

top tax tactics for real estate businesses

FY2025

Muscle up + raise the bar in your
real estate business



ebook

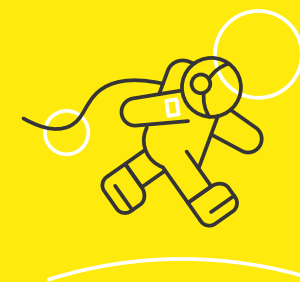
a bit about **this ebook**

“ They say the best thing about paying tax is that it means you are making money. Nevertheless, no one likes to pay a dollar more tax than they have to.

Over the years, we've been asked about claiming some pretty dubious costs as tax deductions for real estate agents and real estate businesses. Many things are deductible when discussed over the BBQ but in reality, a lot are only myths.

At businessDEPOT we love working with the real estate industry and seeing businesses and individuals get great results. Whether you're an established real estate professional or just starting out in the industry, understanding the nuances of tax planning can make a significant difference to your bottom line.

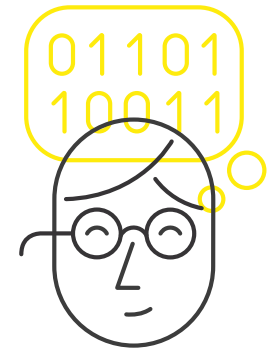
So to help ensure you get the best results, we've summarised the top [and legit] tactics for real estate businesses and the people behind them.



**having your accounts
in order is an
awesome launchpad
for your business**

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simpler depreciation **for small business**

The Temporary Full Expensing measures that enabled very generous deductions for eligible depreciating assets is now over and we have reverted to pre-Covid rules.

This means that small businesses with an aggregated turnover less than \$10million will now only be eligible for an immediate write-off for assets costing less than **\$20,000.**

At this stage, the immediate write-off threshold will reduce from \$20,000 to \$1,000 from 1 July 2025.

This is a per asset limit, so you can claim the \$20,000 for multiple assets once they are installed and ready to use.



scrap underperforming business assets

Review your depreciation schedule and scrap any old assets. Any loss on the scrapping of these assets can be used to reduce other trading income. However, if you have already fully depreciated or written off these assets then there will be no benefit in doing this.

If you have moved offices, you can write-off any remaining fit-out costs and get a big tax deduction in that year.

consider other ways to remunerate shareholders + directors

66 You must understand your tax timeline to avoid
any nasty surprises down the track

If you are a shareholder or director of the business, you can consider pushing out the timing of tax payments to the ATO by reducing the amount of wages you take and taking dividends/drawings instead.

This is often not commercially possible when you have unrelated parties in business together.



push **income out**

The oldest tax planning tricks in the book involve pushing income into the next financial year and bringing forward expenses into June.

However to delay income don't forget to consider what impact this will have on cashflow.

Remember if your business accounts for income on an accruals basis [raise an invoice and wait for payment], just delaying the cash inflow will not be sufficient. You will need to delay invoicing until the next financial year for a tax effect, which may not be possible if you have already derived the income.

If the income is derived [you've already delivered the goods or provided the service], the income will be taxable whether an invoice has been raised or not.

pull expenses forward

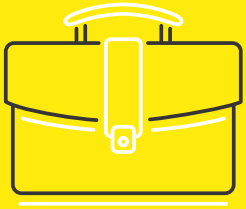
Small + medium business entities [turnover of your business and related parties of less than \$50 million] may be eligible to claim an immediate deduction on certain prepaid expenses.

The expenses you bring forward or prepay must be deductible expense. A reminder that where you are purchasing assets prior to 30 June 2025 to take advantage of temporary full expensing, the assets must be delivered and installed ready for use to be eligible for the immediate deduction.

Prepaying interest on a loan or for services like insurance and IT maintenance for 12 months in advance is a tax tactic for small & medium businesses. Beware, if you do not do it again next year, the timing benefit will catch up on you.

If you own an investment property, you may also be able to prepay interest on an investment property loan for 12 months in advance and get a tax deduction in the year paid.

deductions for bonuses + commissions owed at 30 june



If you pay commissions, bonuses and wages either monthly or fortnightly, review any amount you are legally committed to paying and accrue these as an expense this financial year.

