CHARTERED ACCOUNTANTS
AUSTRALIA + NEW ZEALAND

GREENTAYLOR
PARTNERS

2015 DECEMBER

Quarterly Newsletter

Green Taylor Partners

This addition

Also in this issue

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Drought Concessional Loans

Kerry Schultz

On 23 October 2015 Applications opened for drought affected Victorian farmers to access the Drought Concessional Loans Scheme.

The Drought Concessional Loans Scheme is part of an Australian Government drought assistance package to support farm business experiencing significant financial impact as a result of drought. Drought Concessional Loans are designed to help farm businesses in Victoria to recover from and prepare for future droughts and return to commercial viability in the long term. Rural Finance is the agent in Victoria.

The scheme will offer loans for;

- Re-structuring of existing eligible farm debt
- Funding operating expenses necessary to continue normal operations
- Drought preparedness and recovery activities

The loans have the following characteristics;

- Term of five years. At the end of term the loan is required to be repaid in full.
- Variable interest rate of 3.05% (reviewed six monthly)
- Maximum loan amount of $1,000,000 (capped at 50% of total eligible farm debt)
- Total pool of $30,000,000 for Victorian farmers

To be eligible;

- Farming enterprise operating for at least three years
- Experiencing significant financial impact as a result of drought
- Good long term prospect to returning to profitable trading and sustainable debt levels

Farmers thinking about applying for a Drought Concessional Loan talk should to someone at Rural Finance or your local Rural Financial Counselling Service.

To find out more about drought concessional loans please contact Rural Finance on 1800 260 425 or ruralfinance.com.au.

For more information on the range of Australian Government assistance for farmers, farm businesses and rural communities, visit agriculture.gov.au/assistance.

(Unfortunately there is no such assistance for local businesses who may be suffering under the same drought! Maybe some political pressure is needed here?)

Changes to Youth Allowance to make university more accessible for country kids

On 12th November 2015 Federal Parliament passed measures to remove the Family Assets Test and Family Actual Means Test from the Youth Allowance Personal Test from 1 January 2016.

What this actually means is that eligible families will no longer have their farm assets included towards the means test for Youth Allowance.

The changes were announced as part of the 2015 federal budget and were aimed at making youth payments fairer and simpler, especially for rural students planning to head off to Uni.

It is estimated that the changes will result in approximately 5,800 families becoming eligible for the first time, and a further 13,700 families eligible for more government support.

GTP Christmas Message

May your celebrations be merry, your heart be light, your Christmas happy and your season bright!

The team at Green Taylor Partners wish you all the best for a healthy, happy and successful new year!

Christmas Closure Dates

Our office will be closed from 12pm Thursday the 24th December 2015 reopening 8.30am Monday the 11th of January 2016

The ins and outs of Testamentary Trusts

Peter Cramer

How to give your family large tax savings for years, asset protection and flexibility when you go – the ins and outs of Testamentary Trusts.

Firstly, a Testamentary Trust is similar to the typical "Family Trusts" set up and used by many clients.

Secondly, it gets the name "Testamentary" because it only comes into existence upon the death of the Will Maker. (As part of the deceased testamentary wishes or directions).

Thirdly – the rules of the Testamentary Trust are set out in the Will documents.

How does it work?

1. The Will maker specifies certain assets to be held by the Testamentary Trust (T/Trust) upon death. These might range from cash, shares or property to equity in business partnerships or other investments or in fact "all my estate".
2. A specified person or persons are named as Trustees to control the Trust, to act for it and to ensure the rules of the T/Trust are complied with.
3. Once the Estate and Probate matters are dealt with, the assets that have been directed into the T/ Trust are 'moved into the Trust' by way of them being held in the name of the trustee/s. So for example, the Title to land and Listed shares will be in the name of the Trustee/s.
4. The T/Trust will provide for the person to whom the income and capital of the Trust can be distributed. Each year the income of the T/Trust is distributed to selected beneficiaries in accordance with the decision of the Trustee/s. This may be physically paid to them in full, in part or credited to a loan account in the beneficiary's name.

What are some of the Benefits?

