

May 2024

Monthly Tax Update

In this edition of Andersen in Australia's Monthly Tax Update, we provide recent legislative updates and outline the latest developments in the areas of corporate tax, individual tax, indirect tax and international tax. We also examine the ATO's recent activities, publications, rulings and other guidelines and discuss the latest Australian tax cases.

Legislation Update

No tax or superannuation related Bills have been introduced or completed their passage since our last edition of the Monthly Tax Update.

Federal Parliament sat on 14 May 2024 - the date of the 2024-25 Federal Budget.

Other Legislation Update

Treasury registers regulations to make miscellaneous amendments

Treasury has registered [Treasury Laws Amendment \(Miscellaneous and Technical Amendments\) Regulations 2024](#), which amends several laws with respect to corporations, superannuation, and taxation.

Some of the key amendments are :

- amendments to the Superannuation Industry (Supervision) Regulations 1994 (SIS Regulations) to support the operation of s 131-80 of Sch 1 to the Taxation Administration Act 1953, which has not yet commenced (in relation to the First Home Super Saver Scheme). A consequential amendment to the definition of "superannuation system" has been made to refer to the Commissioner of Taxation in their role as the maker of payments to a superannuation provider under the subsections. This amendment will take effect from when s 131-80 commences.
- amendments to the Taxation Administration Regulations 2017 to update the name of the prescribed taskforce from "Black Economy Taskforce" to "Shadow Economy Taskforce". This change will commence from 1 July 2024.
- amendment to the Australian Securities and Investments Commission Regulations 2001.

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OECD update

Tax Inspectors Without Borders annual report

Tax Inspectors Without Borders (TIWB) is a joint initiative of the OECD and UNDP supporting countries in building tax audit capacity. The TIWB has released its latest TIWB [annual report](#), reflecting upon the work of TIWB in the evolving international taxation and development context over the period from July 2022 to December 2023. It provides information on current and future areas of intervention to strengthen technical assistance to developing countries.

Since its inception, TIWB has successfully completed 71 programs across Africa, Asia and the Pacific, Eastern Europe and Latin America and the Caribbean, while an additional 59 programs are underway. The report shows the impact of the initiative's work over the past 9 years, resulting in the generation of US \$2.3 billion in additional tax collections and US \$6.05 billion in additional tax assessments by developing countries worldwide.

Building on the impact of its audit work, TIWB is now also providing practical hands-on assistance to tax authorities in both criminal tax investigation and the effective use of data acquired through multilateral automatic exchange of information initiatives. TIWB is also piloting programs on digitalisation of tax administrations and the practical implementation and effective use of country-by-country reporting data.

Additional TIWB pilot programs will explore opportunities to support developing countries apply tax laws more effectively and increase revenues from taxation of the digital economy, including through the implementation of the global minimum tax and auditing value added tax on digital trade.

For further information, please refer to the [OECD website](#).

Other updates

Student loan indexation reform

The government has announced that the 2024–25 Budget will include a measure capping the Higher Education Loan Program (HELP) indexation rate to the lower of either the Consumer Price Index or the Wage Price Index, with effect from 1 June 2023.

Subject to the passage of legislation, the measure will be backdated for all HELP, VET Student Loan, Australian Apprenticeship Support Loan and other student support loan accounts that existed on 1 June 2023.

The measure is part of the first stage of reforms that will be implemented by the government in response to the Australian Universities Accord which was a 12-month review of Australia's higher education system.

For further information, please refer [here](#).

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Other updates (Cont.)

Consultation on information gathering powers and regulation of accounting firms

Treasury has released 2 consultation papers relating to priority areas identified in the government's response to the PwC tax leaks scandal announced on 6 August 2023.

The package of reforms announced is aimed at strengthening the integrity of the tax system, increasing the powers of our regulators and strengthening regulatory frameworks to ensure they are fit for purpose. The first stage of the government response introduced enhancements to the tax agent regulatory framework under amendments in the Treasury Laws Amendment (2023 Measures No 1) Act 2023. A second tranche of measures to strengthen the integrity of the tax system and increase the powers of relevant regulators contained in the [Treasury Laws Amendment \(Tax Accountability and Fairness\) Bill 2023](#) is currently before the Senate.

- [Response to PwC – tax regulator information gathering powers review](#)

This consultation paper seeks feedback on whether the ATO's formal information gathering powers are fit for purpose and operate to support law enforcement agencies to investigate serious criminal offences perpetrated against the tax and superannuation systems. The paper also considers a recommendation from the 2019 Independent Review of the Tax Practitioners Board and Tax Agent Services Act 2009 to remove limitations on the Tax Practitioners Board gathering information prior to commencing a formal review.

