



**MINISTÉRIO DAS FINANÇAS
DIRECÇÃO GERAL DE RECEÍTAS E ALFÂNDEGAS
GABINETE DIRECTOR GERAL**

Av. Pres. Nicolao Lobato - Palácio do Governo RDTL, Edfício No. 5/ Lv.1; MdF - Dili

**Director General of Revenue and Customs
Introduction for Annual Income Tax for the Year Ended 31 Des 2009**

Dear Taxpayers,

January 2010

I would like to thank you all for paying taxes regularly to help build Timor Leste, a self-reliant country. You are advised that the due date for submitting **annual income tax forms** is very near.

Generally, all local and international businesses in Timor Leste have an obligation to pay income tax in monthly or quarterly instalments and are also required to lodge an Annual Income Tax Form by 31st of March after the end of the tax year.

In accordance with the tax laws of Timor Leste, all employers in Timor Leste have an obligation to withhold wage income tax at the appropriate wage income tax rate at the time of paying salary to their employees and remit the wage income tax to the National Directorate of Domestic Tax (NDDT) by lodging the monthly taxes form. Employers are also required to lodge an Annual Wage Income Tax Withholding Information Form. The due date for lodgement of the Annual Wage Income Tax Withholding Information Form is also 31st March 2010.

We are providing this package containing copies of the **2009 Annual Income Tax Form and Wage Income Tax Withholding Information Form and a set of Income Tax Form Instructions** to assist you in completing the tax forms accurately and correctly.

If you require further assistance with completing these forms, or about income tax, please telephone the NDDT (Dili) on 3310059. Alternatively you may wish to visit the NDDT between the hours of 8.30am and 5.00pm, Monday to Friday, public holidays excepted.

The NDDT Dili District Office is located in Rua Pres. Nicolao Lobato, (opposite the Ensul building), Dili. In Baucau the NDDT office is located in Vilanova Street and in Maliana the NDDT Office is located in Holsa Street.

Thank you once again for your valuable contribution towards the development of the Democratic Republic of Timor Leste.

Yours truly,

**Cancio de Jesus Oliveira
Director General
Directorate General Revenue and Customs**

2009 ANNUAL INCOME TAX FORM INSTRUCTIONS

GENERAL INFORMATION

These Instructions are designed to help you complete your 2009 income tax form. It is **NOT** a guide to the income tax law. More detailed information about income tax is available in other publications listed at the end of these instructions. If you need more information you can contact the National Directorate of Domestic Tax (NDDT) for assistance. Contact details for the NDDT are provided at the end of these instructions.

Who is required to lodge an income tax form?

The following taxpayers are required to submit a 2009 income tax form:

- All taxpayers conducting business activities or who have a business registration are required to lodge a 2009 Annual Income Tax Form.

Do not send schedules, calculations or other documents with your income tax form. You may be required to produce these records at a later date so that information reported in your form can be verified.

When is my income tax form due and when do I have to pay my tax?

The annual income tax form is due for lodgement on or before 31st March 2010. Any income tax payable is also due for payment by 31st March 2010. If you have an income tax payment to make you must complete three (3) copies of the income tax form and present these forms together with any payment at a branch of the Banco Nacional Ultramarino (BNU).

The BNU Officer will stamp the forms and return one copy to you for your records.

If you do not have a payment to make you must complete two (2) copies of the income tax form and lodge your forms directly at one of the NDDT District Offices located:

- In **Dili**: Rua Pres. Nicolao Lobato, (opposite the Ensul building),
- In **Baucau**: Vilanova Street, and
- In **Maliana**: Holsa Street.

The forms will be date stamped and one copy will be returned to you for your records.

COMPLETING YOUR INCOME TAX FORM

Please complete your form in **BLOCK LETTERS** using black or blue pen **only**.

Change of Taxpayer Details

If any of your taxpayer details (i.e. address) have changed since you lodged your 2008 income tax form please **print** your new details in the *Change of Taxpayer Details* section, located on Page 1 of the 2009 Annual Income Tax Form.

Taxpayer Declaration and Remittance Form

The taxpayer declaration and remittance form are on page 5 of your Income Tax Form. Ensure that you correctly complete all the required details carefully. This form **MUST BE RETURNED** with your 2009 Annual Income Tax Form.