A reminder in respect of bonuses, in order to be deductible before paid, there must be a definitive legal commitment to pay the liability and the employee have a legal entitlement to be paid the bonus. Simply accruing an expected bonus will not be sufficient to claim a tax deduction before the bonus has been paid.

This matches the cost to the income that it relates to and makes sure you are getting every dollar of tax deductions you are entitled to.

write-off non-recoverable items like advertising, bad debts + employee advances

Write-off any bad debts [such as non-recoverable advertising or employee advances] before 30 June.

A debt is considered bad when a commercial decision has been made that the debt is no longer recoverable. It is not sufficient for the debt to merely be 'doubtful'. If you classify the advertising as an asset in the books of the business, the expense may still be deductible – even if not yet recovered from the vendor.



top up your super contribution to \$30,000

As a real estate business owner there is nothing wrong with looking at topping up your super before the end of the financial year. You could save as much as 47% of every dollar contributed in total for the year in your own name and only pay 15% in your super fund.

The general concessional contribution cap is \$30,000 for the 2025 year. This includes your employer contributions, salary sacrifice and personal concessional contributions.

The timing of super payments will be critical as they must hit your super account by 30 June to receive a deduction in the current year. We recommend making the payments no later than 10 June to meet most clearing house cut off dates.

66

**the fund must receive
the money by 30 june
each year in order for
the contribution to be
deductible**

even more into **superannuation**

You may be able to contribute even more than the \$30,000 concessional contributions cap if you have unused contribution thresholds from previous years.

This is only available if your super balance is less than \$500,000 and is somewhat complicated depending on your personal situation, so please seek advice before making any contributions.



superannuation salespeople, property managers + other employees

Excess contribution tax



From 1 July 2017 employed individuals can claim a personal tax deduction for superannuation contributions [up to a limit of \$30,000 including superannuation paid by your employer]. There's no need for complex salary sacrifice arrangements.

If you earn over \$250,000 [after adding back rental property losses, salary sacrificed or deductible super] the ATO will hit you with an extra 15% excess contribution tax in the super fund, taking the total tax on the contribution to 30% [still better than 47%].

This is quite possible for some of the high performing salespeople out there so be aware that the tax benefit of putting more into super may not be as great as you first expected.

superannuation + health insurance for high income earners

If you earn over \$250,000 [after adding back rental property losses, salary sacrificed or deductible super and reportable fringe benefits], the ATO will hit you with an extra 15% excess contribution tax in the super fund*, taking the total tax on the contribution to 30% [still better than 47%].

High income earners will also be hit with an additional Medicare Levy Surcharge if you do not have an appropriate level of health insurance. If you are single and earning above \$97,000 [or part of a couple with joint income of \$194,000], you will be charged an additional 1-1.5% of your taxable income if you don't have private health insurance that includes hospital cover.

**Under Division 293 rules, contact us for more information*



super only deductible **if paid**

You are only able to claim a tax deduction for superannuation contributions when the payment is made. For employers, this means you need to pay your compulsory 11.5% employee super to ensure they hit the superfund accounts by 30 June 2025 to get a tax deduction in the 2025 financial year.

Please note from 1 July 2025 the compulsory super contribution will increase from 11.5% to 12%.

get your legal **structure** right

The best way to minimise tax in the long-term is to get your structure right from the beginning. The right structure for you will depend on your strategic plans, funding and ownership mix.

The most common structure we use for trading businesses is a company structure with a discretionary trust as shareholder/s - but it will always depend on your personal situation.

The company tax rate is 25% for those with turnover less than \$50 million. Those with turnover greater than \$50 million are subject to a tax rate of 30%.

The second most common structure would be trading as a discretionary trust with a company as trustee but this is limited as it cannot be used when you have unrelated parties in business together.

“ the lower company tax rate is making it more and more appealing to be trading through a company structure



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**don't forget to be effective,
trust distributions minutes must be
made before 30 june each year
[some exceptions depending on
your trust deed]**

trigger a sale **of your business**

The small business CGT concessions are available to businesses with turnover less than \$2 million or individuals with net market value of their assets [excluding super and family home] less than \$6 million.

