

DIGITAL GAMES TAX OFFSET

30% TAX REBATE
FOR GAMES
DEVELOPMENT

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 **bulletpoint**



Digital Games Tax Offset (DGTO) - Application for a Final Certificate

When to submit

Applications for final DGTO certification can be made at any time.

The DGTO operates under [Division 378 of the Income Tax Assessment Act 1997 \(ITAA97\)](#).

Application made in accordance with Part 2 of the [Income Tax Assessment \(Digital Games Tax Offset\) Rules 2023 \(legislation.gov.au\)](#)

Before you begin

In order to apply for a final certificate for the DGTO:

- The applicant company must be the company that is primarily responsible for undertaking the activities necessary for the development of the game in Australia.
- The applicant company must be an Australian company, or a foreign company with an Australian permanent residency and an Australian Business Number (ABN).
- The applicant company must not be acting in the capacity of a trustee or a trust.
- The game must be in an electronic form and be:
 - made available for use over the internet;
 - primarily played through the internet; and/or
 - operate only when a player is connected to the internet.
- The game must not:
 - be a gambling service or substantially comprise gambling or gambling-like practices;
 - contain elements that are likely to lead to being refused an Australian classification;
 - be primarily developed for industrial, corporate or institutional purposes; or
 - be primarily developed to advertise or promote a product, entity or service.
- QADE must be at least \$500,000 and be incurred on or after 1 July 2022.

Before you complete this Application Form please note:

- The DGTO Guidelines and Glossary must be read in conjunction with this form and are available at <https://www.arts.gov.au/what-we-do/screen/digital-games>.
- Towards the end of this application you will have the opportunity to attach all required supporting documentation.
- During the assessment the assessor may seek additional documents.

Confidentiality

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) uses this form to collect information, including some personal information, that is required to process this application for final certification under the DGTO. For further information about the Department's privacy obligations, (including in relation to how to access or correct personal information or make a complaint) and our contact details for privacy matters, please see our [Privacy Policy](#).

Information provided by the applicant is held by the Department on a strictly sensitive basis and in line with the provisions of Division 355 of Schedule 1 of the *Taxation Administration Act 1953*.

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However, some information may be provided to other bodies to assist in the administration of the DGTO or for other purposes as required by law. These include:

- Application information will be provided to the Digital Games Tax Offset Advisory Board (the Board) and independent game development consultants (IGDC) contracted by the Department. These parties are bound by Commonwealth Government confidentiality and privacy provisions.
- Limited information, such as the name of the applicant and the game/s, will be disclosed to the National Film and Sound Archive of Australia.
- Aggregate and non-identifying information may be used by the Commonwealth for the purposes of reviewing the DGTO.
- Where required by law, information collected may be provided to other agencies or departments of the Commonwealth, including the Australian Tax Office.

Contact details

If you require any assistance in completing the form please contact the Screen Incentives Section on:

Email: DigitalGames@arts.gov.au

Phone: +61 (02) 6271 1006

Mailing Address: Screen Incentives Section Department of Infrastructure, Transport, Regional Development, Communications and the Arts GPO Box 2154 Canberra ACT 2601 AUSTRALIA

Eligibility

*** indicates a required field**

Certification stream

Completion Certificate: A certificate for a digital game completed in the income year.

Ongoing Development Certificate: A certificate in relation to ongoing development of one or more completed digital games in the income year.

Porting Certificate: A certificate for a previously completed digital game that has been ported in the income year.

Under which of the following streams would you like to make an application? *

- Completion Certificate
- Porting Certificate
- Ongoing Development Certificate

Responsible company

Is the applicant company the company that is primarily responsible for undertaking the activities necessary for the development of the game or games in Australia?

