

## Practice Workpapers Series

### Section K: CHECKLISTS – INCOME TAX

#### K6: Capital Gains Tax Checklist

<b>How to use this document:</b>
<p>This checklist is designed to assist in the determination and assessment of tax related issues and information required.</p> <p>The Capital Gains Checklist is to be completed if an asset was disposed of by the Australian resident taxpayer during the year.</p>

#### Disclaimer

---

This document is intended as a guide only and does not purport to be comprehensive or to render accounting or other professional advice. You should seek independent advice from a qualified person before using or relying on any matter contained in this document. To the fullest extent permitted by law, Bourke O'Brien Kennedy and any other persons who assisted in the preparation of this document expressly disclaim all liability for errors or omissions of any kind whatsoever (whether negligent or otherwise) or for any loss, damage or other consequence which may arise from any person relying upon this document..

# CAPTIAL GAINS TAX CHECKLIST

Name of Client:  
Tax File Number:  
Australian Business Number (ABN):

Note: For all assets disposed of, please provide original cost details, including incidental and subsequent costs including improvements, and details of proceeds on disposal, including incidental costs of disposal. Also indicate whether the asset was acquired before or after 19 September 1985?

General	Y	N	N/A
<ul style="list-style-type: none"> <li>Are you an Australian Resident for tax purposes?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Did you cease to be an Australian Resident for tax purposes at any time during the year?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>Was any asset disposed of any where in the world?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>Was the asset disposed of real property, mining rights or any indirect interest in an entity that has Australian real property?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>Was all or part of the assets sold motor vehicles? (motor vehicles are exempt from CGT)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>Is the disposed asset a main residence (including up to 2 hectares of land) or has it ever been a main residence of the taxpayer?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>If the assets was a main residence has it been rented out for less than 6 years?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>For the property being disposed of, has the taxpayer elected for this asset to be their main residence over all other main residences (including those of their associates)?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Was the asset disposed of a collectable? (a collectible is artwork, jewellery, an antique, a coin or medallion, a rare folio, manuscript or book or a postage stamp or first day cover that is used or kept mainly for personal use or enjoyment)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			

## CAPTIAL GAINS TAX CHECKLIST

General (Cont.)	Y	N	N/A
<ul style="list-style-type: none"> <li>Was the asset disposed of a personal use asset? (personal use means personal enjoyment other than land and buildings)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>Were any disposals made for no consideration or were not at arm's length?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so please provide further details.			
<ul style="list-style-type: none"> <li>Did you incur any costs in relation to any capital improvement to a disposed CGT asset that was originally acquired before 20 September 1985?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details,			
<ul style="list-style-type: none"> <li>Does the sale proceeds on any sale exclude any GST payable?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Does the cost base exclude input tax credits?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>If you sold shares, were these shares part of a:               <ul style="list-style-type: none"> <li>Share buyback</li> <li>Demutualisation</li> <li>Dividend reinvestment plan</li> <li>Bonus share plan</li> <li>Employee share plan</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Have you as taxpayer given effect to or been a party to any of the following:               <ul style="list-style-type: none"> <li>Claim building allowances and other deductions claimed on property purchased after 13 May 1997?</li> <li>Transfer of revenue losses between 22 February 1999 and 1 July 2001?</li> <li>Value shifting through debt forgiveness arrangements entered into between commonly owned companies on or after 22 February 1999?</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>Have you got any carried forward capital losses that can offset against any current year capital gains (Note this must occur before the discount or small business CGT concessions)?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			

## CAPTIAL GAINS TAX CHECKLIST

General (Cont.)	Y	N	N/A
<ul style="list-style-type: none"> <li>• Has any CGT Event been as a result of the following?:               <ul style="list-style-type: none"> <li>• Marriage breakdown</li> <li>• Loss, destruction or compulsory acquisition of an asset</li> <li>• Replacement-Asset Roll-Overs including:                   <ul style="list-style-type: none"> <li>• Statutory Licences</li> <li>• Strata Title Conversion</li> <li>• Exchange shares or units</li> <li>• Exchange of rights or options</li> <li>• Exchange of shares in one company for shares in another company</li> <li>• Exchange of units in a unit trust for shares in a company</li> <li>• Conversion of a body to an incorporated company</li> <li>• Trust to Company</li> </ul> </li> <li>• Disposal of assets to a wholly-owned company</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			
<ul style="list-style-type: none"> <li>• Did a capital gain arise out of any of the following?:               <ul style="list-style-type: none"> <li>• D1 Creating contractual or other rights</li> <li>• D2 Granting an option</li> <li>• D3 Granting a right to income from mining</li> <li>• E9 Creating a trust over future property</li> <li>• F1 Granting a lease</li> <li>• F2 Granting a long term lease</li> <li>• F5 Lessor receiving a payment for changing a lease</li> <li>• H2 Receipt for an event relating to a CGT asset</li> <li>• K1 Partial realization of intellectual property right event?</li> </ul> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, please provide further details.			