



Inland Revenue
Te Tari Taake

IR 4GU
March 2012

Company tax return guide 2012

Use this guide to help you complete your 2012 income tax, annual imputation and FDP (foreign dividend payment) account returns.



www.ird.govt.nz

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- **Secure online services** – login to check your account information, file an employer schedule, confirm personal tax summaries and update your family details and income.
- **Get it done online** – complete and send us forms and returns, make payments, make an appointment to see us and give us feedback.
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- **Forms and guides** – download our guides, and print forms to post to us.

You can also check out our newsletters and bulletins, and have your say on items for public consultation.

How to get our forms and guides

You can view copies of all our forms and guides mentioned in this guide by going to www.ird.govt.nz and selecting “Forms and guides”. You can also request copies by calling 0800 257 773.

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Company returns

Income tax return

All active New Zealand resident companies, except look-through companies (LTCs), must file an IR 4 income tax return each year, including body corporates (registered under the Unit Titles Act 1972), unit trusts and entities.

LTCs file an IR 7 income tax return each year they're an LTC. For further information about LTCs refer to our *Look-through companies (IR 879)* guide.

If yours is an Australian company or part of an imputation group, please 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
- not been party to any transactions during the tax year that:
 - (i) gave rise to income for any person, or
 - (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) or FDP account.

These companies may be excused from filing tax returns if they complete a *Non-active company declaration (IR 433)* form.

Return due date

If the company has a 31 March balance date, you have until 7 July 2012 to file 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. Call us on 0800 377 774 if you are not sure of the filing date.

If the company has a tax agent, you may have until 31 March 2013 to file the return. If this applies, contact your agent.

Late filing penalties

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

The penalty for filing your IR 4 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
- 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 file 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 (IR 486)* and send it to:

Chief Advisor (International Audit)
Inland Revenue
PO Box 2198
Wellington 6140

Group investment funds

If the company's income is solely from Category A income, you must file an IR 4. If the income is solely from Category B income, you must file an IR 6. If the income is a combination of both Category A and Category B income, you must file an IR 4 and IR 44E. Read the notes in the IR 44E for further information.

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 file IR 4 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 new 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 file an *Annual imputation return (IR 4j)* by 31 July, after the end of the tax year. A *Companies income tax return (IR 4)* isn't required, unless the company has a permanent establishment (eg, maintains an office) in New Zealand.

Return filing for imputation groups

Company tax return (IR 4)

Company returns must be filed 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 (IR 4j)

The imputation return for an imputation group should be filed by the group representative on a separate IR 4j return.

Imputation group members should not include any imputation details on page 6 of this income tax return. An exception applies for nominated companies of a resident imputation group where there is an ICA debit balance.

FDP account return (IR 4D)

This legislation does not alter the filing requirements for companies which have elected to maintain an FDP account.

For further details go to www.ird.govt.nz/business-income-tax/imputation/

Imputation return

Most New Zealand resident companies, unit trusts, producer boards and cooperatives must file an imputation return each year. If you're an Australian company or part of an imputation group, please read page 7. The following bodies don't have to file 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 file the company's imputation return before the income tax return is due, to allow a refund to be released, complete an *Annual imputation return (IR 4j)*.

FDP account return

All companies that have elected to maintain an FDP account must file a return.

Note

Complete the *Annual imputation return (IR 4j)* and *FDP account return (IR 4D)* for the tax year 1 April 2011 to 31 March 2012, regardless of the company's accounting year.

If we have a record of the company maintaining an FDP account we will have sent them a supplementary return in the company's taxpack. Staple the completed return to the back page of the IR 4 return.

Questions 1 to 8

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 filed, please attach a copy of the new certificate of incorporation with the name change details or call us on 0800 377 774 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, please 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 agent's postal address. The agent will let us know of any change of address when they update their client list.

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 don't 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 www.businessdescription.co.nz or by calling ACC on 0800 222 776.

It's important that you choose the code which most accurately reflects your main business or trading activity. If you're unable to identify the correct code, call ACC on 0508 426 837.

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 bank account. If your bank account number isn't preprinted on the return, write it in Box 8.

