



Inland Revenue
Te Tari Taake

IR4GU
October 2023

Company tax return guide 2023

Read this guide to help you complete your 2023 income tax and annual imputation returns.

Complete and send us your IR4 return by 7 July 2023, unless you have an extension of time to file.



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Important changes

For the 2023 income year, 'Total residential income' has been separated into the following 3 boxes:

- Gross residential rental income Box 22A
- Net bright-line profit (excluding losses) Box 22B
- Other residential income Box 22C.

For more information about how to complete these boxes, see Question 19 Income and expenses from residential property on page 20.

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Company returns

Income tax return

All companies that are active and New Zealand resident for tax purposes (except for look-through companies) must complete an IR4 income tax return each year, including bodies corporate and unit trusts.

Look-through companies (LTC) complete an IR7 income tax return each year they're an LTC. For more information about LTCs refer to our **Look-through companies - IR879** guide.

If yours is an Australian company or part of an imputation group, see page 7.

Non-active companies

A non-active company is a company that has:

- not received any gross income
- no deductions
- not disposed of any assets, and
- not been party to any transactions during the tax year that:
 - (i) gave rise to income for any person
 - (ii) gave rise to fringe benefits to any employee or any former employee, or
 - (iii) gave rise to a debit in the company's ICA (imputation credit account).

These companies may be excused from completing tax returns if they complete a **Non-active company declaration - IR433** form.

Return due date

If the company has a 31 March balance date, you have until 7 July 2023 to complete the return, unless you have been granted an extension of time. If you have a balance date other than 31 March, this date may be different. Contact us if you are not sure of the filing date.

If the company has a tax agent, you may have until 31 March 2024 to complete the return. If this applies, contact your agent.

Late filing penalties

If you have to complete a return and you do not send us one, you may be charged a late filing penalty. You should apply for an extension of time if you are unable to complete your return on time.

The penalty for filing your IR4 late depends on the company's net income. If your income is:

- below \$100,000, the penalty is \$50
- between \$100,000 and \$1 million (both figures inclusive), the penalty is \$250, or
- above \$1 million, the penalty is \$500.

If you need an extension to your tax return filing date, tell us your reasons before your return is due. If you get a late filing penalty before applying for an extension, the penalty will stand. If you use a tax agent who has an extension of time arrangement with us and the extension is withdrawn, we will notify you that you must now complete your return.

Tax sparing

Any company that has claimed a foreign tax credit for a tax sparing arrangement under a double tax agreement, must also complete a **Tax sparing disclosure return - IR486** and send it to:

International Revenue Strategy
Inland Revenue Department
PO Box 2198
Wellington 6140

Group investment funds

If the company's income is solely from Category A income, you must complete an IR4. If the income is solely from Category B income, you must complete an IR6. If the income is a combination of both Category A and Category B income, you must complete an IR4 and IR44E. Read the notes in the IR44E for more information.

Research and development (R&D) tax losses

You may be able to cash out any R&D losses if your company is a loss-making company that is a resident in New Zealand and your expenditure on R&D salary and wages is 20% or more of your total salary and wage expenditure. For more information go to ird.govt.nz/research-development

Superannuation schemes

A superannuation scheme, not registered with the Financial Markets Authority (FMA), which lets beneficiaries contribute, will be treated as a company for tax purposes and must complete IR4 returns.

Trans-Tasman imputation and imputation groups

Australian companies can elect to maintain a New Zealand imputation account from the 2003-04 tax year. A form of grouping (for imputation purposes only) has also been introduced, which Australian companies may join.

Return filing for trans-Tasman imputation

Australian companies that make a trans-Tasman imputation election are required to complete an **Annual imputation return - IR4J** by 31 July, after the end of the tax year. A **Companies income tax return - IR4** is not required, unless the company has a permanent establishment (for example, maintains an office) in New Zealand.

Return filing for imputation groups

Companies income tax return - IR4

Company returns must be completed by:

- all New Zealand companies that elect to be a member of an imputation group, and
- Australian companies with New Zealand-sourced income.

Annual imputation return - IR4J

The imputation return for an imputation group should be completed by the group representative on a separate IR4J return.

Imputation group members should not include any imputation details on page 7 of the IR4. An exception applies for nominated companies of a resident imputation group where there is an ICA debit balance.

Foreign dividend payments - FDP

The FDP rules have been fully repealed from 1 April 2017. This means FDP can no longer be included in your annual income tax return. Please do not include FDP credits in Box 14A.

Imputation return

Most New Zealand resident companies, unit trusts, producer boards and cooperatives must complete an imputation return each year. If you're an Australian company or part of an imputation group, please read page 7. The following bodies do not have to complete imputation returns:

- non-resident companies
- look-through companies
- trustee companies (but not group investment funds with Category A income)
- any company with a constitution that prevents it distributing all its income or property to any proprietor, member or shareholder
- companies whose income is completely exempt from tax
- local authorities
- Crown research institutes
- non-active companies
- Māori authorities.

Note

If you need to complete the company's imputation return before the income tax return is due, to allow a refund to be released, complete an **Annual imputation return - IR4J**.

Questions 1 to 8 Company details

Fill in Questions 1 to 8 only if the correct information is not printed on the return.

Question 2 - Company name

If the company has changed its name since the last time a return was completed, please attach a copy of the new certificate of incorporation with the name change details or contact us so we can update our records.

Question 4 - Postal address

If you have a new postal address, write the details at Question 4. If your new address is a PO Box number, show your box lobby if you have one. If you are unsure of your box lobby please contact New Zealand Post.

Leave this address panel blank if the company uses its tax preparer's postal address. The tax preparer will let us know if they change their address.

Question 6 - Business industry classification (BIC) code

If you're involved in a business or a trading activity, please write the BIC **code only** in Box 6. You do not need to give a description.

We're required to supply the Accident Compensation Corporation (ACC) with a code for your business or trading activity, for levy classification and calculation.

To work out your main business or trading activity and its code, go to **businessdescription.co.nz** or call ACC on 0508 426 837.

It's important that you choose the code which most accurately reflects your main business or trading activity.

Question 7 - Phone number

We ask for your daytime phone number so we can contact you if we have any questions about your return.

Question 8 - Bank account number

The fastest and safest way to get any refund is to have it direct credited to your New Zealand bank account or other deposit account, for example, a building society account. If your bank account number is not preprinted on the return form, include it at Question 8.

If your suffix has only 2 digits, enter them in the first 2 squares of the suffix box.

Question 9 Non-resident

A company is a tax resident of New Zealand if:

- it's incorporated in New Zealand
- its head office or centre of management is in New Zealand,
or
- its directors control the company in New Zealand.

Otherwise, it's a non-resident for tax purposes.

Questions 10 and 10A Imputation

Page 7 of the IR4 return is the annual imputation return. If you have made any monetary entries in the annual imputation return, tick "Yes" at Question 10A.

Note

If you have completed, or will complete, a separate **Annual imputation return - IR4**, tick "No" at Question 10.

Question 11 Has the company ceased?

If this is a final return, include a set of accounts up to the date the company ceased trading and include details of any distribution of assets and liabilities.

If the company is registered for GST or as an employer, you will need to complete a **Business cessation - IR315** form to finalise your records.

Depending on the company's circumstances, a number of other issues may need to be finalised, for example:

- outstanding returns
- arrears
- FBT or ACC
- imputation account balances (for qualifying companies)
- specified superannuation contributions
- RWT on dividends, and
- 10-year bonus issues.

Find out how to finalise the company's tax accounts or deregister for GST at ird.govt.nz

Note

A company is still a legal entity until it is taken off the Companies Register. A company can stop trading (become non-active) but still have tax obligations such as completing returns. Non-active companies can be excused from completing returns - see page 5.

Company tax return

Question 12 Income from schedular payments

If the company has received any schedular payments, we will send you a summary of income.

Add up the total tax withheld and all the gross payments shown on the summary of income and write the totals in Boxes 12A and 12B.

The summary of income form may not contain all the company's earnings information. If any details are missing, please include them at Question 12.

If the company received a payment with no tax deducted, include the gross amount in Box 12B.

Mineral mining tax credit

Include in Box 12A the amount of refundable tax credit being claimed where a tax loss is incurred on disposal of land or by claiming rehabilitation expenditure.

Transferring tax deductions

Tax deducted from schedular payments made to close companies can be transferred directly to the company's shareholder-employee(s) in some circumstances.

You'll need to reduce the amount claimed in Box 12A by the amount of tax deducted from schedular payments which has been transferred direct to a shareholder-employee of the company. You will still need to include the total schedular payments made to the company in Box 12B.

Example

LLC received schedular payments of \$10,000 with total tax deducted of \$2,000 during the year.

The \$10,000 is attributable to the company's shareholder-employee through the attribution rule.

LLC can transfer up to \$2,000 of the tax deducted from the schedular payments it received to the company's shareholder-employee(s).

LLC transfers the full \$2,000 of tax to the company's sole shareholder-employee.

As the full amount of tax has been transferred from LLC the amount in Box 12A should be \$0.

