To help you complete the losses schedule for the 2010 income year

For use by companies, trusts and superannuation funds to assist with completion of 2010 Losses schedule. NAT 4088-6.2010

2 June 2010

About these instructions

These instructions will help you complete the **Losses schedule 2010** (NAT 3425). Non-consolidated group entities (companies, trusts and superannuation funds) to which any of the tests at **Who must complete a losses schedule?** apply must complete a losses schedule and lodge it with their tax return.

When we refer to 'you' or 'your business' in these instructions, we are referring either to you as a business entity - for example, a company - that conducts a business, or to you as the tax agent or public officer responsible for completing the schedule.

This publication is **not** a guide to income tax law. Get help from the ATO or a recognised tax adviser if you feel this publication does not fully cover your circumstances.

Publications and services

To find out how to get a publication referred to in these instructions or information about our other services, see **More information**.

Introduction

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What's new?

Amendments to the company loss recoupment rules

In the 2007 Federal Budget the Government announced changes to ensure that companies do not fail the continuity of ownership test because they have multiple classes of shares on issue, and that the entry history rule in the consolidation regime is disregarded in applying the same business test, with effect from 1 July 2002. At the time of publication these changes had not become law.

Who must complete a losses schedule?

Do any of the following tests apply to your entity (company, trust or superannuation fund)?

If so, complete and submit a losses schedule with your 2010 tax return.

A losses schedule is required if the entity:	Company	Trust	Fund
• has total of tax losses and net capital losses greater than $100,000 carried forward to the 2010-11 income year	√	√	√
• is required by section 165-13 of the *Income Tax Assessment Act 1997* (ITAA 1997) to satisfy the same business test in Subdivision 165-E of that Act to apply a loss either in	√		

the 2009-10 income year or in a later income year or, having passed the continuity of ownership test, has claimed a deduction for tax losses and/or applied net capital losses greater than $100,000			
• is a listed widely held trust that is required by section 266-125 of Schedule 2F to the *Income Tax Assessment Act 1936* (ITAA 1936) to satisfy the same business test in Subdivision 269-F of that Schedule to deduct a tax loss in the 2009-10 or later income years or, having passed the 50% stake test, has claimed a deduction for tax losses greater than $100,000		√	
• has a changeover time that occurred after 1.00pm by legal time in the Australian Capital Territory on 11 November 1999 and determined that it has an unrealised net loss as defined in the provisions of Subdivision 165-CC of the ITAA 1997	√		
• is a life insurance company and has either a complying superannuation/first home saver account (FHSA) class tax loss or a complying superannuation/FHSA net capital loss carried forward to the 2010-11 income year	√	√	

• has convertible foreign losses	√	√	√
• has an interest in a controlled foreign company (CFC) that has convertible CFC losses.	√	√	√
• has an interest in a CFC that has deducted or carried forward a loss to later income years greater than $100,000	√	√	√

> Attention **An entity may need to complete a losses schedule for certain aspects of its net capital losses. While some of the information requested in the losses schedule is also requested in the** Capital gains tax (CGT) schedule 2010 **(NAT 3423) (CGT schedule), an entity that completes a losses schedule may also need to complete a CGT schedule.**

If the entity completes a losses schedule in respect of any aspect of its losses, all relevant parts of the schedule must be completed. For example, if the entity completes a schedule as a result of convertible foreign losses and has both tax losses and net capital losses carried forward to later income years, details of such losses are required even if the total of these losses is not greater than $100,000.

> Attention **As the changes to the foreign loss provisions apply from the first income year starting on or after 1 July 2008, entities with early substituted accounting periods need to fill out 1 Calculating the starting total for your convertible foreign losses in part E of the**

schedule as these changes apply to early balancers for their 2010 income year.

Attention **An entity that has joined a consolidated group as a subsidiary member during the income year must lodge a losses schedule covering any non-membership period if the entity satisfies any of the requirements for lodgment of that schedule including where losses exceed $100,000 at the end of the non-membership period. The amounts at part A of the losses schedule are required to be transferred to U and V item 13 on the** Company tax return 2010 **(NAT 0656).**

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Completing the schedule

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Tax file number

Write the tax file number (TFN) of the entity.

Name of entity

Print the name of the entity.

The name shown must be the same as that shown on the entity's tax return.

Australian business number

Write the Australian business number (ABN), if any, of the entity.

Signature as prescribed on tax return

The person who is required to sign, and who signs the tax return of the entity, is also required to sign the losses schedule.

Meaning of 'applied' and 'unapplied' in this schedule

Unless the context indicates otherwise:

An 'unapplied' tax loss includes a tax loss for which a deduction has not yet been claimed, that has not been reduced by net exempt income or, in the case of companies, has not been transferred to other companies that are members of the same wholly owned group.

Conversely, an 'applied' tax loss includes a tax loss for which a deduction has been claimed, that has been reduced by net exempt income or, in the case of companies, has been transferred to other companies that are members of the same wholly owned group.

An 'unapplied' net capital loss includes a net capital loss which has not been applied against capital gains or, in the case of companies, has not been transferred to other companies that are members of the same wholly owned group.

Conversely, an 'applied' net capital loss includes a net capital loss which has been applied against capital gains or, in the case of companies, has been transferred to other companies that are members of the same wholly owned group.

Part A Losses carried forward to the 2010-11 income year - excludes film losses

There are certain tests that must be satisfied for the entity to be able to apply a loss or to carry forward a loss to a later income year. The entity must keep a record of its losses and account for any adjustments, including those made by the ATO. Records must be retained for at least five years from when they are prepared or from the completion of transactions to which they relate, whichever is later. To support claims for losses, records also should be retained at least until the end of the period of review for the income year in which the relevant losses are fully applied.

If required the entity must be able to demonstrate not only the balance of any losses being either claimed or carried forward but also how those losses arose.

1 Tax losses carried forward to later income years

Complete **B** to **G** and **U** where appropriate; otherwise leave blank.

> Attention
>
> - Do not include net capital losses or film losses at item **1**.
> - Write net capital losses carried forward to later income years at item **2**. Details of film losses carried forward are not required to be reported on this schedule.
> - For the definition of a tax loss, see section 995-1 of the ITAA 1997.
> - Include foreign losses converted into tax losses under Subdivision 770-A of the *Income Tax (Transitional Provisions) Act 1997* [IT(TP)A] that are carried forward to later income years. See **Part E Foreign source losses.**

Subject to various rules, an earlier year tax loss is deducted in a later income year in the order in which it was incurred - to the extent that it has not already been deducted - as shown by the following formulas:

a. Entities other than corporate tax entities

- If the entity has no net exempt income and has an excess of assessable income over total deductions - other than tax losses - deduct the tax loss from the excess assessable income. See subsection 36-15(2) of the ITAA 1997.

