

2021

Tax Time Toolkit

Investors



Australian Government
Australian Taxation Office

The 2021 Tax Time Toolkit for Investors

We encourage you to share this information with your staff, clients, members and networks.

Our investors toolkit is a great resource for anyone earning money from their investments, whether you invest in property or cryptocurrency.

While things look different this year, what hasn't changed is our commitment to provide further support for all investors to lodge their returns accurately. The resources in the toolkit provide information to help investors keep the records they need to prepare their returns now and in the future. Getting your return right avoids costly follow up, and rework down the track.

In addition to our rental property fact sheets we have expanded the topics to include information on:

- cryptocurrency
- pay as you go instalments
- capital gains tax for
 - marriage or relationship breakdowns and real estate transfers
 - inherited property
 - sale of a rental property.

While we provide help and support, we also focus on ensuring the integrity of the system and take actions to ensure all taxpayers are paying their fair share. This means we will continue to review returns where we have indicators the claims are incorrect, or income has been omitted. We will also deal with those who choose to do the wrong thing, which may include application of penalties and prosecution.

Whilst this year has still had its challenges, your tax return doesn't need to be challenging. This toolkit has been designed to help investors and their agents understand their obligations and avoid costly mistakes in their returns. I encourage all investors and their agents to refer to this toolkit as they complete their returns. You can access other products we have available to assist, such as videos and our rental property guide at ato.gov.au/property

Adam O'Grady

Assistant Commissioner
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A helpful directory for tax time

The ATO has a range of information, tools and services available to help Australians prepare and lodge their tax return every year:

- **Tax time essentials** – an overview of the essential information individuals need to know for their tax return this year
- **Dealing with disasters** – specific advice for those affected by natural disasters
- **COVID-19** – specific advice for those affected by COVID-19
- **What's new for individuals** – changes to be aware of before you complete your tax return
- **Do you need to lodge a tax return?** – an easy tool to find out if you need to lodge a tax return this year
- **How to lodge your tax return** – lodge using myTax or a registered tax agent. If you are going to lodge your own return, myTax is the quickest and easiest way to lodge.
- **Rental properties (COVID-19)** – specific advice for rental property owners affected by COVID-19
- **Residential rental properties** – find out what you need to declare and what you can claim for your investment property
- **Deductions you can claim** – it pays to know what you can claim at tax time
- **Occupation and industry specific guides** – guides from specific industries and occupations to help you correctly claim the work-related expenses you are entitled to
- **myDeductions** – a useful way to keep track of records throughout the year to make tax time easier
- **Income you must declare** – find out what income you must declare in your tax return
- **Calculators and tools** – a range of popular calculators and tools to help you work out the answers to questions unique to your tax and super circumstances
- **Correct (amend) your tax return** – fix a mistake or amend your return
- **Online services** – access a range of tax and super services in one place, including lodging your tax return, tracking the progress of your return and making a payment or entering a payment arrangement
- **ATO Community** – ask your tax and super related questions over on the ATO's online community forum
- **Join the discussion online** – keep up to date with the latest tax and super information on the go! Follow the ATO to get tax tips and updates in seconds, share information and stay informed
- **Tax Time Toolkits** – full list of resources



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CGT on sale of rental properties

Capital gains tax obligations when selling your rental property



When you sell or dispose of a rental property you may make a capital gain or loss. This will depend on when you acquired the property:

If you bought property before 20 September 1985

You are exempt from capital gains tax (CGT). CGT came into effect from 20 September 1985.

However, if you made major capital improvements to the property after 19 September 1985, they are treated as a separate CGT asset if the cost base of the improvements are both:

- **more than** 5% of the amount you receive when you dispose of the property
- **greater than** the **improvement threshold**

You can calculate the capital gain or loss by comparing the cost base of the improvements to the proceeds of sale that are reasonably attributable to the improvements.

If you bought the property on or after 20 September 1985

You may make a capital gain or capital loss when you dispose of a rental property.

If the capital proceeds (sale price) are:

- **more than** the cost base, the difference is a capital gain
- **less than** the cost base, you'll need to calculate the reduced cost base.

If the reduced cost base is:

- **more than** the capital proceeds, the difference is a capital loss
- **less than** the capital proceeds, there is neither a capital gain nor a capital loss.