If the company is transferring tax deducted to shareholder-employee(s) it should attach details of the transfer to the return.

The amount of tax transferred from the company to its shareholder-employee(s) will also need to be recorded as a debit entry in the company's imputation credit account - see Question 45C on page 54.

Question 13 New Zealand interest

Interest from all New Zealand sources must be shown in the return. Write the total of all RWT deducted in Box 13A. If the company has had NRWT deducted from New Zealand interest, include this in Box 13A. Add up all the gross interest amounts (before the deduction of any tax) and write the total in Box 13B.

Interest on broken term deposits

If you have broken a term deposit during the year, you may have to account for "negative interest". This is interest repaid on the term deposit and may reduce the amount of interest to declare on the tax return.

If the term deposit was broken in full, or it was business-related, deduct the negative interest from the gross interest amount shown on the RWT withholding certificate.

Deduct the allowable negative interest part, using the worksheet below, before entering the gross amount at Question 13 of the tax return. In all other cases, the negative interest is deductible in a later tax return when the term deposit matures.

Worksheet

Copy your gross interest from your RWT withholding certificate to Box 1.

1 ▶ \$

Print any negative interest you have paid in Box 2.

2 ▶ \$

Subtract Box 2 from Box 1 and print the answer in Box 3. Copy this amount to Box 13B of your tax return.

3 ▶ \$

Interest paid or charged by Inland Revenue

If we paid you interest, include it in Box 13B for the income year the company received the interest.

If the company paid us interest, include it as a deduction in the return for the income year the interest is paid.

Note

If expenses are deductible against the interest income, claim them at Box 20B.

Do not send us interest statements with the return. Keep these in case we ask for them later.

Income from financial arrangements

If the company was a party to a financial arrangement, such as government stock, local authority stock, mortgage bonds, futures contracts or deferred property settlements, the income or expenditure from the financial arrangement may have to be calculated using a spreading method, rather than on a cash basis. If the financial arrangement matures or is sold, remitted or transferred, a "wash-up" calculation known as a base price adjustment must be made.

Any RWT will be deducted on a cash basis. Show the RWT deducted and any income from the financial arrangement in Boxes 13A and 13B.

Question 14 New Zealand dividends

Generally, dividends are taxable. However, there is an exemption for dividends paid between members of a wholly owned group.

To work out the total gross dividends, add up all net dividends received, any imputation credits, and any RWT deductions. Write the total of all dividends in Box 14B.

Note

The FDP rules have been fully repealed from 1 April 2017. Do not include any FDP credits in Box 14A.

Dividend tax credits

The total tax credits for dividends (for example imputation credits) you can claim is limited to the income tax payable (28%) on each dividend the company receives. This is to ensure that surplus tax credits are not used to shelter tax on other income.

Work out whether you need to apply this limitation to the dividend tax credits you will claim.

Copy your total gross dividends (calculated for each dividend that had an imputation credit) from Box 14B to Box 1.

1 ▶ \$

Multiply Box 1 by 0.28 (28%), and write the result in Box 2.

2 ▶ \$

Write your total dividend tax credits (calculated for that dividend) in Box 3.

3 ▶ \$

For each dividend, claim a dividend tax credit for the lower amount shown in Box 2 or Box 3.

Write the total dividend imputation credits you are allowed to claim in Box 14.

In Box 14A write the sum of your total dividend RWT credits you are allowed to claim.

Note

If expenses are deductible against the dividend income, claim them at Box 20B.

Unit trusts

Distributions from unit trusts will generally be taxable. The statement you receive from the unit trust should show the amounts to include in the return.

For unit trusts that are also portfolio investment entities (PIEs) see page 19.

Transfer of deductible expenses between member and master funds

From the 2002-03 income year a member fund may, in certain circumstances, elect to transfer deductible expenses to a master fund. The master fund must invest, in whole or in part, in the member fund. The master fund can then deduct the transferred expenses.

A member fund can include a group investment fund that derives Category A income, a public unit trust or a superannuation fund. A master fund can include a group investment fund that derives Category A income or a public unit trust.

A public unit trust includes:

- retail unit trusts, whose units are offered to the public and which have 100 or more unit holders
- wholesale unit trusts, whose units are held by widely held investment vehicles such as other unit trusts or superannuation funds.

Member or master funds wanting to take advantage of this provision should include details of the adjustment in a tax reconciliation statement accompanying the return. The information should accompany the returns of both funds involved in the transfer.

For more information see our **Tax Information Bulletin (TIB) Vol 13, No 11 (November 2001)**.

Qualifying companies

Generally, if a qualifying company is a shareholder in a company that is not a qualifying company, all dividends the qualifying company derives from the other company are taxable.

Dividends derived by a company (that has been a qualifying company at any time before deriving the dividends) are taxable.

If a qualifying company is a shareholder in another qualifying company, only dividends with imputation credits attached and a return of a 10-year bonus issue before the 10-year period expires, are taxable. Dividends with no imputation credits attached, or a return of a 10-year bonus issue 10 years from the payment date, are exempt income.

A distribution of a 10-year bonus issue before the 10-year period has expired, made when the company winds up, is not taxable.

If you need more help, read our guide **Qualifying companies - IR435**.

Do not send us dividend statements with the return, keep them in case we ask for them later.

Question 15 Māori authority distributions

Māori authorities can make various types of distributions.

Fill in Question 15 if you received any taxable Māori authority distributions between 1 April 2022 and 31 March 2023. The Māori authority that paid you the distribution will send you a Māori authority distribution statement.

Credits attached to distributions

The Māori authority may attach a credit to the distribution it makes to members. This credit will be classified as a Māori authority credit and is part of the tax the Māori authority has already paid on its profits, so the distributions are not taxed twice.

What to show in your return

Your Māori authority distribution statement shows the amount of:

- the distribution made to you, including the taxable portion and the non-taxable portion, and
- Māori authority credit.

These amounts, not including any non-taxable distribution, will need to be transferred to the relevant boxes at Question 15.

Example

A Māori authority makes a pre-tax profit of \$10,000. It pays tax on this profit of \$1,750 (Māori authority tax rate of 17.5%) and distributes the entire profit to its 10 members. Each member will receive \$825 as a cash distribution and \$175 of Māori authority credits.

Each member of the authority liable to file an IR4 return would show the following information at Question 15:

- Box 15B - \$1,000 (made up of \$825 + \$175)
- Box 15A - \$175

Question 16 Partnership, estate or trust income

If the company received any income from a partnership, estate or trust, write any tax credits in Box 16A and the income totals in Box 16B.

Do not include any:

- overseas income - show this at Question 18 along with any credits attached, or
- dividend imputation credits attached to dividends (include these in Box 14, RWT withheld in Box 14A and the gross dividend in Box 14B), or
- income and expenses from residential property including rental income and net bright-line profit – show these at Question 19.

Add up any other tax credits from partnerships, estates or trusts and write the total in Box 16A.

Add up all the other income from partnerships, estates or trusts and write the total in Box 16B.

Losses from limited partnerships

If the company is claiming a loss from a limited partnership and you need help working out the amount you can claim, go to ird.govt.nz

Estate or trust income

If you received a taxable distribution from a non-complying trust, please attach a note with your return giving details of the amount and any associated tax credits.

We separate taxable distributions from a non-complying trust because they are taxed at a different rate. We need these details to work out your tax liability correctly.

Question 18 Overseas income

If your company received income from or while based overseas, between 1 April 2022 and 31 March 2023, show it in New Zealand dollars at Box 18B. If the company is a New Zealand resident for tax purposes, you must include any foreign contract or service income in Box 18B.

Foreign investment fund (FIF)

If the company held rights, such as shares, units or an entitlement to benefit in any foreign company, unit trust, superannuation scheme or life insurance policy, at any time during the 2023 income year, you may be required to calculate FIF income or loss.

If the company has an interest in a controlled foreign company (CFC), they must calculate any attributed income or loss from that interest.

Generally, the company will use the fair dividend rate to calculate FIF income.

The main exclusions from an interest in an FIF are:

- investments in certain Australian resident companies listed on approved indices on the Australian stock exchange, that maintain franking accounts
- interest in certain Australian unit trusts
- limited exemptions for interests in certain venture capital interests that move offshore (for 10 income years from the income year in which the company migrates from New Zealand), and
- a 10% or greater interest in a CFC.

CFC income and losses

New rules were introduced in 2009 for calculating income or losses from a CFC.

If the company has an interest in a CFC, they must calculate any attributed income or loss from that interest.

Losses from a CFC cannot be used to offset domestic income or be included in domestic losses carried forward to the next tax year. Generally, these losses can only offset income or future income from CFCs resident in the same country as the CFC that incurred the loss.

When CFC income or losses are calculated under the new rules, transitional rules apply to the use of carried forward losses incurred under the old rules.

You can find more information on the rules at ird.govt.nz and in our **Tax Information Bulletin (TIB) Vol 21, No 8 (October/November 2009)**.

