

ATO complying loan document price list

SMSF limited resource borrowing arrangements



Price list from 1 July 2024

Practical Compliance Guideline 2016/5 details the ATO's view on the loan terms that will be acceptable for a limited recourse borrowing arrangement.

Basically, there are two options available for structuring your loan documents for loans from a related party to an SMSF:

1. safe harbour loan – where the terms of the loan comply with the safe harbour rules as published in 2016/5; or
2. arm's length / external evidence loan – where the terms of the loan are consistent an arm's length loan, which can be demonstrated by appropriate evidence from a third party (such as a bank who have given a loan offer indicating they would lend on substantially the same terms).

Cooper Grace Ward can prepare documents for new loans or to vary existing loan arrangements to comply with the safe harbour requirements or with the external evidence you have obtained.

Our fees to prepare the loan documents are as follows:

Documents	Cost (plus GST and outlays)
Loan documents (loan agreement, mortgage and guarantee) for new or undocumented loans	
Safe harbour loan terms	\$1,500
Customised loan terms	\$2,000
Variation to existing loan agreement	\$1,500
Variation of existing loan agreement and mortgage (or new mortgage)	\$2,000
New mortgage (where existing complying loan agreement in place)	\$1,000

The work outlined above does not include providing any advice on the terms of the limited recourse borrowing arrangement or its compliance with the other requirements of section 67A, or registration of any mortgage. Cooper Grace Ward can provide advice on these issues and attend to registration via PEXA, if required, for an additional fee.

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