Working out cost base or reduced cost base

The cost base is usually the cost of the property when you bought it, plus any costs associated with acquiring, holding and selling it. The cost base is made up of **five elements**:

Element 1

Money paid or property given for CGT asset

This includes the total money paid (or required to be paid) for the rental property and the market value of property given (or required to be given) to acquire the asset. For example: purchase price

Element 2

Incidental costs of acquiring, selling or disposing the asset

For example: stamp duty, legal fees, valuation fees

These costs are **not included** if you:

- claimed a tax deduction for them in any year, or
- can claim them because the period for amending the relevant income tax assessment has not expired

Element 3 (cost base)

Costs of owning the CGT asset

For example: insurance costs, rates and land taxes

(Reduced cost base)

Balancing adjustment amount

These costs are **not included** if you:

- claimed a tax deduction for them in any income year, or
- can claim them because the period for amending the relevant income tax assessment has not expired, or
- acquired the asset before 21 August 1991

Element 4

Capital costs to increase or preserve the value of your asset or to install or move it

For example: costs for building a new pergola

These costs are **not included** if you:

- acquired the asset after 31 May 1997, and
- claimed a tax deduction for them in any income year, or
- can claim them because the period for amending the relevant income tax assessment has not expired

Element 5

Capital costs of preserving or defending your title or rights to your CGT asset

For example: legal fees to defend your ownership of the rental property



Working out your cost base or reduced cost base (cont)

How to calculate a reduced cost base:

1. Include all elements of the cost base except the third element which changes to now be the balancing adjustment amount, for example a balancing adjustment relates to the sale of the depreciable assets in the rental property.
2. Do not apply indexation to any elements of the reduced cost base.

Capital works deductions

You need to subtract any capital works deductions if you acquired the rental property after 13 May 1997 and you either:

- claimed a deduction for them in any income year
- have not yet claimed a deduction because the period for amending the relevant income tax assessment has not yet expired.

Depreciating assets

A depreciating asset is considered a separate asset from the property for the purpose of CGT. When calculating your capital gain or loss, the value of a property's depreciating assets at the time of purchase and at sale are removed from the cost base and capital proceeds.



Working out your capital gain

There are three methods for working out your capital gain. If eligible for more than one of the calculation methods, you can choose the method that gives you the best result – that is, the smallest capital gain.

These are:

1. Discount method – reduce your capital gain by 50% for resident individuals where asset **held for 12 months or more** before the CGT event.
2. Indexation method – increase the cost base by applying an indexation factor based on the consumer price index (CPI). This method is only available for assets purchased **before** 11:45am (legal time in the Australian Capital Territory) on 21 September 1999 and held for 12 months or more **before** the relevant CGT event.
3. The “other” method – subtract the cost base from the capital proceeds if the asset was owned for **less than 12 months**. In this case, the indexation and discount methods do not apply.



Timing of a CGT event

The timing of a CGT event tells you which income year to report your capital gain or loss and may affect how you calculate your tax liability. The date of the CGT event for your property is the date you enter into the contract for the sale or disposal, not the settlement date. If there is no contract, the CGT event takes place when the change of ownership occurs.



Inherited property

If you inherit property, there are special rules for calculating your cost base. (Go to ato.gov.au/costbaseinheritedproperty)



Apportioning gain or loss

If you are a co-owner of an investment property, any capital gain or loss will be apportioned in accordance with your share of the ownership interest in the property.



Main Residence

If your rental property was your main residence

As a general rule, your main residence is exempt from CGT. A property stops being your main residence once you stop living in it. However, you can choose to continue treating it as your main residence for CGT purposes even though you no longer live in it:

- for up to six years, if it is used to produce income
- indefinitely, if it is not used to produce income

You can't treat any other property as your main residence for the same period (except for a limited time if you're moving to a new house – up to six months).

If your property is your main residence and you use part of it to produce income

If you use any part of your main residence to produce income, during all or part of the period you owned it (such as renting out a room or running a business), you are not entitled to the full main residence exemption where you:

- acquired your property on or after 20 September 1985 and used it as your main residence, and
- would be allowed a deduction for interest (had you incurred it) on money borrowed to acquire the property (interest deductibility test).

This would not include a home study to undertake work usually done at your place of work.

Value of home when first used to produce income rule

To work out your capital gain, you need to know the market value of your property at the time you first used it to produce income if **all** of the following apply:

- you acquired the property on or after 20 September 1985
- you first used the property to produce income after 20 August 1996
- when a CGT event happens to the property, you would get only a partial exemption, because you used the property to produce assessable income during the period you owned it
- you would have been entitled to a full exemption if the CGT event happened to the property immediately before you first used it to produce income.

Search for our Capital gain tax property exemption tool on ato.gov.au to calculate the percentage of your exemption.