Refund by cheque

If there's no bank account number shown at Box 8, we'll send your refund as a cheque. If a bank account number is shown but you want to receive any refund by cheque, you must tick Box 32F on your return.

Question 9 Non-resident

A company is a tax resident of New Zealand if:

- it's incorporated in New Zealand, or
- 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 6 of this 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 filed, or will file, a separate *Annual imputation return (IR 4j)*, 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 (IR 315)* 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
- 10-year bonus issues.

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

Note

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

Company tax return

Question 12 Non-resident entertainer, contractor or a specified agricultural/horticultural/viticultural company

If the company has received any schedular payments, we will send you a summary of earnings (SOE).

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

The *Summary of earnings (IR 544)* 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.

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 (IR 15 or equivalent statement).

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.



\$.

Print any negative interest you have paid in Box 2.



\$.

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



\$.

Interest paid or charged by Inland Revenue

If we pay interest, include the interest 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 19B.

Don't send in the certificates or IR 15 forms with the return, but keep them in case we ask for them.

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, any attached FDP credits and any RWT deductions. Write the total of all dividends in Box 14B.

Dividend tax credits

The total tax credits for dividends (imputation credits and FDP 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 and/or FDP tax 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. You can apply this reduction to either FDP or imputation credits, or both.

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 and any FDP credits you are allowed to claim.

Note

If expenses are deductible against the dividend income, claim them at Box 19B.

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 23.

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 isn't 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, isn't taxable.

If you need more help, read our booklet *Qualifying companies (IR 435)*.

Don't send in the dividend statements with the return, but keep them in case we ask for them.

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 2011 and 31 March 2012. 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
- 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 IR 4 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.

Don't include any:

- overseas income—show this at Question 18 along with any credits attached
- dividend imputation credits attached to dividends (include these in Box 14, RWT withheld in Box 14A and the gross dividend in Box 14B).

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, please go to www.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 2011 and 31 March 2012, 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 2012 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:
 - Guinness Peat Group plc (2011–12 income year is the final year)
 - certain venture capital interests that move offshore (for 10 income years from the income year in which the company migrates from New Zealand)
- a 10% or greater interest in a CFC.

You can find more information on the exclusions and the FIF rules at www.ird.govt.nz/toii/fif and in our *Tax Information Bulletins (TIBs)*.

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 can't 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 new rules at www.ird.govt.nz and in our *Tax Information Bulletin (TIB)* Vol 21, No 8 (October/November 2009).

Loss attributing qualifying companies (LAQCs)

If the company received a loss from a CFC or FIF it must pass these losses on to the shareholders, unless the company has elected to retain its foreign losses. If the election was made on or before 31 March 2011 for the 2012 income year, the company keeps the foreign losses to be offset against future income from CFCs or FIFs.

Note

Qualifying companies won't have this type of income as the new rules apply.

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 on our website (keyword: overseas currencies)
- using the mid-month telegraph buying rates in our leaflet *Conversion of overseas income to New Zealand currency (IR 270)*
- 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 can't 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 www.ird.govt.nz or read our guides *Information for companies that invest in PIEs (IR 857)* and *Portfolio investment entity: a guide for PIEs (IR 860)*.

Question 19 Business or rental income

Write the net profit or loss in Box 19B. This is the amount of income or loss after the deduction of all allowable business expenditure, including shareholders' salaries paid or credited. Also include any net rental income or loss in Box 19B.

Don't include any income already shown at Questions 12 to 16, losses from CFCs (see the notes to Question 36 on page 43) or claim donations here (see the notes to Question 25 on page 29).

Note

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

Attach either:

- a fully completed *Accounts information (IR 10)* form, or
- the company's financial accounts.

The IR 10 is a statistics form that sets out a general summary of information from the financial accounts.

If you complete an IR 10 you don't need to send the financial accounts as well. You still need to complete financial accounts and keep them in case we ask for them.

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, please refer to our *Tax Information Bulletin (TIB)*, Vol 12, No 12 (December 2000) and Vol 13, No 11 (November 2001).

Question 20 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 file an IR 4 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 aren't 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, eg, 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 20. Print the gross amount of premiums paid to Switzerland in Box 20A. Deduct the figure in Box 20A from Box 20 and multiply the net amount by 0.1 (10%). Print your answer in Box 20B and copy this amount to Box 30.

