed to providing you with advice and information you can rely on.

We make every effort to ensure that our advice and information is correct. If you follow advice 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. However, we will not charge you a penalty or interest if you acted reasonably and in good faith.

If you make an honest mistake when you try to follow our advice 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 this publication does not fully cover your circumstances, please seek help from the Tax Office or a professional adviser.

The information in this publication is current at May 2006. 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.

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 (non-tax professionals)* (NAT 13742–01.2006), 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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INTRODUCTION

Rental properties 2006 will help owners of rental properties in Australia determine:

- what rental income is assessable for tax purposes
- what expenses are allowable deductions
- what records you need to keep, and
- what you need to know when you sell your rental property.

Many of the expenses associated with your rental property will be deductible. We explain:

- how to apportion your expenses if only part of them are tax deductible
- what expenses are not deductible, and
- when you can claim those expenses that are deductible – some you can claim in the year they occur; others must be claimed over a number of years (including decline in value of depreciating assets and capital works expenses).

When you own a rental property, you may also need to know about capital gains and goods and services taxes, negative gearing, pay as you go instalments and the effects of the general value shifting regime. This guide explains these at pages 23–4.

WHAT'S NEW

Table 6 (on page 37), which deals with evaporative coolers, has been added to the tables that outline the treatment of certain residential rental property items as depreciating assets or capital works.

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.

IS YOUR RENTAL PROPERTY OUTSIDE AUSTRALIA?

If your property is located outside Australia special rules apply to the deductibility of your rental property expenses. Question **19** in *TaxPack 2006 supplement* contains further information on foreign source income. If you are unsure of your obligations, contact your recognised tax adviser or the Tax Office.

> **NOTE**
>
> The examples given in this publication featuring Mr and Mrs Hitchman are based on the assumption that the Hitchmans own their rental properties as joint tenants who are not carrying on a rental property business.

RENTAL INCOME

Rental and other rental-related income is the full amount of rent and associated payments that you receive, or become entitled to, when you rent out your property – whether it is paid to you or your agent. You must include the full amount of rent you earn in your tax return.

Associated payments may be in the form of goods and services. You will need to work out the monetary value of these.

RENTAL-RELATED INCOME

You must include rental bond money as income if you become entitled to retain it – for instance, because a tenant defaulted on the rent, or because of damage to your rental property requiring repairs or maintenance.

If you received an insurance payout there may be situations where the payout needs to be included as income – for example, if you received an insurance payment to compensate you for lost rent.

If you received a letting or booking fee you must include this as part of your rental income.

Associated payments include all amounts you receive, or become entitled to, as part of the normal, and repetitive and recurrent activities through which you intend to generate profit from the use of your rental property.

If, in relation to your rental activity, you receive a reimbursement or recoupment for deductible expenditure you have incurred, you must include that amount as income – for example, if a tenant pays you an amount to cover the cost of repairing damage to some part of your rental property and you can claim a deduction for the repairs.

You can claim a deduction for certain rental expenses you incur for the period your property is rented out or available for rent. For more information, see **Rental expenses** starting on page 7.

You must include as rental income any assessable amounts relating to limited recourse debt arrangements involving your rental property. For more information see **Limited recourse debt arrangements** on page 21 and see the publication *Guide to depreciating assets 2006* (NAT 1996–6.2006).

CO-OWNERSHIP OF RENTAL PROPERTY

The way that rental income and expenses are divided between co-owners varies depending on whether the co-owners are joint tenants or tenants in common or there is a partnership carrying on a rental property business.

Co-owners of an investment property – not in business

A person who simply co-owns an investment property or several investment properties is usually regarded as an investor who is not carrying on a rental property business, either alone or with the other co-owners. This is because of the limited scope of the rental property activities and the limited degree to which a co-owner actively participates in rental property activities.

Dividing income and expenses according to legal interest

Co-owners who are not carrying on a rental property business must divide the income and expenses for the rental property in line with their legal interest in the property. If they are:

- joint tenants, they each hold an equal interest in the property
- tenants in common, they may hold unequal interests in the property – for example, one may hold a 20% interest and the other an 80% interest.

Rental income and expenses must be attributed to each co-owner according to their legal interest in the property, despite any agreement between co-owners, either oral or in writing, stating otherwise.

EXAMPLE: Joint tenants

Mr and Mrs Hitchman are joint tenants in an investment rental property. Their activity is insufficient for them to be characterised as carrying on a rental property business. In the relevant year, Mrs Hitchman phones the Tax Office and asks if she can claim 80% of the rental loss. Mrs Hitchman says she is earning $67,000 a year, and Mr Hitchman is earning $31,000. Therefore, it would be better if she claimed most of the rental loss, as she would save more tax. Mrs Hitchman thought it was fair that she claimed a bigger loss because most of the expenses were paid out of her wages. Under a partnership agreement drawn up by the Hitchmans, Mrs Hitchman is supposed to claim 80% of any rental loss.

Mrs Hitchman was told that where two people are joint tenants in a rental property, the net rental loss must be shared in line with their legal interest in the property. Therefore, the Hitchmans must each include half of the total income and expenses in their tax returns.

Any agreement that the Hitchmans might draw up to divide the income and expenses in proportions other than equal shares has no effect for income tax purposes. Therefore, even if Mrs Hitchman paid most of the bills associated with the rental property, she would not be able to claim more of the rental property deductions than Mr Hitchman.

EXAMPLE: Tenants in common

In the preceding example, if the Hitchmans held their property interest as tenants in common in equal shares, Mrs Hitchman would still be able to claim only 50% of the total property deductions.

However, if Mrs Hitchman's legal interest was 75% and Mr Hitchman's legal interest was 25%, Mrs Hitchman would have to include 75% of the income and expenses on her tax return and Mr Hitchman would have to include 25% of the income and expenses on his tax return.

NOTE

Interest on money borrowed by only one of the co-owners which is exclusively used to acquire that person's interest in the rental property does not need to be divided between all of the co-owners.

If you don't know whether you hold your legal interest as a joint tenant or a tenant in common, read the title deed for the rental property. If you are unsure whether your activities constitute a rental property business, see **Partners carrying on a rental property business** below.

EXAMPLE: Co-owners who are not carrying on a rental property business

The Tobins own, as joint tenants, two units and a house from which they derive rental income. The Tobins occasionally inspect the properties and also interview prospective tenants. Mr Tobin performs most repairs and maintenance on the properties himself, although he generally relies on the tenants to let him know what is required. The Tobins do any cleaning or maintenance that is required when tenants move out. Arrangements have been made with the tenants for the weekly rent to be paid into an account at their local bank. Although the Tobins devote some of their time to rental income activities, their main sources of income are their respective full-time jobs.

The Tobins are not partners carrying on a rental property business – they are only co-owners of several rental properties. Therefore, they must each include half of the total income and expenses on their tax returns – that is, in line with their legal interest in the properties.

Partners carrying on a rental property business

Most rental activities are a form of investment and do not amount to carrying on a business. However, where you are carrying on a rental property business in partnership with others, you must divide the net rental income or loss according to the partnership agreement. You must do this whether or not the legal interests in the rental properties are different to the partners' entitlements to profits and losses under the partnership agreement. If you do not have a partnership agreement, you should divide your net rental income or loss between the partners equally. See the example below.

EXAMPLE: Is it a rental property business?

The Hitchmans' neighbours, the D'Souzas, own a number of rental properties, either as joint tenants or tenants in common. They own eight houses and three apartment blocks – each block comprising six residential units – a total of 26 properties.

The D'Souzas actively manage all of the properties. They devote a significant amount of time – an average of 25 hours per week each – to these activities. They undertake all financial planning and decision making in relation to the properties. They interview all prospective tenants and conduct all of the rent collections. They carry out regular property inspections and attend to all of the everyday maintenance and repairs themselves or organise for them to be done on their behalf. Apart from income Mr D'Souza earns from shares, they have no other sources of income.

The D'Souzas are carrying on a rental property business. This is demonstrated by:

- the significant size and scale of the rental property activities
- the number of hours the D'Souzas spend on the activities
- the D'Souzas' extensive personal involvement in the activities, and
- the business-like manner in which the activities are planned, organised and carried on.

Mr and Mrs D'Souza have a written partnership agreement in which they agreed to carry on a rental property business. They have agreed that Mrs D'Souza is entitled to a 75% share of the partnership profits or losses and Mr D'Souza is entitled to a 25% share of the partnership profits or losses.

The D'Souzas are carrying on a rental property business. This means that the net profit or loss generated from their rental business is divided between them according to their partnership agreement – in proportions of 75% and 25%, even though their legal interests in the rental properties are equal – that is, they each own 50%.

For more information about dividing net rental income or losses between co-owners, see *Taxation Ruling TR 93/32 – Rental property – division of net income or loss between co-owners*.

For more information about whether a rental property business is being carried on, whether it is being carried on in partnership, and the distribution of partnership profits and losses, see:

- *Taxation Ruling TR 97/11 – Am I carrying on a business of primary production?*
- *Taxation Ruling TR 94/8 – Whether a business is carried on in partnership (including 'husband and wife' partnerships)*
- *Taxation Ruling IT 2423 – Withholding tax: whether rental income constitutes proceeds of business – permanent establishment – deduction for interest*, and
- *Taxation Ruling IT 2316 – Distribution of partnership profits and losses.*

Paragraph 13 of Taxation Ruling TR 97/11 lists eight indicators to determine whether a business is being carried on. Although this ruling refers to the business of primary production, these indicators apply equally to activities of a non-primary production nature.

Contact your recognised tax adviser or the Tax Office if you are unsure whether:

- your rental property activities amount to a partnership carrying on a rental property business
- you are carrying on a rental property activity as a joint tenant or a tenant in common, or
- you are in both categories.

RENTAL EXPENSES

You can claim a deduction for certain expenses you incur for the period your property is rented or is available for rent. However, you cannot claim expenses of a capital nature or private nature – although you may be able to claim decline in value deductions or capital works deductions for certain capital expenditure or include certain capital costs in the cost base of the property for capital gains tax (CGT) purposes.

TYPES OF RENTAL EXPENSES

There are three categories of rental expenses:

- expenses for which you can't claim deductions
- expenses for which you can claim an immediate deduction in the year you incur the expense, and
- expenses for which you can claim deductions over a number of income years.

Each of these categories is discussed in more detail in the following pages.

Apportionment of rental expenses

There may be situations where not all your expenses are deductible and you need to work out the deductible portion. To do this you subtract any non-deductible expenses from the total amount you have for each category of expense; what remains is your deductible expense.

You will need to apportion your expenses if any of the following apply to you:

- your property is available for rent for only part of the year
- only part of your property is used to earn rent, or
- you rent your property at non-commercial rates.

Property available for part-year rental

If you use your property for both private and assessable income-producing purposes, you cannot claim a deduction for the portion of any expenditure that relates to your private use. Examples of properties you may use for both private and income-producing purposes are holiday homes and time-share units. In cases such as these you cannot claim a deduction for any expenditure incurred for those periods when the home or unit was used by you, your relatives or your friends for private purposes.