What to show in your return

You can convert all overseas income and tax credits to New Zealand dollars by:

- using the rates table available from

ird.govt.nz/tools-calculators

- contacting the overseas section of a trading bank and asking for the exchange rate for the day you received your overseas income.

If the income was received from a financial arrangement, refer to Determination G9A or G9C under section 90 of the Tax Administration Act 1994.

Write the total of the allowable overseas tax paid in Box 18A. Include in Box 18B income before the deduction of any tax. Credit for tax paid overseas will be limited to the amount of New Zealand tax payable on that income. Please note that Australian franking credits or tax credits on dividends from the United Kingdom cannot be claimed.

Staple proof of tax paid overseas to the top of page 3 of the return.

Foreign tax credits attached to dividends that are not required to be returned under the FIF rules can be claimed up to the amount of New Zealand tax payable on the FIF interest.

Some foreign dividends have New Zealand imputation credits attached or New Zealand RWT deducted. These credits are not subject to the foreign tax credit limitation rule.

Investments in portfolio investment entities (PIEs)

Certain PIEs attribute their net income/loss and tax credits to the investors. Companies that are investors include the attributed income or loss in their tax return.

Each year, the PIE is required to provide an investor statement setting out the details of the income/loss attributed to the investor for the year. The statement also shows the various types of tax credits associated with the income that has been attributed. These tax credits are subject to the tax credit limits calculated in relation to the tax on the attributed PIE income.

The attributed PIE income/loss is included in the company's return for the period that includes the end of the PIE's income year. Generally, PIEs have a 31 March balance date.

The amount of income the company derives as a distribution by a PIE is excluded income unless it is fully imputed dividends from a listed PIE. Dividends from these PIEs are not liable for RWT.

For more information, go to **ird.govt.nz** or read our guides, **Information for companies that invest in PIEs - IR857** and **Portfolio investment entity: a guide for PIEs - IR860**.

Question 19 Income and expenses from residential property

This question applies to close companies that own residential property, including overseas property, that have:

- income subject to the residential property deduction rules
- net income from a bright-line sale
- income in relation to a loan in a foreign currency
- depreciation recovery income from disposed assets
- net income from the taxable disposal of a residential property outside the residential property deduction rules because it is held on revenue account.

The residential property deduction rules, and Question 19, do not apply to residential land that is owned by companies other than close companies.

Close company - generally a company with 5 or fewer natural persons whose total voting interests are more than 50%. Associated persons are treated as 1 person.

Residential property deduction rules

Most residential rental properties are subject to the residential property deduction rules (also known as the ring-fencing rules). The rules generally limit the amount of residential deductions you can claim in the year to the total amount of residential income earned in that year. If the deductions are more than your income, the difference must be carried forward to the next year income is earned from the residential property, including income from properties held on revenue account.

Any rental income or loss and net income or loss from a taxable disposal is fully excluded from the rules if the property is:

- subject to the mixed-use asset rules (for example, a holiday home rented out part-time and not used for at least 62 days in the income year, or 62 working days in the income year if it's usually only used on working days)
- owned by companies other than close companies
- owned by government enterprises, or
- certain employee accommodation.

For these types of property, any rental income or loss is shown at Box 21 and net income or net loss from a taxable disposal shown in Box 22.

Any rental net loss and net loss from a taxable disposal is partially excluded from the rules if it is for:

- property that will always be taxed on sale, being revenue account property of a person in the business of building, developing or dealing in land, or
- other revenue account property the person has notified us they want the exclusion to apply to.

For these types of property any rental net loss is shown at Box 21 and taxable disposal net loss shown at Box 22.

The residential property deduction rules also apply to any company who has borrowed money to acquire an interest in certain entities with significant rental property holdings - a residential land-rich entity - and has interest expenditure on the borrowed money.

Residential land-rich entity - a close company, partnership or look-through company that holds more than 50% of its assets by value in residential land, directly or indirectly. These entities come under the interposed entities rules as part of the residential property deduction rules.

For more information about the interposed entity rules, see page 60 of the **Tax Information Bulletin Vol 31 No.8 September 2019**.

Read our **Rental income - IR264** guide for more information on:

- when the rules apply
- how to calculate your income
- the amount of deductions you can claim this year, and
- the amount of any excess deductions that must be carried forward.

Completing your return

Tick the method you have used to calculate your residential property income and deductions.

You can use 1 of the following methods:

- **Portfolio** basis - combine income and deductions for all rental properties in the portfolio.
- **Individual**, property-by-property basis - income and deductions of individual property calculated separately to other property. You need to maintain separate records for each property to choose this option.
- **Combination** of the individual basis and portfolio basis - choose to apply different methods to different property. Some properties are held in a portfolio and others are held on an individual basis.

You need to calculate and identify the amounts for Boxes 19A to 19I using the method you have chosen for your rental properties. For the portfolio basis, the allowable deductions from all of the properties in your portfolio can be offset against income you earn from all of the properties in the portfolio.

You can then enter these figures in the **Residential property deductions worksheets - IR1226** to help calculate the figures required to be entered in your return. You can print a copy off our website ird.govt.nz/forms-guides

Write the gross residential rental income from the portfolio and/or individual property in Box 19A.

Do not include rental income or losses from properties excluded from the residential property deduction rules. Enter those amounts in Question 21 instead.

Box 19B Net bright-line profit

The bright-line property rule needs to be considered when none of the other land sale rules at Question 22 apply to the disposal of the property.

This rule for residential property looks at the length of time a property (including overseas property) is owned. If you sell or dispose of a residential property within a certain timeframe and no exclusion applies, then your profit on the sale will be taxable. This applies no matter what your reason was for buying or selling the property or what kind of buyer you are.

The bright-line property rule applies if you sell or dispose of a residential property you have owned for less than:

- 5 years for properties acquired between 29 March 2018 and 26 March 2021.
- 5 years for properties acquired as a result of an offer made on or before 23 March 2021 and that offer was not able to be revoked or withdrawn before 27 March 2021.
- 5 years for properties acquired on or after 27 March 2021 that qualify as a 'new build'.
- 10 years for all other properties acquired on or after 27 March 2021.

For tax purposes, a property is generally acquired on the date a binding sale and purchase agreement is entered into (even if some standard conditions like getting finance or a building report still need to be met). This date will determine which bright-line period (5 or 10 years) applies for your property.

For more information on when a property is acquired, see our **Question we've been asked (QB) 17/02: Date of acquisition of land, and start date for 2-year bright-line test** at taxtechnical.ird.govt.nz

There are other dates that are relevant for figuring out whether your property sale is taxable under the bright-line property rule. Generally, your bright-line period starts when the legal title is transferred to you and ends when you enter into a binding sale and purchase agreement to sell the property. Where land is acquired or disposed of in a way that does not follow the standard land sale process, for example if you purchase "off the plan", there are some different rules that apply to the bright-line period start and end dates.

The bright-line property rule does not tax any profit made in specific situations. Relief is also available for certain ownership transfers. For more information on exclusions to the bright-line property rule, ownership transfers and rollover relief go to ird.govt.nz/brightline or our guide **Bright-line property tax - IR1227**.

You can also use the property tax decision tool on our website to work out if you need to pay tax on the sale of your property. Go to ird.govt.nz/brightline

If you sell or dispose of a residential property and the sale is taxable under the bright-line property rule, the amount of the previously denied interest under the interest limitation rules is treated as if it were part of the cost of the property in the year of disposal. If this results in a net loss, the deduction for the net loss is limited under the current rule that applies to losses from the disposal of bright-line property. If the disposal is not taxable, the interest previously denied a deduction remains non-deductible.

For more information about the bright-line property rule, go to ird.govt.nz/brightline or our guide **Bright-line property tax - IR1227**. You can find our forms and guides at ird.govt.nz/forms-guides

Completing your return

Income and losses for property subject to the bright-line property rule are treated differently in the tax return. After a taxable bright-line sale:

- if you have net income from the sale of the property (a profit), the net income is included in Box 19B. Unless the property is part of a portfolio, expenses from other properties cannot be offset against the net income from the disposal.

- if you have made a net loss when the property is sold, the loss must be carried forward to a later income year when it can be used to offset net income from the land sale provisions, including from future disposals subject to the bright-line rule. A bright-line loss is not recorded in the tax return. Please keep your own record of any bright-line losses you have made.

Complete a **Bright-line residential property sale information - IR833** form for each bright-line property sold or disposed of and include it with your return. The form explains how to calculate the resulting profit or loss.

Complete the form even if the details have been included in a **Financial statements summary - IR10** or set of accounts, unless the income will be included in your return as part of your business income as a property speculator, property dealer, developer or builder.

Box 19C Other residential income

Write the total other residential income in Box 19C.

This includes the total from the following amounts:

- income in relation to a loan denominated in a foreign currency from the portfolio and/or individual property
- all depreciation recovery income from assets disposed of from the portfolio and/or individual property
- net income from the taxable disposal of a residential property outside the residential property deduction rules because it is held on revenue account.

Write any net tax losses from disposals of rental properties that are excluded from the residential property deduction rules in Box 22B.