- If the entity has net exempt income and an excess of assessable income over total deductions - other than tax losses - first deduct the tax loss from the net exempt income, then deduct any remaining amount of tax loss from the excess assessable income. See subsection 36-15(3) of the ITAA 1997.
- If the entity has net exempt income and an excess of total deductions - other than tax losses - over assessable income, deduct the excess deductions from the net exempt income and then deduct the tax loss from any net exempt income that remains. See subsection 36-15(4) of the ITAA 1997.

b. Corporate tax entities

- If the entity has no net exempt income and has an excess of assessable income over total deductions - other than tax losses - deduct from that excess as much of the tax loss as the entity chooses. The entity may choose a nil amount. See subsection 36-17(2) of the ITAA 1997.
- If the entity has net exempt income and an excess of assessable income over total deductions - other than tax losses - first deduct the tax loss from the net exempt income, then deduct from the part of the total assessable income that exceeds those deductions as much of the undeducted amount of the tax loss (if any) as the entity chooses. See subsection 36-17(3) of the ITAA 1997.
- If the entity has net exempt income and an excess of total deductions - other than tax losses - over assessable income, deduct the excess deductions from the net exempt income and then deduct the tax loss from any net exempt income that remains. See subsection 36-17(4) of the ITAA 1997. There is no choice available under this subsection.

The choice that the corporate tax entity has under subsection 36-17(2) or (3) for the later income year is subject to certain limitations - see subsection 36-17(5) of the ITAA 1997.

An entity's net exempt income is calculated in accordance with section 36-20 of the ITAA 1997.

This amount is not necessarily the same as the amount at **V Exempt income** item **7** on the Company tax return 2010.

Further Information

For more information, see:

- **R Tax losses deducted** under **7 Reconciliation to taxable income or loss** in Company tax return instructions 2010 (NAT 0669)
- **M Tax losses deducted** under **11Deductions** in Fund income tax return instructions 2010 (NAT 71605)
- **Tax losses deducted** in Trust tax return instructions 2010
- **How to deduct a converted foreign loss** in Part E Foreign source losses.

  Attention

  - An earlier year tax loss may be reduced by the commercial debt forgiveness provisions of Schedule 2C to the ITAA 1936.
  - Pooled development fund (PDF) tax losses are excluded from **B** to **G** and **U**. For more information on deductibility of PDF tax losses, see Division 195 of the ITAA 1997.
  - Net capital losses may only be applied in accordance with Division 102 of the ITAA 1997. A CGT schedule may need to be completed. For more information, see the *Guide to capital gains tax 2010* (NAT 4151).

Year of loss 2009-10

Write at **B** the unapplied amount of the tax loss incurred by the entity in the 2009-10 income year and carried forward to later income years under section 36-15 or section 36-17 (as applicable) of the ITAA 1997.

If there is no 2009-10 tax loss carried forward to the 2010-11 income year, leave blank.

Year of loss 2008-09

Write at **C** the unapplied amount of the tax loss incurred by the entity in the 2008-09 income year and carried forward to later income years under section 36-15 or section 36-17 (as applicable).

If no tax loss was incurred in the 2008-09 income year, or if the tax loss incurred in that year has been applied in full, leave blank.

Year of loss 2007-08

Write at **D** the unapplied amount of the tax loss incurred by the entity in the 2007-08 income year and carried forward to later income years under section 36-15 or section 36-17.

If no tax loss was incurred in the 2007-08 income year, or if the tax loss incurred in that year has been applied in full, leave blank.

Year of loss 2006-07

Write at **E** the unapplied amount of the tax loss incurred by the entity in the 2006-07 income year and carried forward to later income years under section 36-15 or section 36-17.

If no tax loss was incurred in the 2006-07 income year, or if the tax loss incurred in that year has been applied in full, leave blank.

Year of loss 2005-06

Write at **F** the unapplied amount of the tax loss incurred by the entity in the 2005-06 income year and carried forward to later income years under section 36-15 or section 36-17.

If no tax loss was incurred in the 2005-06 income year, or if the tax loss incurred in that year has been applied in full, leave blank.

Year of loss 2004-05 and earlier income years

Write at **G** the total amount of unapplied tax losses incurred by the entity in the 2004-05 and all earlier income years where those losses are available to be carried forward to later income years.

If no tax losses were incurred in the 2004-05 and all earlier income years, or if tax losses incurred in those years have been applied in full, leave blank.

Total

Write at **U** the total of tax losses carried forward to the 2010-11 income year. This amount is the total of the amounts at **B** to **G**.

Transfer this amount to **U** item **13Tax losses carried forward to later income years** on your relevant *Company tax return 2010, Fund income tax return 2010, Self-managed superannuation fund annual return*.

For more information on how this amount is calculated, see **Tax losses carried forward to later income years** under **13 Losses information** in the relevant instructions, Attention

Examples for part A items 1 and 2:

- The examples are intended to be a guide only and represent some of the many possible methods of calculating the amount of losses available to be applied or carried forward to later income years.
- The examples apply equally to companies, trusts and funds, with the exception that trusts and funds are not able to transfer losses to other entities, nor are they able to have losses transferred to them. Furthermore, note that the transfer of losses provisions have been amended and are now limited to transfers involving an Australian branch of a foreign bank. See section 170-30 of the ITAA 1997.
- In all examples, it is assumed that the entity passes all tests, at all times, for that entity to be eligible to apply these losses.

Example 1

A company's trading results for the 2002-03 to 2009-10 income years and movement in the balances of its tax losses are as follows:

Year	Tax loss incurred	Net exempt income	Tax loss deducted	Tax loss transferred	E
	$	$	$	$	
2002-03	10,000			4,000	
2003-04	30,000				
2004-05	20,000				

2005-06		1,000	2,000		
2006-07		500			
2007-08	6,000				
2008-09	1,000	600			
2009-10			5,000		

The company's loss calculation sheet shows progressive balances of tax losses for the 2002-03 to 2009-10 income years as follows:

Balance of losses	**2002-03 $**	**2003-04 $**	**2004-05 $**	**2005-06 $**	**2006-07 $**
2004-05 and earlier income years	6,000	36,000	56,000	53,000	52,500
2005-06					
2006-07					
2007-08					
2008-09					
2009-10					
Total	**6,000**	**36,000**	**56,000**	**53,000**	**52,500**

Complete part A item **1** as follows:

Part A item 1

Transfer the amount at **U** ($53,900) to **U** item **13Tax losses carried forward to later income years** on your *Company tax return 2010*.