In some circumstances, it may be easy to decide which expenditure is private in nature. For example, council rates paid for a full year would need to be apportioned on a time basis according to private use and assessable income producing use where a property is used for both purposes during the year.

In other circumstances, where you are not able to specifically identify the direct cost, your expenses will need to be apportioned on a reasonable basis.

EXAMPLE: Apportionment of expenses where property is rented for part of the year

Mr Hitchman's brother, Dave, owns a property in Tasmania. He rents out his property during the period 1 November 2005 to 30 March 2006 – a total of 150 days. He lives alone in the house for the rest of the year. The council rates are $1,000 per year. He apportions the council rates on the basis of time rented.

Rental expense × portion of year = deductible amount

He can claim a deduction against his rental income of

$$\$1,000 \times \frac{150}{365} = \$411$$

If he had any other expenses, such as telephone expenses, these too may need to be apportioned on a reasonable basis – which may be different from the basis used in the above example.

Only part of your property is used to earn rent

If only part of your property is used to earn rent, you can claim only that part of the expenses that relates to the rental income. As a general guide, apportionment should be made on a floor area basis – that is, by reference to the floor area of that part of the residence solely occupied by the tenant, together with a reasonable figure for tenant access to the general living areas, including garage and outdoor areas.

EXAMPLE: Renting out part of a residential property

Michael's private residence includes a self-contained flat. The floor area of the flat is one-third of the area of the residence.

Michael rented out the flat for six months in the year at $100 per week. During the rest of the year, his niece Fiona lived in the flat rent free.

The annual mortgage interest, building insurance, rates and taxes for the whole property amounted to $9,000. Using the floor area basis of apportioning these expenses, one-third – that is $3,000 – applies to the flat. However, as Michael used the flat to produce assessable income for only half of the year, he can claim a deduction for only $1,500 – half of $3,000.

Assuming there were no other expenses, Michael would calculate the net rent from his property as:

Gross rent	$2,600	(26 weeks x $100)
Less expenses	$1,500	($3,000 x 50%)
Net rent	**$1,100**	

For more information about the apportionment of expenses, see *Taxation Ruling IT 2167 – Rental properties – non-economic rental, holiday home, share of residence, etc. cases, family trust cases* and *Taxation Ruling TR 97/23 – Deductions for repairs*.

Non-commercial rental

If you let a property – or part of a property – at less than normal commercial rates, this may limit the amount of deductions you can claim.

EXAMPLE: Renting to a family member

Mr and Mrs Hitchman were charging their previous Queensland tenants the normal commercial rate of rent – $180 per week. They allowed their son, Tim, to live in the property at a nominal rent of $40 per week. Tim lived in the property for four weeks. When he moved out, the Hitchmans advertised for tenants.

Although Tim was paying rent to the Hitchmans, the arrangement was not based on normal commercial rates. As a result, the Hitchmans cannot claim a deduction for the total rental property expenses for the period Tim was living in the property. Generally, a deduction can be claimed for rental property expenses up to the amount of rental income received from this type of non-commercial arrangement.

Assuming that during the four weeks of Tim's residence the Hitchmans incurred rental expenses of more than $160, these deductions would be limited to $160 in total – that is, $40 × 4 weeks.

If Tim had been living in the house rent free, the Hitchmans would not have been able to claim any deductions for the time he was living in the property.

For more information about non-commercial rental arrangements, see Taxation Ruling IT 2167.

Prepaid expenses

If you prepay a rental property expense – such as insurance or interest on money borrowed – that covers a period of 12 months or less AND the period ends on or before 30 June 2007, you can claim an immediate deduction. A prepayment that doesn't meet these criteria AND is $1,000 or more may have to be spread over two or more years. This is also the case if you carry on your rental activity as a business and have not elected to be taxed under the simplified tax system for small businesses.

For more information see the publication *Deductions for prepaid expenses 2006* (NAT 4170–6.2006).

EXPENSES FOR WHICH YOU CAN'T CLAIM DEDUCTIONS

Expenses for which you are not able to claim deductions include:

- acquisition and disposal costs
- expenses not actually incurred by you, such as water or electricity charges borne by your tenants, and
- expenses that are not related to the rental of a property, such as expenses connected to your own use of a holiday home that you rent out for part of the year.

Acquisition and disposal costs

You cannot claim a deduction for the costs of acquiring or disposing of your rental property. Examples of expenses of this kind include the purchase cost of the property, conveyancing costs, advertising expenses and stamp duty on the transfer of the property (but not stamp duty on a lease of property – see **Lease document expenses** on page 11). However, these costs may form part of the cost base of the property for capital gains tax purposes. See also **Capital gains tax** on page 23.

EXAMPLE: Acquisition costs

> The Hitchmans purchased a rental property for $170,000 in July 2005. They also paid surveyor's fees of $350 and stamp duty of $750 on the transfer of the property. None of these expenses is deductible against the Hitchmans' rental income. However, in addition to the $170,000 purchase price, the incidental costs of $350 and $750, totalling $1,100, are included in the cost base and reduced cost base of the property.
>
> This means that when the Hitchmans dispose of the property, $171,100 ($170,000 + $1,100) will be included in the cost base or reduced cost base for the purposes of determining the amount of any capital gain or capital loss.

For more information, see the publication *Guide to capital gains tax 2006* (NAT 4151–6.2006). To find out how to get this publication, see the inside back cover.

EXPENSES FOR WHICH YOU CAN CLAIM AN IMMEDIATE DEDUCTION

Expenses for which you may be entitled to an immediate deduction in the income year you incur the expense include:

- advertising for tenants
- bank charges
- body corporate fees and charges*
- cleaning
- council rates
- electricity and gas
- gardening and lawn mowing
- in-house audio/video service charges
- insurance:
  - building
  - contents
  - public liability
- interest on loans*
- land tax
- lease document expenses*:
  - preparation
  - registration
  - stamp duty
- legal expenses*
- mortgage discharge expenses*
- pest control
- property agent's fees and commission
- quantity surveyor's fees
- repairs and maintenance*
- secretarial and bookkeeping fees
- security patrol fees
- servicing costs – for example, servicing a water heater
- stationery and postage
- telephone calls and rental
- tax-related expenses
- travel and car expenses*:
  - rent collection
  - inspection of property
  - maintenance of property
- water charges.

You can claim a deduction for these expenses only if you actually incur them. Deductions marked with an asterisk (*) are examined in more detail on the following pages.

Body corporate fees and charges

You may be able to claim a deduction for body corporate fees and charges you incur for your rental property.

Body corporate fees and charges may be incurred to cover the cost of day-to-day administration and maintenance or they may be applied to a special purpose sinking fund.

Payments you make to body corporate administration funds and general purpose sinking funds are considered to be payments for the provision of services by the body corporate and you can claim a deduction for these levies at the time you incur them. However, if the body corporate requires you to make payments to a special purpose fund to pay for particular capital expenditure, these levies are not deductible. Similarly, if the body corporate levies a special contribution for major capital expenses to be paid out of the general purpose sinking fund, you will not be entitled to a deduction for this special contribution amount. This is because payments to cover the cost of capital improvements or capital repairs are not deductible – see *Taxation Ruling TR 97/23 – Deductions for repairs*. You may be able to claim a capital works deduction for the cost of capital improvements or capital repairs once the cost has been charged to either the special purpose fund or, if a special contribution has been levied, the general purpose sinking fund – see **Capital works deductions** on page 19.

A **general purpose sinking fund** is one established to cover a variety of unspecified expenses (some of which may be capital expenses) that are likely to be incurred by the body corporate in maintaining the common property (for example, painting of the common property, repairing or replacing fixtures and fittings of the common property). A **special purpose fund** is one that is established to cover a specified capital improvement to the common property which is likely to be a significant expense that cannot be covered by ongoing contributions to a general purpose sinking fund.

If the body corporate fees and charges you incur are for things like the maintenance of gardens, deductible repairs and building insurance, you cannot also claim deductions for these as part of other expenses. For example, you cannot claim a separate deduction for garden maintenance if that expense is already included in body corporate fees and charges.

Interest on loans

If you take out a loan to purchase a rental property, you can claim the interest charged on that loan, or a portion of the interest, as a deduction. However, the property must be rented, or available for rental, in the income year for which you claim a deduction. If you start to use the property for private purposes, you cannot claim any interest expenses you incur after you start using the property for private purposes.

Similarly, if you take out a loan to purchase land on which to build a rental property or to finance renovations to a property you intend to rent out, the interest on the loan will be deductible from the time you took the loan out. However, if your intention changes – for example, you decide to use the property for private purposes and you no longer intend to use it to produce rent or other income – you cannot claim the interest after your intention changes.

While the property is rented, or available for rent, you may also claim interest charged on loans taken out:

- to purchase depreciating assets
- for repairs, or
- for renovations

Banks and other lending institutions offer a range of financial products which can be used to acquire a rental property. Many of these products permit flexible repayment and redraw facilities. As a consequence, a loan might be obtained to purchase both a rental property and a private car. In cases of this type, the interest on the loan must be apportioned into deductible and non-deductible parts according to the amounts borrowed for the rental property and for private purposes. A simple example of the necessary calculation is shown in the apportionment of interest example on the next page.

If you have a loan account that has a fluctuating balance due to a variety of deposits and withdrawals and it is used for both private purposes and for rental property purposes, you must keep accurate records to enable you to calculate the interest that applies to the rental property portion of the loan; that is, you must separate the interest that relates to the rental property from any interest that relates to the private use of the funds.

If you have difficulty calculating your deduction for interest, contact your recognised tax adviser or the Tax Office.

Some rental property owners borrow money to buy a new home and then rent out their previous home. If there is an outstanding loan on the old home and the property is used to produce income, the interest outstanding on the loan, or part of the interest, will be deductible. However, an interest deduction cannot be claimed on the loan used to buy the new home because it is not used to produce income. This is so whether or not the loan for the new home is secured against the former home.

EXAMPLE: Apportionment of interest

The Hitchmans decide to use their bank's 'Mortgage breaker' account to take out a loan of $209,000 from which $170,000 is to be used to buy a rental property and $39,000 is to be used to purchase a private car. The bank officer advises them that they will need to work out each year how much of their interest payments is tax deductible. The officer gives them the following whole-year example based on a loan interest rate of 6.75% per annum, and assuming that the property is rented from 1 July.

Interest for year 1 = $209,000 × 6.75% = $14,108

Apportionment of interest payment related to rental property:

$$\text{Total interest expense} \times \frac{\text{rental property loan}}{\text{total borrowings}} = \text{deductible interest}$$

$$\$14{,}108 \times \frac{\$170{,}000}{\$209{,}000} = \$11{,}475$$

If you prepay interest it may not be deductible all at once – see **Prepaid expenses** on page 8.