- Yes
- No

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Is this application being made on behalf of a company that has an Australian Business Number (ABN) and is an Australian resident company or a foreign resident company that is operating through a permanent establishment in Australia? *

Yes No

Please upload an ASIC company extract, verifying that the applicant company is an Australian resident company, or a foreign resident company that is operating through a permanent establishment in Australia. This information should include the Australian Business Number (ABN) and details of the registered address. *

No files have been uploaded

Trustee company

Is the applicant company acting in the capacity of a trustee of a trust? *

Yes No

Did the applicant company act in the capacity of a trustee of a trust for any part of the time it incurred expenditure on the production? *

Yes No

Access and format

Is the game (or games) available over the internet, primarily played through the internet and/or operate only when a player is connected to the internet? *

Yes No

Is the game (or games) in an electronic form that is capable of generating a display on a portable electronic device, computer monitor, television screen, liquid crystal display or similar medium that allows for the playing of an interactive game? *

Yes No

Is the game (or games) interactive? *

Yes No

An interactive game is generally understood to be a game where the sequence of events in the game is determined in response to the decisions, inputs and direct involvement of the player(s).

Is the game (or games) a gambling service (within the meaning of the Interactive Gambling Act 2001) or substantially comprised of gambling or gambling-like practices? *

Yes No

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Does the game (or games) contain elements that are likely to lead to the game being refused classification under the Classification (Publications, Films and Computer Games) Act 1995? *

Yes No

In order to be **eligible**, the game must have been primarily developed to be made available to the general public for entertainment or educational purposes.

Games are **not eligible** if they are primarily developed:

- for industrial, corporate or institutional purposes; and/or
- to advertise or promote a product, entity or service.

Does the game (or games) meet this eligibility criterion? *

Yes No

Applicant details

*** indicates a required field**

Registered entity name / Legal business name *

Must be the full legal name of the applicant organisation

Applicant ABN *

| Information from the Australian Business Register | |
|---|----|
| ABN | |
| Entity name | |
| ABN status | |
| Entity type | |
| Goods & Services Tax (GST) | |
| DGR Endorsed | |
| ATO Charity Type | |
| ACNC Registration | No |
| Tax Concessions | |
| Main business location | |

Place the company is incorporated *

Registered business address *



Latitude: | Longitude:

Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required. Coordinates Required. Country must be Australia

Applicant Postal Address *

Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required. Country must be Australia

Was the applicant company set up as a Special Purpose Vehicle (SPV) to make the game? *

Tax Consolidated Group details

Is the company part of a Tax Consolidated Group? *

Yes No

Prior companies

If a company has taken over the development of the game from another company, then the new company is taken to have incurred the development expenditure of the previous company or companies.

Has the applicant company taken over responsibility for the development of the game from another Australian company? *

Yes No

Has the applicant company received, or does it intend to apply for, any other DGTO certifications for the same income year? *

Yes No

Company relationships

The applicant company's relationship with other entities is relevant to the DGTO in regard to the rebate cap, qualifying Australian development expenditure, and arm's length arrangements. Further information can be found in the DGTO Guidelines and Glossary.

Please upload a statement of relevant related party relationships, in connection with the development of the digital game, which details:

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- For the purposes of the \$20 million DGTO rebate cap (section 378-15 of the Act): a list of all companies likely to be 'connected with' or 'affiliates of' the applicant at the time of lodgement of the relevant tax return, highlighting any particular 'related companies' that may also intend to claim an amount under the DGTO; and
- For the purposes of calculating QADE (section 378-35 of the Act): a list of all associates or potential associates with whom transactions have been undertaken relevant to QADE and, for potential associates, the rationale that has been used to determine the company is not an associate;

Advice on relevant related party relationships is best sought from your legal advisers. Where the ATO comes to a different conclusion on companies' relationships, the applicant must submit a revised application.

Attach a file

No files have been uploaded

Applicant contact information

*** indicates a required field**

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts may not be able to discuss this application with people unless they are nominated as either a Primary Contact or Secondary Contact in this form.

Primary applicant contact

Primary contact *

Primary contact position

*

Primary contact business address *

Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required.

Primary contact phone number *

Primary contact email *

Secondary applicant contact (optional)

Secondary contact

Secondary contact position

**Secondary contact
business address**

**Secondary contact
phone number**

Must be an Australian phone number.

Secondary contact email

Must be an email address.

Game details

*** indicates a required field**

Game title *

This is the title that will appear on the certificate.

Has there been a previous title/working title? *

Yes No

Synopsis

Please provide a one paragraph synopsis of the game below.

Game synopsis *

Must be between 20 and 200 words. Additional information can be attached in the supporting documents section of this form.

Genre

Please select the best genre that fits to the game.