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:

Large Enterprises
Assistance Finance
PO Box 2198
Wellington 6140

Question 21 Other income

Show any other income received by the company at Question 21. For example, the sale of:

- land and/or buildings
- shares or other property
- securities
- income from an undertaking or scheme.

The following notes explain what you need to do if the company received any of the types of income listed above.

Income from sale of land and/or buildings

The profits are taxable if the company bought a property for the purpose of reselling it or is in the business of buying and selling land and/or buildings.

The profits may be taxable if the company:

- is a building company and improved a property before selling it
- developed or subdivided land and sold sections
- had a change of zoning on company property and sold it within 10 years of buying it.

Print the total profit in Box 21B. Write the details of the income and expenses from these sales on a sheet of paper and staple it to the top of page 3 of the return.

If you're not sure if the income from the sale of land or buildings is taxable, please call us.

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 21B.

Losses from sale of land, buildings, non-FIF shares or other property

If the company has made a loss from the sale of an asset that was not an FIF and you can show that if it had made a profit it would have been taxable, you may be able to claim the loss as a deduction. Write the details of the loss on a sheet of paper and staple it to the top of page 3 of the return. Show the loss at Box 21B. Include details of other profits or losses made from similar sales, whether in this tax year or earlier.

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 two 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 doesn't 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 call us on 0800 443 773.

Income from an undertaking or scheme

Profits from any undertaking or schemes 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 these undertakings and schemes. Staple this information to the top of page 3 of the return and include the total profit in Box 21B.

Loss attributing qualifying company (LAQC)

The instructions below are for companies that have already elected to be an LAQC. Losses may only be claimed by shareholders (Question 22) or attributed to shareholders (Question 23) if the company has already been approved as an LAQC.

If you need more help, read our guide *Qualifying companies (IR 435)*.

Legislation passed in December 2010 made changes to the rules for loss attributing qualifying companies (LAQC).

This means that LAQCs are unable to attribute losses to shareholders for income years starting on or after 1 April 2011. They will operate under the QC rules.

The last year that LAQCs with a standard or late balance date were able to attribute losses to shareholders was the 2011 income year.

However, existing LAQCs with an early balance date of October through to February will still retain the ability to attribute losses to shareholders for the 2012 income year.

Question 22 Loss from an LAQC

If the company is a shareholder in an LAQC, enter any attributed losses claimed in Box 22B.

If the attributed loss included a loss from a CFC or an FIF and you need help with this question—call us.

Question 23 LAQC

If the company has elected to be an LAQC, any net loss incurred after becoming an LAQC must be passed on or attributed to the shareholders.

The possible exception to this is foreign losses—see the notes to Question 18 on page 20.

Print the total amount of loss attributed to all shareholders in Box 23B. If this amount doesn't equal the total of all Boxes 41B on page 5 of the return or the IR 4S form, there will be a delay processing the return.

Question 25 Donations

A company (including an unlisted company with five 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 organisations at www.ird.govt.nz

Note

State-funded tertiary education institutions, state schools and state-integrated schools don't have to be approved to have donee organisation status.

The deduction for donations can't 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 24 is a **loss**, print nil in Box 25B.
- If the donations made by the company **exceed** the amount in Box 24, copy the amount in Box 24 to Box 25B.
- If the donations made by the company **don't exceed** the amount in Box 24, print the amount of the donations in Box 25B.

Question 27 Net losses brought forward

Losses from CFCs are not included in Box 27—see Question 36 on page 43.

Before a company is allowed to carry forward net losses, 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 40 on page 47.

There are two types of net losses—specified activity net losses and other net losses.

Specified activity net losses

These are net losses incurred before the 1991 income year, limited to \$10,000. If the company made a profit from a specified activity, it can offset it without limitation against net losses brought forward from this activity. If the net losses exceed the profit, it can offset up to \$10,000 against other income in the return.

Other net losses

Other net losses are all those incurred from the 1991 income year onwards (including any net loss arising from excess imputation credits) and any net losses that were not limited before 1991.