THIN CAPITALISATION

If you are an Australian resident and you (or any associate entities) have certain overseas interests or if you are a foreign resident, thin capitalisation rules may apply if your debt deductions, such as interest (combined with those of your associate entities), for 2005–06 are more than $250,000. See the publication *Guide to thin capitalisation* (available on our website), complete the *Thin capitalisation schedule 2006* (NAT 6458–6.2006) and, if required under the thin capitalisation rules, only claim a reduced amount. To find out how to get this publication, see the inside back cover.

For more information about the deductibility of interest, see the following taxation rulings and determination:

- *Taxation Ruling TR 2004/4 – Deductions for interest incurred prior to the commencement of, or following the cessation of, relevant income earning activities*
- *Taxation Ruling TR 2000/2 – Deductibility of interest on moneys drawn down under line of credit facilities and redraw facilities*
- *Taxation Ruling TR 98/22 (with Addendum TR 98/22A) – The taxation consequences for taxpayers entering into certain linked or split loan facilities*
- *Taxation Ruling TR 95/25 (with Addendum TR 95/25A and Addendum TR 95/25A2) – Deductions for interest under subsection 51(1) of the Income Tax Assessment Act 1936 following FC of T v. Roberts, FC of T v. Smith*
- *Taxation Ruling TR 93/7 – Whether penalty interest payments are deductible*
- *Taxation Determination TD 1999/42 – Do the principles set out in TR 98/22 apply to line of credit facilities?*

If you need help to calculate your interest deduction, contact your recognised tax adviser or the Tax Office.

Lease document expenses

The costs of preparing and registering a lease and the cost of stamp duty on a lease are deductible to the extent that you have used, or will use, the property to produce income. This includes any such costs associated with an assignment or surrender of a lease.

For example, freehold title cannot be obtained for properties in the Australian Capital Territory (ACT). They are commonly acquired under a 99-year crown lease. Therefore, stamp duty, preparation and registration costs you incur on the lease of an ACT property are deductible to the extent that you use the property as a rental property.

Legal expenses

Some legal expenses incurred in producing your rental income are deductible – for example, the cost of evicting a non-paying tenant.

Most legal expenses, however, are of a capital nature and are therefore not deductible. These include costs of:

- purchasing or selling your property
- resisting land resumption, and
- defending your title to the property.

Non-deductible legal expenses may, however, form part of the cost base of your property for capital gains tax purposes. For more information see the publication *Guide to capital gains tax 2006*. To find out how to get this publication, see the inside back cover. See also **Capital gains tax** on page 23.

EXAMPLE: Deductible legal expenses

In September 2005, the Hitchmans' tenants moved out, owing four weeks rent. The Hitchmans retained the bond money and took the tenants to court to terminate the lease and recover the balance of the rent. The legal expenses they incurred doing this are fully deductible. The Hitchmans were seeking to recover assessable rental income, and they wished to continue earning income from the property. The Hitchmans must include the retained bond money and the recovered rent in their assessable income in the year of receipt.

Mortgage discharge expenses

Mortgage discharge expenses are the costs involved in discharging a mortgage other than payments of principal and interest. These costs are deductible in the year they are incurred to the extent that you took out the mortgage as security for the repayment of money you borrowed to use to produce assessable income.

For example, if you used a property to produce rental income for half the time you held it and as a holiday home for the other half of the time, 50% of the costs of discharging the mortgage are deductible.

Mortgage discharge expenses may also include penalty interest payments. Penalty interest payments are amounts paid to a lender, such as a bank, to agree to accept early repayment of a loan – including a loan on a rental property. The amounts are commonly calculated by reference to the number of months that interest payments would have been made had the premature repayment not been made.

Penalty interest payments on a loan relating to a rental property are deductible:

- if the loan moneys borrowed are secured by a mortgage over the property and the payment effects the discharge of the mortgage, or
- if payment is made in order to rid the taxpayer of a recurring obligation to pay interest on the loan.

Repairs and maintenance

Expenditure for repairs you make to the property may be deductible. However, the repairs must relate directly to wear and tear or other damage that occurred as a result of your renting out the property.

Repairs generally involve a replacement or renewal of a worn out or broken part – for example, replacing some guttering damaged in a storm or part of a fence that was damaged by a falling tree branch.

However, the following expenses are capital, or of a capital nature, and are not deductible:

- replacement of an entire structure or unit of property (such as a complete fence or building, a stove, kitchen cupboards or refrigerator)
- improvements, renovations, extensions and alterations, and
- initial repairs – for example, in remedying defects, damage or deterioration that existed at the date you acquired the property.

You may be able to claim capital works deductions for these expenses – for more information, see **Capital works deductions** on page 19. Expenses of a capital nature may form part of the cost base of the property for capital gains tax purposes (see the publication *Guide to capital gains tax 2006*) – but not generally to the extent that capital works deductions have been or can be claimed for them (see **Cost base adjustments for capital works deductions** on page 21).

EXAMPLE: Repairs prior to renting out the property

> The Hitchmans needed to do some repairs to their newly acquired rental property before the first tenants moved in. They paid an interior decorator to repaint dirty walls, replace broken light fittings and repair doors on two bedrooms. They also discovered white ants in some of the floor boards. This required white ant treatment and replacement of some of the boards.
>
> These expenses were incurred to make the property suitable for rental and did not arise from the Hitchmans' use of the property to generate assessable rental income. The expenses are capital in nature and the Hitchmans are not able to claim a deduction for these expenses.

Repairs to a rental property will generally be deductible if:

- the property continues to be rented on an ongoing basis, or
- the property remains available for rental but there is a short period when the property is unoccupied – for example, where unseasonable weather causes cancellations of bookings or advertising is unsuccessful in attracting tenants.

If you no longer rent the property, the cost of repairs may still be deductible provided:

- the need for the repairs is related to the period in which the property was used by you to produce income, and
- the property was income-producing during the income year in which you incurred the cost of repairs.

EXAMPLE: Repairs when the property is no longer rented out

> After the last tenants moved out in September 2005, the Hitchmans discovered that the stove didn't work, kitchen tiles were cracked and the toilet window was broken. They also discovered a hole in a bedroom wall that had been covered with a poster. In October 2005 the Hitchmans paid for this damage to be repaired so they could sell the property.
>
> As the tenants were no longer in the property, the Hitchmans were not using the property to produce assessable income. However, they could still claim a deduction for repairs to the property because the repairs related to the period when their tenants were living in the property and the repairs were completed before the end of the income year in which the property ceased to be used to produce income.

Examples of repairs for which you can claim deductions are:

- replacing broken windows
- maintaining plumbing, and
- repairing electrical appliances.

Examples of improvements for which you cannot claim deductions are:

- landscaping
- insulating the house, and
- adding on another room.

For more information, see the publications *Guide to capital gains tax 2006* and *Taxation Ruling TR 97/23 – Deductions for repairs*. See also **Capital gains tax** on page 23.

Travel and car expenses

If you travel to inspect or maintain your property or collect the rent, you may be able to claim the costs of travelling as a deduction. You are allowed a full deduction where the sole purpose of the trip relates to the rental property. However, in other circumstances you may not be able to claim a deduction or you may be entitled to only a partial deduction.

If you fly to inspect your rental property, stay overnight, and return home on the following day, all of the airfare and accommodation expenses would generally be allowed as a deduction.

EXAMPLE: Travel and vehicle expenses

Although their local rental property was managed by a property agent, Mr Hitchman decided to inspect the property three months after the tenants moved in. During the income year Mr Hitchman also made a number of visits to the property in order to carry out minor repairs. Mr Hitchman travelled 162 kilometres during the course of these visits. On the basis of a cents-per-kilometre rate of 66 cents for his 2.6 litre car – see *TaxPack 2006* or visit **www.ato.gov.au** for the appropriate rates – Mr Hitchman can claim the following deduction:

Distance travelled × rate per km = deductible amount

162 km × 66 cents per km = $106.92

On his way to golf each Saturday, Mr Hitchman drove past the property to 'keep an eye on things'. These motor vehicle expenses are not deductible as they are incidental to the private purpose of the journey.

Apportionment of travel expenses

Where travel related to your rental property is combined with a holiday or other private activities, you may need to apportion the expenses.

If you travel to inspect your rental property and combine this with a holiday, you need to take into account the reasons for your trip. If the main purpose of your trip is to have a holiday and the inspection of the property is incidental to that main purpose, you cannot claim a deduction for the cost of the travel. However, you may be able to claim local expenses directly related to the property inspection and a proportion of accommodation expenses.

EXAMPLE: Apportioning travel expenses

The Hitchmans also owned another rental property in a resort town on the north coast of Queensland. They spent $1,000 on airfares and $1,500 on accommodation when they travelled from their home in Perth to the resort town, mainly for the purpose of holidaying, but also to inspect the property. They also spent $50 on taxi fares for the return trip from the hotel to the rental property. The Hitchmans spent one day on matters relating to the rental property and nine days swimming and sightseeing.

No deduction can be claimed for any part of the $1,000 airfares.

The Hitchmans can claim a deduction for the $50 taxi fare.

A deduction for 10% of the accommodation expenses (10% of $1,500 – that is, $150) would be considered reasonable in the circumstances. The total travel expenses the Hitchmans can claim are therefore $200 ($50 taxi fare and $150 accommodation). Accordingly, Mr and Mrs Hitchman can each claim a deduction of $100.

EXPENSES DEDUCTIBLE OVER A NUMBER OF INCOME YEARS

There are three types of expenses you may incur for your rental property that may be claimed over a number of income years:

- borrowing expenses
- amounts for decline in value of depreciating assets, and
- capital works deductions.

Each of these categories is discussed in more detail in the following pages.

Borrowing expenses

These are expenses directly incurred in taking out a loan for the property. They include loan establishment fees, title search fees and costs for preparing and filing mortgage documents – including mortgage broker fees and stamp duty charged on the mortgage.

Borrowing expenses also include other costs that the lender requires you to incur as a condition of them lending you the money for the property – such as the costs of obtaining a valuation or lender's mortgage insurance if you borrow more than a certain percentage of the purchase price of the property.

If you take out an insurance policy that provides for your loan on the property to be paid out in the event that you die or become disabled or unemployed, the premiums are not borrowing costs. Interest expenses are not borrowing expenses.

If your total borrowing expenses are more than $100, the deduction is spread over five years or the term of the loan, whichever is less. If the total deductible borrowing expenses are $100 or less, they are fully deductible in the income year they are incurred.

If you repay the loan early and in less than five years, you can claim a deduction for the balance of the borrowing expenses in the year of repayment.

If you obtained the loan part way through the income year, the deduction for the first year will be apportioned according to the number of days in the year that you had the loan.