Box 19D Total combined residential income

The amount in Box 19D is the total amount of Box 19A, Box 19B and Box 19C.

Note

If you are a partner in a partnership or owner of a look-through company and have been attributed residential income at Box 27G on the IR7P or IR7L, include your share of that in proportion to your share in the partnership or effective look-through interest in the LTC in the following relevant boxes:

- Gross residential rental income Box 19A
- Net bright-line profit (excluding losses) Box 19B
- Other residential income Box 19C.

The amount in Box 19D will then include the total of your attributed residential income at Box 27G on the IR7P or IR7L.

Boxes 19E to 19I in your return

Write the total eligible deductions for the year for all ring-fenced residential rental properties in Residential rental deductions Box 19E.

If you are a partner in a partnership or owner of a look-through company and have been attributed residential rental deductions shown at Box 27M on the IR7P or IR7L, include that here at Box 19E.

Note

Do not include the amount of interest expense denied under the interest limitation rules in Box 19E.

If the company has breached the continuity rules, or the company is transferring excess deductions to a wholly owned group member, you'll need to reduce the current year deductions in Box 19E to reflect the adjustment. If the company is receiving excess deductions from a wholly owned group member, you'll need to increase the current year deductions in Box 19E. The transfer of excess deductions is not a loss offset nor a subvention payment.

The brought forward and carry forward boxes are calculated by our system when your return is processed. If the deductions are too low, you'll need to contact us so we can change it when we process your return. Keep good records for the adjustment and include a note with your return. See Question 28 for details on the continuity rules.

Include the amount of any interest incurred on an investment in a land rich entity that relates to the rental activity in Box 19E. Include the amount of interest you can claim on an investment in a land rich entity that relates to the rental activity in Box 19G. Include the amount of interest paid that does not relate to the rental property in Box 21B.

Write the total excess deductions brought forward from last year in Box 19F.

Write the total residential rental deductions claimed this year in Box 19G. This amount cannot exceed the lesser of the following:

- Total combined residential income Box 19D
- Residential rental deduction Box 19E plus Excess residential rental deductions brought forward Box 19F.

The amount cannot exceed the above unless you have sold an individual property or the last property in a residential portfolio and the sale was taxable.

The amount in Box 19H should equal Total combined residential income Box 19D minus Residential rental deductions claimed this year Box 19G.

Any losses are counted as zero unless the loss is the result of either:

- excess deductions released from either a taxable disposal of a property held on the individual property basis, or a taxable disposal of all properties or the last property held in a portfolio, or
- claimable interest paid on your investment in a residential land-rich entity. Refer to the **Rental income - IR264 guide**.

Write the amount of all excess deductions for the year to be carried forward to next year in Box 19I.

Notes

Note 1

If you sell or dispose of an individual property and the sale is not taxable, or you sell or dispose of the last property in a portfolio and at least 1 of the sales in the portfolio was not taxable, any excess deductions will transfer to another property or portfolio and carried forward to a future year in which you earn income from a residential rental property (including properties on revenue account).

Note 2

If you sell or dispose of an individual property and the sale is taxable, or you sell or dispose of the last rental property in a portfolio and the sale of all your rental properties in a portfolio were taxable, any remaining loss/excess deductions are released and can be offset against other income. However, this does not include any excess deductions transferred to the portfolio/property.

Note 3

If you want to claim that a property is held on revenue account where the sale may be taxable, you need to notify us of the details of the property. You will be stating the sale will be a taxable sale when the property is disposed of. You must be able to separately identify the deductions relating to the property.

For more information read the **Rental income - IR264** guide.

Residential land-rich entities

If the company has an investment in a land rich entity, include:

- interest relating to the residential rental activity that is deductible under the interest limitation rules in Box 19E
- interest relating to the residential rental activity you can claim this year under the residential property deduction rules in Box 19G and any remaining amount carried forward in Box 21B
- a note attached to your income tax return advising the above amounts relate to an investment in a land rich entity, to ensure quick processing of your return
- the amount of interest paid that does not relate to the residential rental property in Box 24.

Question 20 Interest incurred from residential property

This question applies to owners of residential property subject to the interest limitation rules.

You do not need to complete this question for the following types of property:

- farmland
- hospitals, hospices, convalescent homes, nursing homes
- rest homes and retirement villages
- hotels, motels, inns, camping grounds, hostels.

For interest to be deductible, the general deductibility rules must be met. The interest will also not be deductible to the extent to which it is of a private or domestic nature.

Since 1 October 2021, interest is not deductible for residential property in New Zealand acquired on or after 27 March 2021, unless an exclusion or exemption applies (see below).

For properties acquired before 27 March 2021, the ability to deduct interest on existing loans is being phased out between 1 October 2021 and 31 March 2025. For the 2023 tax year, you can claim 75% of the interest incurred from 1 April 2022 to 31 March 2023.

Interest on any new loans drawn down on or after 27 March 2021 is not deductible.

Special rules also apply for refinanced loans and for interest on revolving credit and overdraft facilities. Any interest on borrowings above the closing balance on 26 March 2021 is not deductible. For more information, go to ird.govt.nz/property/renting-out-residential-property

Some companies do not have to apply the interest limitation rules. If your company is a close company where five or fewer individuals or trustees own more than 50% of the company, you will usually have to apply the rules.

If your company meets one of the following:

- it is not a close company; or
- it is a close company that is a Māori authority or eligible to be a Māori authority; or
- it is a close company that is wholly-owned by a Māori authority or by an entity eligible to be a Māori authority;

your company will not have to apply the interest limitation rules if less than 50% of its total assets consist of residential property (excluding development property but including shares in other companies that exceed this 50% test) at all times during the income year. If your company is part of a wholly-owned group, the 50% test is applied on a consolidated basis at the group level.

There are interposed entity rules to deny interest deductions for a customer who borrows to indirectly fund residential property through an interposed entity.

Completing your return

Complete question 20 for any interest expense you are claiming at Boxes 19E and 21B in relation to a house, apartment, flat or other structure that could be used for residential accommodation, either short-term or long-term. This includes if you have an arrangement to build such a structure, and bare land that could be used to build such a structure under the relevant district plan.

Write the total interest on residential property in Box 20A. This is the total interest incurred on your borrowings for all your residential properties for this year.

Write the amount of interest expense claimed in Box 20B.

Note

If you are a partner in a partnership or owner of a look-through company that has incurred interest on residential property at Question 19 in the IR7, include your share of that here in proportion to your share in the partnership or effective look-through interest in the LTC.

If you have claimed an interest expense in Box 20B, at Box 20C tick the reason(s) for the interest expense claimed:

- **A Māori exempt company or not a residential land company** - The interest limitation rules do not apply to non-close companies or groups if less than 50% of its total assets consist of residential property (excluding development property but including shares in other companies that exceed this 50% test) at all times during the income year. A close company that is a Māori authority, eligible to be a Māori authority, or wholly-owned by an entity that is a Māori authority or eligible to be one is an exempt Māori company if it passes this 50% test.

- **Certain schedule 15 exclusions or property not in NZ -**
The interest limitation rules apply to land in New Zealand only. Schedule 15 of the Income Tax Act 2007 also allows you to claim interest for the following:
 - main home – if a portion is used to earn income such as a flatting situation
 - business premises (for example, a villa now used as a dental clinic) except if the business premises is used for providing accommodation and it's not a person's main home
 - certain Māori land, papakāinga and kaumātua housing, and land transferred as part of settlement under Te Tiriti o Waitangi/Treaty of Waitangi
 - employee accommodation
 - student accommodation.
- **Loans drawn down prior to 27 March 2021 -**
From 1 October 2021, the ability to claim interest is being phased out for the following situations:
 - loans drawn down prior to 27 March 2021
 - property acquired before 27 March 2021 but the loan for the settlement of the property was not drawn down until on or after 27 March 2021
 - loans that relate to the purchase of a property acquired as a result of an offer made on or before 23 March 2021 and that offer was not able to be revoked or withdrawn before 27 March 2021.

In other situations where the property is acquired on or after 27 March 2021, interest cannot be claimed from 1 October 2021 onwards.

- **Emergency, transitional, social or council housing -**
You can claim interest for loans if your property is used for emergency, transitional or social housing when leased to the Crown, for example to Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD) or Kāinga Ora, or to a registered community housing provider.
- **New build exemption -** A 'new build' is a self-contained residence that is issued a Code Compliance Certificate (CCC) under the Building Act 2004, confirming the residence was added to the land on or after 27 March 2020. The exemption generally applies for 20 years. For more information about what qualifies as a new build go to ird.govt.nz/property/renting-out-residential-property or our guide **Rental income - IR264**.

- **Development or land business exemption** - The development exemption does not require you to have a 'land business' and applies to land that you develop, subdivide, or build on to create a new build. The development may be a one-off. The land business exemption applies to land held as part of a developing, subdividing, or land-dealing business, or a business of erecting buildings on land.
- **Approved build-to-rent exclusion** - This applies to land that meets the criteria of build-to-rent land and is approved by Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD). You can claim interest for loans if your property is recorded on the build-to-rent asset register maintained by HUD.
Existing build-to-rent land has until 1 July 2023 to meet the requirements and to apply.