Employer's Annual Wage Income Tax Withholding Information Form

The annual wage income tax information form is included at page 6 of your income tax form booklet and instructions are at page 7. If you have a shortfall payment to make this is made as

a separate payment to your annual income tax payment. The payment is made by completing the Wage Income Tax "Payment Slip" on page 6.

Q.1 Are you an Individually-owned business enterprise?

Answer YES to this question if you operate your business as a sole proprietor, (that is, as an individual and **not** as a company or partnership, etc.). If your business is operated via a legal entity such as a corporation, partnership, a trust, a non-government organization or an unincorporated association you **must** answer **NO** to this question.

Q.2 Are you an Individually Owned Business Enterprise and a Resident of Timor Leste for Tax Purposes?

Answer **YES** to this question if you are an **Individually Owned Business Enterprise** and have a permanent establishment located in Timor Leste, or you are a permanent resident of Timor Leste. If you do not have a business establishment physically located in Timor Leste or you are not a permanent resident of Timor Leste, answer **NO**. If you responded 'NO' to Question Q.1, you must answer 'NO' to question Q.2.

Will you be completing an income tax form for the year beginning January 2010?

Select YES if you intend to continue to conduct business activities at any time during the 2010 income tax year. If you answer NO, provide relevant explanation in the field provided.

Description of main business activity:

Please describe as accurately as possible the business activity from which you derive the **MOST** income. Please do not use general descriptions such as farmer, manufacturer, retailer or wholesaler. Please use more detailed descriptions such as: "wholesaler of automotive parts", "retailer of electrical appliances" or "cattle farming".

Line 5 - INCOME:

A) IF YOU ANSWERED 'YES' TO Q.1 and Q.2 (i.e. You ARE an individually-owned business enterprise) THEN FOLLOW THESE INSTRUCTIONS (If you are a non-individual business enterprise go to the instructions at B) below):

Indicate your total/gross income (i.e. before deduction of any expenses) at Line 5. **DO NOT** include income that has been subject to wage income tax or final withholding tax.

Note: Income that is subject to Final Withholding Tax **but** the Final Withholding Tax has **not been deducted and remitted** to the NDDT must be included in you Total/Gross Income at Line 5 of your income tax form.

For individually owned business enterprises (sole-proprietors) the income categories that are subject to final withholding tax are as follows:

- prizes and lotteries
- royalties
- rent – land and buildings
- building and construction activities
- building and construction consulting services
- mining and mining support services

- transportation – sea and air
- non-residents without a permanent establishment (all payment types)

Continue completing the annual income tax form starting with Line 10.

B) IF YOU ANSWERED ‘NO’ To Q.1 (i.e. You are NOT an individually-owned business enterprise) THEN FOLLOW THESE INSTRUCTIONS:

Indicate your total/gross income (i.e. before deduction of any expenses) at Line 5. **DO NOT** include income that has been subject to wage income tax or final withholding tax.

Note: Income that is subject to Final Withholding Tax **but** the Final Withholding Tax **has not been deducted and remitted** to the NDDT must be included in your Total/Gross Income at Line 5 of your income tax form.

For non-individual business enterprises the income categories that are subject to Final Withholding Tax are as follows:

- prizes and lotteries
- building and construction activities
- building and construction consulting services
- mining and mining support services
- transportation – sea and air
- non-residents without a permanent establishment (all payment types)

YOU MUST include income; at Line 5 of your income tax form; that was subject to withholding tax from the following income categories:

- Royalties
- Rent on Land and/or Buildings

The Withholding Tax withheld from these categories of income is **NOT** a “Final” Withholding Tax for Non-Individual Enterprises. The withholding tax that has been withheld will be allowed as a tax credit against your tax liability assessed for the tax year.

Continue completing the Annual Income Tax Form at Line 10.

Deductible Expenses:

Note: If you derive income that has been subject to final withholding tax and income that is subject to conventional income tax assessment, you may only claim a deduction for those expenses that relate to the income that is subject to conventional income tax assessment. If you are unsure how you should do this, please contact the NDDT for assistance.