EXAMPLE: Apportioning borrowing expenses

In order to secure a 20-year loan of $209,000 to purchase a rental property for $170,000 and a private motor vehicle for $39,000, the Hitchmans paid a total of $1,670 in establishment fees, valuation fees and stamp duty on the loan. As the Hitchmans' borrowing expenses are more than $100, they must be apportioned over five years, or the period of the loan, whichever is the lesser. Also, because the loan was to be used for both income producing and non-income producing purposes, only the income-producing portion of the borrowing expenses is deductible. As they obtained the loan on 17 July 2005, they would work out the borrowing expense deduction for the first year as follows:

Year 1	Borrowing expenses	×	number of relevant days in year / number of days in 5 years	=	maximum amount for the income year	×	rental property loan / total borrowings	=	deduction for year
	$1,670	×	349 days / 1,826 days	=	$319	×	$170,000 / $209,000	=	$259

Their borrowing expense deductions for subsequent years would be worked out as follows:

	Borrowing expenses remaining	×	number of relevant days in year / remaining number of days in 5 years	=	maximum amount for the income year	×	rental property loan / total borrowings	=	deduction for year
Year 2	$1,351	×	365 days / 1,477 days	=	$334	×	$170,000 / $209,000	=	$272
Year 3 (leap year)	$1,017	×	366 days / 1,111 days	=	$335	×	$170,000 / $209,000	=	$273
Year 4	$682	×	365 days / 746 days	=	$334	×	$170,000 / $209,000	=	$272
Year 5	$348	×	365 days / 381 days	=	$333	×	$170,000 / $209,000	=	$271
Year 6	$15	×	16 days / 16 days	=	$15	×	$170,000 / $209,000	=	$12

Deduction for decline in value of depreciating assets

You can deduct an amount equal to the decline in value for an income year of a depreciating asset that you held for any time during the year. However, your deduction is reduced to the extent your use of the asset is for other than a taxable purpose. A taxable purpose is the purpose of producing assessable income, the purpose of exploration or prospecting, the purpose of mining site rehabilitation, or environmental protection activities. If you own a rental property, the taxable purpose will generally be for the purpose of producing assessable income.

Some items found in a rental property are regarded as part of the setting for the rent producing activity and are not treated as separate assets in their own right. However, a capital works deduction may be allowed for some of those items – see **Capital works deductions** on page 19.

How do you work out your deduction?

You work out your deduction for the decline in value of a depreciating asset using either the prime cost or diminishing value method. Both methods are based on the effective life of the asset. The decline in value calculator on our web site will help you with the choice and the calculations.

The diminishing value method assumes that the decline in value each year is a constant proportion of the remaining value and produces a progressively smaller decline over time. The formula for working out decline in value using this method is:

$$\text{Base value}^{*} \times \frac{\text{Days held}^{**}}{365} \times \frac{150\%}{\text{Asset's effective life}}$$

* For the income year in which an asset is first used or installed ready for use for any purpose, the **base value** is the asset's cost. For a later income year, the base value is the asset's opening adjustable value plus any amounts included in the asset's second element of cost for that year.

** Can be 366 in a leap year.

> **NOTE**
>
> At the time of printing this publication, there was legislation before Parliament which will change the above formula. The '150%' will become '200%' for depreciating assets that you:
>
> - started to hold under a contract entered into on or after 10 May 2006
> - constructed, with construction starting on or after that date, or
> - started to hold in some other way on or after that date.
>
> However, the new formula does not apply in some cases – such as if you dispose of and reacquire an asset just so the decline in value of the asset can be worked out using the new formula.
>
> If you want to know whether the law has come into effect, phone the Personal Tax Infoline (see the inside back cover).

An asset's cost has two elements. The first element of cost is, generally, amounts you are taken to have paid to hold the asset, such as the purchase price. The second element of cost is, generally, the amount you are taken to have paid to bring the asset to its present condition, such as the cost of capital improvements to the asset. If more than one person holds a depreciating asset, each holder works out their deduction for the decline in value of the asset based on their interest in the asset and not on the cost of the asset itself.

The adjustable value of a depreciating asset is its cost (first and second elements) less its decline in value up to that time. Adjustable value is similar to the concept of undeducted cost used in the former depreciation provisions. The opening adjustable value of an asset for an income year is generally the same as its adjustable value at the end of the previous income year.

The prime cost method assumes that the value of a depreciating asset decreases uniformly over its effective life. The formula for working out decline in value using the prime cost method is:

$$\text{Asset's cost} \times \frac{\text{Days held}^{*}}{365} \times \frac{100\%}{\text{Asset's effective life}}$$

* Can be 366 in a leap year.

The formula under the prime cost method may have to be adjusted if the cost, effective life or adjustable value of the asset is modified. For more information, see the *Guide to depreciating assets 2006*.

Under either method, the decline in value of an asset cannot amount to more than its base value in any income year.

If you use a depreciating asset for other than a taxable purpose – for example, you use the same lawn mower at both your rental property and your private residence – you are allowed only a partial deduction for the mower's decline in value, based on what percentage of the mower's total use occurred at your rental property.

Effective life

Generally, the effective life of a depreciating asset is how long it can be used by any entity for a taxable purpose, or for the purpose of producing exempt income or non-assessable non-exempt income:

- having regard to the wear and tear you reasonably expect from your expected circumstances of use
- assuming that it will be maintained in reasonably good order and condition, and
- having regard to the period within which it is likely to be scrapped, sold for no more than scrap value or abandoned.

Effective life is expressed in years, including fractions of years. It is not rounded to the nearest whole year.

For most depreciating assets you can choose to work out the effective life yourself or to use an effective life determined by the Commissioner.

The sort of information you could use to make an estimate of effective life of an asset is listed in the *Guide to depreciating assets 2006*.

In making his determination, the Commissioner assumes the depreciating asset is new and has regard to general industry circumstances of use.

Taxation Ruling TR 2000/18 – Effective life of depreciating assets lists the Commissioner's determination of effective life for various depreciating assets. Taxation Ruling TR 2000/18 came into force on 1 January 2001.

Because the Commissioner often reviews the determinations of effective life, the determined effective life may change from the beginning of, or during, an income year. You need to work out which version of the schedule accompanying Taxation Ruling TR 2000/18 to refer to for a particular asset's determined effective life. As a general rule, use the version of the schedule that is in force at the time you:

- entered into a contract to acquire the depreciating asset
- otherwise acquired it, or
- started to construct it.

Replacements

It was the longstanding practice to treat the initial purchase of certain assets as not depreciable but to allow an immediate deduction for the cost of their replacement. The practice principally related to low-cost items that had very long or indeterminate lives, were difficult to keep track of and were subject to frequent replacement through loss or breakage – for example, crockery, bedding and linen.

However, the replacement basis for deductions is no longer available for assets you first use (or have installed ready for use) to produce income after 31 December 2000.

An immediate deduction is available for depreciating assets costing $300 or less which you use predominantly in deriving non-business income (including rental income), if certain conditions are met – see **Immediate deduction for certain non-business depreciating assets costing $300 or less** below. Also, you may write off assets costing less than $1,000 through a low-value pool – see **Low-value pooling** in the next column.

Immediate deduction for certain non-business depreciating assets costing $300 or less

The decline in value of certain depreciating assets costing $300 or less is their cost. This means you get an immediate deduction for the cost of the asset to the extent that you use it for a taxable purpose during the income year in which the deduction is available.

The immediate deduction is available if all of the following tests are met in relation to the asset:

- it costs $300 or less
- you use it mainly for the purpose of producing assessable income that is not income from carrying on a business (for example, rental income where your rental activities do not amount to the carrying on of a business)
- it is not part of a set of assets you start to hold in the income year that costs more than $300, and
- it is not one of a number of identical, or substantially identical, assets that you start to hold in the income year that together cost more than $300.

If you hold an asset jointly with others and the cost of your interest in the asset is $300 or less, you can claim the immediate deduction even though the depreciating asset in which you have an interest cost more than $300 – see **Partners carrying on a rental property business** on page 5.

EXAMPLE: Immediate deduction

In November 2005, Terry purchased a toaster for his rental property at a cost of $70. He can claim an immediate deduction as he uses the toaster to produce assessable income, but not from carrying on a business.

EXAMPLE: No immediate deduction

Paula is buying a set of four identical dining room chairs costing $90 each for her rental property. She cannot claim an immediate deduction for any of these because they are identical and the total cost is more than $300.

For further information about immediate deductions for depreciating assets costing $300 or less, refer to the publication *Guide to depreciating assets 2006*. To find out how to get this publication, see the inside back cover.

Low-value pooling

You can allocate low-cost assets and low-value assets relating to your rental activity to a low-value pool. A low-cost asset is a depreciating asset whose cost is less than $1,000 (after GST credits or adjustments) at the end of the year in which you start to use it, or have it installed ready for use, for a taxable purpose. A low-value asset is a depreciating asset that is not a low-cost asset and:

- that has an opening adjustable value for the current year of less than $1,000, and
- for which you have worked out any available deductions for decline in value under the diminishing value method.

You work out the decline in value of an asset you hold jointly with others based on the cost of your interest in the asset. This means if you hold an asset jointly and the cost of your interest in the asset or the opening adjustable value of your interest is less than $1,000, you can allocate your interest in the asset to your low-value pool. Once you choose to create a low-value pool and allocate a low-cost asset to it, you must pool all other low-cost assets you start to hold in that income year and in later income years. However, this rule does not apply to low-value assets. You can decide whether to allocate low-value assets to the pool on an asset-by-asset basis.

Once you have allocated an asset to the pool, it remains in the pool.

Once an asset is allocated to a low-value pool it is not necessary to work out its adjustable value or decline in value separately. Only one annual calculation for the decline in value for all of the depreciating assets in the pool is required.

You work out the deduction for the decline in value of depreciating assets in a low-value pool using a diminishing value rate of 37.5%.

For the income year you allocate a low-cost asset to the pool, you work out its decline in value at a rate of 18.75%, or half the pool rate. Halving the rate recognises that assets may be allocated to the pool throughout the income year and eliminates the need to make separate calculations for each asset based on the date it was allocated to the pool.

When you allocate an asset to the pool, you must make a reasonable estimate of the percentage of your use of the asset that will be for a taxable purpose over its effective life (for a low-cost asset) or the effective life remaining at the start of the income year for which it was allocated to the pool (for a low-value asset). This percentage is known as the asset's **taxable use percentage**.

It is this taxable use percentage of the cost or opening adjustable value that is written off through the low-value pool.

For further information about low-value pooling, including how to treat assets used only partly to produce assessable income and how to treat the disposal of assets from a low-value pool, refer to the *Guide to depreciating assets 2006*.

If you are an individual who owns or has co-ownership of a rental property, you claim your low-value pool deduction for rental assets at item **D6** on your tax return (not at item **20** on your tax return (supplementary section)).

What happens if you no longer hold or use a depreciating asset?

If you cease to hold or to use a depreciating asset, a balancing adjustment event will occur. If there is a balancing adjustment event, you need to work out a balancing adjustment amount to include in your assessable income or to claim as a deduction.