The paper considers whether the ATO's existing information gathering powers should be expanded to enhance its ability to investigate tax and superannuation criminal offences, and to enable it to independently receive telecommunications data and stored communications in such investigations. It also outlines preliminary findings that existing civil and administrative investigation powers are broadly fit for purpose.

Interested parties are invited to comment on this consultation until 31 May 2024.

- [Regulation of accounting, auditing and consulting firms in Australia](#)

The Regulation of accounting, auditing and consulting firms in Australia consultation paper seeks feedback on the following issues:

- the adequacy of prescribed governance requirements for large partnerships, particularly in relation to internal governance practices and the current partner limit
- the adequacy of current professional standards, regulations and laws (including those relating to independence and the management of conflicts of interest)
- whether the transparency requirements for accounting, auditing and consulting firms are sufficient to:
 - give capital markets confidence that independent audit services are delivered in accordance with prescribed laws and standards, and
 - enable stakeholders to obtain the information they need to inform their engagement with the firm(s)
- the adequacy of regulatory enforcement capabilities and standard setting
- the protection of whistleblowers, and
- competition / resilience in the auditor sector.

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Other updates (Cont.)

Consultation on information gathering powers and regulation of accounting firms (Cont.)

- [Regulation of accounting, auditing and consulting firms in Australia \(Cont.\)](#)

The consultation is part of a suite of consultations focused on strengthening regulatory frameworks in this area. Consultation canvassing potential policy options will be undertaken in the future.

Interested parties can submit responses to this consultation until 28 June 2024.

Treasury will also hold a number of roundtable discussions to supplement the written submissions process. Parties interested in attending are invited to submit an expression of interest before 15 May 2024 to register.

Auditor-General releases report on the effectiveness of ATO's related party debt management

The Auditor-General has released a report following an independent performance audit of the ATO regarding its management of transfer pricing for related party debt.

The audit found that ATO is largely effective at managing taxpayers' use of transfer pricing for related party debt, using sound strategies and processes to address risks and ensure related party debt is appropriately priced. This audit was identified as a priority by the Parliament's Joint Committee of Public Accounts and Audit in the context of the Australian National Audit Office (ANAO) 2022–23 and 2023–24 Annual Audit Work Programs.

The Auditor-General made the following recommendations based on the audit:

- i. The ATO conduct further analysis to determine and monitor why taxpayers may not lodge Country-by-Country local file reporting.
- ii. The ATO take action to determine the number of completed Tax Assurance Reports considered sufficient to gain assurance that the top 100 taxpayers are appropriately using transfer pricing for related party debt, and determine how to gain sufficient assurance over the top 1,000 population through the use of Combined Assurance Reviews and gap analysis, while also formalising how gap analysis should be conducted.
- iii. The ATO take action to ensure all taxpayers with related party debt that do not apply Practical Compliance Guideline [PCG 2017/4](#) are reviewed in accordance with the ATO's goals.
- iv. The ATO make training in related party financing mandatory for new case officers where related party financing is likely to be relevant to their role and develop and maintain a register to ensure all staff are trained consistently and remain up to date in developments around transfer pricing for related party debt.

The ATO agreed to the first 2 recommendations and the recommendation to maintain a register on staff training. As to the third recommendation, the ATO agreed in principle but noted that the taxpayers reporting that did not apply [PCG 2017/4](#) were already assessed by the ATO for further action. The ATO also agreed in principle to ensuring training in related party financing was mandatory for relevant specialists.

For further information, please refer [here](#).

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Other updates (Cont.)

Draft guidance on breach reporting obligations released

The Tax Practitioners Board (TPB) has released draft guidance on breach reporting obligations applicable to tax practitioners from 1 July 2024, as introduced through amendments made to the Tax Agent Services Act 2009 (TASA) by Treasury Laws Amendment (2023 Measures No 1) Act 2023.

Breach reporting obligations have been strengthened to support the majority of tax practitioners who voluntarily comply with their obligations. These additional obligations are aimed at improving tax agent services to clients and the professional and ethical standards of registered tax practitioners.

The draft guidance consists of a [draft information sheet](#), [summary document](#) and [high-level decision tree](#). Together, these documents explain:

- the additional breach reporting obligations, supported by practical case studies
- when the obligations apply
- what constitutes a significant breach
- the timeframe for reporting a significant breach, and
- what happens if a significant breach is not reported.