Lines 10 – Purchases of Inventory and Trading Stock:

You may claim the full purchase cost of all trading stock or inventory you purchased during the 2009 tax year.

Line 15 - Depreciation:

A depreciation deduction is allowed in respect of depreciable assets and business buildings. A ‘business building’ is a building used wholly or partly in the conduct of taxable business activities. A ‘depreciable asset’ is any tangible movable property of a taxpayer that has a useful life exceeding one year, is likely to lose value as a result of wear and tear or obsolescence and

is used wholly or partly in the conduct of taxable business activities.

Depreciable assets may be depreciated:

- individually on a straight line basis
- under a pooling system on a declining balance basis.

The same method of depreciation shall apply to all depreciable assets of a taxpayer. Business buildings must be depreciated on a straight line business.

Under both methods of depreciation the rate is 100%. Therefore, you may claim as a depreciation deduction the full purchase cost of all depreciable assets and business buildings purchased during the tax year.

NOTE: Any payments received on the disposal/sale of depreciable assets that have been 100% depreciated are assessable income and must be included in your total income at Line 05.

Refer to the *Income Tax Guide* for further information or contact the NDDT for assistance.

Line 20 - Amortisation of Intangibles:

A deduction is allowable for the amortisation of intangible assets and expenditure. An 'intangible asset' is any property (other than tangible movable or immovable property) that:

- has a useful life exceeding one year; and
- is used wholly or partly in the conduct of taxable business activities.

Intangible assets must be amortised on a straight-line basis.

The amortization rate is 100%. Therefore, you may claim as a deduction the full purchase cost of all intangible assets and intangible expenditure incurred during the tax year.

NOTE: Any payments received on the disposal/sale of intangible assets that have been 100% amortised are assessable income and must be included in your total income at Line 05.

Refer to the *Income Tax Guide* for further information or contact the NDDT for assistance.

Line 25 - Bad Debts:

A bad debt expense is allowable if:

- the debt has previously been included in taxable income,
- the debt is written off in the accounts during the year, and
- there are reasonable grounds for believing that the debt will not be recovered.

With the exception of banks, **accounting provisions for bad debts should not be included.**

Line 30 - Foreign Currency Exchange Losses:

Foreign currency transactions must be accounted for in accordance with International Accounting Standard IAS 21. Foreign exchange losses are not recognized to the extent that exposure to such loss is hedged.

Line 35 - Salary and wages:

Salary and wages include amounts paid or payable to persons employed in your business. If you replied YES to Q.1 (i.e. you ARE an individually-owned enterprise), you cannot be an

employee of your own business. Payments to yourself cannot be claimed as a deduction in calculating your taxable income or loss.

Lines 40 & 45 - Contractor, sub-contractor and commission expenses:

These are expenses for labour and services provided under contract other than those in the nature of salaries and wages.

Line 50 - Rent and/or Lease Expenses:

Rent is expenditure as a tenant on rental of land and/or buildings used in the conduct of taxable business activities. Lease expenses are expenses incurred through both finance and operating leases on leasing plant and equipment, including motor vehicles.

Note – if you wish to claim Rental or Lease expenses for land and/or buildings, it is mandatory to provide full and complete information to the NDDT in the ‘Landlord Contact Details’ section of your income tax form. Failure to provide complete and accurate Landlord Contact Details information will result in the automatic denial of any rental or lease expense claimed.

Line 55 - Motor Vehicle Expenses:

These are motor vehicle running expenses such as fuel, oil, repairs, and insurance premiums.

Line 60 -Repairs and Maintenance:

This is expenditure (other than expenditure of a capital nature) on repairs and maintenance of plant, machinery, equipment and property used in conducting taxable business activities. Expenditure on repairs to property used partially for business or income producing purposes must be apportioned. Where items are newly acquired, the costs of repairs to remedy defects in existence at the time of acquisition are generally of a capital nature and are not a deductible repair and maintenance expense. Expenditure incurred in making alterations, additions or improvements is of a capital nature and is not deductible as repairs and maintenance but depreciation can be claimed.

Line 65 - Research and Development Expenses:

This is expenditure incurred in Timor Leste on research and development. Expenditure incurred on research and development outside Timor Leste is not deductible.