A balancing adjustment event occurs for a depreciating asset if:

- you stop holding it – for example, if the asset is sold, lost or destroyed
- you stop using it and expect never to use it again
- you stop having it installed ready for use and you expect never to install it ready for use again
- you have not used it and decide never to use it, or
- a change occurs in the holding or interests in an asset which was or is to become a partnership asset.

You work out the balancing adjustment amount by comparing the asset's termination value (such as the proceeds from the sale of the asset) and its adjustable value at the time of the balancing adjustment event. If the termination value is greater than the adjustable value, you include the excess in your assessable income. (If you are an individual who owns or has co-ownership of a rental property, you show such assessable amounts at item **22 Other income** on your tax return (supplementary section) – not at item **20**.)

If the termination value is less than the adjustable value, you can deduct the difference.

See the *Guide to depreciating assets 2006* for further information about balancing adjustments.

Note: If a balancing adjustment event happens to a depreciating asset that you used at some time other than for income-producing purposes – for example, privately – a capital gain or loss might arise to the extent that you so used the asset.

See *Guide to capital gains tax 2006* for further information about capital gains tax and depreciating assets.

Purchase and valuation of second-hand assets

If you purchase a second-hand asset you can generally claim a deduction based on the cost of the asset to you.

Where you purchase a rental property, the most objective means of establishing your cost of depreciating assets acquired with the property is to have their value, as agreed between the contracting parties, specified in the sale agreement. If separate values for depreciating assets are not included in the sale agreement for your rental property when you purchase it, you may be required to demonstrate the basis of your valuation.

Generally, independent valuations that establish reasonable values for depreciating assets satisfy Tax Office requirements. In the absence of an independent valuation, you may need to demonstrate that your estimate provided a reasonable value. Considerations would include the market value of the asset compared to the total purchase price of the property.

Working out your deductions for decline in value of depreciating assets

An example of how to do this calculation is on the next page. The *Guide to depreciating assets 2006* contains two worksheets (**Worksheet 1 – depreciating assets** and **Worksheet 2 – low-value pool**) that you can use to work out your deductions for decline in value of depreciating assets.

EXAMPLE: Working out decline in value deductions

In this example, the Hitchmans bought a property part way through the year – on 20 July 2005. In the purchase contract, depreciating assets sold with the property were assigned separate values that represented their arm's length values at the time. The Hitchmans could use the amounts shown in the contract to work out the cost of their individual interests in the assets. They can each claim deductions for decline in value for 346 days out of the 365 in the 2005–06 income year. If the Hitchmans use the assets wholly to produce rental income, the deduction for each asset using the diminishing value method is worked out as shown below:

Description	Cost of the interest in the asset	Base value	No. of days held, divided by 365	150% divided by effective life (yrs)	Deduction for decline in value	Adjustable value at end of 2005–06 income year
Furniture	$2,000	$2,000	$\frac{346}{365}$	$\frac{150\%}{13\frac{1}{3}}$	$213	$1,787
Carpets	$1,200	$1,200	$\frac{346}{365}$	$\frac{150\%}{10}$	$171	$1,029
Curtains	$1,000	$1,000	$\frac{346}{365}$	$\frac{150\%}{6\frac{2}{3}}$	$213	$787*
Totals	**$4,200**	**$4,200**			**$597**	**$3,603**

* As the adjustable value of the curtains at the end of the 2005–06 income year is less than $1,000, either or both of the Hitchmans can choose to transfer their interest in the curtains to their low-value pool for the following year (2006–07).

Note: For certain assets you may need to determine if you can use 200% instead of 150% in your calculation – see **How do you work out your deduction?** on page 15.

EXAMPLE: Decline in value deductions – low-value pool

In the 2005–06 income year the Hitchmans' daughter Leonie, who owns a rental property in Adelaide, allocated to a low-value pool some depreciating assets she acquired in that year. The low-value pool already comprised various low-value assets. Leonie expects to use the assets solely to produce rental income.

	Taxable use percentage of cost or opening adjustable value	Low-value pool rate	Deduction for decline in value in 2005–06
Low-value assets:			
Various	$1,679	37.5%	$630
Low-cost assets:			
Television set (purchased 11/11/2005)	$747		
Gas heater (purchased 28/2/2006)	$303		
Total low-cost assets	$1,050	18.75%	$197
Total deduction for decline in value for year ended 30 June 2006			**$827**

Closing pool value at 30 June 2006		
Low-value assets:	1,679 – 630 =	$1,049
Low-cost assets:	1,050 – 197 =	$853
	=	**$1,902**

Capital works deductions

You can deduct certain kinds of construction expenditure. In the case of residential rental properties, the deductions would generally be spread over a period of 25 or 40 years. These are referred to as capital works deductions. Your total capital works deductions cannot exceed the construction expenditure. No deduction is available until the construction is complete.

Deductions based on construction expenditure apply to capital works such as:

- a building or an extension – for example, adding a room, garage, patio or pergola
- alterations – such as removing or adding an internal wall, or
- structural improvements to the property – for example, adding a gazebo, carport, sealed driveway, retaining wall or fence.

You can only claim deductions for the period during the year that the property is rented or is available for rent.

If you can claim capital works deductions, the construction expenditure on which those deductions are based cannot be taken into account in working out any other types of deductions you claim, such as deductions for decline in value of depreciating assets.

Amount of deduction

The amount of the deduction you can claim depends on the type of construction and the date construction started.

Table 1 below shows you the types of rental property construction that qualify. If the type of construction you own (or own jointly) does not appear next to the relevant 'date construction started' in the table, you cannot claim a deduction. If the type of construction qualifies, **table 2** on the next page shows the rate of deduction available.

TABLE 1

Date construction started	Type of construction for which deduction can be claimed
Before 22 August 1979	None
22 August 1979 to 19 July 1982	Certain buildings* intended to be used on completion to provide short-term accommodation to travellers**
20 July 1982 to 17 July 1985	Certain buildings* intended to be used on completion to provide short-term accommodation to travellers**
	Building intended to be used on completion for non-residential purposes (for example, a shop or office)
18 July 1985 to 26 February 1992	Any building intended to be used on completion for residential purposes or to produce income
27 February 1992 to 18 August 1992	Certain buildings* intended to be used on completion to provide short-term accommodation to travellers**
	Any other building intended to be used on completion for residential purposes or to produce income
	Structural improvements intended to be used on completion for residential purposes or to produce income
19 August 1992 to 30 June 1997	Certain buildings* intended to be used on completion to provide short-term accommodation to travellers**
	Any other building intended to be used on completion for residential purposes or to produce income
	Structural improvements intended to be used on completion for residential purposes or to produce income
	Environment protection earthworks** intended to be used on completion for residential purposes or to produce income
After 30 June 1997	Any capital works used to produce income (even if, on completion, it was not intended that they be used for that purpose)

* 'Certain buildings' are apartment buildings in which you own or lease at least 10 apartments, units or flats; or a hotel, motel or guest house that has at least 10 bedrooms.

** For more information, phone the Tax Reform Infoline on **13 24 78**.

TABLE 2

Date construction started	Rate of deduction per income year
Before 22 August 1979	nil
22 August 1979 to 21 August 1984	2.5%
22 August 1984 to 15 September 1987	4%
After 15 September 1987	2.5%
Note: Where construction of a building to provide short-term accommodation for travellers commenced after 26 February 1992, the rate of deduction was increased to 4%.	

With regard to an apartment building, the 4% rate applies to apartments, units or flats only if you own or lease 10 or more of them in the building.

The deduction can be claimed for 25 years from the date construction was completed in the case of a 4% deduction, and for 40 years from the date construction was completed in the case of a 2.5% deduction. If the construction was completed part of the way through the income year, you can claim a pro-rata deduction for that part.

Construction expenditure that can be claimed

Construction expenditure is the actual cost of constructing the building or extension. A deduction is allowed for expenditure incurred in the construction of a building if you contract a builder to construct the building on your land. This includes the component of your payments that represents the profit made by individual tradespeople, builders and architects. If you are an owner/builder, the value of your contributions to the works – for example, your labour and expertise – and any notional profit element do not form part of the construction expenditure.

If you purchase your property from a speculative builder, you cannot claim the component of your payment that represents the builder's profit margin as a capital works deduction.

Some costs that you may include in construction expenditure are:

- preliminary expenses such as architects' fees, engineering fees and the cost of foundation excavations
- payments to carpenters, bricklayers and other tradespeople for construction of the building, and
- payments for the construction of retaining walls, fences and in-ground swimming pools.

Construction expenditure that cannot be claimed

Some costs that are not included in construction expenditure are:

- the cost of the land on which the rental property is built
- expenditure on clearing the land prior to construction
- earthworks that are permanent, can be economically maintained and are not integral to the installation or construction of a structure, and
- expenditure on landscaping.

Changes in building ownership

Where ownership of the building changes, the right to claim any undeducted construction expenditure for capital works passes to the new owner. A new owner should confirm that the building was constructed during one of the appropriate periods outlined on the previous page. To be able to claim the deduction, the new owner must continue to use the building to produce income.

Estimating construction costs

Where a new owner is unable to determine precisely the construction expenditure associated with a building, an estimate provided by an appropriately qualified person may be used. Appropriately qualified people include:

- a clerk of works, such as a project organiser for major building projects
- a supervising architect who approves payments at stages of projects
- a builder who is experienced in estimating construction costs of similar building projects, and
- a quantity surveyor.

Unless they are otherwise qualified, valuers, real estate agents, accountants and solicitors generally have neither the relevant qualifications nor the experience to make such an estimate.

EXAMPLE: Estimating capital works deductions

The Perth property acquired by the Hitchmans on 20 July 2005 was constructed in August 1991. At the time they acquired the property it also contained the following structural improvements.

Item	Construction date
Retaining wall	September 1991
Concrete driveway	January 1992
In-ground swimming pool	July 1992
Protective fencing around the pool	August 1992
Timber decking around the pool	September 1992

In a letter to the Hitchmans, a supervising architect estimated the construction cost of the rental property for capital works deduction purposes at $115,800. This includes the cost of the house, the in-ground swimming pool, the protective fencing and the timber decking. Although the retaining wall and the concrete driveway are structural improvements, they were constructed before 27 February 1992 (note that in **table 1**, on page 19, structural improvements qualified for deduction from 27 February 1992). Therefore, they do not form part of the construction cost for the purposes of the capital works deduction and were not included in the $115,800 estimate.

The Hitchmans can claim a capital works deduction of 2.5% of the construction costs per year. As they did not acquire the property until 20 July 2005, they can claim the deduction for the 346 days from 20 July 2005 to 30 June 2006. The maximum deduction for 2005–06 would be worked out as follows:

$$\text{Construction cost} \times \text{rate} \times \text{portion of year} = \text{deductible amount}$$

$$\$115{,}800 \times 2.5\% \times \frac{346}{365} = \$2{,}744$$

The cost of obtaining an appropriately qualified person's estimate of construction costs of a rental property is deductible in the year it is incurred. You make your claim for the expense, or your share of the expense if you jointly incurred it, at item **D10 Cost of managing tax affairs** on your tax return.