2 Net capital losses carried forward to later income years

Complete **H** to **M** and **V** where appropriate; otherwise leave blank.

All entities that are required to complete a losses schedule are also required to complete the details requested at this item if the entity has net capital losses carried forward to later income years.

The net capital losses of a company shown at **H** to **M** include any unapplied current year net capital loss calculated in accordance with Subdivision 165-CB of the ITAA 1997.

The entity may be required to complete a CGT schedule. For more information, see the *Guide to capital gains tax 2010*.

Year of loss 2009-10

Write at **H** the amount of any unapplied net capital loss made by the entity in the 2009-10 income year that can be carried forward and applied to reduce capital gains in later income years.

If there is no net capital loss from the 2009-10 income year available to be carried forward to later income years, leave blank.

Year of loss 2008-09

Write at **I** the amount of any unapplied net capital loss made by the entity in the 2008-09 income year that can be carried forward and applied to reduce capital gains in later income years.

If no net capital loss was made in the 2008-09 income year, or if the net capital loss made in that year has been applied in full, leave blank.

Year of loss 2007-08

Write at **J** the amount of any unapplied net capital loss made by the entity in the 2007-08 income year that can be carried forward and applied to reduce capital gains in later income years.

If no net capital loss was made in the 2007-08 income year, or if the net capital loss made in that year has been applied in full, leave blank.

Year of loss 2006-07

Write at **K** the amount of any unapplied net capital loss made by the entity in the 2006-07 income year that can be carried forward and applied to reduce capital gains in later income years.

If no net capital loss was made in the 2006-07 income year, or if the net capital loss made in that year has been applied in full, leave blank.

Year of loss 2005-06

Write at **L** the amount of any unapplied net capital loss made by the entity in the 2005-06 income year that can be carried forward and applied to reduce capital gains in later income years.

If no net capital loss was made in the 2005-06 income year, or if the net capital loss made in that year has been applied in full, leave blank.

Year of loss 2004-05 and earlier income years

Write at **M** the amount of any unapplied net capital losses made by the entity in the 2004-05 and earlier income years that can be carried forward and applied to reduce capital gains in later income years.

If no net capital losses were made in the 2004-05 or earlier income years, or if net capital losses made in those years have been applied in full, leave blank.

Total

Write at **V** the total of unapplied net capital losses carried forward to the 2010-11 income year at **H** to **M**.

Transfer this amount to **V** item **13Net capital losses carried forward to later income years** on your relevant *Company tax return 2010, Fund income tax return 2010, Self-managed superannuation fund annual return.*

Example 2

A company's results for the 2004-05 to 2009-10 income years and movement in the balances of its net capital losses are as follows:

Year	Net capital loss incurred	Net capital loss applied	Balance of net capital losses
	$	$	$
2004-05	1,000		1,000
2005-06	9,000		10,000
2006-07		2,000	8,000
2007-08	8,000		16,000
2008-09		1,500	14,500
2009-10	1,000		15,500

The company's loss calculation sheet shows progressive balances of net capital losses for the 2004-05 to 2009-10 income years as follows:

Year	2005	2006	2007	2008	2009
2004-05	1,000	1,000			
2005-06		9,000	8,000	8,000	6,500
2006-07					
2007-08				8,000	8,000
2008-09					
2009-10					
Total	**1,000**	**10,000**	**8,000**	**16,000**	**14,500**

Complete part A item **2** as follows:

Part A item 2

Transfer the amount at **V** ($15,500) to **V** item **13Net capital losses carried forward to later income years** on your *Company tax return 2010*.

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Part B Ownership and same business test - company and listed widely held trust only

1 Whether continuity of majority ownership test passed

If the entity has deducted or applied (or, if applicable, transferred in or transferred out) in the 2009-10 income year a loss, including a foreign loss component of a tax loss, incurred in any of the listed years, print **X** in the appropriate boxes to indicate whether the entity has satisfied the continuity of majority ownership test in respect of that loss.

The aim of item **1** is to find out if:

- the continuity of majority ownership test at section 165-12 of the ITAA 1997 - if the entity is a company, or
- the 50% stake test at Subdivision 269-C of Schedule 2F to the ITAA 1936 - if the entity is a listed widely held trust

has been satisfied in respect of a loss if a loss in any of the periods listed at item **1** is applied by being claimed as a deduction - if the entity is a company or listed widely held trust.

Company only

A tax loss of an earlier income year is not deductible, and a net capital loss cannot be applied, unless a company has maintained the same owners as prescribed in section 165-12 of the ITAA 1997 (see also section 165-96 of the ITAA 1997 for applying net capital losses of earlier years).

For more information on the rules for arrangements affecting beneficial ownership, see section 165-180 of the ITAA 1997.

The following conditions apply:

- Where tax losses are sought to be deducted, or net capital losses are sought to be applied, in an income year ending after 21 September 1999, majority ownership must be maintained from the start of the loss year to the end of the income year.
- There must be persons who, at all times during the ownership test period, beneficially owned (between them) shares carrying (between them) the right to
  - exercise more than 50% of the voting power in the company
  - receive more than 50% of the company's dividends, and
  - receive more than 50% of the company's capital distributions.
  - See sections 165-150 to 165-160 of the ITAA 1997.
- It is reasonable to assume that there are persons (none of them companies) who between them have beneficial interests (directly, or indirectly through one or more interposed entities) in shares in the company carrying (between them) a majority of the voting power, and rights to dividend and capital distributions at all times during the ownership test period. See sections 165-150 to 165-160 of the ITAA 1997.
- Where tax losses are claimed in an income year ending after 21 September 1999, the company must meet the 'same share and interest' requirement, except where the 'saving' rule applies. See section 165-165 and subsection 165-12(7) of the ITAA 1997.
- A modified version of the above rules applies to widely held companies and eligible Division 166 companies - see Division 166 of the ITAA 1997.

If the company fails to meet a condition of section 165-12 of the ITAA 1997, the company must satisfy the conditions relating to carrying on the same business under section 165-13 of the ITAA 1997.

For more information on the same business test, see *Taxation Ruling TR 1999/9 - Income tax: the operation of sections 165-13 and 165-210, paragraph 165-35(b), section 165-126 and section 165-132*.