1. Tax minimisation. Income from a T/trust can be allocated to beneficiaries under the age of 18 years and is taxed at adult rates. The T/Trust typically has great flexibility – so the income or capital gains can be allocated across one or many beneficiaries, thereby having the potential to reduce tax considerably.
2. Asset Protection. Assets held in a T/Trust do not belong to anyone – they are held in trust for the benefit of the range of beneficiaries. So if a beneficiary was heading toward bankruptcy or being sued by creditors, the assets that would otherwise go to them via the Will and be immediately lost, can be saved!
3. Asset protection for vulnerable beneficiaries. If a beneficiary of a Will was hopelessly caught up in a drug or gambling addiction, one could expect any inheritance to disappear quickly. By careful planning, the Will maker can give protection to their beneficiary by inserting rules in the T/Trust that forbids the Trustee allocating any capital to that beneficiary whilst they are in a vulnerable state.
4. Flexibility and the ability to distribute income to beneficiaries that may not exist yet. If the Willmaker left a large estate to one beneficiary – all the income and capital gain would accrue and be taxed to that person. Potentially that would result in large tax bills every year – for ever. That beneficiary may later marry, have children and so on. The beneficiary would then try to spread that income amongst other taxpayers – but will be severely restricted in doing so because of CGT issues in transferring assets. However if those assets were left via a T/trust, that beneficiary can easily spread taxable income each and every year....with a much lower tax bill every year – for ever.

Let us look at some simple examples:

1. Dad has $1m of investment property and shares when he dies. They produce taxable income of $72,000 per year. Mum has already died. Dad has one daughter who has 4 young children under 18. If he doesn't do any planning and leaves everything to her she will pay tax on the $72,000 in addition to any other income she may have. Possibly $20,000 in tax every year.
   However if Dad had made provision for a T/Trust and had his daughter as Trustee, she, after seeking and taking careful tax advice from her specialist accountant, may distribute that $72,000 between her 4 children and pay NIL tax. That saves $20,000 in tax each year for many years. That is $100,000 in 5 years!
2. Dad and Mum have farming land and other assets – and two children aged 17 and 19. Both children are currently a little 'ratty' and a long way from being responsible with money. It would be a potential disaster for them to inherit large sums of money at such a young age. The Will maker, via T/Trusts, can make specific provision that the assets are held on trust for them until they attain a more suitable age. In the meantime, income from those assets can be paid to assist them in education, living and other approved purposes. The children then take control of those assets in the future at the prescribed time.
3. Dad and Mum have a great family – with two sons who are real go-getters. In their wills they leave their assets to each other – then to the sons equally. Unfortunately Dad and Mum die in the same car crash. At the same time, one son 's construction business has gone bust because his major client went broke and couldn't pay him. So the son is facing bankruptcy 'through no fault of his own'. When he receives his share of the inheritance – it will be lost in Bankruptcy! However, if dad and Mum had set up T/Trusts and made provision to protect against such an event – the son would not lose his inheritance.

Bottom line? Modern estate planning demands at the very least a careful examination of your tax and financial affairs so as to investigate the potential use and advantage of Testamentary Trusts.

I believe you are failing your family if you do not undertake this planning when you are fit and well – why would you not offer your family the gift of tax minimisation, asset protection and flexibility for their future?

Unfortunately for some, they are not so fit and well. The urgency increases in such circumstances. It is far easier to do this planning when you are not facing serious illness.

Please allow us the privilege of assisting you and your family in this materially beneficial way.

Home Office Expenses

Karen Grainger

The standard rate for Home Office Expenses has changed

If you work from home in earning taxable income, some portion of your home running expenses can be claimed as a tax deduction.

The expenses that you can claim include:

- Heating, cooling and lighting
- Decline of value on your computer and printer
- Consumables, stationery, telephone and internet costs

These can be claimed either by using the actual expense or by using the Tax Office rate per hour method.

The actual expense method requires you to keep a diary for a 4 week period which determines how much of your running expenses relate to doing work from home and a record of your actual bills.

The rate per hour method uses an ATO fixed rate of 45 cents per hour (this has changed from 34 cents from 1 July 2014) to calculate, based on the number of hours you do, your deduction for heating, cooling, lighting and decline in value of your office equipment.

Consumables, stationery, telephone and internet costs are claimed on an actual expense basis (per receipts).

Mortgage interest, rates and depreciation of the home are not deductible as part of home office expenses (unless it is your sole place of business and other important tests are passed).

If you wish to know more, please contact your advisor at Green Taylor Partners.