The breach reporting obligations are in addition to other existing obligations under the TASA that require tax practitioners to notify the TPB if they cease to meet a registration requirement, about events affecting their continued registration, and other changes in circumstances.

The last day for submission of comments is 28 May 2024.

For further information, please refer [here](#).

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ATO Rulings and Activity

ATO flags 3 key focus areas for this tax time

With tax time 2024 approaching, the ATO has announced it will be focusing on 3 common errors being made by taxpayers:

- Incorrectly claiming work-related expenses
- Inflating claims for rental properties
- Failing to include all income when lodging

Work-related expenses

Deductions claimed for work-related expenses will be disallowed if a taxpayer is not eligible or has not kept appropriate records. Taxpayers seeking to calculate a working from home deduction using the ATO's revised fixed rate method should ensure they retain the relevant records required under Practical Compliance Guideline [PCG 2023/1](#).

To avoid errors, the ATO is reminding taxpayers of 3 "golden rules" for claiming a deduction for any work-related expense:

- i. Taxpayers must have spent the money themselves and must not have been reimbursed.
- ii. The expense must directly relate to earning the taxpayer's income.
- iii. Taxpayers must have a record (usually a receipt) to prove the work-related expense.

Rental properties

Rental properties continue to remain in the ATO's sights. According to the ATO's data, 9 out of 10 rental property owners are getting their income tax returns wrong.

The ATO said the focus for this year will be on claims that may have been inflated to offset increases in rental income to obtain a greater tax benefit.

The ATO is reminding rental property owners that expenses for general repairs and maintenance performed on rental property can be claimed as an immediate deduction. However, expenses which are capital in nature (such as initial repairs on a newly purchased property and any improvements during the time a taxpayer holds the property) are not deductible as repairs or maintenance.

The ATO is encouraging rental property owners to carefully review their records before lodging their return and take care to ensure they are claiming deductions correctly. The ATO is also suggesting that individual rental owners choose to use a registered tax agent to help them prepare their income tax returns as reporting rental income and deductions can be complex.

Failing to include all income when lodging

Taxpayers who have received income from multiple sources must wait until this is pre-filled in their tax return before lodging. Mistakes occur where taxpayers have forgotten to include interest from banks, dividend income, payments from other government agencies and private health insurers. For most taxpayers, this information will be automatically pre-filled in their tax return by the end of July.

To avoid the risk of having a tax return flagged as incorrect, the ATO is advising taxpayers not to rush lodging their tax returns on 1 July.

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ATO Rulings and Activity (Cont.)

ATO flags 3 key focus areas for this tax time (Cont.)

The ATO also advises that taxpayers check if their employer has marked their income statements as “tax ready” as well as if their pre-fill is available in myTax before lodging.

For further information, please refer to [ATO website](#).

Country-by-country local file reporting changes from 1 January 2025

Country-by-country (CBC) reporting entities will be required to use an updated version of the Local File/Master File (LCMSF) service for lodgments from 1 January 2025 for reporting periods starting on or after 1 January 2024.

LCMSF Schema Version 4.0 will incorporate the short form section of the local file into the message structure table. Statements relating to reporting periods starting before 1 January 2024 may continue to lodge using LCMSF Schema Version 3.0, however the ATO encourages use of Version 4.0 for all reporting periods. Version 3.0 is expected to be deactivated for all reporting periods on 1 January 2026.

The changes in Version 4.0 are intended to:

- simplify reporting requirements for the majority of CBC reporting entities that do not have personnel reporting overseas, restructures (including changes in related party financing) and new intangibles arrangements
- increase reporting efficiency through combined message structure table reporting fields covering both restructures and new intangibles arrangements
- include minor adjustments to existing validation rules for the full local file, and
- move the fields for attaching financial accounts to clarify that financial accounts can be lodged separately with the short form section and do not need to be lodged with Local File – Part B.

The reporting changes will also allow the ATO to use structured short form reporting data in risk detection and reduce the need for the ATO to follow up incomplete information.

For further information, please refer [here](#).

Any questions or feedback about the reporting changes can be emailed to LCMSFversion4@ato.gov.au.

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ATO Rulings and Activity (Cont.)

Income tax reporting changes under the **Modernisation of Trust Administration Systems (MTAS)** will come into effect on 1 July for small business owners who are trustees or trust beneficiaries.