Attention

- Even if the company satisfies the ownership tests of section 165-12 of the ITAA 1997 or if not, then the same business test of section 165-13 of the ITAA 1997, it cannot deduct earlier income year tax losses unless it satisfies the control test at section 165-15 of the ITAA 1997.
- Anti-avoidance provisions are at Subdivisions 175-A and 175-B of the ITAA 1997.

Further Information

For more information, see the information on **R Tax losses deducted** under **7Reconciliation to taxable income or loss** in the Company tax return instructions 2010.

Listed widely held trust only

A tax loss for a listed widely held trust may not be deductible if abnormal trading in the units of the trust has occurred during the period from the beginning of the loss year until the end of the income year. Abnormal trading is defined in Subdivision 269-B of Schedule 2F to the ITAA 1936. If abnormal trading has occurred the trust must meet the 50% stake test in Subdivision 269-C of Schedule 2F to the ITAA 1936. If the trust cannot meet the 50% stake test it must satisfy the same business test in Subdivision 269-F of Schedule 2F to the ITAA 1936.

Attention

If deductions for bad debts are involved, then section 266-135 of Schedule 2F to the

ITAA 1936 may apply.

Completing item 1 of part B

Print **X** in the **Yes** boxes at **A** to **F** (as applicable) if, during the 2009-10 income year, the entity seeks to utilise a loss of the relevant year and the entity has passed:

- the continuity of majority ownership test - if the entity is a company, or
- the 50% stake test - if the entity is a listed widely held trust in respect of the loss of that particular year.

Print **X** in the **No** boxes at **A** to **F** (as applicable) for each year in respect of which the entity seeks to deduct a loss if the continuity of majority ownership test or the 50% stake test - as applicable - has not been satisfied in respect of that loss and the entity is required to satisfy the same business test.

If there was no loss deducted (or, if applicable, not transferred in or transferred out) in respect of a particular year, leave the boxes next to that year blank.

Attention

Examples for part B item 1

Although examples 3 and 4 are for companies, the examples, notes and comments apply equally to listed widely held trusts - which must satisfy the 50% stake test.

Example 3

A company had incurred tax losses in earlier income years. The company deducted all of these tax losses in respect of the 2009-10 income year. At the beginning of the 2009-10 income year, the company had undeducted losses from the 2004-05, 2006-07, 2007-08 and 2008-09 income years. The continuity of majority ownership test was failed during the 2006-07 income year, but all other tests for allowing the tax losses to be applied have been passed by the company.

On these facts, for the tax losses of the 2006-07 income year and earlier income years, the company has not passed the continuity of majority ownership test.

Complete part B item **1** as follows:

Year of loss						
2009-10	A	Yes		No		Print **X** in the appropriate box.
2008-09	B	Yes	**X**	No		Print **X** in the appropriate box.
2007-08	C	Yes	**X**	No		Print **X** in the appropriate box.
2006-07	D	Yes		No	**X**	Print **X** in the appropriate box.
2005-06	E	Yes		No		Print **X** in the appropriate box.
2004-05 and earlier income years	F	Yes		No	**X**	Print **X** in the appropriate box.

The above example shows that:

- there was no deduction for a tax loss incurred in the 2005-06 income year
- the company passed the continuity of majority ownership test for the tax losses of the 2007-08 and 2008-09 income years

- the company failed the continuity of majority ownership test for the tax losses of the 2004-05 and the 2006-07 income years.

Example 4

A company that incurred a tax loss in the 2004-05 income year subsequently undergoes a change in majority ownership in the 2005-06 income year. The company satisfies the same business test in respect of the 2004-05 tax loss.

The company incurs a further tax loss in the 2006-07 income year and satisfies the continuity of majority ownership test in respect of this 2006-07 tax loss.

In the 2009-10 income year the company deducts the tax losses incurred in the 2004-05 and 2006-07 income years.

Print **X** in the **Yes** box at **D 2006-07** and **X** in the **No** box at **F 2004-05 and earlier income years**.

2 Amount of losses deducted for which the continuity of majority ownership test is not passed but the same business test is satisfied - excludes film losses

Write at item **2** the total amount of losses, including a foreign loss component of a tax loss, applied during the 2009-10 income year - if the entity is either a company or a listed widely held trust - and for which the same business test must be satisfied.

> Attention **In addition to those companies with either tax losses or net capital losses that have not passed the continuity of majority ownership test, this item also applies to listed widely held trusts with tax losses that have not passed the 50% stake test.**

Same business test: company and listed widely held trust

Company

Under the same business test, the company must carry on the same business throughout the income year that it carried on immediately before the disqualifying change of ownership. The test is not satisfied if at any time during the income year the relevant entity did not carry on the same business as it did immediately before the change in the ownership of the entity or it derives assessable income from:

- a business of a kind that it did not carry on before the disqualifying event, or
- a transaction of a kind that it did not enter into in the course of its business operations before the disqualifying event.

'Same' means 'identical' and not merely 'similar'. The term 'same business' is to be read as referring to the same business, in the sense of the identical business. However, the term does not mean identical in all respects.

A company may expand or contract its activities without necessarily ceasing to carry on the same business. The organic growth of a business does not necessarily cause the business to fail the same business test provided the business retains its identity. But, if through a process of evolution, a business changes its essential character, the entity may fail the test. Application of the same business test is a question of fact and is usually determined by a process of weighing up various relevant factors.

For more information, see sections 165-13 and 165-210 of the ITAA 1997 and Taxation Ruling TR 1999/9.

Listed widely held trust

A listed widely held trust must carry on the same business as it carried on before the first abnormal trading in its units - that caused the failure of the 50% stake test - occurred.

For application of the same business test for a listed widely held trust, see Company.

For more information, see section 266-125 and Subdivision 269-F of Schedule 2F to the ITAA 1936.

The principles outlined in Taxation Ruling TR 1999/9 may be of assistance.

Tax losses

Write at **G** the amount of tax losses, including a foreign loss component of a tax loss, deducted by the entity that do not meet the continuity of majority ownership test but satisfy the same business test.

Net capital losses

Write at **H** the amount of net capital losses applied by a company that do not meet the continuity of majority ownership test but satisfy the same business test.

Example 5

A company had the following losses:

Year	Tax loss $	Net capital loss $
2003-04	1,000	
2004-05	2,000	
2005-06		500
2006-07	1,600	800
2007-08		
2008-09	10,000	2,000
2009-10		
Total	**14,600**	**3,300**

There was a change in the underlying beneficial ownership of the company in the 2007-08 income year.