ATO Data Matching

Kathryn Bowles

Data Matching has become a major part of the Australian Tax Office's (ATO) compliance activities. Beware - the ATO have far greater knowledge of your lifestyle and business dealings. The following are just a few ways the ATO is data matching:

- The Car you drive – if you are driving around in a Ferrari but lodge your return with little assessable income you may draw the ATO's attention! The ATO are now running a 'motor vehicle registries data matching program' which compares the details of those purchasing expensive cars and matching it to the income levels disclosed in their tax returns.
- eBay Sales – earlier this year the ATO teamed up with eBay as part of their data-driven crackdown on online sellers. They have now audited between 15,000 - 20,000 merchants who each sold more than $10,000 worth of items in 2013-2014 financial year. The risk is they are carrying on a business and not disclosing the income.
- Share Sales & Dividends - The ATO is matching transaction data from the ASX, Computershare, Link Market Services, Advanced Share Registry Services, Boardroom and Security Transfer Registrars against the income reported by taxpayers in their returns.
- Visa Holders – The ATO are running a 'Department of Immigration and Border Protection (DIBP) Visa Holders Data Matching Program Protocol'. This data matching program has been developed for the ATO to detect compliance risks within the visa holding population.
- Business Credit and Debit Cards - The credit and debit card data matching program is supported by eleven Australian financial institutions and it enables the ATO to match the credit and debit card payment data to what has been disclosed to them by businesses.

So – be conscious of what the ATO can find out and remember to keep records of your income and expenses.

GTP Birthdays

- 8th December - Karen Grainger
- 23rd December - Ryan Schirmer
- 5th January - Tracy Richardson
- 6th January - Matt Richardson
- 10th January - Jess Mayberry
- 15th January - Hannah McIllree
- 13th February - Ross Laycock

Repairs to rental properties

Tracy Richardson

Repairs to your property can be a mine-field. Before undertaking repairs to your rental property it is important to familiarise yourself with some basic rules.

- Repairs carried out to a property when first acquired and before renting it out will be added to the cost base of the property and treated as capital. However depreciation should apply. (Hint – keep good records and keep receipts so we can get you the best tax outcome)
- You must have the intention of renting the property Ie. if your last tenants caused damage to the property and you undertake repairs to rectify the damage you must at a minimum advertise the property as being available for rent within a reasonable time frame of the last tenants leaving. (ideally advertise with a real estate agent or forum)
- Repairs must be to a small section of an asset ie. part of a fence / part of a roof. (Once a whole item / asset is replaced it will equate to a new asset and be subject to depreciation only.)
- Any improvements that form part of the property and cannot be detached will be depreciated over 40 years (eg: bathroom renovations, new room etc).
- Plant items less than $300 per individual landlord will be 100% deductible. (I.e.) Mum & Dad jointly own the property so a new $600 cooktop will be 100% deductible. (Look to get receipts that show such costs being less than $600 per couple).
- If you no longer rent the property, the cost of repairs may still be deductible provided:
  - The need for repairs is related to the period in which the property was used to produce income, and
  - The property was income-producing during the income year and the repairs were completed before the end of the income year in which the property ceased to be used to produce income. Repairs carried out in the next financial year will not be deductible. (Hint – get those repairs done in the same tax year!)

If you are unsure of the rules please contact us! We can assist you and save you tax with a little planning. Once the expense is incurred it may be too late to maximise your intended tax claims!

Residency and Tax

Ross Laycock

Do you employ Overseas Visitors or Backpackers ??

Did you know some of these workers need to be treated differently for tax purposes??

Some of these workers may be classed as :

- Australian Residents
- Non Australian Residents
- Part Year Residents
- Dual Residents
- Temporary Residents

Why is it important ?

Australian Residents

- Are taxed in Australia on assessable income from worldwide sources
- Are taxed under normal Australian tax rules
- Have access to certain tax offsets and rebates such as the tax free threshold ($18,200)
- Benefit from set income tax level brackets
- May be eligible for the low income tax offset

Non Australian Residents

- Are taxed in Australia on assessable income from Australian sources only
- Do not have access to the tax free threshold
- Start paying tax from their first $ earned
- Have no access to certain offsets like the low income tax offset

In some instances it is not easy to establish residency of an individual, but there are some tests to help. These tests include :

- Where the individual usually lives or resides
- How long they have been in Australia
- Their routines, habits and intentions.