Write the total of all specified activity net losses and other net losses the company can bring forward to 2012 in Box 27A, and the amount the company has offset against 2012 income in Box 27B.

If the company can't offset any net losses in the 2012 income year, write "0.00" in Box 27B.

Note

You should be able to find the amount of net loss the company has to bring forward on the loss notice sent to you with the company's 2011 income tax assessment. If you don't have a loss notice, enter the details from your own records.

Question 28 Total income after net losses brought forward

If Box 26 is a net loss, add Box 26 and Box 27A (amount brought forward), and print your answer in Box 28. If Box 26 is a profit and is less than the amount in Box 27A, print the difference between Boxes 26 and 27A in Box 28. This is the total available net loss before net losses and/or subvention payments to or from other companies.

Question 29 Net losses and subvention payments

To offset net losses there must be a common shareholding of at least 66%, and 66% continuity of minimum voting interest must also be maintained (or 66% market value interest if a market value circumstance exists). To calculate voting or market value interest see Question 40 on page 47.

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.

Record individual details of the losses claimed or transferred and subvention payments received or made at Questions 41F or 41G. The total of these must equal Boxes 29 or 29A 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.

Qualifying companies

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

Question 31E 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 in 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 31E.
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 can't be fully offset against its own income tax liability in the income year the supplementary dividend is paid in, attach a note to the front of the return giving details of how to treat any excess credit.

Question 31G 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 31F.

To calculate the net loss to carry forward, subtract the amount at Box 31F from the total imputation credits (Box 31G) 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.

LAQCs

Any imputation credits converted to a net loss by an LAQC must be passed on to the company's shareholders.

Question 32 Refunds and/or transfers

If you want your refund transferred to another account or to arrears being paid off by an instalment arrangement, please 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
- the date you want the transfer to take place.

Question 32B 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 below.

For credit transferred:

- to your account/an associated taxpayer's account

If the credit is from excess tax deducted (eg, PAYE deducted) 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 don't 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 page 4 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 filed.

If you want the company's refund transferred at a different date from those listed above, 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 33 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, and
- had not derived gross income from a taxable activity within the preceding four years.

New businesses don't pay provisional tax in their first year of operation because there is no residual income tax (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 in order to reduce liability to interest.

More information about the dates interest applies from is available in our guide *Provisional tax (IR 289)*.

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 *Tax Information Bulletin (TIB)* Vol 9, No 12 (November 1997).

Print the date the company started to derive income from the taxable activity in Box 33.

Question 34 2013 provisional tax

2013 provisional tax is charged for income the company will earn in the 2013 income year. It is payable in two, three or six instalments. There are three options for calculating your provisional tax—standard, estimation and ratio.

If the company's 2012 RIT is:

- **\$2,500 or less** it does not have to pay provisional tax, but it can make voluntary payments
- **more than \$2,500 but expected to be \$2,500 or less for 2013** it may estimate 2013 provisional tax at nil
- **more than \$2,500 and expected to be more than \$2,500 for 2013** it must pay 2013 provisional tax using one of the payment options.

Standard option (S)

Under this option, your 2013 provisional tax is your 2012 RIT (where it is more than \$2,500) plus 5%.

Note

If you think your income for 2013 will be more than your 2012 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 2013 provisional tax. They can re-estimate any number of times up to their final instalment due date. If the company's 2013 RIT is expected to be less than its 2012 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 the page opposite.

If the company estimates its provisional tax, write **E** in Box 34A and the amount of 2013 provisional tax in Box 34B.

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 34A 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 34A 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 in.

If you've already elected to use the ratio option and want to continue using it, enter **R** at Box 34A.

There is more information about the ratio option in our guide *Provisional tax (IR 289)*.

Not taking reasonable care penalty

When you estimate the company's 2013 provisional tax, your estimate must be fair and reasonable. If the 2013 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

Generally, if the company has paid too much provisional tax, we pay interest. If it has not paid enough provisional tax, we 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 2012 year if its RIT for that year is more than \$2,500. If the 2012 RIT is \$2,500 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 2012 year, attach a note to the front of the 2012 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 *Taxpayer obligations, interest and penalties (IR 240)* and *Provisional tax (IR 289)*.

