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February 2017



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**Development Manager**

Chris Ashmore

**Subscriptions Manager**

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**Publisher**

Business Essentials Media

Production Pty Ltd

ABN 98 006 144 449

106/12 Cato Street

Hawthorn East VIC 3123 Australia

Phone 03 9882 8333

Fax 03 9882 8017

Web [www.be.com.au](http://www.be.com.au)

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# Your monthly tax update

## Income & deductions

No disclaimer of interest in trust: assessments increasing taxable income by \$13m stand:

Re TVKS and FCT [2016] AATA 1010

Home office expenses on floor area basis – FCT’s method preferred: Re HWZG and FCT [2016] AATA 1017

Deduction for bad debts: beneficiary of a trust and UPEs: TD 2016/19

Commercial website deductibility: TR 2016/3

## Superannuation

Guidance on concessional contributions and constitutionally protected super funds: LCG 2016/D11

Total superannuation balance: LCG 2016/D12

\$1.6m pension cap; commutations; actuarial certificates: TLA (Fair and Sustainable Superannuation) Regulation 2016

LRBAs and non-arm’s length income: ATO info re interaction and application of PCG 2016/5 and TD 2016/16

Superannuation objective: Exposure Draft – Superannuation (Objective) Regulation 2016

## Indirect taxes

No recovery for GST margin scheme increasing adjustment: McEwans Australia Pty Ltd v Brisbane City Council

SMSF trustees and LRBA trustees: garnishee notices invalid for group payroll tax: Comr of State Revenue v Can Barz Pty Ltd & Anor [2016] QCA 323

Reminder of easier GST reporting for new small businesses from 19 Jan 2017

NSW stamp duty: Happy Days Property Pty Ltd v Chief Comr of State Revenue [2016]

NSWCATAD 289

## International tax

Taxpayer held resident of Australia under Aust/Malaysia DTA: Re Tan and FCT [2016] AATA 1062

## Tax administration

ACNC releases Interpretation Statement on PBIs

Summary judgment against taxpayers for \$30.5m upheld: Gould & Anor v DCT [2017] FCAFC 1

TPB Information sheet on payroll service providers: TPB(I) 31/2016

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