If you need assistance in this area please talk to your accountant / advisor.

The amount of tax an employer is required to withhold is different if your employee is a 'backpacker' or temporary worker who is not an Australian Resident. Be careful – and carefully check how the employee fills in their Employment Declaration to you.

Importance of Cashflow Projections

Natasha Gardner

Whether your business is growing or struggling, managing your cashflow effectively is absolutely essential, and for many, the very key to business survival. This is particularly important in times of poor harvests or business downturn.

When things are changing dramatically, careful financial planning will assist you to cope with the many decisions that you are going to have to make about the future of your farm, business and your family.

Most farmers will find that their financial position has deteriorated during the drought because of crop failure, fodder costs or the fact that stock numbers have been reduced and will need to be replaced when you are sure the drought is over.

'Rain rekindles hope, but cash flow budgeting assists in establishing the facts — can borrowings be repaid? The opportunity exists to confront the reality of the farm financial situation and consider all opportunities both within and outside farming.' - Fran Rowe, Chair, NSW Rural Assistance Authority Board

Key Points

- It is important that you prepare a cash flow projection of anticipated monthly income and expenses for at least 12 months.
- Reducing costs/creating income:
  - Take a close look at all major cost items to see if there is scope to reduce costs in a certain area.
  - Do you have any machinery items which are not being used regularly that could be sold? Look especially at those items of machinery which are being used for work that could be done by a contractor.
  - Is there an opportunity to create a new income stream?
  - It is generally not prudent to reduce costs involved in production, but a very close look at your major overhead costs may well indicate some areas where you could limit expenditure.
  - Even though initial interest rates may be higher, consider locking into fixed interest rates so that you know what your total interest bill will be.
- Refinancing:
  - Your cash flow budget will indicate whether there is a need to refinance. If your overdraft does not fall to zero for any month for the next 12 months, you should consider transferring some of your overdraft into another form of financing at a lower interest rate.
- Look for government assistance if things are looking grim (you need to be prepared to fill out the paperwork to gain financial assistance).
- Talk early with your Bank as to what requirements will be for the next 12 months.

If you cannot make the budget look reasonable with projections over 2-3 years, it may be best to consider the bigger picture – do we need to start anew? Be realistic about where you are at, discuss this openly with your family, and prepare a plan for the future. Don't focus on where you have come from – focus on where you are heading.

It may be difficult to consider these options in isolation, and it is helpful to get another opinion from a rural counsellor, a drought support worker and of course, us.

Australia's investment place in the world

Livio Caiolfa

With such a constructive taxation framework for domestic retirement savings in Australia, we often fail to lift our eyes towards the potential benefits of investing our long term funds in foreign investment markets. Yet the diversification benefits provided by sensibly investing funds outside of Australia, more often than not outweighs the risk.

Consider that Australia is the 4th largest pool of superannuation savings in the world, but only contributes 2.3% to global GDP and even less than that in global stock-market value (<2%).

Superannuation should be thought of genuinely as a 'natural resource' in Australia, and should be invested accordingly in a fashion that provides us with the best risk-adjusted returns.

To think that Australia's limited investment markets can satisfy that ambition would be a naïve thought.

In Australia, our economy, and by default our stock-market, is a concentrated and narrow one. The top-10 Australian shares by value make up 50% of our stock-market by value.

Compare this to the world's largest share-market in the US, where the top-10 shares contribute only 14-15% of total index value, and this in spite of the fact the two largest companies (Apple & Google) being 9x and 6x greater than Australia's biggest company, Commonwealth Bank.

We at GTP Financial Services would encourage you to have a conversation with us to discuss if an investment within international markets is appropriate for you.

Livio Caiolfa – Investment advisor on the team at Green Taylor Financial Services.

Christmas Time Expenses - Bonuses, Entertainment & Gifts

Karen Grainger

It's not far away from Christmas and some expenses only happen at this time of the year.

One off expenses for Christmas bonuses, the Christmas party and giving employee & customers Christmas gifts are some of those expenses. So are these normal business expenses and can you claim a tax deduction?

Bonuses paid to employees at any time of the year are taxable to your employee.