Line 70 - Scholarship, apprenticeship and training costs:

This is expenditure that has been incurred in providing scholarships, apprenticeships and training to employees.

Line 75 – Royalties expenses:

This is the expenditure that has been incurred in paying royalties.

Line 80 - Losses from Sale/Transfer of Property:

These are losses due to the sale or transfer of property owned and used in the conduct of taxable business activities or owned for the purposes of earning, recovering or securing income. Gains from the sale or transfer of property are to be included in Gross Income at Line 05.

Line 110 – Other tax-deductible expenses:

Include all other tax-deductible expenses that have not been included at Lines 10 to 80. All claims for other tax-deductible expenses exceeding \$1,000 must be described in full and detailed at lines 115 – 130 or if necessary attach an additional page with the details to your income tax form.

(**Note: Only Financial Institutions** are entitled to claim interest expense as a deductible expense. **Financial Institutions** should include their claim for deductible interest expense here.)

Line 135 - Total Expenses:

Total all deductible expense items shown at **lines 10 to 110**.

Line 140 – 2009 Net Income or Loss before deducting/adding carry forward losses:

Subtract *Total Expenses* Line 135 from *Total Income* Line 5. If this figure is negative (i.e. a net loss), clearly indicate this by using a negative sign (-) in the appropriate field.

Line 145 - Loss carried forward from 2008:

If you had a carried forward loss from the 2008 tax year, write the amount of the loss at this line. If you did not have a carried forward loss from the 2008 tax year leave this Line blank.

Note: Any carried-forward loss claim is subject to verification by the NDDT Assessment Unit.

Line 150 - 2009 Taxable Income or Loss:

This figure is calculated as follows:

1. If the figure at Line 140 is positive then:

- If you **did not** have a carry forward loss from the 2008 tax year, that is you **do not** have an amount written at Line 145, transfer the same amount written at Line 140 to Line 150. Income tax will be calculated on this amount.
- If you **did** have a carry forward loss from the 2008 year, that is you **do** have an amount written at Line 145, you may claim the loss, up to the same amount as the net income shown at Line 140, as an expense in calculating your taxable income. For example, if your net income before deducting losses (Line 140) was \$6,000 and the carry forward loss from the 2008 tax year (Line 145) is \$10,000 you may claim \$6,000 of this loss as an expense. The amount at Line 150 will then be zero (\$6,000 - \$6,000). The balance of the carried forward loss is \$4,000.
- Losses incurred in the 2008 or later tax years may be carried forward indefinitely. Losses incurred in the 2007 or earlier tax years may be carried forward for a maximum of five years from the tax year in which the loss was incurred.

2. If the amount at Line 140 is negative then:

- Transfer the same amount written at Line 140 to Line 150. Make sure you indicate your loss by using a negative sign (-) in the field at Line 150. This loss may be carried forward indefinitely until expired.

Line 155 - Total Losses to Carry Forward to 2010

This figure will be the sum of any unexpired carried forward loss from the 2008 tax year **less than 5 years old**, plus any net loss in the 2009 tax year. For example:

- If you have an unexpired loss from the 2008 tax year of \$4,000 and you made a loss in the 2009 tax year of \$3,000 (Line 150), the amount to carry forward to 2010 is \$7,000
- If you do not have a loss carried forward from the 2008 tax year and you have made a net loss in the 2009 tax year of \$3,000 (Line 150), the amount to carry forward to 2010 is \$3,000.

LINE 160 - INCOME SUBJECT TO INCOME TAX

Copy your taxable income from Line 150 on your tax form to this line. This is your income subject to tax.

| |
|----|
| \$ |
|----|

LINE 165 – CALCULATION OF TAX OWING

Use the 2009 tax rates provided below to calculate the tax payable on your income that is subject to tax.