The company passed the same business test and all other tests in relation to the losses incurred prior to that year and passed the continuity of majority ownership test and all other tests in relation to the 2008-09 losses.

Tax losses

All tax losses incurred in the 2003-04, 2004-05 and 2006-07 income years were deducted in the 2009-10 income year, as well as $6,000 of the 2008-09 tax loss.

Net capital losses

All of the 2005-06 net capital loss and $600 of the 2006-07 net capital loss were applied in the 2009-10 income year.

Of all of the above losses, which are being applied in the 2009-10 income year, those which are subject to the same business test being satisfied by the company are as follows:

Tax losses

Year	Amount $
2003-04	1,000
2004-05	2,000
2006-07	1,600
Total	**4,600**

Net capital losses

Year	Amount $
2005-06	500
2006-07	600
Total	**1,100**

Complete part B item **2** as follows:

Part B item 2

The 2008-09 tax loss of $6,000 was deducted by the company on the basis that the company had satisfied the continuity of majority ownership test. Therefore, this amount is not shown at **G Tax losses**.

As $200 of the 2006-07 net capital loss was not applied during the 2009-10 income year, that amount of $200 is not shown at **H Net capital losses** for the 2009-10 income year even though the same business test would need to be passed in a later income year in order for the company to be able to apply that net capital loss in a later income year.

3 Losses carried forward for which the same business test must be satisfied before they can be deducted in later years - excludes film losses

Attention **Item 3 asks for information about the tax losses and net capital losses for which the entity must satisfy the same business test in subsequent years for the entity to be able to utilise those losses.**

Company and listed widely held trust

For more information on the same business test, see the information on part B item 2.

Tax losses

Write at **I** the total amount of tax losses, including a foreign loss component of a tax loss, carried forward to later income years for which the same business test must be satisfied for the entity to deduct those tax losses in later income years.

Net capital losses

Write at **J** the total amount of net capital losses carried forward to later income years for which the same business test must be satisfied for the company to apply those net capital losses in later income years.

Example 6

As at the end of the 2009-10 income year, the company had the following losses:

Year	Tax loss $	Net capital loss $
2003-04	1,500	
2004-05	3,000	
2005-06		700
2006-07	1,900	900
2007-08		
2008-09	1,000	1,500
2009-10		
Total	**7,400**	**3,100**

A change in the underlying beneficial interests in the company took place during the 2007-08 income year. As a result, the company must satisfy the same business test for the tax losses of the following income years:

- 2003-04 ($1,500)
- 2004-05 ($3,000)
- 2006-07 ($1,900).

It must also satisfy the same business test in respect of the net capital losses for the following income years:

- 2005-06 ($700)
- 2006-07 ($900).

The 2008-09 tax loss ($1,000) and the net capital loss ($1,500) are not affected.

The company completes part B item **3** as follows:

Part B item 3

4 Do current year loss provisions apply?

Is the company required to calculate its taxable income or tax loss for the year under Subdivision 165-B or its net capital gain or net capital loss for the year under Subdivision 165-CB of the ITAA 1997?

A company is required to calculate its taxable income and tax loss under Subdivision 165-B of the ITAA 1997 where it does not satisfy the continuity of majority ownership test for the whole income year - see section 165-35 of the ITAA 1997. The current year loss provisions also apply where, during the income year, a person begins to control, or becomes able to control, the voting power in the company for the purpose or one of the purposes of gaining an advantage under the ITAA 1997 or gaining such a benefit for someone else - see section 165-40 of the ITAA 1997.

However, the current year loss rules do not apply in either case if the same business test is satisfied.

If the current year loss provisions apply, the company calculates its taxable income and tax loss by dividing the income year into periods according to when the change in ownership or control took place. Each separate period is regarded as an income year, with a notional tax loss or notional taxable income calculated for each separate period.

The company's tax loss for the income year - see section 165-70 of the ITAA 1997 - consists of the total of notional losses calculated under section 165-50 or 165-75 of the ITAA 1997.

The current year loss rules in Subdivision 165-CB of the ITAA 1997, where applicable, determine the company's net capital gain and net capital loss for the income year. If the company is required to calculate its taxable income and tax loss for the income year under Subdivision 165-B of the ITAA 1997 then Subdivision 165-CB will automatically apply - see section 165-102 of the ITAA 1997. The company works out its net capital gain and net capital loss by dividing the income year into periods according to when the change in ownership or control took place.

A notional net capital gain or notional net capital loss is calculated for each period.

A company's net capital loss for the income year - see section 165-114 of the ITAA 1997 - consists of the total of notional net capital losses calculated under section 165-108 of the ITAA 1997.

Print **X** in the **Yes** box at **K** if the company is required to calculate its taxable income or tax loss under the provisions of Subdivision 165-B or its net capital gain or net capital loss under the provisions of Subdivision 165-CB.

Print **X** in the **No** box at **K** if the company is not required to calculate its taxable income or tax loss under the provisions of Subdivision 165-B or its net capital gain or net capital loss under the provisions of Subdivision 165-CB.

Part C Unrealised losses - company only

Has a changeover time occurred in relation to the company after 1.00pm by legal time in the Australian Capital Territory on 11 November 1999?

A changeover time is the time of a change in majority ownership or in the control of a company.

To determine whether a company has failed the continuity of majority ownership test or the change of control test for the purposes of Subdivision 165-CC of the ITAA 1997, see:

- section 165-115C - change in ownership of company
- section 165-115D - change in control of company.

In determining whether there has been a change of ownership or control at a particular test time, the ownership or control profile is determined at two points in time - the reference time and the test time.

For this purpose, the reference (base) time is the later of 1.00pm (by legal time in the Australian Capital Territory) on 11 November 1999 (the commencement time) for a company in existence at that time (or the time when it came into existence if not), and the time immediately after the last preceding changeover time, if any.

The continuity of majority ownership test is subject to the 'same share and interest' rule in section 165-165 of the ITAA 1997. This requires - subject to special rules for share and unit 'splits' or 'consolidations' - that exactly the same shares must continue to be held by the same persons throughout the 'test period' - that is, from reference time to test time - to count towards satisfaction of the test. Interests in any other entity - for example, shares in another company - must be exactly the same interests and beneficially owned by the same persons.

There is a 'saving rule' in section 165-115C of the ITAA 1936 which provides that if the continuity of majority ownership test would have been satisfied but for the operation of the 'same share and interest rule', the test time is not a changeover time if the company has information from which it is reasonable to conclude that less than 50% of the company's unrealised net loss has been or will be duplicated as a result of any CGT event that happened during the test period.