There are 4 small business CGT concessions you may be eligible for:

- 50% Active Asset Exemption
- Retirement exemption [lifetime limit of \$500,000 per person]
- 15-year exemption
- Replacement asset rollover

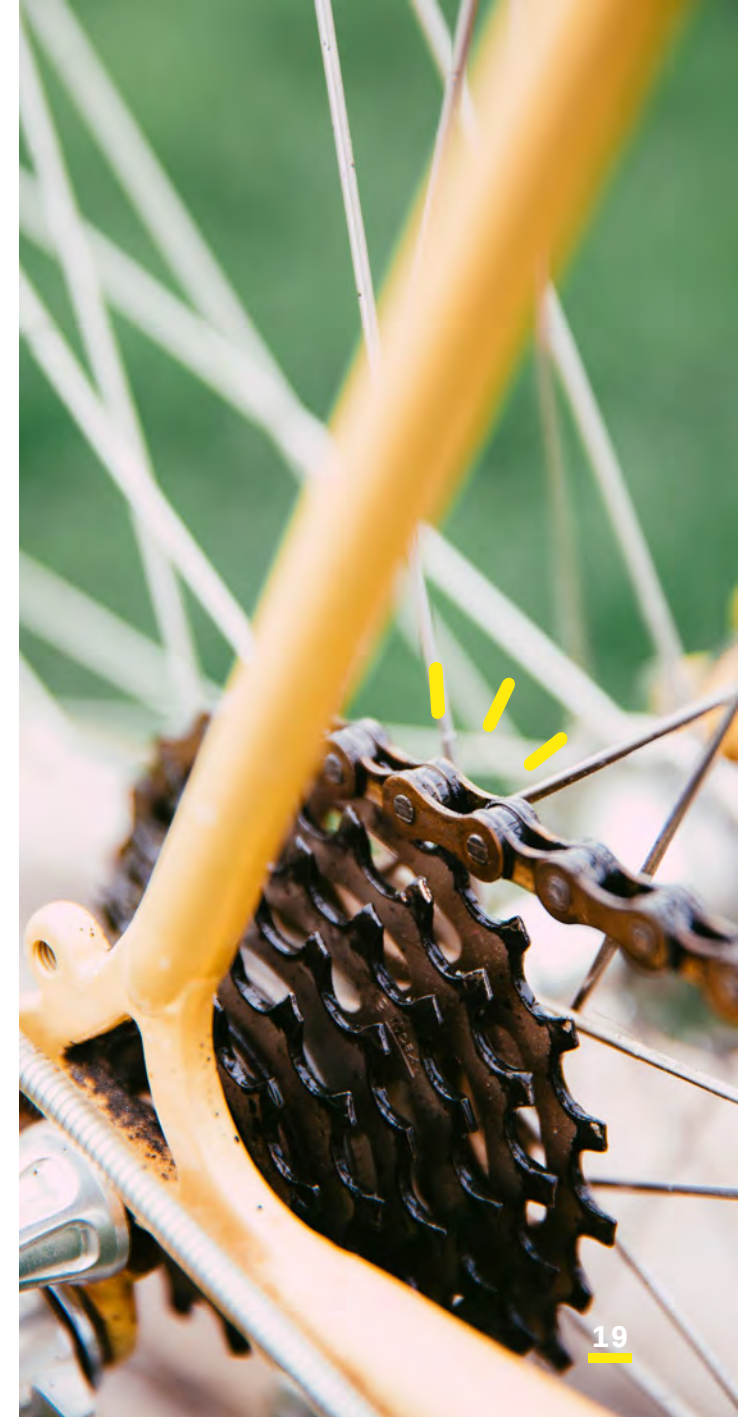
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**real estate
businesses have a
great opportunity with
these concessions!
there's a lot to them
though and they are
complex – you must
get the detail right**

negative gearing - what the?!

Being in the real estate industry, we're sure you are across the tax benefits of negative gearing – essentially the tax deduction takes the sting out of having a loss-making asset.

From an investment perspective though you should still only consider a negative gearing strategy if the expected capital growth is greater than the net after tax holding costs.



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**you can no longer claim a
deduction for travel expenses to
and from your rental property**

tax on properties owned

Being in real estate, you probably like property as an investment too and may undertake your own developments.