For more information about construction expenditure and capital works deductions, see *Taxation Ruling TR 97/25 (with Addendum TR 97/25A) – Property development: deduction for capital expenditure on construction of income producing capital works, including buildings and structural improvements*.

Cost base adjustments for capital works deductions

In working out a capital gain or capital loss from a rental property, the cost base and reduced cost base of the property may need to be reduced to the extent that it includes construction expenditure for which you have claimed or can claim a capital works deduction.

Cost base

You must exclude from the cost base of a CGT asset (including a building, structure or other capital improvement to land that is treated as a separate asset for CGT purposes*) the amount of capital works deductions you have claimed or can claim in respect of the asset if:

- you acquired the asset after 7.30pm (by legal time in the ACT) on 13 May 1997, or
- you acquired the asset before that time and the expenditure that gave rise to the capital works deductions was incurred after 30 June 1999.

Reduced cost base

The amount of the capital works deductions you have claimed or can claim for expenditure you incurred in respect of an asset is excluded from the reduced cost base.

EXAMPLE: Capital works deduction

Zoran acquired a rental property on 1 July 1997 for $200,000. Before disposing of the property on 30 June 2006, he had claimed $10,000 in capital works deductions.

At the time of disposal, the cost base of the property was $210,250. Zoran must reduce the cost base of the property by $10,000 to $200,250.

Limited recourse debt arrangements

If the construction expenditure is financed or refinanced wholly or partly by limited recourse debt (including a notional loan under certain hire purchase or instalment sale agreements of goods), you must include excessive deductions for the capital works deductions as assessable income. This will occur where the limited recourse debt arrangement terminates after 27 February 1998 but has not been paid in full by the debtor. Because the debt has not been paid in full, the capital works deductions allowed for the expenditure exceed the deductions that would be allowable if the unpaid amount of the debt was not counted as capital expenditure of the debtor. Special rules apply for working out whether the debt has been fully paid.

If you are not sure what constitutes a limited recourse debt or how to work out your adjustment to assessable income, contact your recognised tax adviser or the Tax Office.

* For information on when a building, structure or other capital improvement to land is treated as a CGT asset separate from the land, see chapter 1 and the section **Major capital improvements to a dwelling acquired before 20 September 1985** in chapter 6 of *Guide to capital gains tax 2006*.

WORKSHEET

The following completed worksheet is an example of how to calculate your net rental income or loss. Some of the figures have been drawn from the examples in this publication; others have been included for illustrative purposes.

EXAMPLE: Rental property worksheet

	$
Income	
Rental income	8,500
Other rental related income	800
Gross rent	9,300
Expenses	
Advertising for tenants	48
Body corporate fees and charges	500
Borrowing expenses	260
Cleaning	100
Council rates	700
Deductions for decline in value	597
Gardening/lawn mowing*	350
Insurance*	495
Interest on loan(s)	11,475
Land tax	200
Legal expenses	150
Pest control	50
Property agent fees/commission	800
Repairs and maintenance	1,000
Capital works deductions	2,745
Stationery, telephone and postage	80
Travel expenses	436
Water charges	350
Sundry rental expenses	95
Total expenses	20,431
Net rental loss ($20,431 – $9,300)	11,131

* You can't claim for these items if the expenditure is already included in body corporate fees and charges.

RENTAL PROPERTY WORKSHEET

	$
Income	
Rental income	
Other rental related income	
Gross rent	
Expenses	
Advertising for tenants	
Body corporate fees and charges	
Borrowing expenses	
Cleaning	
Council rates	
Deductions for decline in value	
Gardening/lawn mowing*	
Insurance*	
Interest on loan(s)	
Land tax	
Legal expenses	
Pest control	
Property agent fees/commission	
Repairs and maintenance	
Capital works deductions	
Stationery, telephone and postage	
Travel expenses	
Water charges	
Sundry rental expenses	
Total expenses	
Net rental loss	

* You can't claim for these items if the expenditure is already included in body corporate fees and charges.

OTHER TAX CONSIDERATIONS

CAPITAL GAINS TAX

You may make a capital gain or capital loss when you sell (or otherwise cease to own) a rental property that you acquired after 19 September 1985.

You can also make a capital gain or capital loss from certain capital improvements made after 19 September 1985 when you sell or otherwise cease to own a property you acquired before that date.

You will make a capital gain from the sale of your rental property to the extent that the capital proceeds you receive are more than the cost base of the property. You will make a capital loss to the extent that the property's reduced cost base exceeds those capital proceeds. If you are a co-owner of an investment property, you will make a capital gain or loss in accordance with your interest in the property (see **Co-ownership of rental property** on page 4).

The cost base and reduced cost base of a property includes the amount you paid for it together with certain incidental costs associated with acquiring, holding and disposing of it (for example – legal fees, stamp duty and real estate agent's commissions). Certain amounts that you have deducted or which you can deduct are excluded from the property's cost base or reduced cost base. See, for example **Cost base adjustments for capital works deductions** on page 21.

Your capital gain or capital loss may be disregarded if a roll-over applies – for example, if your property was destroyed or compulsorily acquired or you transferred it to your former spouse under a court order following the breakdown of your marriage.

For more information, see the publication *Guide to capital gains tax 2006*.

Depreciating assets

If the sale of your rental property includes depreciating assets, a balancing adjustment event will happen to those assets (see **What happens if you no longer hold or use a depreciating asset?** on page 17).

You should apportion your capital proceeds between the property and the depreciating assets to determine the separate tax consequences for them.

GENERAL VALUE SHIFTING REGIME

A loss you make on the sale of a rental property may be reduced under the value shifting rules if, at the time of sale, a continuing right to use the property was held by an associate of yours (for example, a 10-year lease granted to your associate immediately before you enter into a contract of sale). The rules can only apply if the right was originally created on non-commercial terms such that at that time, the market value of the right was greater than what you received for creating it by more than $50,000.

For more information, please refer to the publication *General value shifting regime in brief* (NAT 8933).

GOODS AND SERVICES TAX (GST)

If you are registered for GST and it was payable in relation to your rental income, do not include it in the amounts you show as income in your tax return.

Similarly, if you are registered for GST and entitled to claim input tax credits for rental expenses, you do not include the input tax credits in the amounts of expenses you claim. If you are not registered for GST, or the rental income was from residential premises, you include any GST in the amounts of rental expenses you claim.

For further information, call the Business Infoline on **13 28 66**.

KEEPING RECORDS

General

You should keep records of both income and expenses relating to your rental property.

Records of rental expenses must be in English, or be readily translatable into English, and include the following details:

- the name of the supplier
- the amount of the expense
- the nature of the goods or services
- the date the expense was incurred, and
- the date of the document

If the document does not show the payment date you can use independent evidence, such as a bank statement, to show the date the expense was incurred.

You must keep records of your rental income and expenses for five years from 31 October or, if you lodge later, for five years from the date you lodge your tax return. If at the end of this period you are in a dispute with the Tax Office that relates to your rental property, you must keep the relevant records until the dispute is resolved.

Do not send these records in with your tax return. Keep them in case we ask to see them.

Capital gains tax

You must keep records relating to your ownership and all the costs of acquiring and disposing of property for five years from the date you dispose of it.

You must keep records which set out in English (or be readily accessible or translatable into English):

- the date you acquired the asset
- the date you disposed of the asset and anything received in exchange
- the parties involved, and
- any amount that would form part of the cost base of the asset and whether you have claimed an income tax deduction for an item of expenditure.

For more information about cost base and record keeping requirements for capital gains tax purposes, see the publication *Guide to capital gains tax 2006*. To find out how to get this publication, see the inside back cover.

NEGATIVE GEARING

A rental property is negatively geared if it is purchased with the assistance of borrowed funds and the net rental income, after deducting other expenses, is less than the interest on the borrowings.

The overall taxation result of a negatively geared property is that a net rental loss arises. In this case, you may be able to claim a deduction for the full amount of rental expenses against your rental and other income – such as salary, wages or business income – when you complete your tax return for the relevant income year. Where the other income is not sufficient to absorb the loss it is carried forward to the next tax year.

If by negatively gearing a rental property, the rental expenses you claim in your tax return would result in a tax refund, you may reduce your rate of withholding to better match your year-end tax liability.

If you believe your circumstances warrant a reduction to your rate or amount of withholding, you can apply to the Tax Office for a variation using the *PAYG income tax withholding variation (ITWV) application* (NAT 2036).

PAY AS YOU GO (PAYG) INSTALMENTS

If you make a profit from renting your property, you will need to know about the PAYG instalments system.

This is a system for paying instalments towards your expected tax liability for an income year. You will generally be required to pay PAYG instalments if you earn $2,000 or more of business or investment income – such as rental income – and the debt on your income tax assessment is more than $500.

If you are required to pay PAYG instalments the Tax Office will notify you. You will usually be required to pay the instalments at the end of each quarter. There are usually two options if you pay quarterly instalments:

- pay using an instalment amount or an instalment rate calculated by us (as shown on your activity statement), or
- pay an instalment amount or using an instalment rate you work out yourself.

Depending upon your circumstances, you may be eligible to pay your instalments annually. We will notify you if you are eligible to pay an annual PAYG instalment.

For further information, see the publication *Introduction to pay as you go income tax instalments* (NAT 4637).

If you receive payments that are subject to withholding – for example, salary or wages – you can contribute towards your expected tax liability for an income year by increasing your rate or amount of withholding. That way you can avoid having a tax bill on assessment, which means that you may not be required to pay PAYG instalments. To do this you will need to arrange an upwards variation by entering into an agreement with your payer to increase the rate or amount of withholding. You and your payer will need to complete a *Withholding declaration – upwards variation* (NAT 5367).

RESIDENTIAL RENTAL PROPERTY ASSETS

Items that are commonly found in residential rental properties are in **tables 3**, **4**, **5** and **6** on pages 28–37.

The tables, based on the principles in *Taxation Ruling TR 2004/16 – Plant in residential properties*, set out whether an item may be eligible for a capital works deduction or a deduction for decline in value and, for the latter, include the Commissioner's determination of effective life. See **Which effective life can you use?** on the next page for information about the effective life you can use.

The tables are provided to give clarity and certainty about the tax treatment of items in residential rental properties. You can use them to assist you to work out which type of deduction you may be able to claim for your items.

You may be able to claim the deduction indicated in the tables for items relating to your residential rental property. If you have an item for your residential rental property that is not in the tables, the principles set out below may help you determine the type of deduction that may be available for it. These principles are more fully discussed in Taxation Ruling TR 2004/16.

If you are unable to determine the type of deduction available for an item, or you consider that your circumstances are sufficiently different to warrant a different treatment, you may ask us for a private ruling.

WHICH DEDUCTIONS CAN YOU CLAIM

You cannot claim a deduction for a depreciating asset's decline in value if you are allowed a capital works deduction for the asset.