NOTE: Remember if you have used your property to earn income and are eligible for a CGT exemption or rollover, you need to make the election in your tax return.

Record keeping

You must keep records relating to your ownership and all the costs of acquiring, holding and disposing of property such as, contract of purchase and sale, stamp duty and major renovations.

Records are generally required to be held for at least five years after the sale of the property (or year in which you declare a capital gain). If you make a capital loss, once you've offset the loss against a capital gain, you should keep your records for a further two years.

For more information with recording keeping, refer to [Tax-Smart tips for your investment property](#)

Foreign Resident

There are special CGT rules if you're a foreign resident for tax purposes. These rules will impact you when you sell residential property in Australia. Refer to www.ato.gov.au/foreignresidentsmainresidenceexemption

Example: Main residence for part of the ownership period

Vrinda bought a house on 1 July 2005 for \$350,000 and moved in immediately. On 1 July 2015, she moved to a new house (which she treated as her main residence) and began to rent out her old house. She had a valuation done at that time for \$500,000 for her old house.

She sold the old house (rental property) for \$650,000. Its contract for sale was signed on 1 July 2018. Vrinda is taken to have acquired the old house on 1 July 2015 and uses its market value of \$500,000 (value at the time of first use for producing income) as the first element of her cost base.

Vrinda also has incidental costs of \$15,000 for acquiring/selling the property. Vrinda makes a capital gain of \$135,000. Since Vrinda owned her old house for at least 12 months, she chooses to use the discount method to calculate her net capital gain of \$67,500.

Example: Renting out part of a home

Thomas purchased a house on 1 July 1999 and sold it on 30 June 2020. This house was his main residence for the entire time.

Throughout the period Thomas owned the home, a tenant rented one bedroom, which represented 20% of the home. Both Thomas and the tenant used the living room, bathroom, laundry and kitchen, which represented 30% of the home. Thomas used the rest of the home. Therefore, Thomas would be entitled to a 35% (20% + half of 30%) deduction for interest if he had incurred it on money borrowed to acquire his home.

Thomas made a capital gain of \$120,000 when he sold the home. Of this total gain, the following proportion is not exempt:

Capital gain × percentage of floor area = taxable portion

\$120,000 × 35% = \$42,000

Thomas can use either the indexation or the discount method to calculate his net capital gain.



Example: Sale of a rental property

Brett purchased a residential rental property on 1 July 1998, for \$350,000 of which \$12,000 was attributable to depreciating assets. He also paid \$20,000 for pest and building inspections, stamp duty and solicitor's fees.

For the next few years, Brett incurred the following expenses on the property:

■ Interest on money borrowed	\$10,000
■ Rates and land tax	\$8,000
■ Deductible (non-capital) repairs	\$15,000

Total: \$33,000

Brett cannot include the expenses of \$33,000 in the cost base, as he was able to claim a deduction for them.

When Brett decided to sell the property, a real estate agent advised him that if he spent around \$30,000 on renovations, the property would be valued at around \$600,000. The renovations were completed on 1 October 2019 at a cost of \$30,000.

On 1 February 2020, he sold the property for \$600,000 (of which \$4,000 was attributable to depreciating assets).

Brett could claim a capital works deduction of **\$254** ($\$30,000 \times 2.5\% \times 124 \div 366$) for the renovations.

Brett works out his cost base as follows:

■ Purchase price of property	
(less depreciating asset \$12,000)	\$338,000

plus

■ Pest and building inspections, stamp duty and solicitor's fees on purchase of the property	\$20,000
■ Capital expenditure (renovations) \$30,000 less capital works deduction \$254	\$29,746
■ Real estate agent's fees and solicitor's fees on sale of the property	\$12,500
■ Cost base unindexed	\$400,246

Brett deducts his cost base from his capital proceeds (sale price):

■ Proceeds from selling the house	
(less depreciating assets \$4,000)	\$596,000

less

■ Cost base unindexed	\$400,246
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Capital Gain \$195,754

He decides the discount method will give him the best result, so he uses this method to calculate his capital gain:

\$195,754 × 50% = \$97,877

Brett must also make balancing adjustment calculations for his depreciating assets. Because he used the property **100%** for taxable purposes, he will not make a capital gain or capital loss from the depreciating assets.

This is a general summary only

For more information go to ato.gov.au/rental. Watch our short videos at ato.gov.au/rentalvideos. Download our free Rental properties guide at ato.gov.au/rentalpropertyguide. Read our Guide to capital gains at ato.gov.au/cgtguide