Subdivision 166-CA of Division 166 of the ITAA 1997 modifies the way in which Subdivision 165-CC of the ITAA 1997 applies to a widely held company or eligible Division 166 company.

If the answer is yes, print **X** in the **Yes** box at **L**, and complete **M**.

If the answer is no, print **X** in the **No** box at **L**, and do not complete **M**, **N** or **O**.

At the changeover time did the company satisfy the maximum net asset value test under section 152-15 of the ITAA 1997?

Any company that has a net value of CGT assets of $6 million or less, as determined under section 152-15 of the ITAA 1997, at the time it failed the continuity of majority ownership test, is not subject to the operation of Subdivision 165-CC of the ITAA 1997. The maximum threshold amount of $6 million includes the net value of the CGT assets of the company and any entity connected or affiliated with the company as referred to in section 152-15 of the ITAA 1997.

If the answer is yes, print **X** in the **Yes** box at **M**, and do not complete **N** and **O**.

If the answer is no, print **X** in the **No** box at **M**, and complete **N**.

> Attention
>
> **If a company has failed the continuity of majority ownership test on two or more occasions since the commencement time, complete M in respect of the latest changeover time.**

If you printed X in the No box at M, has the company determined it had an unrealised net loss at the changeover time?

Where a company that answered yes at **L** and no at **M** has an unrealised net loss at the changeover time, the company cannot, to the extent of the unrealised net loss, have capital losses taken into account, or deduct revenue losses, in respect of CGT events that happen to CGT assets owned at the changeover time unless the company satisfies the same business test. Whether a company has an unrealised net loss at the time of the change is determined in accordance with the method statement in section 165-115E of the ITAA 1997.

If the answer is yes, print **X** in the **Yes** box at **N**, and complete **O**.

If the answer is no, print **X** in the **No** box at **N**, and do not complete **O**.

> Attention **If a company has failed the continuity of majority ownership test on two or more occasions since the commencement time, complete N in respect of the latest changeover time. Subdivision 165-CC of the ITAA 1997 requires a company to determine whether it has an unrealised net loss each time that it experiences a changeover time.**

If you printed X in the Yes box at N, what was the amount of unrealised net loss calculated under section 165-115E of ITAA 1997?

> Attention **Subdivision 165-CC of the ITAA 1997 does not specify when a company has to calculate whether it has an unrealised net loss. However, this calculation must be done before claiming any loss or deduction on an asset that was held at the changeover time. Where no calculation has been undertaken as at the date of lodging the company's income tax return, print X in the No box at N, and do not complete O.**

An unrealised net loss is, broadly, the excess of the company's unrealised losses on assets over unrealised gains on assets at the changeover time. This is determined by deeming such assets to be disposed of at market value at the changeover time. A company may choose to exclude every asset that it acquired for less than $10,000 from the calculation of the amount. A company may also choose to use the written down value of depreciable plant - not a building or structure - at the changeover time rather than its market value at that time provided:

- the expenditure incurred by the company to acquire the plant was less than $1 million, and
- it would be reasonable for the company to conclude that the market value of the plant at the changeover time was not less than 80% of its written down value at that time.

Whether a company has an unrealised net loss at a changeover time is calculated using the steps in the method statement below.

Method statement

Step 1

Calculate, in respect of each CGT asset that the company owned at the changeover time, any:

- notional capital gain or notional revenue gain
- notional capital loss or notional revenue loss in respect of the asset at that time.

Attention

The notional calculation is made on the assumption that the company disposed of the asset at its market value at the changeover time. For an asset that is an item of trading stock, if the item's market value at the changeover time exceeded:

- the latest valuation under Division 70 of the ITAA 1997, or
- the cost of the item at the changeover time - if there is no valuation under Division 70,
- the company has a notional revenue gain equal to the excess.

If the item's market value at the changeover time was less than the latest valuation under Division 70 or the cost of the item at the changeover time - if there is no valuation under Division 70 - the company has a notional revenue loss equal to the difference.

Step 2

Add up the sum of the company's notional capital gains and the sum of the company's notional revenue gains. The total is the unrealised gross gain at the changeover time.

Step 3

Add up the sum of the company's notional capital losses and the sum of the company's notional revenue losses. The total is the unrealised gross loss at the changeover time.

Step 4

If the unrealised gross loss at the changeover time exceeds the unrealised gross gain at that time, the excess is the company's preliminary unrealised net loss.

Step 5

Add up the company's preliminary unrealised net loss and any capital loss or deduction disregarded under Subdivision 170-D of the ITAA 1997. The total is the company's unrealised net loss.

Write at **O** the amount of unrealised net loss the company has at the changeover time.

Write zero (**0**) at **O** if the company has an unrealised net gain at the changeover time.

> Attention **The Commissioner of Taxation may give advice about methods to be used, and other things to be done, in valuing assets for the purposes of Subdivision 165-CC of the ITAA 1997.**

Part D Life insurance companies

Only those companies that carry on the business of life insurance and that have complying superannuation/FHSA class tax losses or complying superannuation/FHSA net capital losses carried forward to later income years need to complete part D of the losses schedule.

Complying superannuation/FHSA class tax losses carried forward to later income years

Generally, a life insurance company will have a tax loss of the complying superannuation/FHSA class for an income year if the company's complying superannuation/FHSA deductions for that income year exceed the sum of:

- the complying superannuation/FHSA assessable income for that income year, and
- net exempt income for the income year that is attributable to the complying superannuation/FHSA assets.

Write at **P** the amount of complying superannuation/FHSA class tax losses carried forward to later income years.

Complying superannuation/FHSA net capital losses carried forward to later income years

The complying superannuation/FHSA class of a life insurance company has a net capital loss for the income year if the total of all capital gains made from complying superannuation/FHSA assets during the income year is less than the total of all the capital losses made from complying superannuation/FHSA assets during the income year.

Write at **Q** the amount of complying superannuation/FHSA net capital losses carried forward to later income years.

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Part E Foreign source losses

Foreign losses are no longer quarantined from domestic assessable income (or from assessable foreign income of a different class). Resident taxpayers also are no longer required to make an election to deduct domestic tax losses against assessable foreign income. Therefore, in utilising deductions, no distinction is made in respect of the source of the assessable income, whether foreign or domestic. A taxpayer will now combine both foreign and domestic deductions. Where the deductions exceed assessable income and net exempt income from all sources, the excess will be a tax loss and can potentially be deducted from assessable income in a future income year.

These changes apply from a taxpayer's first income year starting on or after 1 July 2008 (the **commencement year**). For entities with early substituted accounting periods 2009-10 will be the first income year that the changes apply.