Capital works deductions may be available for expenditure on the construction of buildings and structural improvements and extensions, alterations or improvements to either of those.

Capital works deductions are not available for expenditure on plant (see explanations in **Plant** in the next column).

Decline in value deductions may be available if your plant is a depreciating asset.

If your depreciating asset is not plant and it is fixed to, or otherwise part of, a building or structural improvement, your expenditure will generally be construction expenditure for capital works and only a capital works deduction may be available.

(For more information about **Deduction for decline in value of depreciating assets** and **Capital works deductions** see pages 15–21.)

DEFINITIONS

We use the following common terms in **tables 3**, **4**, **5** and **6** to describe how or whether items are attached to premises:

Fixed – annexed or attached by any means, for example screws, nails, bolts, glue, adhesive, grout or cement, but not merely for temporary stability.

Freestanding – items designed to be portable or movable. Any attachment to the premises is only for the item's temporary stability.

Other than freestanding – items fixed to the premises that are not designed to be portable or movable. The test is not whether the item is removable, even if the attachment is slight, but whether the inherent design and function of the item is such that it is intended to remain in place for a substantial period of time.

Plant

The ordinary meaning of plant does not include the **setting** for income-earning activities. Residential rental properties will invariably be the setting for income-producing activities and so do not fall within the ordinary meaning of plant. Items that form part of the premises are also part of the setting, and therefore not eligible for deductions for their decline in value.

You should consider the following factors when determining whether an item is part of the premises or setting:

- whether the item appears visually to retain a separate identity
- the degree of permanence with which it is attached to the premises
- the incompleteness of the structure without it, and
- the extent to which it was intended to be permanent or whether it was likely to be replaced within a relatively short period.

No one of those factors is determinative and they must all be considered together.

Examples:

Wall and floor tiles are generally fixed to the premises, not freestanding, and intended to remain in place for a substantial period of time. They will generally form part of the premises. Expenditure on these items falls under capital works.

On the other hand, a freestanding item such as a bookcase may be attached to the structure only for temporary stability. It therefore does not form part of the premises and may qualify for a deduction for decline in value.

Kitchens are fixed to the premises, are intended to remain in place indefinitely and are necessary to complete the premises. Any separate visual identity they have is outweighed by the other factors. They are therefore part of the premises. Clothes hoists are also part of the premises for similar reasons.

Insulation batts, although generally not fixed, are intended to remain in place indefinitely, do not have a separate visual identity and add to the completeness of the structure. They are also part of the premises.

In addition to its ordinary meaning, plant includes articles and machinery.

Articles

Plant includes items that are articles within the ordinary meaning of that word. A curtain, a desk and a bookcase would all be considered articles. A structure attached to land, such as a clothes hoist or pergola, would not be considered an article.

If an item forms part of the premises as described above, it is not an article. Therefore, items such as false ceiling panels and insulation batts are not articles while they are in place. However, a painting hung on a wall retains its character as an article.

Machinery

Plant also includes items that are machinery, whether or not they form part of the premises. In deciding whether something is machinery you must:

- first identify the relevant unit or units based on functionality; and
- then decide whether that unit comes within the ordinary meaning of machinery.

Identify the unit

Taxation Ruling TR 94/11 – General investment allowance – what is a unit of property? provides guidelines to help you identify what is a unit. You need to consider whether a particular item is a unit, part of a larger unit, or whether its components are separate units. A unit will generally be an entity entire in itself; something that has an identifiable, separate function. However, it need not be self-contained or used in isolation and it may vary the performance of another unit. An item is not a unit simply because it is described as a system.

An item may be made up of several components. To determine what the relevant unit is, you need to consider the function of each component and of the larger composite item. A door handle, for example, is part of the door and not a separate unit. Similarly, a freestanding spa pool that is made up of the shell, skirt, heater, pump, filter and piping is one unit.

In other cases separate units may work in conjunction with each other to achieve a common objective. For example, a fire safety system may consist of several components including, for example, an indicator board, hydrants, piping, alarms, smoke detectors and sprinklers. All these components function together to form the system. However, each component also performs its own discrete function independent of the others. In this example each component is a separate unit.

Is the unit machinery?

Once you have identified a unit you must decide if it is machinery. The ordinary meanings of machinery and machine do not include anything that is only a reservoir or conduit, even if it is connected to something which is without doubt a machine. Devices that use minute amounts of energy in the form of electrical impulses in various processes, such as microprocessors and computers, come within the ordinary meaning of machine. Appliances for heating, such as stoves, cooktops, ovens and hot-water cisterns, are also included.

The components of a system that are separate units and also machinery will be plant, but any ducting, piping or wiring that may be connected to the machine or machines is generally not machinery. However, where the cost of wiring is negligible, such as in small domestic-size systems, the cost may be included in the cost of installation rather than being treated separately. The cost of wiring to connect a typical home security system, for example, may be treated as negligible.

Which effective life can you use?

Effective life is discussed in general terms on page 15.

For each of your depreciating assets, you may choose to use:

- the effective life the Commissioner has determined for such assets, or
- your own estimate of its effective life.

Generally, you may only use the Commissioner's determination that applied at the time you acquired, or entered into a contract to acquire, your depreciating asset.

Tables 3, **4**, **5** and **6** include the effective life that the Commissioner has determined for a number of depreciating assets..

If the Commissioner has not determined the effective life of a depreciating asset at the time you acquired it, or entered into a contract to acquire it, you may make your own estimate of its effective life.

Working out the effective life yourself

Generally, the effective life of a depreciating asset is how long it can be used by any entity for a taxable purpose, or for the purpose of producing exempt income or non-assessable non-exempt income:

- having regard to the wear and tear you reasonably expect from your expected circumstances of use
- assuming reasonable levels of maintenance, and
- having regard to the period within which it is likely to be scrapped, sold for no more than scrap value or abandoned.

Effective life is expressed in years, including fractions of years. It is not rounded to the nearest whole year.

The sort of information you could use to make an estimate of effective life of an asset includes:

- the physical life of the asset
- engineering information
- the manufacturer's specifications
- your own past experience with similar assets
- the past experience of other users of similar assets
- the level of repairs and maintenance commonly adopted by users of the asset
- retention periods, and
- scrapping or abandonment practices.

You work out the effective life of a depreciating asset from the asset's start time – not from the time you first start claiming deductions.

Can I change an effective life I am using if the Commissioner has determined a new effective life?

No. You can choose to recalculate a depreciating asset's effective life only if the effective life you have been using is no longer accurate because of changed circumstances relating to the nature of the asset's use. A new determination of effective life by the Commissioner does not in itself change the nature of an asset's use and does not allow you to recalculate an asset's effective life.

RESIDENTIAL RENTAL PROPERTY ITEMS

Treatment as depreciating assets or capital works

In **tables 3**, **4**, **5** and **6**, 'own estimate' refers to the fact that there was no Commissioner's determination in effect, and you may make an estimate of the effective life in accordance with the principles set out in the previous column.

TABLE 3

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2004	Assets acquired from 1 July 2004	
Assets, general:			
air conditioning assets	see **table 5** on page 36	see **table 5** on page 36	
cable trays			✔
ceiling fans	own estimate	5	
clocks, electric	13 1/3	10	
cupboards, other than freestanding			✔
digital video display (DVD) players	own estimate	5	
door closers	own estimate	10	
door locks and latches (excluding electronic code pads)			✔
door stops, fixed			✔
door stops, freestanding	own estimate	10	
electrical assets (including conduits, distribution boards, power points, safety switches, switchboards, switches and wiring)			✔
escalators (machinery and moving parts)	see **table 4** on page 35	see **table 4** on page 35	
evaporative coolers	see **table 6** on page 37	see **table 6** on page 37	
facade, fixed			✔
floor coverings, fixed (including cork, linoleum, parquetry, tiles and vinyl)			✔
floor coverings (removable without damage):			
carpet	10	10	
floating timber	own estimate	15	
linoleum	10	10	
vinyl	10	10	
furniture, freestanding	13 1/3	13 1/3	
garbage bins	6 2/3	10	
garbage chutes			✔
garbage compacting systems (excluding chutes)	6 2/3	6 2/3	
generators	20	20	
grease traps			✔
gym assets:			
cardiovascular	own estimate	5	
resistance	own estimate	10	
hand dryers, electrical	10	10	
hand rails			✔
heaters:			
fixed:			
ducts, pipes, vents and wiring			✔
electric	10	15	
fire places (including wood heaters)			✔

TABLE 3 continued

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2004	Assets acquired from 1 July 2004	
gas:			
ducted central heating unit	own estimate	20	
other	own estimate	15	
freestanding	10	15	
hooks, robe			✔
hot water systems (excluding piping):			
electric	20	12	
gas	20	12	
solar	20	15	
hot water system piping			✔
insulation			✔
intercom system assets	own estimate	10	
lift wells			✔
lifts (including hydraulic and traction lifts)	see **table 4** on page 35	see **table 4** on page 35	
lights:			
fittings (excluding hardwired)	20	5	
fittings, hardwired			✔
freestanding	own estimate	5	
shades, removable	own estimate	5	
linen	own estimate	5	
master antenna television (MATV) assets:			
amplifiers	own estimate	10	
modulators	own estimate	10	
power sources	own estimate	10	
master antenna television (MATV) assets (excluding amplifiers, modulators and power sources)			✔
mirrors, fixed			✔
mirrors, freestanding	own estimate	15	
radios	10	10	
ramps			✔
rugs	own estimate	7	
safes, fixed			✔
sanitary fixtures, fixed (including soap dispensers)			✔
satellite dishes			✔
screens			✔
shelving, other than freestanding			✔
shutters			✔
signs, fixed			✔
skylights			✔
solar powered generating system assets	own estimate	20	
stereo systems (incorporating amplifiers, cassette players, compact disc players, radios and speakers)	own estimate	7	

TABLE 3 continued

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2004	Assets acquired from 1 July 2004	
surround sound systems (incorporating audio-video receivers and speakers)	own estimate	10	
telecommunications assets:			
cordless phones	own estimate	4	
distribution frames			✔
PABX computerised assets	20	10	
telephone hand sets	own estimate	10	
television antennas, fixed			✔
television antennas, freestanding	own estimate	5	
television sets	10	10	
vacuum cleaners:			
ducted:			
hoses	own estimate	10	
motors	own estimate	10	
wands	own estimate	10	
portable	10	10	
vacuum cleaners, ducted (excluding hoses, motors and wands)			✔
ventilation ducting and vents			✔
ventilation fans	own estimate	20	
video cassette recorder systems (VCR)	own estimate	5	
water pumps	20	20	
water tanks			✔
window awnings, insect screens, louvres, pelmets and tracks			✔
window blinds, internal	20	10	
window curtains	$6\,^2/_3$	6	
window shutters, automatic:			
controls	own estimate	10	
motors	own estimate	10	
window shutters, automatic (excluding controls and motors)			✔
Bathroom assets:			
accessories, fixed (including mirrors, rails, soap holders and toilet roll holders)			✔
accessories, freestanding (including shower caddies, soap holders, toilet brushes)	own estimate	5	
exhaust fans (including light/heating)	own estimate	10	
fixtures (including baths, bidets, tapware, toilets, vanity units and wash basins)			✔
heated towel rails, electric	own estimate	10	
shower assets (including doors, rods, screens and trays)			✔
shower curtains (excluding curtain rods and screens)	own estimate	2	
spa baths (excluding pumps)			✔
spa bath pumps	20	20	

