



Australian Government

Australian Taxation Office

# Capital gains tax on sale of properties



**Capital gains tax (CGT) is the tax you pay on profits from disposing assets, such as a rental property, vacant land or a holiday home. When you dispose of a property, such as by selling it, you may make a capital gain or loss.**

**You report capital gains and capital losses in your tax return and pay tax on your capital gains. Although it is referred to as 'capital gains tax', it is part of your income tax. It's not a separate tax.**

**i** As this is a complex topic, it may not meet your individual circumstances. If you're uncertain, get professional advice relevant to your circumstances.

## If you bought property before 20 September 1985

You're exempt from capital gains tax (CGT) if you bought property before 20 September 1985. CGT came into effect from 20 September 1985.

However, an addition or improvement, such as renovating a house, is a [major capital improvement](#) and treated as a separate CGT asset if its original cost is both:

- **more than 5%** of the amount you receive when you dispose of the asset
- **more than** the improvement threshold for the income year you dispose of the asset.

[Calculate the capital gain or loss](#) by comparing the cost base of the improvements to the proceeds of sale that are reasonably attributable to the improvements.

## If you bought the property on or after 20 September 1985

When you dispose of your property – for example, sell it, you may make a capital gain or capital loss.

- If you sell the property for more than it cost you – you make a capital gain.
- If you sell the property for less than it cost you – you make a capital loss.

## Working out your cost base

To calculate your capital gain, you need to work out the cost base. The cost base is usually the cost of the property when you bought it, plus any costs associated with acquiring, holding and selling it. The cost base is made up of [5 elements](#).

### Element 1 – Money paid or property given for CGT asset

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

### Element 2 – Incidental costs of acquiring, selling or disposing of the asset

For example, stamp duty, legal fees, valuation fees.

These costs are not included if you:

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

### Working out your cost base (continued)

#### Element 3 – Costs of owning the CGT asset

For example, insurance costs, rates and land taxes.

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

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

#### Element 4 – Capital costs to increase or preserve the value of your asset or to install or move it

For example, costs for initial repairs that are not otherwise deductible.

#### Element 5 – Capital costs of preserving or defending your title or rights to your CGT asset

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

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

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

### Capital works deductions

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

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

### Depreciating assets

A depreciating asset is considered a separate asset from the property for CGT purposes. They include things like flooring, air conditioners and white goods.

When calculating your capital gain or loss, the value of a property's depreciating assets at the time of purchase and at sale are removed from the cost base and capital proceeds.

### Working out your reduced cost base

If your calculations show that you have made a capital loss, some of the costs you included when working out your cost base need to be removed. Your cost base becomes a 'reduced cost base'.

How to calculate a reduced cost base:

- Include all elements of the cost base except the third element, which changes to be the balancing adjustment amount – for example, the sale of depreciating assets in the rental property would be part of the balancing adjustment.
- Don't apply indexation to any elements of the reduced cost base.

### Working out your capital gain

There are 3 methods for working out your capital gain. If eligible for more than one of the calculation methods, you can choose the method that gives you the best result – that is, the smallest capital gain.

These are:

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

To help work out your calculation, use the [CGT record keeping tool](#).

### Timing of a CGT event

The date of the CGT event for disposing of your property is the date you enter a **contract for the sale** of disposal, **not** the settlement date.

If there's no contract, the CGT event takes place when the change of ownership occurs.

The timing of a CGT event tells you the income year to report your capital gain or loss and may affect how you calculate your tax liability.

### Inherited property

If you inherit property, there are special rules for calculating your [Cost base of inherited assets](#).

### Apportioning gain or loss

If you are a co-owner of a property, any capital gain or loss must be apportioned to your share of the ownership interest in the property.

### Main residence

#### If your rental property was your main residence

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

- for up to 6 years if it's used to produce income (the 6 year rule)
- indefinitely, if it's not used to produce income.

You can't treat any other property as your main residence for the same period (except for a limited time if you're moving to a new house – up to 6 months).

You make the choice to treat a property as your main residence when you prepare your tax return for the income year you enter a contract to sell the property. Do this by reporting the main residence exemption in the CGT section of your tax return.

If you use your former home to produce income for more than 6 years in one absence, it's subject to CGT for the period after the 6 year limit and you need to report a capital gain, or loss as well as the main residence exemption

If you sold property as vacant land, including when you demolish your main residence, or intended to build on that land before selling – you're **not** entitled to a main residence exemption. Report the capital gain or loss when you sell the property.