Prior year overall foreign losses that exist at the beginning of the commencement year will be subject to transitional rules. Generally, overall foreign losses in respect of the four former classes of assessable foreign income for each earlier income year will be grouped together and converted into a tax loss. The converted loss will be known as the foreign loss component of a tax loss. Utilisation of the foreign loss component of a tax loss will be restricted for the first four years (the commencement year and the three subsequent income years). After this transitional period, any remaining undeducted tax loss will be subject to the ordinary loss utilisation rules.

See Subdivision 770-A - Transitional foreign losses (common rules) of the *Income Tax (Transitional Provisions) Act* 1997 [IT(TP)A].

1 Calculate the starting total for your convertible foreign losses

Note

For the 2009-10 income year complete this item only if this is your first income year starting after 1 July 2008. That is if you have an early substituted accounting period. Do not complete this item if you completed it in the 2008-09 income year.

What is a convertible foreign loss?

Taxpayers are required to convert any overall foreign loss of a particular class of assessable foreign income that has not yet been utilised (under former section 160AFD of the ITAA 1936) into a tax loss.

A taxpayer is not required to satisfy the general loss recoupment tests when converting an overall foreign loss of a particular class into a tax loss. Rather, a taxpayer will need to satisfy these tests when they seek to deduct the loss from assessable income in the commencement year or a subsequent year of income.

A taxpayer will have a convertible foreign loss for an earlier income year if:

- they have an unrecouped overall foreign loss in respect of a class of assessable income (within the meaning of former section 160AFD of the ITAA 1936) for that earlier income year
- the overall foreign loss was made in one of the most recent 10 income years ending before the commencement year, and
- an overall foreign loss remains after being reduced by certain amounts.

See section 770-5 of the IT(TP)A.

Write at **A**,**B**,**C** and **D** the total amount of unrecouped overall foreign losses for each of the four classes of assessable foreign income made in any of the most recent 10 income years ending before the commencement year. Exclude losses of controlled foreign companies.

Calculating a convertible foreign loss

Each overall foreign loss, made in any of the most recent 10 income years, in respect of a class of assessable foreign income is reduced as follows:

Step 1

If the entity is a company and the relevant class of assessable foreign income is the 'all other assessable income' class reduce the unrecouped overall foreign loss for that class to the extent (if any) that the loss is attributable to losses or outgoings incurred in gaining or producing income of a kind that would be the company's non-assessable non-exempt income if it were gained or produced in the commencement year.

Write at **E** the loss amount attributable to non-assessable non-exempt income.

Take **E** away from **D** and write the result at **F**.

Write the total of **A**, **B**, **C** and **F** at **G**.

Step 2

Step 2 requires a taxpayer with an overall foreign loss that was incurred more than seven income years, but not more than 10 income years, ending before the commencement year (when measured from the first income year starting on or after 1 July 2008), to halve the loss that remains after step 1.

Include at **H** 50% of the losses at **G** that were incurred for the 1999-2000 to 2001-02 income years.

The amount remaining when the losses at **H** are subtracted from the losses at **G** is the amount of the convertible foreign losses for all of the relevant earlier income years. This is also known as the starting total.

Where an entity's starting total is $10,000 or less, no special deductibility rules are applicable. Further, where an entity has a starting total of more than $10,000, the entity may choose to reduce one or more of their convertible foreign losses so that the starting total equals $10,000. In that case too, no special deductibility rules would apply, but the excess of the starting total over $10,000 would never be deductible.

See section 770-15 of the IT(TP)A.

Where the starting total is $10,000 or less, the entity can deduct all convertible foreign losses at the end of the commencement year (provided it has sufficient assessable income and the general loss recoupment tests are satisfied).

If the entity chooses to reduce one or more of their convertible foreign losses such that their starting total equals $10,000, write at **I** the amount by which the convertible foreign losses are reduced.

The amount at **J** equals the total at **G** less any amounts at **H** and **I**.

Example 7

At the start of the 2009-10 income year (the commencement year) a company, which has an early balancing 31 December substituted accounting period, has the following amounts of foreign source losses relating to each of the four classes of assessable foreign income that are available to be carried forward to this income year.

Foreign loss related to class of assessable foreign income				
Income year loss	Interest $	Modified passive	Offshore banking	All other

was incurred		$	$	$
1995	3,400			
2000		1,200		
2003		3,100		
2007	5,400			8,500

Overall foreign losses for the preceding 10 income years

The company must convert these overall foreign losses into tax losses. However, only overall foreign losses made in any of the most recent 10 income years ending before the commencement year are able to be converted.

The company must disregard the overall foreign loss of $3,400 incurred in 1995 in respect of the interest income class as it was made in an income year ending more than 10 income years before the commencement year.

Overall foreign loss older than seven years, but not more than 10 years

As the overall foreign loss of $1,200 incurred by the company in 2000 was incurred in an income year other than the most recent seven income years ending before the commencement year, half of that loss amount ($600) is included at **H**.

The company chooses to reduce one or more of the losses so that the starting total equals $10,000.

The company chooses to reduce one or more of its convertible foreign losses so that the starting total equals $10,000.

It includes $7,600 at **I** and $10,000 at **J**.

The company completes part E, item **1** on the schedule as follows:

Part E item 1

2 Foreign loss component of a tax loss

How to deduct a converted foreign loss

The sum of the convertible foreign losses (converted into a tax loss) for each earlier income year is the starting total for all of those losses taken together (the loss parcel).

An entity that does not apply the $10,000 limit will be subject to special rules on deductibility. The special rules only apply to the component of a tax loss that comprises the convertible foreign loss (the foreign loss component).

The entity divides the starting total for the loss parcel into five equal portions (see section 770-30 of the IT(TP)A). In the commencement year, the entity can use a maximum of one portion of the starting total (subject to the general loss recoupment tests). In each of the next three income years ending after the commencement year the entity can use (subject to general loss rules) a maximum of one portion plus any remaining portion that it was unable to deduct in a prior income year, for example, because it had insufficient assessable income. In the fourth income year ending after the commencement year (and subsequent income years), the entity can deduct any remaining foreign loss component without restriction (subject to the general loss recoupment tests).

Foreign loss component of tax losses deducted

Write at **K** the foreign loss component of tax losses deducted in this income year.

Include the amount at **K**, together with other tax losses deducted (if any), at **RTax losses deducted** item **7** on your *Company tax return 2010*, or **MTax losses deducted** item **11** on either your *Fund income tax return 2010*, or *Self-managed superannuation fund annual return*.