For more information about the interest limitation rules and how to calculate the amount of interest you can claim, go to ird.govt.nz/property/renting-out-residential-property or our guide **Rental income - IR264**. You can find our forms and guides at ird.govt.nz/forms-guides

Question 21 Business or other rental income

Include net residential rental income or losses not included at Question 19 and rents from a commercial property in Box 21B.

Do not include any income already shown at Questions 12 to 16 and 19, losses from CFCs (see the notes to Question 37 on page 46) or claim donations here (see the notes to Question 26 on page 35).

Write the net profit or loss in Box 21B. This is the amount of income or loss after the deduction of all allowable business expenditure, including shareholders' salaries paid or credited.

Note

If expenses are deductible against income declared in Questions 12 to 14, claim them here.

Attach either:

- a fully completed **Financial statements summary - IR10** form, or
- the company's financial accounts.

The IR10 is a statistics form that sets out a general summary of information from the financial accounts.

If you complete an IR10 you do not need to send the financial accounts as well. You still need to complete them (unless the company is very small) and keep them in case we ask for them.

Very small companies are not required to prepare financial accounts if these conditions apply during the income year. The company:

- is not part of a group
- has not derived income over \$30,000, or
- has not incurred expenditure over \$30,000.

Companies that do not prepare financial accounts must fill in an IR10 using information from their trial balance or financial records.

For more information about who has to prepare financial accounts and minimum financial reporting requirements, go to our website at ird.govt.nz/records

The attribution rule

Under the attribution rule, anyone whose actions cause an "associated person" (company, trust or partnership) to earn income, can be personally liable for tax on that income.

If this rule applies to persons associated to your organisation, it will affect the amount of taxable income in this return.

To find out how to apply this rule, refer to our **Tax Information Bulletin (TIB), Vol 12, No 12 (December 2000)** and **Vol 13, No 11 (November 2001)**.

Question 22 Income from taxable property sales or disposals

Include all income and tax losses from land sales or disposals of other property not included at Question 19.

Profits from land sales are taxable if you bought a property (including an overseas property) for the purpose of reselling it or are in the business of buying and selling land and/or buildings.

The profits may also be taxable if the company:

- is a builder and improved a property before selling it
- developed or subdivided land and sold sections, or
- had a change of zoning on the property and sold it within ten years of buying it.

Write the total profit or loss from the sale or disposal of other property in Box 22B.

Net profit from a bright-line sale is generally included in Box 19B. Only include in Box 22B the net profit from a bright-line sale excluded at Question 19, for example the bright-line sale of a mixed-use asset. Do not include any net loss from a bright-line sale.

For more information on the land sale rules, go to ird.govt.nz/buying-selling or our guide **Tax and your property transactions - IR361**. You can find our forms and guides at ird.govt.nz/forms-guides

Box 22A Residential land withholding tax (RLWT) credit

If the company is an "offshore RLWT person" and has sold or transferred residential property located in New Zealand, RLWT may have been deducted from the sale price. The company should have received a statement on the completion of the sale process showing the amount of RLWT deducted. The company can claim a credit for any RLWT deducted. Show the amount of RLWT deducted, less any RLWT paid back to the company and/or transferred to outstanding amounts during the income year.

If there was more than 1 amount of RLWT deducted, show the combined amount, less any RLWT paid back to the company and/or transferred to outstanding amounts during the income year.

Question 23 Insurance premiums paid to an overseas insurer

Special rules apply to any company paying a premium, including a reinsurance premium, to a non-resident insurer.

If you're paying a premium to a non-resident insurer you need to get a separate IRD number to account for the tax on the premium income. This is because you're considered to be the insurer's agent.

You will need to complete an IR4 return under this separate IRD number and declare premiums paid as the only income received.

Only 10% of the total gross premiums paid to overseas insurers is subject to the company tax rate of 28%. This equals 2.8% of the total premiums paid. Any premiums paid to insurers in Switzerland are not subject to tax in New Zealand and should be deducted from the total gross premiums paid.

Agency obligations also extend to other New Zealand residents, for example, brokers, who may initially collect premiums for payment to the non-resident insurer. If there is any default, the insured person is responsible for the tax.

Print the gross amount of premiums paid to a non-resident insurer in Box 23. Print the gross amount of premiums paid to Switzerland in Box 23A. Deduct the figure in Box 23A from Box 23 and multiply the net amount by 0.1 (10%). Print your answer in Box 23B and copy this amount to Box 31.

No other income should be returned as an agent for an overseas insurer.

The company still needs to declare other income under its original IRD number.

If you have any enquiries, contact:

Team Lead
Significant Enterprises
Inland Revenue
PO Box 39090
Wellington Mail Centre
Lower Hutt 5045
Phone 0800 443 773

Question 24 Other income

Show any other income received by the company at Question 24. For example, the sale of:

- shares or other property
- securities
- income from an undertaking or scheme.

Income from sale of non-FIF shares or other property

Profits from the sale of shares and other property are taxable if the company:

- buys and sells shares or other property as a business, or
- buys shares or other property for the purpose of resale.

This does not apply if shares are FIFs. List the details of income and expenses from these sales on a sheet of paper and staple it to the top of page 3 of the return. Include the total profit in Box 24B.

Losses from shares or other property that are not a foreign investment fund (FIF)

If the company has made a loss from the sale of an asset that was not a FIF and you can show that any profit made would have been taxable, you may be able to claim the loss as a deduction.

Financial arrangements

A company must account for income from financial arrangements on an accrual basis. Financial arrangements include government stock, futures contracts and deferred property settlements, excluding short-term agreements for sale and purchase of property. Changes to the rules for the treatment of financial arrangements have split the rules into 2 sets. Generally, the first set applies to financial arrangements entered into before 20 May 1999 and the second applies to financial arrangements entered into on or after that date.

Both sets of rules require the income or expenditure to be spread over the term of the financial arrangement.

This applies in every case - the company does not have to be in the business of buying or selling financial arrangements, or be intending to sell, as it would with shares. The company may, in certain cases, deduct any losses.

Sale or maturity of financial arrangements

When a financial arrangement matures or is sold, remitted or transferred, a "wash-up" calculation, known as a base price adjustment, must be made. The calculation ensures that the total gains or losses from the financial arrangement are accounted for.

If you need any information on when losses can be deducted or how to calculate a base price adjustment, please contact us.

Income from an undertaking or scheme

Profits from any undertaking or scheme entered into for the purpose of making a profit are taxable. Describe the undertaking or scheme and list the details of income and expenses from them. Staple this information to the top of page 3 of the return and include the total profit in Box 24B.

Question 26 Donations

A company (including an unlisted company with 5 or fewer shareholders) can claim a deduction for donations it makes to any society, institution, association, organisation, trust or fund that has donee organisation status. You can view the list of these organisation at ird.govt.nz/donee

Note

State-funded tertiary education institutions, state schools and state-integrated schools do not have to be approved to have donee organisation status.

The deduction for donations cannot be more than the company's net income after expenses (before the donation deduction is taken into account). Use the following steps to calculate the company's donation deduction.

- If the amount in Box 25 is a **loss**, print nil in Box 26B.
- If the donations made by the company **exceed** the amount in Box 25, copy the amount in Box 25 to Box 26B.
- If the donations made by the company **do not exceed** the amount in Box 25, print the amount of the donations in Box 26B.

Question 28 Net losses brought forward

Losses from CFCs are not included in Question 28 - see Question 39 on page 47.

Before a company is allowed to carry forward net losses it must satisfy one of two tests.

1. Shareholder continuity

49% continuity of minimum voting interest or market value interest must be maintained by a group of persons at all times, from the beginning of the year of net loss to the end of the year of carrying it forward (the continuity period).

To check whether the shareholder continuity requirements have been met, use the lowest percentage of economic interest held by each shareholder during the continuity period. To calculate the total lowest economic interest see Question 41 on page 48.

2. Business continuity test

The business continuity test allows losses to be carried forward despite a breach in shareholder continuity if certain requirements are satisfied. The main requirement is that the underlying business continues i.e. there is no "major change", except permitted changes, in the business for 5 years after a change in ownership.

"Major change" refers to the nature of the business activities and the extent the same or similar assets are used to generate income for the company.

Only losses incurred in the 2013-14 and later income years can be carried forward under this test.

For more information see our **Tax Information Bulletin (TIB) Vol 33, No 6 (July 2021)**.

Write the net losses the company can bring forward to 2023 in Box 28A, and the amount the company has offset against 2023 income in Box 28B.

If the company cannot offset any net losses in the 2023 income year write "0.00" in Box 28B.

Show whether or not the company is carrying forward losses under the business continuity test at Box 28C.

Note

You should be able to find the loss balance from the previous year on the loss notice sent to you with the company's 2022 income tax assessment. If you do not have a loss notice, enter the details from your own records.

Question 29 Total income after net losses brought forward

Subtract Box 28B from Box 27. Print your answer in Box 29.