If you answered ‘Yes’ to Question 1 (i.e. you ARE an individually-owned business enterprise) then use **Table A** below to calculate your tax payable. If you answered ‘No’ to Question 1 (i.e. you are NOT an individually-owned business enterprise such as a company or partnership), then use **Table B** below to calculate your income tax payable.

| Table A: 2009 Tax Rates – Individual Business Enterprises | |
|--|-----------------------------------|
| Taxable Income | Tax on this Income |
| 0 - \$6,000 | 0% for each dollar |
| \$6,001 and above | 10% for each dollar above \$6,000 |

| Table B: 2009 Tax Rates – Non-Individual Business Enterprises | |
|--|---------------------------|
| Taxable Income | Tax on this Income |
| All Taxable Income | 10% for each dollar |

Tax on income subject to income tax.

| |
|----|
| \$ |
|----|

Copy the income tax calculated above to line 165 in the 2009 Income Tax Form.

*Note: Round any tax owing **down** to the nearest dollar.*

Allowable Income Tax Credits

Line 170 – Foreign Tax Credits:

A resident taxpayer is entitled to a credit for any foreign tax paid by the taxpayer in respect of foreign-sourced income included in taxable income for a tax year. This is known as a **foreign tax credit**. Limitations may apply to the claiming of foreign tax credits. You can obtain more information on foreign tax credits in the Taxes and Duties Act 2008 or by seeking assisting from the NDDT. If you have qualifying Foreign Tax Credits for the 2009 Tax Year, insert this amount at line 170. You can only claim an amount up to the value of the amount of Timor Leste tax calculated on that category of foreign income. All amounts claimed at line 170 are subject to verification by the NDDT.

Line 175 – Income Tax Instalments Paid:

Add the total of all income tax instalments you have paid towards your 2009 Annual Income Tax liability. This total is subject to verification by the NDDT.

Lines 180 – 185 - Withholding Tax paid on Royalties and the Rental of Land and/or Buildings:

Non-Individually-owned enterprises (i.e. companies, partnerships, etc.) are required to include the total amount of the above types of income they received during the tax year in Total/Gross Income in their income tax form at Line 05. Non-Individual business enterprises are also entitled to a “Tax Credit” for any withholding tax that has been withheld from this income and remitted to the NDDT. On the appropriate line, claim the amounts of withholding tax that has been deducted from these income categories and remitted to the NDDT.

Lines 190 – 205 - Withholding Tax paid on income from the provision of the following services:

Providers of the following services:

- Building and construction activities,
- Building and construction consulting services,
- Air and sea transportation services, and
- Mining and mining support services.

who have **elected** for withholding tax **not to be final** are subject to conventional income tax assessment. They are required to complete an annual income tax form declaring all assessable income and allowable deductions related to the carrying on of the above activities or services.

They are also entitled to claim a credit for withholding tax that has been withheld from the income received for the provision of the above activities or services and remitted to the NDDT.

Line 215 – Total Credits:

Add the amounts claimed at lines 170 to 205 and insert here.

Line 220 – Tax Owning/Overpaid:

Subtract Total Credits (Line 215) from Tax on Income Subject to Tax (Line 165). If this amount is positive this is the outstanding tax you are required to pay. If the amount is negative you may be entitled to a refund of overpaid tax.

Payment Advice

Lines 225 and 230 – Income tax owing:

If the amount shown at Line 220 is positive transfer the amount to Line 225. This is the outstanding income tax you are required to pay. This is done by inserting the amount at Line 225 at Line 230 and presenting 3 copies of the completed income tax form and the due payment amount at a branch of the BNU.

Income Tax Instalments for the 2010 Tax Year:

Business enterprises with a total turnover in excess of \$1,000,000 for the previous tax year are required to pay their income tax instalments monthly. All other business enterprises are required to pay their instalments quarterly. If you require further information on how to calculate and pay income tax instalments you may attend one of the NDDT Districts Offices and obtain an Income Tax Instalments information brochure. Alternatively you may access this and other tax information brochures on the Ministry of Finance website through the following link- www.mof.gov.tl/en/rc/DDT/Default.htm

MESSAGES

Self assessment and what it means to you?

The National Directorate of Domestic Tax (NDDT) has prepared publications that will provide you with the information and guidance you need to complete your income tax form. It is your responsibility to lodge a tax form that is complete and correct. The NDDT does not check everything in the form and will accept the information in the form as lodged. However, the NDDT does conduct a significant number of compliance checks and you may be required to verify the accuracy of the information you provided in your income tax form at a later date.