The changes applying to lodgments from the 2023–24 income year onwards include:

- Trustees - for trust tax returns, adding 4 capital gains tax (CGT) labels into the trust tax return statement of distribution
- Beneficiaries - introducing a new "trust income schedule" that all trust beneficiary types who receive trust income will need to lodge with their tax return, and
- adding new data validation to the trust tax return form in the practitioner lodgment service.

The additional CGT labels in the trust tax return statement of distribution are intended to enhance trustees' abilities to appropriately notify beneficiaries of their entitlement to income and support calculation of CGT amounts in their tax return. The ATO recommends that trustees provide beneficiaries a copy of the trust statement of distribution so far it relates to their entitlements to support beneficiaries in correctly completing their trust income schedule.

The new trust income schedule required to be lodged by trust beneficiaries with their income tax return replicates fields from the statement of distribution. Distributions of trust income from a managed fund are also required to be included in the new trust income schedule. The trust income schedule instructions will provide guidance on how information on the tax statement provided by a managed fund is to be reported.

For more information, please refer to the [ATO website](#).

Tax determinations in relation to car limit and Div 7A benchmark interest rates withdrawn

The ATO has withdrawn tax determinations for the 2017 and 2018 financial years in relation to car limit and Div 7A benchmark interest rates, as their period of effect had passed.

The following determinations were withdrawn with effect from 2 May 2024, but continue to be binding on the Commissioner for the relevant period they relate to:

- Taxation Determination **TD 2016/8** Income tax: what is the car limit under section 40-230 of the Income Tax Assessment Act 1997 for the 2016-17 financial year?
- Taxation Determination **TD 2016/11** Income tax: what is the benchmark interest rate applicable for the year of income that commenced on 1 July 2016 for the purposes of Division 7A of Part III of the Income Tax Assessment Act 1936 and how is it used?
- Taxation Determination **TD 2017/17** Income tax: what is the benchmark interest rate applicable for the year of income that commenced on 1 July 2017 for the purposes of Division 7A of Part III of the Income Tax Assessment Act 1936 and how is it used?
- Taxation Determination **TD 2017/18** Income tax: what is the car limit under section 40-230 of the Income Tax Assessment Act 1997 for the 2017-18 financial year?

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ATO Rulings and Activity (Cont.)

ATO guidance on deductibility of self education expenses

The ATO has updated its guidance on the deductibility of self-education expenses to reflect the recent repeal of a legislative provision and the issuance of refreshed ATO guidance.

The ATO has amended 3 rulings, withdrawn one determination and 6 ATO Interpretative Decisions (ATO IDs) with effect from 24 April 2024:

- the repeal of s 82A of ITAA 1936 (\$250 threshold for deduction of self-education expenses) by Act No 84 of 2022 from the 2022–23 income year, and
- the replacement of Taxation Ruling TR 98/9 (withdrawn from 27 September 2023) by Taxation Ruling [TR 2024/3](#) (issued in February 2024), to discuss the circumstances in which self-education expenses are allowable as deductions to individuals under s 8-1 of ITAA 1997.

The following rulings have been amended to update references to the withdrawn TR 98/9:

- Taxation Ruling [TR 2020/1](#) Income tax: employees: deductions for work expenses under section 8-1 of the Income Tax Assessment Act 1997
- Taxation Ruling [TR 2021/1](#) Income tax: when are deductions allowed for employees' transport expenses, and
- Taxation Ruling [TR 2021/4](#) Income tax and fringe benefits tax: employees: accommodation and food and drink expenses; travel allowances; and living-away-from-home allowances.

Where a taxpayer spent an amount of \$250 on self education expenses which was disallowed as a deduction under former s 82A of ITAA 1936, Taxation Determination [TD 93/97](#) provided that the amount of \$250 spent was not required to be substantiated by the taxpayer. As s 82A was repealed by Act No 84 of 2022, [TD 93/97](#) is now redundant and is thus being withdrawn.

As the deductibility of self-education expenses are dealt with in TR 2024/3, the following ATO IDs on specific self-education expenses are also being withdrawn:

- [ATO ID 2002/517](#) Is the taxpayer, an apprentice mechanic, entitled to a deduction under section 8-1 of the Income Tax Assessment Act 1997 (ITAA 1997) for self-education expenses in respect of a Heavy Vehicle Driver training course?
- [ATO ID 2003/84](#) Is the taxpayer entitled to a deduction under section 8-1 of the Income Tax Assessment Act (ITAA 1997) for expenses incurred in attending a personal development course?
- [ATO ID 2003/614](#) Is the taxpayer entitled to a deduction under section 8-1 of the Income Tax Assessment Act 1997 (ITAA 1997) for expenditure incurred in attending a self-development course?