Question 30 Net losses and subvention payments

To offset net losses there must be a common shareholding of at least 66%, and 49% continuity of minimum voting interest must also be maintained (or 49% market value interest if a market value circumstance exists). To calculate voting or market value interest see Question 41 on page 48.

To offset a net loss incurred during a current income year, the loss company and the profit company must be members of the same group at all times for that income year.

To offset a net loss brought forward, the loss company and the profit company must be members of the same group of companies for the entire period, beginning with the income year the net loss is incurred in and ending with the year of offset.

The amount of loss offset cannot exceed the taxable income of the profit company and neither may the amount of loss to be offset exceed the net loss of the loss company.

Record individual details of the losses claimed or transferred and subvention payments received or made at Questions 42F or 42G. The total of these must equal Boxes 30 or 30A respectively.

Part-year grouping

The general part-year grouping rule is that only the part of the net loss incurred in the same period as the profit is derived may be offset, if, during the period:

- the loss company maintains continuity of shareholding, and
- commonality of shareholding between loss and profit companies has been maintained.

Net loss and profit amounts allowed to be offset are based on periods where continuity and commonality requirements are met for all companies taking part in a part-year grouping arrangement.

If the company received net losses from another company or made a subvention payment to another company, put a minus sign in the relevant last box. Attach a schedule setting out the names and IRD numbers of the companies and the amount of the payment or loss.

If the company is transferring excess residential rental deductions to a wholly owned group member, the transfer is recorded as a reduction of the current year residential rental deductions in Box 19E. Similarly, if the company is receiving excess residential rental deductions from a wholly owned group member, the transfer is recorded as an increase of the current year residential rental deductions in Box 19E. Do not record these amounts in Question 30. Refer to Question 19 for details.

Qualifying companies

Net losses are restricted for grouping and subvention payment purposes. A qualifying company loss can be offset against any group company profit (including non-qualifying company profits).

Question 32 Tax calculation

Box 32E Foreign investor tax credit

The foreign investor tax credit rules reduce the combined income tax and NRWT imposed on foreign investors with interests in a New Zealand company. See **Tax Information Bulletin (TIB) Vol 20, No 3 (April 2008)** for details about the change of company tax rate. A company is entitled to a foreign investor tax credit when it pays a supplementary dividend of the same amount to its non-resident shareholders. The foreign investor tax credit can then be offset against the company's income tax liability.

The foreign investor tax credit arises in the income year the supplementary dividend is paid and is to be offset in the following order:

1. Against the company's income tax payable for the year the supplementary dividend is paid. Enter this amount in Box 32E.
2. At the company's election, either:
 - against the company's income tax liability for any of the previous four income years, or
 - against the income tax liability for another company in the same wholly owned group of companies for the year the supplementary dividend is paid in or any of the previous four income years.
3. Carried forward to subsequent years for offset against the tax liability of the company or another company in the same wholly owned group of companies.

If the company has a foreign investor tax credit that cannot be fully offset against its own income tax liability in the income year the supplementary dividend is paid, attach a note to the front of the return giving details of how to treat any excess credit.

Box 32G Imputation credits

If the company has imputation credits, it may have a net loss to carry forward. This will happen if the company's total imputation credits are greater than the tax payable at Box 32F.

To calculate the net loss to carry forward, subtract the amount at Box 32F from the total imputation credits (Box 32G) and divide the answer by 0.28 (28%).

If the deemed net loss is to be offset to other companies within the same group (rather than carried forward), reduce the amount of net loss shown at Box 29 by the amount offset.

Question 33 Refunds and/or transfers

If you want your refund transferred to another account or to arrears being paid off by an instalment arrangement, tell us the date you would like this done.

The date you can choose depends on what tax has been overpaid and whose account you want the credit transferred to.

Note

If the transfer is to arrears being paid off by an instalment arrangement, you'll need to include a note with your return authorising the transfer and giving the following information:

- that the transfer is to arrears currently under an instalment arrangement
- the name and IRD number of the taxpayer the transfer should be made to
- whether the taxpayer is an "associated taxpayer"
- the tax type and period, and
- the date you want the transfer to take place.

Question 33B Associated taxpayers

For companies, the following persons are associated taxpayers for the purposes of transferring overpaid tax:

- another company in the same group of companies
- a shareholder-employee of the company
- a partner in the same partnership.

If you want your refund transferred to another person, you will need to show if they are an associated taxpayer.

Transfer date

You can ask for your credit to be transferred at any date as long as it is not before the relevant dates set out as follows.

For credit transferred:

- to your account/an associated taxpayer's account

If the credit is from excess tax deducted (for example RWT deducted on interest) it's the day after your balance date (or 1 April if your balance date is before 31 March). If the credit is from overpaid provisional tax it's the day you overpaid it. Please note that special rules apply if tax pooling funds have been transferred in.

- to a non-associated taxpayer's account

It's the later of the day you requested the transfer, or the day after you file your return.

Future transfer dates

If you want your credit transferred at a future date, attach a note to the front of your return with the details of the amount you want transferred, the account you want it transferred to (if it's to another person and they are associated) and the date you want it transferred.

If you do not tell us the date you want your credit transferred, we will transfer it at a date we think gives you the greatest advantage. If you want the credit transferred at a different date, you can ask us to change it (even if we have transferred your credit to cover a debt).

Requesting transfers on your return

You can ask us to transfer a refund to another account by filling out pages 4 and 5 of the return. If you ask us to, we will transfer the refund to:

- the company's own account or an account of someone associated to the company on the later of:
 - the day after the balance date (or 1 April if your balance date is before 31 March)
 - the due date in the destination account.
- an account of someone not associated to the company on the day after the return was completed.

If you want the company's refund transferred at a different date from those listed earlier, you can attach a note to the return, including the details of the account you want the refund transferred to and the transfer date you want. If the transfer is going to another person, tell us if they are associated to the company.

Question 34 Initial provisional tax liability

A company has an initial provisional tax liability if it:

- starts to derive income from a taxable activity in the tax year
- had not derived gross income from a taxable activity within the preceding four years, and
- has residual income tax (RIT) of \$60,000 or more in the current year.

New businesses do not pay provisional tax in their first year of operation because there is no RIT from the previous year to base the calculation on.

However, companies that have an initial provisional tax liability may be charged interest from the first, second or third instalment date. The instalment date interest applies from is determined by the business start date. Some new businesses make voluntary payments to reduce liability for interest.

More information about the dates interest applies from is available in our guide **Provisional tax - IR289**.

There are special rules about how interest is calculated when a company has an initial provisional tax liability **and** has changed its balance date. For further information, see our **Provisional tax - IR289** guide.

Print the date the company started to derive income from the taxable activity in Box 34.

Question 35 2024 provisional tax

2024 provisional tax is charged for income the company will earn in the 2024 income year. It is payable in 2, 3 or 6 instalments. There are 3 options for calculating your provisional tax - standard, estimation and ratio.

If the company's 2023 RIT is:

- **\$5,000 or less** it does not have to pay provisional tax, but it can make voluntary payments
- **more than \$5,000 but expected to be \$5,000 or less for 2024** it may estimate 2024 provisional tax at nil
- **more than \$5,000 and expected to be more than \$5,000 for 2024** it must pay 2024 provisional tax using 1 of the payment options.

Standard option (S)

Under this option, your 2024 provisional tax is your 2023 RIT (where it is more than \$5,000) plus 5%.

Note

If you think your income for 2024 will be more than your 2023 income, you can make voluntary payments over and above the amount you have to pay under the standard option.

Estimation option (E)

Companies can estimate their 2024 provisional tax. They can re-estimate any number of times up to and including their final instalment due date. If the company's 2024 RIT is expected to be less than its 2023 RIT, estimating may prevent the company from paying more than it has to.

Note

An estimate must be fair and reasonable at each instalment it applies to. If you use the estimation option, see "Not taking reasonable care penalty" and "Interest" on page 44.

If the company estimates its provisional tax, write **E** in Box 35A and the amount of 2024 provisional tax in Box 35B.

If you estimate your provisional tax your instalments should be one-third of your estimation.

If you're using the ratio option and select **E** at Box 35A this will mean you are electing to stop using the ratio option.

Ratio option (R)

If you're GST registered, you may qualify to use the ratio option to calculate your provisional tax.

Only enter **R** at Box 35A if you have already elected to use the ratio option. Your application to use the ratio option must be made by phone or in writing before the beginning of the income year you want to use it.

If you've already elected to use the ratio option and want to continue using it, enter **R** at Box 35A.

There is more information about the ratio option in our guide **Provisional tax - IR289**.

Not taking reasonable care penalty

When you estimate the company's 2024 provisional tax, your estimate must be fair and reasonable. If the 2024 RIT is greater than the provisional tax paid, you may be liable for a not taking reasonable care penalty of 20% of the underpaid provisional tax.

Interest

If the company has paid too much provisional tax, we may pay interest. If it has not paid enough provisional tax, we may charge interest.

Interest the company pays is tax deductible, while interest we pay is taxable income.