A few key considerations:

- Main residence not subject to CGT [but must be purchased in individual name/s]
- If you are considered a developer [business approach] the gains are 100% taxable as income and GST payable on the sale [consider a company structure]
- If you buy a property with a profit-making intention, gains are 100% taxable for income tax purposes
- If you have a mix of the above, it's complicated [seek expert advice].
- Rental properties are subject to CGT and eligible for 50% CGT discount when owned for more than 12 months
- The beach house costs are only deductible to the extent the property is available for rent [i.e. private portion not deductible].

vary your **PAYG** instalments

If your PAYG Instalment for the June quarter has jumped up considerably, or profits in the year have dropped compared to the previous year, look at varying your PAYG instalment. By doing this you will get the cash benefit in July/August rather than waiting until you lodge your tax return – which can be as late as May the next year.

Remember, you need to have a valid reason to do this as you can be penalised for varying instalments inappropriately, so please talk to your accountant first.



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tax avoidance is illegal
but tax planning
[or minimisation] is not

car logbooks **pretty much a must**

The ATO expect some taxpayers to have a high business/work usage, but you must keep a log book for a 3-month period to evidence your usage.

This way you can claim a percentage of all costs [up to the MV cost car limit] including interest on loans, lease payments, repairs, registration, insurance and fuel.

Without a logbook your deduction is limited to \$4,400 using the cents per kilometre method of 88 cents per kilometre for 2024/2025 capped at 5,000 kilometres [assuming you can justify that you travelled 5,000 kilometres for business/ work in the year].

You need to do a new logbook every 5 years or when your usage changes materially [e.g. you move homes]. We have seen far more ATO logbook checks recently with more expected in the future.





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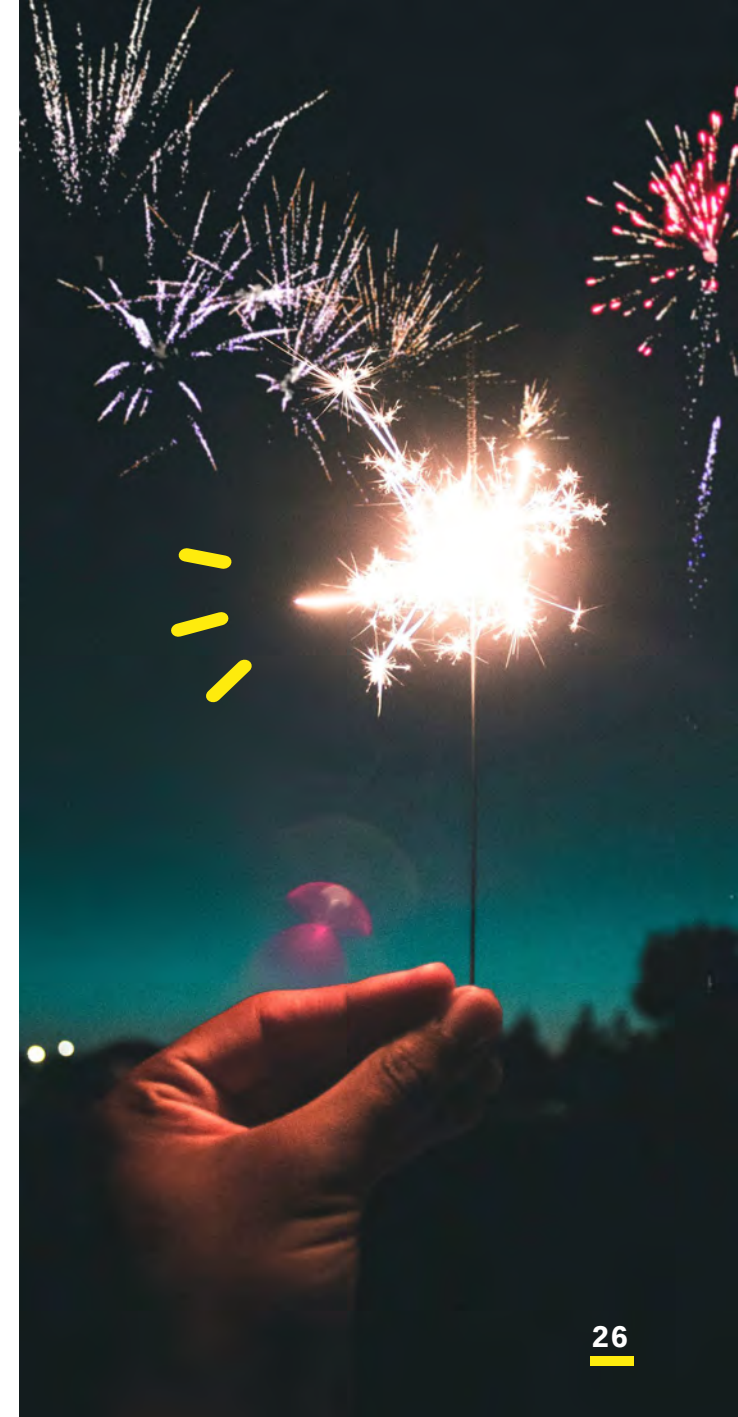
**fancy or not,
make sure you're
claiming what you can**