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ATO Rulings and Activity (Cont.)

ATO guidance on deductibility of self education expenses (Cont.)

- **ATO ID 2005/26** Is the taxpayer entitled to a deduction under section 8-1 of the Income Tax Assessment Act 1997 (ITAA 1997) for course fees paid, where the taxpayer has obtained a loan for those fees under the full-fee paying students Higher Education Loan Programme (FEE-HELP), and the course is directly related to their current income earning activities?
- **ATO ID 2005/27** Is the taxpayer entitled to a deduction under section 8-1 of the Income Tax Assessment Act 1997 (ITAA 1997) for payments to reduce their full-fee paying student Higher Education Learning Programme (FEE-HELP) debt?
- **ATO ID 2005/69** Is the taxpayer entitled to a deduction under section 8-1 of the Income Tax Assessment Act 1997 (ITAA 1997) for fees that they incurred for the purpose of undertaking a subject in a course of study where they subsequently cancelled their enrolment?

Draft determination on cents per kilometre rate for 2024-25 car expenses

The ATO has issued a draft legislative instrument that proposes to set the cents per kilometre rate for calculating work-related motor vehicle expense deductions at 88 cents per kilometre for the income year commencing 1 July 2024.

LI 2024/D5 applies to eligible taxpayers who use the cents per kilometre method to calculate income tax deductions for their work-related car expenses.

Section 28-25(4) of the ITAA 1997 allows the Commissioner to determine the rate for the cents per kilometre method for an income year. The rate will remain applicable to subsequent income years until it is repealed or varied.

The determination is proposed to commence on 1 July 2024 and will repeal **Income Tax Assessment (Cents per Kilometre Deduction Rate for Car Expenses) Determination 2023** (F2023L00767) registered on 13 June 2023.

Comments on the draft instrument are due by 22 May 2024.

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ATO Rulings and Activity (Cont.)

ATO consultation on thin capitalisation rules for foreign banks

The ATO has issued a technical [discussion paper](#) on the attribution of risk-weighted assets (RWAs) to Australian branches of foreign banks for thin capitalisation purposes.

Foreign banks that conduct their banking business in Australia through a branch are subject to Australia's thin capitalisation rules. These rules require a foreign bank to allocate a minimum amount of equity capital to its branch and may impact on the amount of debt deductions allowable to the branch. Foreign banks typically work out their minimum capital amount using the safe harbour rule, which is based on ensuring there is sufficient equity capital funding that part of the RWAs of the bank that is attributable to its branch.

The discussion paper considers the safe harbour formula used to work out the minimum capital amount of inward investing entities. It outlines the ATO's suggested view on how to work out that part of the RWAs attributable to a branch of a foreign bank. The discussion paper also sets out expected supporting documentation that will be accepted by the ATO for Justified Trust reviews in respect of thin capitalisation positions.

The ATO considers that an asset is attributable to the place where the significant people functions pertinent to the creation and management of the relevant asset are carried out. Consistent with OECD guidance on the attribution of profits to permanent establishments, the ATO considers the significant people functions pertinent to the creation and management of the relevant asset to be those that are key entrepreneurial risk-taking functions. Not all functions relating to RWAs are significant people functions — for example, support or back-office functions are generally not significant people functions.

The ATO is aware that APRA generally expects foreign banks licensed as a foreign authorised deposit-taking institution in Australia to book their Australian business in the Australian branch. While the method of attribution outlined in the discussion paper is not based on APRA guidelines, it is expected that attribution based on significant people functions will generally be consistent with attribution under APRA's approach to asset attribution.

The fact that an RWA is booked in a particular location does not necessarily mean the whole profit associated with that asset is also booked there. RWA attribution is separate and distinct from the requirement under Div 815 of ITAA 1997 to determine the profit attributable to an Australian branch.

The final date for comments is 31 May 2024.

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ATO Rulings and Activity (Cont.)

Notice of a crypto asset data-matching program

The ATO has issued a [gazette notice](#) to “crypto designated service providers” of its data-matching program.

According to the notice, the ATO will acquire account identification and transaction data for the 2023-24 financial year through to the 2025-26 financial year inclusively.

Data items that will be collected include:

- client identification details (names, addresses, date of birth, phone numbers, social media account and email addresses); and
- transaction details (bank account details, wallet addresses, transaction dates, transaction time, transaction type, deposits, withdrawals, transaction quantities and coin type).