Foreign loss component of tax losses carried forward

Write at **L** the foreign loss component of tax losses carried forward to later income years.

Include the amount at **L**, together with other tax losses carried forward (if any), at **UTax losses carried forward to later income years** item **13** on your *Company tax return 2010, Fund income tax return 2010, Self-managed superannuation fund annual return*.

3 Controlled foreign company losses

Controlled foreign companies no longer quarantine revenue losses into separate classes of notional assessable income. However, CFC losses continue to be quarantined in the CFC that incurred them.

The amounts at **M**, **N** and **O** are the totals of the entity's share of losses incurred by CFCs. The entity's share of a loss of a CFC is calculated by applying its attribution percentage in the CFC to the loss of the CFC.

Convertible CFC losses

Under the transitional rules, a CFC is required to convert losses from the four classes of notional assessable income for each earlier statutory accounting period that have not yet been taken into account in one loss bundle.

An eligible CFC will have a convertible CFC loss for an earlier statutory accounting period if:

- it has an unrecouped loss under section 426 of the ITAA 1936 for the earlier period in relation to notional assessable income of a particular class
- the loss was made in one of the 10 most recent statutory accounting periods ending before the commencement period (which is the first statutory accounting period starting on or after 1 July 2008), and
- a loss remains after being reduced by certain amounts.

See sections 770-165 and 770-170 of the IT(TP)A.

Write at **M** the total of the entity's share of convertible CFC losses for the earlier statutory accounting periods.

CFC losses deducted

Write at **N** the total of the entity's share of CFC losses (including convertible CFC losses), if any, that have been claimed as notional allowable deductions in calculating the CFC's attributable income for the statutory accounting period that ends within the 2009-10 income year.

CFC losses carried forward

Write at **O** the total amount of the entity's share of un-deducted CFC losses, if any, that are available to be carried forward to statutory accounting periods that end in later income years.

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Part F Tax losses reconciliation statement

This part requires you to reconcile the entity's tax losses brought forward from the prior income year with those carried forward to later income years.

Attention **Do not include net capital losses or film losses at this item.**

Balance of tax losses brought forward from prior year

Write at **A** the undeducted and not transferred amount of tax losses incurred by the entity and brought forward to the 2009-10 income year under section 36-17 of the ITAA 1997.

Amount of convertible foreign losses

Write at **B** any overall foreign losses (excluding capital losses) converted to tax losses in the current year. For more information, refer to Part E Foreign source losses.

Net forgiven amount of debt

Tax losses brought forward are reduced by any commercial debt forgiveness amounts (Division 245 of Schedule 2C to the ITAA 1936). If a commercial debt owed by the entity is forgiven during the income year, apply the net amount of debts forgiven to reduce the entity's deductible revenue losses, net capital losses, certain undeducted revenue or capital expenditure and the cost base of CGT assets, in that order.

Write at **C** the total net forgiven amount applied to reduce tax losses (if any) incurred in years of income before the forgiveness year of income.

Tax loss incurred (if any) during current income year

Write at **D** the entity's tax loss for the year disregarding net exempt income and excess franking offsets.

> Attention **There is a limit on the total of the amount you can deduct for the income year for gifts and contributions (section 26-55 of the ITAA 1997). A tax loss cannot be produced or increased by the deduction allowable under Division 30 of the ITAA 1997 which is about deductions for gifts or contributions.**

Tax loss amount from conversion of excess franking offsets

If the entity has excess franking offsets, it must convert the excess franking offsets into an amount of tax loss to carry forward to later income years. You convert the amount of excess franking offsets into a tax loss by dividing the excess franking offsets amount by the corporate tax rate which gives you the tax loss amount. You record the amount of this tax loss at **E**.

Net exempt income

Write at **F** the amount of net exempt income to be taken into account in calculating the entity's tax loss or carried forward tax loss.

You are required to first deduct a prior year tax loss from any net exempt income in the later income year.

If the entity has net exempt income and assessable income that exceeds the allowable deductions (other than the tax loss), the tax loss has to be first applied against net exempt income. The entity can then deduct so much of the remaining amount of the tax loss (if any) as it chooses, subject to certain limitations (see subsections 36-17(3) and (5) of the ITAA 1997).

However, if the entity has net exempt income and the allowable deductions (other than the tax loss) exceed the entity's total assessable income, the excess deductions over total assessable income must be applied against net exempt income first. The prior year tax loss must then be applied against any remaining net exempt income (see subsection 36-17(4) of the ITAA 1997).

Tax losses forgone

Write at **G** the amount of tax losses that have been forgone by the entity, that is, tax losses that will not be deducted in any later income year.

> Attention **An entity cannot deduct a tax loss unless:**
>
> a. it has the same owners and the same control throughout the period from the start of the loss year to the end of the income year, or
>
> b. it satisfies the same business test by carrying on the same business, entering into no new kinds of transactions and conducting no new kinds of business. See Subdivision 165-A of the ITAA 1997.

Tax losses deducted

Write at **H** tax losses (including convertible foreign losses) deducted during the income year under section 36-17 of the ITAA 1997.

Tax losses transferred out under Subdivision 170-A

Write at **I** the amount of tax losses transferred out by the company to group companies under Subdivision 170-A of the ITAA 1997.

Total tax losses carried forward to later income years

Write at **J** the total of tax losses carried forward to later income years.

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Abbreviations

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ABN	Australian business number
CGT	capital gains tax
CFC	controlled foreign company
film loss	film component of tax loss
FHSA	first home saver account
ITAA	Income Tax Assessment Act
IT(TP)A 1997	Income Tax (Transitional Provisions) Act 1997
PDF	pooled development fund
TFN	tax file number

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More information

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Publications

Publications referred to in these instructions:

- **Capital gains tax (CGT) schedule 2010** (NAT 3423)
- **Company tax return 2010** (NAT 0656)
- **Company tax return instructions 2010** (NAT 0669)
- *Foreign income return form guide 2010* (NAT 1840)
- **Fund income tax return instructions 2010** (NAT 71605)
- *Guide to capital gains tax 2010* (NAT 4151)
- *Income Tax Assessment Act 1936* (ITAA 1936)
- *Income Tax Assessment Act 1997* (ITAA 1997)
- **Losses schedule 2010** (NAT 3425)
- **Trust tax return instructions 2010**
- *Taxation Ruling TR 1999/9 - Income tax: the operation of sections 165-13 and 165-210, paragraph 165-35(b), section 165-126 and section 165-32*

Infolines

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