entertainment

Anything regarded as entertainment is generally not tax deductible. There are a couple of exceptions to this rule, but these essentially require you to pay at least some FBT.

A few notes on entertainment deductions:

- Generally, where alcohol involved, you are having too much fun and therefore it is considered 'entertainment' - even if the event is business related
- Food while travelling is generally fine, unless there is client or other staff entertainment involved while travelling for business
- Food for events, training, workshops is fine so long as no alcohol
- Long lunch with the team is potentially subject to Fringe Benefits Tax
- Long lunch with clients and prospects is generally not deductible.
- Corporate box at the footy – depends on who went but still considered entertainment [not deductible].



independent contractors is one of the great tax discussions in real estate

Independent contractor arrangements only work when they are on truly commercial terms – think of them more as a conjugal agent.

As a minimum [in our view] they need to have a company structure, be licensed with the appropriate body in each state, have their own professional indemnity insurance, have their own ABN and be registered for GST [just like any other real estate business].

There are potential savings and benefits for all parties but rules are very broad and can deem payments as wages [exposing the deemed employer to the Fair Work Act and potential catch-up of income tax, superannuation and payroll tax].



lastly, keep those **darn receipts**

Boring we know, but the Australian tax system is a 'self-assessment' system so you need to keep evidence to substantiate any claims [minor exception for individuals claiming less than \$300 in total]. If in doubt, keep the receipt and ask your accountant.

Other evidence requirements include:

- For capital assets you need to keep purchase documents until you sell the item and then a further five years after lodging the sale year tax return
- If travelling overseas for business or work purposes you need to keep a diary of your activities while overseas
- If you are paid a travel allowance you do not need to keep receipts if your claim is limited to the allowance amount and it is paid in accordance with the ATO guidelines.





craig harrison

DIRECTOR
ACCOUNTING



rebecca mihalic

DIRECTOR
SYDNEY



john knight

MANAGING
DIRECTOR



josh bell

SENIOR
MANAGER



emma gilbert

SENIOR
ACCOUNTANT



lee huang

MANAGER
ACCOUNTING

meet the real estate tax team



cameron hancock

DIRECTOR
LEGAL



brad dean

DIRECTOR
BROKING



natalie melia

SPECIAL
COUNSEL - LEGAL



megan kelly

DIRECTOR
FINANCIAL
PLANNING



chris burling

SENIOR ASSOCIATE
- LEGAL



david little

RENT ROLL
BROKER



natalia de clercq

RENT ROLL
BROKER



whitney bourrel

ASSOCIATE
LAWYER

meet the wider real estate team

did you know we also do...

rent roll sales

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business broking

business advice

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bookkeeping

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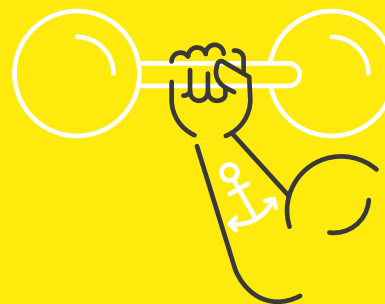


1300BDEPOT



oneplace@businessdepot.com.au

businessdepot.com.au



**one place to
muscle up + raise the bar
in your real estate business.**