TABLE 3 continued

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2004	Assets acquired from 1 July 2004	
Bedroom assets:			
wardrobes, other than freestanding (incorporating doors, fixed fittings and mirrors)			✔
Fire control assets:			
alarms:			
heat	20	6	
smoke	20	6	
detection and alarm systems:			
alarm bells	20	12	
cabling and reticulation			✔
detectors (including addressable manual call points, heat, multi-type and smoke)	own estimate	20	
fire indicator panels	20	12	
manual call points (non-addressable)			✔
doors, fire and separation			✔
emergency warning and intercommunication systems (EWIS):			
master emergency control panels	20	12	
speakers	20	12	
strobe lights	20	12	
warden intercom phone	20	12	
extinguishers	13 ⅓	15	
hose cabinet and reels (excluding hoses and nozzles)			✔
hoses and nozzles	20	10	
hydrant boosters (excluding pumps)			✔
hydrants			✔
lights, exit and emergency			✔
pumps (including diesel and electric)	20	25	
sprinkler systems (excluding pumps)			✔
stair pressurisation assets:			
AC variable speed drives	own estimate	10	
pressurisation and extraction fans	own estimate	25	
sensors	own estimate	10	
water piping			✔
water tanks			✔
Kitchen assets:			
cook tops	own estimate	12	
crockery	own estimate	5	
cutlery	own estimate	5	
dishwashers	own estimate	10	
fixtures (including bench tops, cupboards, sinks, tapware and tiles)			✔
freezers	13 ⅓	12	

TABLE 3 continued

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2004	Assets acquired from 1 July 2004	
garbage disposal units	6 2/3	10	
microwave ovens	6 2/3	10	
ovens	own estimate	12	
range hoods	own estimate	12	
refrigerators	13 1/3	12	
stoves	20	12	
water filters, electrical	own estimate	15	
water filters, fixed (attached to plumbing)			✔
Laundry assets:			
clothes dryers	own estimate	10	
fixtures (including tapware, tiles and tubs)			✔
ironing boards, freestanding	own estimate	7	
ironing boards, other than freestanding			✔
irons	own estimate	5	
washing machines	6 2/3	10	
Outdoor assets:			
automatic garage doors:			
controls	own estimate	5	
motors	own estimate	10	
automatic garage doors (excluding controls and motors)			✔
barbecues:			
fixed:			✔
sliding trays and cookers	own estimate	10	
freestanding	own estimate	5	
boat sheds			✔
bollards, fixed			✔
car parks, sealed			✔
carports			✔
clotheslines			✔
driveways, sealed			✔
fencing			✔
floor carpet (including artificial grass and matting)	own estimate	5	
furniture, freestanding	13 1/3	5	
furniture, other than freestanding			✔
garage doors (excluding motors and controls)			✔
garden awnings and shade structures, fixed			✔
gardening watering installations:			
control panels	own estimate	5	
pumps	20	5	
timing devices	own estimate	5	
gardening watering installations (excluding control panels, pumps and timing devices)			✔

TABLE 3 continued

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2004	Assets acquired from 1 July 2004	
garden lights, fixed			✔
garden lights, solar	own estimate	8	
garden sheds, freestanding	own estimate	15	
garden sheds, other than freestanding			✔
gates, electrical:			
controls	own estimate	5	
motors	own estimate	10	
gates (excluding electrical controls and motors)			✔
jetties (including boat sheds and pontoons)			✔
letter boxes			✔
operable pergola louvres:			
controls	own estimate	15	
motors	own estimate	15	
operable pergola louvres (excluding controls and motors)			✔
paths			✔
retaining walls			✔
saunas (excluding heating assets)			✔
sauna heating assets	13 1/3	15	
screens, fixed (including glass screens)			✔
septic tanks			✔
sewage treatment assets:			
controls	own estimate	8	
motors	own estimate	8	
sewage treatment assets (excluding controls and motors)			✔
spas:			
fixed:			✔
chlorinators	13 1/3	12	
filtration (including pumps)	13 1/3	12	
heaters (electric or gas)	13 1/3	15	
freestanding (incorporating blowers, controls, filters, heaters and pumps)	20	17	
swimming pool assets:			
chlorinators	13 1/3	12	
cleaning	13 1/3	7	
filtration (including pumps)	13 1/3	12	
heaters:			
electric	13 1/3	15	
gas	13 1/3	15	
solar	13 1/3	20	
swimming pools			✔
tennis court assets:			
cleaners	own estimate	3	

TABLE 3 continued

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2004	Assets acquired from 1 July 2004	
drag brooms	own estimate	3	
nets	own estimate	5	
rollers	own estimate	3	
umpire chairs	own estimate	15	
tennis court assets, fixed (including fences, lights, posts and surfaces)			✔
Security and monitoring assets:			
access control systems:			
code pads	own estimate	5	
door controllers	own estimate	5	
readers:			
proximity	own estimate	7	
swipe card	own estimate	3	
closed circuit television systems:			
cameras	$6\,^2/_3$	4	
monitors	$6\,^2/_3$	4	
recorders:			
digital	own estimate	4	
time lapse	own estimate	2	
switching units (including multiplexes)	own estimate	5	
doors and screens			✔
security systems:			
code pads	$6\,^2/_3$	5	
control panels	$6\,^2/_3$	5	
detectors (including glass, passive infrared, and vibration)	$6\,^2/_3$	5	
global system for mobiles (GSM) units	$6\,^2/_3$	5	
noise makers (including bells and sirens)	$6\,^2/_3$	5	

TABLE 4

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 January 2003	Assets acquired from 1 January 2003	
escalators (machinery and moving parts)	16 $^2/_3$	20	
lifts:			
electric	16 $^2/_3$	30	
hydraulic	20	30	

TABLE 5

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2003	Assets acquired from 1 July 2003	
Air conditioning:			
air conditioning assets (excluding ducting, pipes and vents):	See **air conditioning plant** below		
air handling units		20	
chillers:			
absorption		25	
centrifugal		20	
volumetrics (including reciprocating, rotary, screw, scroll):			
air-cooled		15	
water-cooled		20	
condensing sets		15	
cooling towers		15	
damper motors (including variable air volume box controller)		10	
fan coil units (connected to condensing set)		15	
mini split systems up to 20kW (including ceiling, floor and high wall split system)		10	
packaged air conditioning units		15	
pumps		20	
room units		10	
air conditioning ducts, pipes and vents			✔
air conditioning plant:		See **air conditioning assets (excluding ducting, pipes and vents)** above	
central type (including ducting and vents)	13 ⅓		
structural alterations and additions associated with the installation of this plant which forms an integral part of it	100		
room units	10		
solar energy powered	13 ⅓		

TABLE 6

ASSET	DECLINE IN VALUE DEDUCTION (Div. 40) Effective life (years)		CAPITAL WORKS DEDUCTION (Div. 43)
	Assets acquired before 1 July 2005	Assets acquired from 1 July 2005	
evaporative coolers:			
fixed (excluding ducting and vents)	own estimate	20	
portable	own estimate	10	
ducting and vents			✔

Notes

MORE INFORMATION

INTERNET

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

PUBLICATIONS

Publications referred to in this guide are:

- *Deductions for prepaid expenses 2006* (NAT 4170–6.2006)
- *General value shifting regime in brief* (NAT 8933)
- *Guide to capital gains tax 2006* (NAT 4151–6.2006)
- *Guide to depreciating assets 2006* (NAT 1996–6.2006)
- *Guide to thin capitalisation*
- *Introduction to pay as you go income tax instalments* (NAT 4637)
- *PAYG income tax withholding variation (ITWV) application* (NAT 2036)
- *Private ruling application form (non-tax professionals)* (NAT 13742–01.2006)
- *TaxPack 2006* (NAT 0976–6.2006)
- *TaxPack 2006 supplement* (NAT 2677–6.2006)
- *Thin capitalisation schedule 2006* (NAT 6458–6.2006)
- *Withholding declaration – upwards variation* (NAT 5367)
- *Taxation Ruling TR 2004/16 – Plant in residential rental properties*
- *Taxation Ruling TR 2004/4 – Deductions for interest incurred prior to the commencement of, or following the cessation of, relevant income earning activities*
- *Taxation Ruling TR 2000/18 – Effective life of depreciating assets*
- *Taxation Ruling TR 2000/2 – Deductibility of interest on moneys drawn down under line of credit facilities and redraw facilities*
- *Taxation Ruling TR 98/22 (and Addendum TR 98/22A) – The taxation consequences for taxpayers entering into certain linked or split loan facilities*
- *Taxation Ruling TR 97/25 (with Addendum TR 97/25A) – Property development: deduction for capital expenditure on construction of income producing capital works, including buildings and structural improvements*
- *Taxation Ruling TR 97/23 – Deductions for repairs*
- *Taxation Ruling TR 97/11 – Am I carrying on a business of primary production?*
- *Taxation Ruling TR 95/25 – Deductions for interest under subsection 51(1) of the Income Tax Assessment Act 1936 following FC of T v. Roberts; FC of T v. Smith (with Addendum TR 95/25A and Addendum TR 95/25A2)*
- *Taxation Ruling TR 94/11 – General investment allowance – what is a unit of property?*
- *Taxation Ruling TR 94/8 – Whether business is carried on in partnership (including 'husband and wife' partnerships)*
- *Taxation Ruling TR 93/32 – Rental property – division of net income or loss between co-owners*
- *Taxation Ruling TR 93/7 – Whether penalty interest payments are deductible*
- *Taxation Determination TD 1999/42 – Do the principles set out in Taxation Ruling TR 98/22 apply to line of credit facilities?*
- *Taxation Ruling IT 2423 – Withholding tax: whether rental income constitutes proceeds of business – permanent establishment – deduction for interest*
- *Taxation Ruling IT 2167 – Rental properties – non-economic rental, holiday home, share of residence, etc. cases, family trust cases*
- *Taxation Ruling IT 2316 – Distribution of partnership profits and losses*

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  General business tax enquiries including capital gains tax
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OTHER SERVICES

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- **National Relay Service** **13 36 77**
  If you have a **hearing or speech impairment** and use a TTY or modem, phone the National Relay Service.
  For 1800 free call numbers phone and quote the number you require. **1800 555 677**
- **Speech to Speech Relay Service** **1300 555 727**
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- work out your tax refund or tax debt.

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Tax returns lodged using e-tax are usually processed within 14 days.

Rental properties 2006