

## Section 2

### Summary sheet—Transferor trust and related measures

The following summary sheet will help you to determine:

- whether a transfer or deemed transfer of property or services you have made to a non-resident trust estate is subject to the transferor trust measures and
- whether you may be liable to pay additional tax in the form of an interest charge on distributions from a non-resident trust estate.

**1 Have you, at any time, transferred any property or services to a non-resident trust estate?**

**YES**  *Go to both questions 2 and 3.*

**NO**  *Go to question 13.*

Individuals, partnerships, trust estates, companies and superannuation funds also need to answer this question at the appropriate items on their tax returns.

**2 Have you, at any time, transferred any property or services to a non-resident trust estate that is a discretionary trust estate?**

**YES**  *Go to question 4.*

**NO**  *Go to question 3.*

**3 Have you, after 7.30 p.m. on 12 April 1989, transferred any property or services to a non-resident trust estate that is a non-discretionary trust estate for less than an arm's length amount?**

**YES**  *Go to question 4.*

**NO**  *Go to question 13.*

**4 Have you made one or more transfers to a non-resident trust estate which is a public unit trust?**

**YES**  *Read below.*

**NO**  *Go to question 5.*

If none of the transfers to that public unit trust are subject to the transferor trust measures—refer to chapter 2—you are not an attributable taxpayer in relation to the public unit trust. Go to question 5.

If one or more of the transfers to the public unit trust is subject to the measures, you are an attributable taxpayer in relation to the public unit trust. Go to both questions 5 and 10.

**5 Have you made one or more transfers to a non-resident trust estate under directions contained in a deceased person's will or codicil, or a court order which varies the will or codicil?**

**YES**  *Read below.*

**NO**  *Go to question 6.*

If none of the exceptions applies to any one of the transfers—refer to chapter 2—you are not an attributable taxpayer in relation to the trust estate. Go to question 6.

If one of the exceptions applies to any one of the transfers, you are an attributable taxpayer in relation to the trust estate. Go to both questions 6 and 10.

**6 Have you made one or more transfers to a non-resident trust estate that is a non-resident family trust?**YES  *Read below.*NO  *Go to question 7.*

If, at all times during your income year, the trust estate:

- has been a non-resident family trust, you are not an attributable taxpayer in relation to the trust estate. Go to question 7.
- has not been a non-resident family trust, you are an attributable taxpayer in relation to the trust estate. Go to both questions 7 and 10.

**7 Before migrating to Australia for the first time—provided you migrated after 12 April 1989—did you make a transfer to a non-resident trust estate before migrating?**YES  *Read on.*NO  *Go to question 8.*

If you were not in a position to control the trust estate between:

- the commencement of the first income year after you became a resident and
- the end of your current income year, you are not an attributable taxpayer in relation to the trust estate. Go to question 8.

If you were in a position to control the trust estate between the two dates mentioned above, you are an attributable taxpayer in relation to the trust estate. Go to both questions 8 and 10.

**8 Did you make one or more transfers to any other non-resident trust estate that is a discretionary trust estate?**YES  *Read below.*NO  *Go to question 9.*

If none of the transfers to that discretionary trust estate are subject to the transferor trust measures, you are not an attributable taxpayer in relation to that trust estate. Go to question 9.

If one or more of the transfers to that trust estate is subject to the measures, you are an attributable taxpayer in relation to that trust estate. Go to both questions 9 and 10.

**9 Did you make one or more transfers to any other non-resident trust estate that is a non-discretionary trust estate?**YES  *Read below.*NO  *Go to question 10 if you are an attributable taxpayer in relation to another non-resident trust estate. If not, go to question 13.*

If none of the transfers to the non-discretionary trust estate are subject to the transferor trust measures, you are not an attributable taxpayer in relation to that non-discretionary trust estate.

Go to question 10 if you are an attributable taxpayer in relation to another non-resident trust estate. If not, go to question 13.

If one or more of the transfers to that trust estate is subject to the measures, you are an attributable taxpayer in relation to that non-discretionary trust estate. Go to question 10.

**10 Do you have—or are you able to obtain—the necessary information to work out the net income of the non-resident trust estate?**

**YES**  *Work out the amount of attributable income of the trust estate based on the net income calculation, then go to question 11.*

**NO**  *Read below.*

Work out the amount of attributable income using the deemed rate of return approach. Include this amount in summary sheet 1 in section 1 of this appendix. Then go to question 13.

**11 Is the non-resident trust estate a broad-exemption listed country trust estate?**

**YES**  *Read below.*

**NO**  *Go to question 12.*

Work out the total attributable income of all trust estates for which you are an attributable taxpayer.

If that amount is equal to or less than:

- \$20 000 or
- 10 per cent of the total of the net incomes of each broad-exemption listed country trust estates in which you have an interest.

include in your assessable income only the attributable income of non-broad-exemption listed country trust estates. Then go to question 12.

**12 Have you worked out an amount of attributable income of a non-resident trust estate other than that excluded by question 11?**

**YES**  *Read below.*

**NO**  *Go to question 13.*

Include the amounts in summary sheet 1 in section 1 of this appendix. Then go to question 13.

**13 Have you received a distribution from a non-resident trust estate during your income year?**

**YES**  *Read below.*

**NO**  *You do not need to read on.*

Work out the amount of the distribution to include in your assessable income. Then go to question 14.

Individuals, partnerships, trust estates, companies and superannuation funds also need to answer this question at the appropriate items on their tax returns.

**14 Have you included an amount in your assessable income for a trust distribution from a non-resident trust estate during your income year?**

**YES**  *Read below.*

**NO**  *You do not need to read on.*

Work out the amount, if any, of the interest charge for the distribution to include in your tax return—refer to part 2 of chapter 2.