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 www.ird.govt.nz

Payment dates

2013 provisional tax

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

First instalment	28 August 2012
Second instalment	15 January 2013
Third instalment	7 May 2013

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 two exceptions:

- If it would be due on 28 December it is due on 15 January.
- 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 (IR 289)*.

2012 end-of-year income tax

Companies that have an agent and an extension of time may have until 7 April 2013 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 31L) and any interest by 7 February 2013.

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:

- electronically
- at a Westpac branch by cheque or electronically
- by using our drop box.

Electronic payments are made through your bank by:

- automatic payment
- online banking
- direct credit.

When making electronic payments, include:

- your IRD number
- a tax type code, eg, INC for income tax
- the period the payment is for.

For full details on payment options go to www.ird.govt.nz (keywords: making payments) or read our guide *Making payments* (IR 584).

Paying online by credit or debit card

You can also make all your online payments by credit or debit card. Our bank, Westpac New Zealand, charges a 1.42% convenience fee on each transaction. You won't have to pay this fee if you're making overseas payments for a student loan or non-custodial child support.

Late payment

We will charge you interest if you don't make your tax payment by the due date. We may also charge you a late payment penalty if you miss a payment, but if you have a good payment history with us we may contact you before we do this.

If your tax remains unpaid, we'll charge an initial 1% late payment penalty on the day after the due date. We'll charge a further 4% penalty if there's still an amount of unpaid tax (including penalties) seven days after the due date.

Every month the amount owing remains unpaid after the due date we'll charge a further 1% incremental penalty.

Interest and late payment penalties are not charged on outstanding amounts of \$100 or less.

Arrangements

If you're unable to pay your tax by the due date, please call us. We'll look at your payment options, which may include an instalment arrangement, depending on your circumstances. Arrangements can be agreed on, before or after the due date for payment. There are greater reductions in the penalties charged if the arrangement is made before the due date.

For more help

See our guide *Taxpayer obligations, interest and penalties (IR 240)*.

Question 36 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 (IR 4)* for.

- If the company isn't widely held or a PIE, additional disclosure isn't required if the investments are in countries New Zealand holds a double tax agreement with (as at 31 March 2012) 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 www.ird.govt.nz

Please call 0800 377 774 if you need assistance to find the appropriate disclosure form.

For information on foreign exchange rates, go to our website (keyword: overseas currencies).

Question 37 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 38 Foreign-sourced dividends

New rules have been introduced which remove the requirement for companies to withhold foreign dividend payments (FDP) on dividends received from non-portfolio FIFs and CFCs. These rules apply from the beginning of the 2010 income year for all companies with balance dates from 30 June to 30 September (inclusive) and from the beginning of the 2011 income year for all other companies.

Note that under the FIF rules, dividends received from overseas companies, except companies covered by the exclusions listed under FIF income at Question 18 on page 20, are no longer separately taxable.

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.

This will also apply to a deemed dividend under the attributed repatriation rules, which may arise if the foreign company is a CFC in which the company held an income interest of 10% or greater. The deemed dividend is derived by the company six months after the end of the CFC's accounting period.

A credit for any tax paid by the foreign company (on its earnings) may be allowed under the underlying foreign tax credit (UFTC) rules in calculating the amount of FDP 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 three situations:

- When the investment gives the company a direct income interest of less than 10% in a foreign company, but the investment is one of certain investments that are excluded from the normal FIF rules (see Question 18 on page 20 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 39 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 40 Lowest economic interests of shareholders

The ownership tests measure a shareholder's voting and market value interests in a company. They apply to the net loss carry forward and grouping provisions, imputation credit carry forward provisions and the qualifying company rules.

A shareholding individual's economic interest in a company will generally be measured by referring to the percentage of voting power they hold in that company.

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 matters other than the payment of dividends and appointment of directors.
- Class B shares carry unrestricted voting rights.