The employer needs to consider PAYG withholding, Superannuation Guarantee and Payroll tax. These payments should also be included in any Workcover rateable remuneration amounts. Because bonuses are wages, they are a tax deduction.

The Christmas Party is a good time to wind down for the year but if it includes food, drinks and travel it is classed as 'meal entertainment'. The cost of the party is also subject to Fringe Benefits Tax (FBT). Entertainment itself is never a tax deduction. But FBT is.

If the Christmas Party is held at the business premises on a work day, the cost of the party is not subject to FBT as it is in respect of employment. (FBT may apply to spouses if they attend.)

If the Christmas Party is held at an external venue, the cost of the party is subject to FBT. However if the total cost per employee is under $300 the 'minor' benefit rules apply and no FBT is payable. This also applies for any spouses attending. If it is exempt from FBT – no deduction is claimable.

The cost of a Christmas Party can only be claimed as a tax deduction if the party is subject to FBT. If the 'minor' benefit rules apply and no FBT is payable, then there is no tax deduction. Similarly, no GST claim if no FBT.

Providing employees with a Christmas gift also gives rise to FBT unless under $300. If the gift is determined to be 'entertainment' then there is no tax deduction for the cost. An ATO tax determination provides guidelines to what gifts are entertainment and those that are not. Examples of 'entertainment' gifts are theatre tickets and champagne.

Christmas gifts provided to customers are outside the FBT rules and can be claimed as a tax deduction.

If you have any questions, please contact your trusted advisor at Green Taylor Partners.

Have a Merry Christmas!

MyGov. – warning… don't 'Link to Tax'!

Peter Cramer

People are able to register with myGov to communicate with Government and various departments – one of which is Centrelink.

Our warning is that when you are on line – the site may ask you if you want to "link to tax". What this means is that the ATO will then send communication and such things as Assessments and bills to you at your myGov site – (ie) on line. If you don't check your myGov account or email regularly you won't know about them.

Most importantly – we DO NOT see what is in your myGov inbox – so we lose control over dealings with the ATO.

It is very important that we retain control of the ATO relationship. We are hearing of many problems when taxpayers unwittingly "link to Tax"!

As always – be careful what you click on when on a website!

Update: HECS-HELP Benefit Applications

In our last newsletter we discussed the HECS-HELP benefit for eligible Uni graduates in nursing and midwifery, teaching and early childhood education, maths and science.

Following a large number of applications lodged since July, the ATO are experiencing significant delays in processing applications. If you have lodged an application it could take up to 3 months for the application to be processed and your assessment amended.

If you would like more information on the HECS-HELP benefit check out the September newsletter on the GTP website or talk to your adviser at GTP.

GTP Tid Bits

- Congratulations to Carmen, Glenn & family on the arrival of their new little girl Ruby Maeve, born 8th October 2015.
- Congratulations to Matt who scored over 50 in cricket the other day…..turning back the clock!

Drought assistance reminders for farmers

Kathryn Bowles

Farm Household allowance

As of the 1st of July 2014 the Australian Government has bought in the Farm Household Allowance (FHA) to help farmers and their families who are experiencing financial hardship.

- The allowance is paid fortnightly at a rate equivalent to Newstart allowance
- A health care card is also provided to recipients.
- Access is also given to a $3,000 Activity Supplement

You must be a farmer or the partner of such. If you are the farmer you must contribute significantly part of your labour and capital to the farm enterprise based on specific criteria, including an income and assets test. This is both Income tested and Asset tested.

There is also the Centrelink Farmer's hotline 132316. Alternatively you can find more information by visiting http://humanservices.gov.au or http://daff.gov.au

Rural Financial Counsellors

Rural Financial Counsellors are employed by regionally based independent Boards to provide support for farming families and small businesses. Most Rural Financial Counsellors are happy to meet with you on your farm, provided they have the time to travel. They listen to your family's needs and work with you to identify the options for the future which best fit those needs.

Rural Financial Counsellors can assist you and your family with:

- Assessment of current financial position and cash flow budgeting.
- Reviews of contracts and loan applications with lending institutions.
- Communication with lenders and facilitation of meetings with financial institutions.
- Information on government assistance schemes.
- Information on, and referral to, Centrelink and other professional counselling services.
- Assistance with family decision making in relation to your rural enterprise.