Election to be a provisional tax payer

A company is a provisional tax payer for the 2023 year if its RIT for that year is more than \$5,000. If the 2023 RIT is \$5,000 or less but the company paid provisional tax for the year, the company may elect to be a provisional tax payer for that year. This may affect the interest the company may be entitled to for that year.

To elect to be a provisional tax payer for the 2023 year, attach a note to the front of the 2023 return.

Change in balance date

There are special rules about when provisional tax is due and how interest is calculated if there has been a change in the balance date.

For more information, read our guides **Penalties and interest - IR240** and **Provisional tax - IR289**.

Tax pooling

Tax pooling allows taxpayers to pool provisional tax payments, offsetting underpayments by overpayments within the same pool. This reduces their possible exposure to late payment penalties and interest. For more information about tax pooling, including a list of intermediaries, go to ird.govt.nz/tax-pooling

Payment dates

2024 provisional tax

Generally, a company with a 31 March balance date pays provisional tax by the following due dates:

First instalment	28 August 2023
Second instalment	15 January 2024
Third instalment	7 May 2024

A company with a balance date other than 31 March generally pays provisional tax on the 28th day of the 5th, 9th and 13th months after the balance date.

There are 2 exceptions:

- If it would be due on 28 December it is due on 15 January, and
- If it would be due on 28 April it is due on 7 May.

These dates will alter if the company is registered for GST and:

- the GST filing frequency is six-monthly, or
- provisional tax is paid through the ratio option.

If either of these situations apply to you, read our guide **Provisional tax - IR289**.

2023 end-of-year income tax

Companies that have an agent and an extension of time may have until 7 April 2024 to pay their tax. If you think this applies to your company, contact your agent.

A company with a balance date between 1 March and 30 September must pay its end-of-year income tax (Box 32L) and any interest by 7 February 2024.

A company with a balance date between 1 October and 28 February must pay its end-of-year income tax by the 7th day of the month before the following year's balance date.

How to make payments

You can make payments by:

- direct debit in myIR
- credit or debit card at ird.govt.nz/pay
- internet banking - most New Zealand banks have a pay tax option.

When making a payment, include:

- your IRD number
- the account type you are paying, and
- the period the payment relates to.

Find all the details of our payment options at ird.govt.nz/pay

Late payment

If you do not pay a bill on time, you may have to pay penalties and interest.

Contact us if you are not able to pay on time. We'll look at your payment options, which may include an instalment arrangement.

Find out more at ird.govt.nz/penalties

Question 37 Foreign rights

If you calculated CFC or FIF income at Question 18 you may be required to complete an additional disclosure form for that investment.

For all interests of 10% or more in a foreign company, the additional disclosure is required.

For other investments, the requirement for an additional disclosure depends on the company you are preparing the **Companies income tax return - IR4** for.

- If the company is not widely held or a PIE, additional disclosure is not required if the investments are in countries New Zealand holds a double tax agreement with (as at 31 March 2023) and the fair dividend rate or comparative value has been used.
- If the company is widely held or a PIE you are required to file an additional disclosure.

The disclosure forms are available at ird.govt.nz/forms-guides
Contact us if you need help to find the appropriate disclosure form.

For information on foreign exchange rates, go to ird.govt.nz/tools-calculators

Find out more about the base erosion profit shifting (BEPS) hybrid mismatch rules at ird.govt.nz/beps

Question 38 Share repurchases

When amounts distributed to shareholders on cancellation or repurchase of shares fall below specified thresholds, the amounts are taxable in full to shareholders as dividends. When distributions on repurchases exceed those thresholds, or occur through the stock exchange, the distributions will be deducted from available subscribed capital of the company and will be tax-free to the shareholders. However, this is only to the extent that the distributions are not in lieu of dividends. If the subscribed capital of the company has been depleted, the distributions will be taxable.

Specific rules also govern the repurchase and subsequent sale of Treasury stock.

The total value entered on the return should be the aggregate value of all distributions made by the company during the year for company shares repurchased, redeemed, cancelled or purchased as Treasury stock.

Question 39 Foreign-sourced dividends

Generally, funds would use the default FIF income calculation method (the fair dividend rate) which does not tax dividends separately. However, the foreign tax deducted from the dividend can be claimed as a credit against the tax payable on the calculated FIF income.

A credit for any tax paid by the foreign company (on its earnings) may be allowed in calculating the amount payable by the New Zealand company. Any NRWT deducted from the foreign dividend paid to the New Zealand company may also be allowed as a credit.

Information about exempt foreign dividends

Although most foreign dividends received by companies are exempt from tax, you should still answer "Yes" to this question if the company receives an exempt foreign dividend.

Foreign dividends from some investments are taxable. These should be included in the tax return as income from overseas. Dividends on foreign investments are taxable in 3 situations:

- When the investment gives the company a direct income interest of less than 10% in a foreign company, but the investment is 1 of certain investments that are excluded from the normal FIF rules (see Question 18 on page 17 for the most common exclusions).
- When the dividend relates to an investment in fixed-rate shares ("fixed-rate foreign equity").

- When the dividend paid is tax-deductible in a foreign country by a foreign company (a "deductible foreign equity distribution").

Question 40 Company controlled or owned by non-residents

We need to know whether the company is owned or controlled by non-residents because we may need to apply subpart FE or sections CH 9, GC 6-14 and GB 2 of the Income Tax Act 2007.

Question 41 Total lowest economic interest of shareholders

Calculating the economic interest is necessary for a number of reasons, such as making sure you can carry any net loss forward, the grouping provisions and the imputation credit carry forward provisions.

Where there were no changes in shareholdings (including voting rights) throughout the entire year then the lowest economic interest will be 100%. Enter 100.00 at Box 41.

Where there has been a change in shareholding including a change to voting rights or market value interests then you will need to calculate the total lowest economic interest.

A shareholder's economic interest in a company will generally be measured by referring to the percentage of voting power they hold in that company, to vote on:

1. the dividends or other distributions to be made by the company
2. the constitution of the company
3. any variation in the capital of the company, and
4. the appointment or election of directors.

Example

A company has two shareholders, Barbara and Maria. The company has two classes of shares:

- Class A shares carry a right to vote on (2) the constitution and (3) variations in capital
- Class B shares carry unrestricted voting rights, (1), (2), (3) and (4) on the previous page.

Barbara holds all 100 of the A shares in the company while Maria holds all 100 of the B shares.

Their percentage of voting interest in the company is measured as follows:

	Distributions	Constitution	Variation in capital	Directors	Lowest						
Barbara	$\frac{0}{100}$	+	$\frac{50}{100}$	+	$\frac{50}{100}$	+	$\frac{0}{100}$	=	$\frac{100}{400}$	=	25%
Maria	$\frac{100}{100}$	+	$\frac{50}{100}$	+	$\frac{50}{100}$	+	$\frac{100}{100}$	=	$\frac{300}{400}$	=	75%
Enter this total at Box 41 in the Return										100.00	

If Barbara and Maria hold these proportions of shares for the entire income year, the "total lowest economic interest of shareholders" or the minimum continuity is 100%.

The following example shows a shareholding or voting interest change occurring during the year.

Example

On 1 September 2022 Barbara and Maria swapped shares and held these proportions to 31 March 2023, the company's balance date.

	1 April 2022	1 Sep 2022	31 Mar 2023	Lowest
Barbara	25%	75%	75%	25%
Maria	75%	25%	25%	25%

The lowest percentage of rights held by each shareholder during the income year is 25%. So, the total lowest economic interest of shareholders, or the minimum continuity, is 50%.

Enter this total at Box 41 in the Return as 50.00.

In certain circumstances the shareholders' economic interests in a company will also be determined by the market value interests in the company. This is where the voting interests do not reflect the true economic interests held in a company.

A shareholder's market value interest is their share as a percentage of the total market value of shares (and options) in the company.

Specific factors that require a market value interest to be calculated are:

- the company has issued debentures to which sections FA 2 or FA 2B of the Income Tax Act 2007 apply
- the company has issued shares where payment of dividends is guaranteed by a third party
- there's an option to acquire shares in the company, and
- an arrangement exists for the purpose of defeating provisions that depends on measurement of voting and market value interests.

You will need to add together the lowest economic interest of each shareholder and print the total in Box 41. Write percentages in the following format, for example, show 50% as 50.00, and 100% as 100.00.

Effect on the imputation credit account (ICA)

If you keep an ICA and have had a change of shareholding of more than 34% you may need to make an adjustment on your annual imputation return at Box 45C ("Other debits")

- see page 54.

Question 42 Shareholder details - see also the IR4S

Complete Question 42 if shareholders, directors and relatives of shareholders received remuneration or a loan. Remuneration is liable for ACC levies.

Shareholders' salaries

Write all remuneration with no PAYE deducted that the company paid to that person in Box 42B.

For the company to claim a deduction for shareholder remuneration it must be paid either:

- during the income year, or
- within the time allowed for the company to complete its return.

If the remuneration is not paid in time, the deduction cannot be claimed until the following year.