It is estimated that records relating to approximately 700,000 to 1,200,000 individuals and entities will be obtained each financial year.

The notice further adds that the data will be acquired and matched to ATO systems to identify and treat clients who failed to report a disposal of crypto assets in their income tax return.

Common errors in foreign resident clearance certificate applications

A foreign resident clearance certificate provides certainty to purchasers regarding their withholding obligations. It confirms the withholding tax is not applicable to the transaction.

The ATO has highlighted errors associated with foreign resident capital gains withholding clearance certificate applications lodged for non-individual vendors.

Purchasers of property valued above \$750,000 must withhold 12.5% of the purchase price unless the vendor has obtained a valid clearance certificate. Vendors who are Australian residents for tax purposes can avoid having this amount withheld if they have a clearance certificate at or before settlement.

Applicants are reminded that the name on the Certificate of Title for the property must match the name on the clearance certificate. Where there are multiple parties on the Certificate of Title, each entity must apply for a separate clearance certificate in their name (whether they are individuals, company trustees or partners). If the name on a clearance certificate does not match the title, the certificate is invalid and the purchaser will be required by law to withhold 12.5% of the purchase price for transactions above \$750,000.

Vendors who are a corporate trustee must be listed in the associate details on the Australian Business Register. If a corporate trustee does not have a tax file number, an attachment providing details of the relevant trust should be included in the clearance certificate application.

For more information, please refer to the [ATO website](#).

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ATO Rulings and Activity (Cont.)

Class rulings issued:

- Class Ruling [CR 2024/24](#) Bendigo and Adelaide Bank Limited – Capital Notes 2. This ruling applies from 1 July 2023 to 30 June 2034.
- Class Ruling [CR 2024/25](#) VHM Limited – return of capital by in specie distribution of shares in VP Minerals Limited. This ruling applies from 1 July 2021 to 30 June 2023.
- Class Ruling [CR 2024/26](#) Snack Foods Pty Ltd – Early Retirement Scheme 2024. This ruling applies from 18 April 2024 to 31 July 2025
- Class Ruling [CR 2024/27](#) Insurance Australia Group Limited – IAG Capital Notes 3. This ruling applies from 1 July 2023 to 30 June 2034.
- Class Ruling [CR 2024/28](#) Link Wentworth Housing Limited – deductibility of donations under a payment direction deed. This ruling applies from 1 July 2022.
- Class Ruling [CR 2024/29](#) Queensland Health – Nursing and Midwifery Regional, Rural and Remote Student Placement Allowance. This ruling applies to students who undertake a Placement from 1 January 2024 to 31 December 2027.

Other rulings issued:

- Product Ruling [PR 2024/3](#) – LongView Homeowner Funding Agreement. This ruling applies from 1 July 2023 to a Homeowner specified in para 4 of the ruling who enters into a Homeowner Funding Agreement from 1 July 2023 until 30 June 2026.
- Product Ruling [PR 2024/4](#) - Nutrien Ag Solutions Limited – PrePay Plus Agreement. This ruling applies from 1 July 2024 to a Customer specified in para 4 of the ruling that enters into the scheme from 1 July 2024 until 30 June 2027.

Monthly Tax Update

Latest Australian Tax Cases

- **GST** - The AAT has determined that the dollar value of a gambling venue operator's reward points should be counted towards both the "total monetary prizes" and "total amounts wagered" when calculating its "global GST amount" under Div 126 of the GST Act. [*SLDL v FC of T* 2024 ATC; [2024] AATA 912, 30 April 2024.]
- **Superannuation guarantee obligations** - The AAT has affirmed superannuation guarantee charge assessments issued to a company in respect of superannuation contributions not made on behalf of a worker who had agreed to undertake by way of contract work the same cleaning duties she undertook previously as an employee. The AAT held that, regardless of what the parties intended, the worker was an employee within the extended definition of the term in s 12(3) of the Superannuation Guarantee (Administration) Act 1992 (the SGAA). [*S&H Investments Pty Ltd v FC of T* 2024 ATC [2024] AATA 893, 29 April 2024.]
- **Deduction** - The Federal Court has refused to allow a property developer deductions for "top-up payments" of approximately \$2.5 million paid to small investors in one of its projects under the general deduction provision or as blackhole expenditure, after finding that the top-up payments were on capital account, formed part of the consideration paid for the acquisition of shares and were not made for the sole purpose of preserving goodwill. [*Satterley Property Group Pty Ltd v FC of T* 2024 ATC [2024] FCA 421, 26 April 2024.]

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