For more information contact your local Rural Financial Counsellors in Horsham on 03 5381 1646. Alternatively you can find more information by visiting http://ruralfinancialcounselling.org.au/farm-assistance/

Counselling services in the Wimmera

Carmen Munro

We are aware that this year will be far from great for many of our farmers and their families. This can have a devastating effect on people and it is very important to get the message out there that help is available.

There is a vast amount of information and services available, but sometimes this too can be a bit overwhelming. Often isolation and difficulty accessing services can be a challenge faced by farming families in rural and remote communities.

It is important to at least start the conversation. Stress, anxiety and depression all have strong and lasting effects on our health both mentally and physically. It is also known that men do tend to keep things to themselves, often denying what may be going on. This is where family and friends can help people by looking for signs.

There are many resources available. Here is a list of some that will be a great deal of help to get you started.

- A fantastic resource can be found at the following website; http://wimmerapcp.org.au
  Scroll to the bottom of the home page and click on the Wimmera Counsellors Directory Link. This booklet gives a comprehensive list of professionals who can help
- Beyond blue have many links, articles and resources that are useful. http://beyondblue.org.au
- National Centre for Farmer Health is also a good resource, with a section on farmers and depression containing a couple of articles.
  http://farmerhealth.org.au/page/tag/farmers-and-depression
- Human Services have a link with payments and services available.
  http://humanservices.gov.au/customer/subjects/crisis-and-special-help

GTP Anniversaries

December

- Peter Cramer (36 years)
- Chris Foster (36 years)

January

- David Hadley (16 years)

February

- Karen Grainger (12 years)
- Ryan Schirmer (6 years)
- Kathryn Bowles (7 years)
- Jodie Mills (15 years)

C'mon everybody, get happy!

David Hadley

What do businesses like the Pike Place Fish Market in Seattle and South West Airlines have in common?

They've created a workplace culture that's fun at the same time as being highly productive and profitable. Having fun at work can help alleviate stress, improve motivation and create lots of positive energy in the team.

Here's a few easy-to-implement 'fundamentals to try in your business' (from How to Motivate Every Employee by Anne Bruce):

- Laugh with people, not at them.
- Lighten up. Don't take yourself too seriously.
- Think with a sense of humour.
- Adopt a fun and playful attitude.
- Plan to have a good time, every single day.
- Help others see the lighter side of things.

The benefits of having fun at work and creating an enjoyable environment are virtually limitless— from reducing absenteeism to boosting performance, from easing conflict to improving customer relations.

All things that can add to a more profitable, successful (and enjoyable) business for you.

Important Dates

1st December

- Income tax for taxable large/medium taxpayers, companies and super funds – due date for payment

21st December

- November 2015 monthly activity statement – due date for lodging and paying.

24th December

- Green Taylor Partners closes at 12pm for the Christmas break.

11th January

- Green Taylor re-opens at 8:30am from the Christmas break.

21st January

- Quarterly PAYG instalment activity statement, Quarter 2, 2015-16 for head companies of consolidated groups - due date for lodging and paying.

21st February

- December 2015 monthly business activity statement due date for lodging and paying.
- January 2016 monthly activity statement – due date for lodging and paying.

28th February

- Quarterly activity statement, Quarter 2, 2015-16 due date for lodging and paying - all lodgement methods.

Thinking about taking up a party-plan business?

Party plan and direct selling businesses are increasingly popular at the moment. They can be convenient to undertake as a hobby, but can also provide a source of income for entrepreneurs.

We are often asked, *"How much does such an enterprise needs to make before it is considered a business by the ATO, and when the profits must be included in your tax return?"*

The answer to this question is: Your intention in taking on the enterprise is important in determining whether you are starting a business, or whether you are merely performing a hobby.

We suggest talking to your adviser at GTP if you are interested in becoming a consultant for a party-plan or direct selling business.

GTP Blog

Don't forget our informative Blog articles that are written by the Partners at GTP and released each week on our website and via social media.

To view our blog visit http://greentaylor.com.au/blog

Latest blogs by the Green Taylor Patners team

- Recent changes at Rural Bank and Rural Finance
  By Kerry Schultz
  http://goo.gl/0LIYcT
- SMSF's - Self-managed Super Funds
  By Peter Cramer
  http://goo.gl/VAIYw1
- Have you documented your Estate planning?
  By Rohan Brown
  http://goo.gl/4y9XHK

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