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

Barbara's percentage of voting interest in the company is measured as follows:

Distributions		Variation in capital								
Constitution		Directors								
$\frac{0}{100}$	+	$\frac{50}{100}$	+	$\frac{50}{100}$	+	$\frac{0}{100}$	=	$\frac{100}{400}$	=	25%

Maria's percentage of voting interest is 75%, calculated as follows:

Distributions		Variation in capital								
Constitution		Directors								
$\frac{100}{100}$	+	$\frac{50}{100}$	+	$\frac{50}{100}$	+	$\frac{100}{100}$	=	$\frac{300}{400}$	=	75%

The percentage of voting interest is the total percentage of rights a person has, by reason of their holding of shares (and options), to vote on:

- the dividends or other distributions to be made by the company
- the constitution of the company
- any variation in the capital of the company
- the appointment or election of directors.

The continuity thresholds will be satisfied by taking into account the lowest economic percentage of rights attached to shares held by each shareholder of a company.

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%, because Barbara’s 25% plus Maria’s 75% equals 100%.

If the proportion of shares held does not change during the entire income year, the total lowest economic interest of shareholders will always be 100%, as shown in the example below:

Example

On 1 September 2011 Barbara and Maria swapped shares and held these proportions to 31 March 2012, the company’s balance date.

	1 April 2011	1 Sep 2011	31 Mar 2012	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%.

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 don’t reflect the true economic interests held in a company.

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

The specific factors that require a market value interest to be calculated are called market value circumstances. A market value circumstance exists where:

- the company has on issue debentures to which sections FA 2 and FZ 1 of the Income Tax Act 2007 apply
- the company has on issue shares where payment of dividends is guaranteed by a third party
- there's an option to acquire shares in the company
- an arrangement exists with the purpose of defeating a provision that depends on measurement of voting and market value interests.

Add together the lowest economic interest of each shareholder and print the **total** in Box 40. Write percentages in the following format, for example, show 50% as 50.00, and 100% as 100.00.

Effect on the 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 44D ("Other debits")—see page 54.

Question 41 Shareholder details—see also the IR 4S

Complete Question 41 if shareholders, directors and relatives of shareholders received remuneration, a loan, or were attributed a loss by the company if the company is an LAQC. Remuneration is liable for ACC levies.

Shareholders' salaries

Write all remuneration with no PAYE deducted that the company paid to that person in Box 41C.

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 file its return.

If the remuneration isn't paid in time, the deduction can't be claimed until the following year.

LAQCs

If the company has elected to be an LAQC, any net loss made after becoming a qualifying company (with the possible exception of foreign losses—see Question 18 on page 20) must be passed on or attributed to the shareholders. Write the amount of loss attributed to each shareholder in Box 41B. The amounts in Boxes 41B must balance with Box 23B.

Loss offsets and subvention payments

Record details of any losses claimed or transferred from or to each group member at Box 41F.

Record details of any subvention payments claimed or transferred from or to each group member at Box 41G.

The total of Boxes 41F must be recorded at Box 29. The total of Boxes 41G must be recorded at Box 29A.

Annual imputation return

The annual imputation return must be completed for the period 1 April 2011 to 31 March 2012, regardless of your accounting year.

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

For more information please read our guide *Imputation (IR 274)*.

Question 42 Opening balance

This is the same as the closing balance at 31 March 2011. Tick either "Credit" or "Debit" below Box 42. New companies won't have a closing balance to bring forward. Write "0.00" in Box 42.

Question 43 Credits

Question 43A Income tax paid

Include in Box 43A all payments of income tax and provisional tax made from 1 April 2011 to 31 March 2012 for 1989 and subsequent income years.

Don't include any FBT, ESCT, interest on tax, late payment penalties, imputation penalty tax or RWT.

Question 43C RWT on interest received

If the company received interest with RWT deducted between 1 April 2011 and 31 March 2012, print the total RWT in Box 43C.

Question 43D Imputation and FDP credits attached to dividends received

If the company received dividends with imputation credits or FDP credits attached between 1 April 2011 and 31 March 2012 while it had not elected to maintain an FDP account, print the total credits in Box 43D.

Note

This is the total imputation/FDP 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.

In Box 49B on the *FDP account return (IR 4D)* include any FDP credits attached to dividends received while the company maintained an FDP account.