Please remember, even if someone else helps you to complete your income tax form, you have to sign the *Taxpayer's Declaration* and you are responsible for the information provided in your tax form.

What if there is a mistake in my tax form?

Mistakes may be made either by the taxpayer or by the NDDT.

If the NDDT makes a mistake that affects the amount of tax payable by you, or the amount of tax refundable to you, you will receive an amended assessment notice and an explanation about the mistake.

If you realise that there is an error in your form, you should correct it as soon as possible by requesting an amendment. You can request an amendment by writing a letter to the Commissioner of the NDDT or submitting an amended tax form.

If you submit an amended tax form, please remember to write 'AMENDED' on the top of the first page. You should also include a covering letter containing an explanation of why the amendment is necessary. It is important that you provide an explanation of why you made the mistake so that we can assess any additional tax or overpayment correctly.

If you write to the Commissioner requesting an amendment your letter should include the following details:

- TIN
- Full taxpayer name and address
- Information about what you want to amend
- An explanation of why an amendment is necessary

How to make a payment using Electronic Funds Transfer (EFT)

If you wish to pay your tax debt electronically, you may transfer USD to:

Bank: The Federal Reserve Bank of New York
33 Liberty Street
New York, NY 10045

Swift Code: FRNYUS33

Beneficiary: The Banking & Payments Authority of Timor Leste

Account Number: 021080740

Or AUD to:

National Directorate of Domestic Tax

Bank: Reserve Bank of Australia

Account name: Banking and Payments Authority of Timor Leste

BSB: 092 – 002

Account number: 81731 - 3

When making your payment please provide the following reference details:

- Taxpayer Name,
- TIN,
- Year, and
- Tax Type.

Note that your completed income tax form will still need to be sent to the NDDT with “electronic payment” marked on the payment advice section on the last page of the form.

Exchange rates - What rates do I use for calculating my foreign income?

For Timor Leste tax purposes all amounts must be expressed in US dollars. For the purposes of calculating your foreign income, all non-\$US amounts should be converted to \$US using the average monthly exchange rates provided to NDDT by the Banking and Payments Authority.

Non-\$US amounts in each month should be converted to \$US by dividing the non-\$US income by the exchange rate applicable for that month. Where income cannot be identified as having been earned in a particular month, the average annual exchange rate for 2009 can be used.

For a number of currencies the monthly average exchange rates for the 2009 tax year may be found on the Ministry of Finance website using the following path:
www.mof.gov.tl/en/rc/DDT/Default.htm and select Average Monthly Exchange Rates – 2009.

Retention of records

All records should be kept and be readily accessible by, or be produced to, the National Directorate of Domestic Tax (NDDT) if required. Records must be maintained for five years in one of the following languages:

- English
- Portuguese
- Indonesian
- Tetun

Penalties

Penalties may apply if you:

- Lodge a form after the due date.
- Fail to make a tax payment by the due date.
- Understate the amount of tax owing on your tax form.
- Fail to create and retain records.

FURTHER INFORMATION

You can find out more about income tax and other taxes by obtaining copies of the following publications from the NDDT:

- *Income Tax Guide*
- *Taxes and Duties Act 2008*
- *NDDT Designation Notice 2010/1-Persons required to complete the 2009 income tax form*
- *Guide for withholding tax on rent from land and/or buildings*
- *Guide for withholding tax on construction activities and consulting services*
- *Guide for Income Tax Instalments.*

The NDDT has also produced a number of brochures to assist taxpayers in understanding and calculating their tax obligations. These brochures are available at the NDDT District offices and include information on:

- *Wage Income Tax*
- *Services Tax*
- *Income Tax*
- *Instalment Tax*
- *Withholding Tax*
- *Withholding Tax for Building and Construction Activities and Consulting Services*
- *Non-Government Organisations – General Information*
- *Registering for a Tax Identification Number (TIN)*

The above and other information is also available on the Ministry of Finance website via the following path - www.mof.gov.tl/en/rc/DDT/Default.htm

If you require further assistance with completing your income tax form, or about income tax, please telephone the NDDT (Dili) on 3310059. Alternatively you may wish to visit the NDDT between the hours of 9am and 5pm, Monday to Friday, public holidays excluded. The NDDT District offices are located:

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