Over-payments of AIM provisional tax that relate to shareholder employee salary accruals are allowed to be used to meet the shareholder's tax liability on that salary at the

end of the income year. Record details of any AIM tax credits transferred to each shareholder at Box 42C.

Loss offsets and subvention payments

Record details of any losses claimed or transferred from or to each group member at Box 42F.

Record details of any subvention payments claimed or transferred from or to each group member at Box 42G.

The total of Boxes 42F must be recorded at Box 30. The total of Boxes 42G must be recorded at Box 30A.

Current account balance

If the shareholder's current account balance has been overdrawn, (that is, the shareholder owes the company money) then it is a debit balance.

Annual imputation return

The annual imputation return must be completed for the period 1 April 2022 to 31 March 2023, regardless of your accounting year.

If you're a member of an imputation group, see page 7.

For more information read our guide **Imputation - IR274**.

Question 43 Opening balance

This is the same as the closing balance at 31 March 2022. Tick either "Credit" or "Debit" below Box 43. New companies will not have a closing balance to bring forward. Write "0.00" in Box 43.

Question 44 Credits

Question 44A Income tax paid

Include in Box 44A all payments of income tax and provisional tax made from 1 April 2022 to 31 March 2023 for 1989 and subsequent income years.

Do not include any FBT, ESCT, interest on tax, late payment penalties, imputation penalty tax or RWT.

Question 44B RWT on interest received

If the company received interest with RWT deducted between 1 April 2022 and 31 March 2023, print the total RWT in Box 44B.

Question 44C Imputation credits attached to dividends received

If the company received dividends with imputation credits attached between 1 April 2022 and 31 March 2023, print the total credits in Box 44C.

Note

This is the total imputation credits attached to dividends received. This amount is not limited to the tax payable on your dividends and is not necessarily the same amount as the imputation credits being claimed in Box 14.

Question 44D Other credits

List any other credits made to the ICA from 1 April 2022 to 31 March 2023. Use a separate sheet of paper if necessary. Attach it to the top of page 3 and print the total in Box 44D.

Other types of credits include:

- RWT on dividends received
- provisional tax allocated to the company by a company in the same wholly owned group that has overpaid its provisional tax
- residential land withholding tax (RLWT) credit deducted from the sale or transfer of residential land located in New Zealand during the income year, less any RLWT paid back to the company and/or transferred to outstanding amounts during the income year.

Supplementary available subscribed capital account (SASCA)

If you're a public unit trust or a group investment fund that maintains a SASCA and you're eligible to transfer credits from that account to the ICA, record the credits being transferred to the ICA in Box 44D (other credits).

All public unit trusts or group investment funds maintaining a SASCA should, by the due date for completing the 2023 IR4 or IR4), send a copy of that memorandum account together with any written queries to:

Investment Desk
Large Enterprises
Inland Revenue
PO Box 2871
Christchurch 8140

For more information on negative dividends and the SASCA rules, see our **Tax Information Bulletin (TIB) Vol 14, No 11 (November 2002)**.

Qualifying company election tax (QCET) payments

Include any QCET payments made after 17 May 2007 as a credit in the ICA when working out the balance. Use the account balance in the formula, when calculating the imputation credit to be attached to a dividend paid by the qualifying company.

See our **Tax Information Bulletins (TIBs) Vol 11, No 5 (May/June 1999)** and **Vol 20, No 3, page 127 (April 2008)**.

Question 45 Debits

Question 45A Income tax refunded

Print in Box 45A the company's total income tax refunds received from 1 April 2022 to 31 March 2023 for 1989 and subsequent income years. Do not include any interest on tax received or income tax refunded for any year before 1989.

Question 45B Imputation credits attached to dividends paid

If the company paid dividends from 1 April 2022 to 31 March 2023 with imputation credits attached, print the total credits in Box 45B.

Question 45C Other debits

List any other debits in the ICA and print the total in Box 45C. Examples of other types of debits are:

- any provisional tax allocated by the company to a company in the same wholly owned group that has underpaid its provisional tax
- an adjustment for a change of shareholding of more than 34% during the period 1 April 2022 to 31 March 2023, regardless of your accounting year
- an adjustment for a change in an imputation ratio, or
- tax payable by a company on any part of a distribution not sourced from the subscribed capital of the company, where that company repurchases a share on-market.

Qualifying companies

The 66% continuity of shareholding requirement does not apply to qualifying companies. There is no need to make an adjustment where there has been a change of shareholding, except in the year the company ceases to be a qualifying company.

Question 46A Adjustments to debit balance

If a qualifying company received an income tax refund after 1 April 1995 that created a debit balance in the ICA, no further income tax is required to the extent of any refunds received.

If the qualifying company has a debit balance as a result of income tax refunded from 1 April 2022, please subtract the amount refunded at Box 46A.

If the closing balance is a credit, there is no tax to pay.

If the closing balance at Box 46B is a debit, it must be paid by **20 June 2023**.

Note

There are 2 types of relief from payment of debit ICA balances. These are:

- the offsetting income tax payments
- same debit ICA balances reflected in successive years.

For more information see our **Tax Information Bulletin (TIB) Vol 16, No 1 (February 2004)**.

Question 47 Imputation penalty tax

Imputation penalty tax of 10% of the debit closing balance is also payable by **20 June 2023**. Work out the 10% penalty in Box 47.

If the total in Box 47A exceeds \$100 and is not paid by the due date, late payment penalties and interest will apply - see page 46.

Limitations on tax refunds

We may hold all or part of a refund if:

- the company is expecting an income tax refund, and
- the credit balance in the ICA at 31 March 2023 is less than the refund.

If there have been additional credits to the ICA since 31 March 2023, the company may complete an interim 2024 IR4J return in anticipation of an IR4 annual return being completed at a later date. We may then be able to release the refund.

We can apply non-refundable overpaid income tax to a company's previous years' income tax liabilities, where these debts exist, rather than transferring the credit forward to the next year's provisional tax.

This avoids further payments having to be made to meet back-year debts.

Self-assessment by taxpayers

Taxpayers have to assess their own liability as part of their return filing obligations. We may amend your assessment if a correction is required.

If you dispute our assessment please go to ird.govt.nz/disputes for more information. The 4-month period for you to issue a notice of proposed adjustment (NOPA) to your self-assessment will start on the date Inland Revenue receives your return.

Accident Compensation Act 2001

Under the Accident Compensation Act 2001, Inland Revenue is required to provide the earnings information at Box 42B from this return to the Accident Compensation Corporation (ACC). The information is used by ACC to invoice all ACC levies. ACC invoicing for close companies (including earners' levy for shareholder-employee earnings with no PAYE deducted) starts from September each year.

Maximum earnings from multiple companies

The maximum amount of earners' levy that can be collected from a shareholder-employee is \$1,819.66. A shareholder-employee may be due for a refund from ACC if the shareholder-employee's combined total remuneration from two or more companies is over \$130,911. Please call ACC on 0800 222 776 to find out about the refund process.

ACC earners' levy

Shareholder-employees' salaries or directors' fees without PAYE deducted are liable for ACC earners' levy. The company will be invoiced by ACC for this levy. For more information about refunds or levies, please go to acc.co.nz or call ACC on 0800 222 776.

Services you may need

Need to speak with us?

Have your IRD number ready and call us on one of these numbers:

General tax, tax credits and refunds	0800 775 247
Employer enquiries	0800 377 772
General business tax	0800 377 774
Overdue returns and payments	0800 227 771

We're open 8am to 6pm Monday to Friday, and 9am to 1pm Saturday. We record all calls.

Our self-service lines are open 7 days a week. They offer a range of automated options, especially if you're enrolled with voice ID.

Find out more at ird.govt.nz/contact-us

0800 self-service number

Our 0800 self-service number, 0800 257 777, is open 7 days a week. Make sure you have your IRD number ready when you call.

For access to your account-specific information, you'll need to be enrolled with voice ID or have a PIN.

When you call, confirm what you want from the options given. If you need to talk with us, we'll re-direct your call to someone who can help you.

Postal addresses

Returns

Inland Revenue
PO Box 39090
Wellington Mail Centre
Lower Hutt 5045

General correspondence

Inland Revenue
PO Box 39010
Wellington Mail Centre
Lower Hutt 5045

For a full list of addresses go to ird.govt.nz/contact-us and select the post option.

Privacy

Meeting your tax obligations means giving us accurate information so we can assess your tax and entitlements under the Acts we administer. We may charge penalties if you do not.

We may also exchange information about you with:

- some government agencies
- another country, if we have an information supply agreement with them, and
- Statistics New Zealand (for statistical purposes only).

You can ask for the personal information we hold about you. We'll give the information to you and correct any errors, unless we have a lawful reason not to. Find our full privacy policy at ird.govt.nz/privacy

If you have a complaint about our service

We're committed to providing you with a quality service. If there's a problem, we'd like to know about it and have the chance to fix it.

If you disagree with how we've assessed your tax, you may need to follow a formal disputes process.

Find out more about making a complaint, and the disputes process, at ird.govt.nz/disputes



Te Kāwanatanga o Aotearoa
New Zealand Government