Question 43E Other credits

List any other credits made to the ICA from 1 April 2011 to 31 March 2012. Use a separate sheet of paper if necessary. Attach it to the top of page 3 and print the total in Box 43E.

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.

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 43E (other credits).

All public unit trusts or group investment funds maintaining a SASCA should, by the due date for filing the 2012 IR 4 or IR 4J, 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 44 Debits

Question 44A Income tax refunded

Print in Box 44A the company's total income tax refunds received from 1 April 2011 to 31 March 2012 for 1989 and subsequent income years. Don't include any interest on tax received or income tax refunded for any year before 1989.

Question 44B FDP refunds

Include in Box 44B FDP refunded while the company had not elected to maintain an FDP account. If the company received any refunds while operating an FDP account, include these in Box 50B on the supplementary *FDP account return (IR 4D)*.

Question 44C Imputation credits attached to dividends paid

If the company paid dividends from 1 April 2011 to 31 March 2012 with imputation credits attached, print the total credits in Box 44C.

Question 44D Other debits

List any other debits in the ICA and print the total in Box 44D. 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 2011 to 31 March 2012, regardless of your accounting year
- an adjustment for a change in an imputation ratio
- 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 45A 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 2011, please subtract the amount refunded at Box 45A.

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

If the closing balance at Box 45B is a debit, it must be paid by **20 June 2012**.

Note

There are two 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 46 Imputation penalty tax

Imputation penalty tax of 10% of the debit closing balance is also payable by **20 June 2012**. Work out the 10% penalty in Box 46.

If the total in Box 46A exceeds \$100 and is not paid by the due date, late payment penalties and interest will apply—see page 42.

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 2012 is less than the refund.

If there have been additional credits to the ICA since 31 March 2012, the company may file an interim 2013 IR 4J return in anticipation of an IR 4 annual return being filed 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 debits 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 read our factsheet *If you disagree with an assessment (IR 778)*. The four-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.

Injury Prevention, Rehabilitation, and Compensation Act 2001

Under the Injury Prevention, Rehabilitation, and Compensation Act 2001, Inland Revenue is required to provide the earnings information at Box 41C 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 \$2,278.04. 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 \$111,669. 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 www.acc.co.nz or call ACC on 0800 222 776.

Services you may need

Need to talk to us?

You can call us on these numbers:

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

We're here to take your call between 8 am and 8 pm Monday to Friday and Saturday between 9 am and 1 pm. If you have an IRD number, remember to have it with you when you call.

For more information go to www.ird.govt.nz (keywords: contact us).

Customer service quality monitoring

As part of our commitment to providing you with a quality service, we record all phone calls to and from our contact centres. Find out more about this policy or how to access your recorded information at www.ird.govt.nz

0800 self-service numbers

This service is available seven days a week (any time, except between 5 am and 6 am) for a range of self-service options. Remember to have your IRD number with you when you call.

For personal information, such as account balances, you'll also need a personal identification number (PIN). You can get a PIN by calling 0800 257 777 and following the step-by-step instructions.

Order publications and taxpacks	0800 257 773
Request a summary of earnings	0800 257 778
Request a personal tax summary	0800 257 444
Confirm a personal tax summary	0800 257 771
All other services	0800 257 777

Postal addresses

Payments

Inland Revenue
PO Box 39050
Wellington Mail Centre
Lower Hutt 5045

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 www.ird.govt.nz (keywords: contact us).

Privacy

Meeting your tax obligations means giving us accurate information so we can assess your liabilities or your entitlements under the Acts we administer. We may charge penalties if you don't.

We may also exchange information about you with:

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

If you ask to see the personal information we hold about you, we'll show you and correct any errors, unless we have a lawful reason not to. Call us on 0800 377 774 for more information. For full details of our privacy policy go to www.ird.govt.nz (keyword: 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. You can call the staff member you've been dealing with or, if you're not satisfied, ask to speak with their team leader/manager. If your complaint is still unresolved you can contact our Complaints Management Service. For more information go to www.ird.govt.nz or call us on 0800 274 138 between 8 am and 5 pm weekdays.

If you disagree with how we've assessed your tax, you may need to follow a formal disputes process. For more information, read our factsheet, *If you disagree with an assessment (IR 778)*.