#### Using your main residence to produce income

If you rent out part of your home or run a business from home, you don't get the full main residence exemption from CGT. You're **not** entitled to the full main residence exemption when:

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

#### Value of home when first used to produce income rule

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

- you acquired the property on or after 20 September 1985
- you first used the property to produce income after 20 August 1996
- when a CGT event happens to the property, you would get a partial exemption as you used the property to produce assessable income during the period you owned it (and the 6 year rule doesn't apply).
- you would have been entitled to a full exemption if the CGT event happened to the property immediately before you first used it to produce income.

Use our [Capital gains tax property exemption tool](#) to calculate the percentage of your exemption.

To determine the property's market value at the time of change of use, you should get a professional [market valuation](#).

If you used your property to earn income and you're eligible for a CGT exemption or rollover, including the main residence exemption, make the election in your tax return at the CGT section.

For more information, see [CGT and the main residence exemption](#).

### Record keeping

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

Records are generally required to be held for at least 5 years after the sale of the property (or year you declare a capital gain). If you make a capital loss, once you've offset the loss against a capital gain, keep your records for a further 2 years.

For more information on record keeping, refer to [Tax-smart tips for your investment property](#).

### Foreign resident

There are [special CGT rules if you're a foreign resident](#) for tax purposes. These rules come into effect when you sell residential property in Australia.

#### Example: main residence for part of the ownership period

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

She sold the old house (rental property) for \$950,000. Its contract for sale was signed on 1 July 2021. Vrinda is taken to have acquired the old house on 1 July 2015 and uses its market value of \$500,000 (value at the time of first use for producing income) as the first element of her cost base.

Virinda also has incidental costs for \$15,000 for selling the property and makes a capital gain of \$435,000. Since she owned her old house for at least 12 months, she uses the discount method to calculate her net capital gain of \$217,500.

The 3rd and 4th elements costs aren't included in this example.

#### Example: renting out part of a home

Thomas purchased a house 1 July 1999 and sold it on 30 June 2022. The house was his main residence for the entire time. Throughout the period Thomas owned the home, a tenant rented one bedroom (20% of the home). Both Thomas and the tenant used the living room, bathroom, laundry and kitchen (30% of the home). Thomas used the rest of the home.

Thomas is entitled to a 35% (20% + half of 30%) deduction for interest on money borrowed to acquire his home.

Thomas made a capital gain of \$120,000 when he sold the home. Of this total gain, he calculates the portion of the gain that he needs include in his tax return:

Capital gain x percentage of floor area = taxable portion

$$\mathbf{\$120,000 \times 35 \% = \$42,000}$$

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

**Example: sale of a rental property**

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

For the next few years, Brett incurred the following expenses on the property and claimed them in the years they occurred:

Interest on money borrowed	\$10,000
Rates and land tax	\$8,000
Deductible (non-capital) repairs	\$15,000
<b>Total</b>	<b>\$33,000</b>

Brett can't include the expenses of \$33,000 in the cost base, as he already claimed deductions for them.

When Brett decided to sell the property, a real estate agent advised him to spend \$30,000 on renovations so the property would be valued at \$600,000. The renovations were completed on 1 October 2019, costing \$30,000, while the property was still rented.

On 1 February 2022 he sold the property for \$600,000 (\$4,000 was attributed to depreciating assets).

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

**Brett works out his cost base as follows:**

Purchase price of property (less depreciating asset \$12,000)	<b>\$338,000</b>
<i>plus</i>	
Pest and building inspections, stamp duty and solicitor's fees on purchase of the property	<b>\$20,000</b>
Capital expenditure (renovations) \$30,000 less capital works deduction \$254	<b>\$29,746</b>
Real estate agent's fees and solicitor's fees on sale of the property	<b>\$12,000</b>
<b>Cost base unindexed</b>	<b>\$400,246</b>

**Brett deducts his cost base from his capital proceeds (sale price) as below in the table:**

Proceeds from selling the house (less depreciating assets \$4,000)	<b>\$596,000</b>
<i>less</i>	
Cost base unindexed	<b>\$400,246</b>
<b>Capital gain</b>	<b>\$195,754</b>

He decides the discount method gives him the best result, so he uses it to calculate his net capital gain:

$$\$195,754 \times 50\% = \$97,877$$



**This is a general summary only.**

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