Game genre *

- | | |
|--|--|
| <input type="radio"/> Simulation/sandbox | <input type="radio"/> Puzzle/platformer |
| <input type="radio"/> Strategy | <input type="radio"/> Narrative/visual novel |
| <input type="radio"/> Shooter | <input type="radio"/> Survival/horror |
| <input type="radio"/> Sports/racing | <input type="radio"/> Action/adventure |
| <input type="radio"/> Family/party | <input type="radio"/> Education |
| <input type="radio"/> Roleplaying | |

Distribution

Select all that apply *

- Console (including handheld)
- PC/Mac
- Mobile (including tablet)
- AR/VR device
- Web/cloud

Date that QADE was first incurred *

Must be a date.

Date that QADE was last incurred *

Must be a date.

Date of completion *

Must be a date.

Date of release *

Must be a date.

Qualifying Australian development expenditure (QADE)

*** indicates a required field**

It is recommended that applicants refer to the Glossary for details of eligible expenditure.

QADE Details

Does the applicant have a substituted accounting period? *

Yes No

Total QADE *

\$

Must be a minimum of AUD \$500,000 commencing on or after 1 July 2022.

Total development expenditure (as defined by section 378-30 of the ITAA97) *

\$

Must be a dollar amount.

Was any QADE incurred in a foreign currency? *

Yes No

QADE General Ledger

The below attachment must be supplied as an unlocked Excel document [using this template](#).

Note: If you get an error uploading Excel spreadsheet files please save them as 'Excel 97-2004 Workbook (.xls)' format in Excel and try uploading again. The file size must be below 25MB

Please upload a statement of total QADE (General Ledger) *

No files have been uploaded

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Maximum file size 25MB

Apportionment

Where you have incurred expenditure across different activities or games, only the amount attributable to the activity or to the game that is the subject of the application can be claimed as QADE.

For example:

- you incurred expenditure under a contract with an artist to create content for three different new games. This application for a completion certificate should apportion the total expenditure between the games, so that there is an amount referable to each game that is the subject of each application; or
- you incurred expenditure with an employee who engages in both development and non-development activities (such as administrative duties). This application for a certificate should apportion that employee's expenditure between the QADE and non-QADE activities.

You must maintain records sufficient to satisfy that the apportionment is appropriate, such as work orders, schedules, or reporting from internal project management systems. This documentation can be uploaded on the next page of the form at the Additional Information section.

Please note that you do not need to apportion expenditure with an employee or independent contractor if 90% of that expenditure is attributable to activities that qualify as QADE.

For example, if you have incurred expenditure on an employee who is developing an eligible game 90% of their time but also attending to general administrative duties for the remainder, you can claim 100% of the expenditure on the employee.

Have you ensured that all claimed QADE is apportioned where necessary for work undertaken in Australia on the development of this specific game, as per the above information? *

Yes No

During assessment, you may be asked to provide further information, explanation or substantiation of your apportionment claims.

Fringes and compensation

Fringe benefits provided as part of an eligible employee's remuneration package (such as a car in lieu of salary or wages) may be considered QADE. Please note, Government fees, fines, penalties, taxation or any such payment (including Fringe Benefits Tax) is not 'remuneration' nor 'expenditure' and is therefore not development expenditure nor QADE.

If a person's remuneration is QADE then any compulsory worker's compensation linked to that remuneration and payable by the applicant company is also QADE.

Please provide a short description of how a portion of worker's compensation has been attributed to QADE.

Associates integrity test

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Expenditure incurred in relation to an entity that is an associate of the applicant company is excluded from development expenditure and is not QADE. There is no apportioning or separating such expenditure to work out the amount of expenditure had the transaction occurred between parties that are not associates.

An associate of a company is defined by section 318 of the *Income Tax Assessment Act 1936* (ITAA36). Advice on associates of your company should be sought from your legal advisers before submitting your application.

Have you ensured that the claimed QADE for this title is compliant with the above information on associates integrity test? *

Yes No

Remuneration of influential employees

There is a limited exception to the associates integrity test outlined above, such that a company may claim a maximum of \$65,000 under the DGTO for each influential employee or individual that performs work or services directly for the company that are attributable to the development of the game.

For example, a total of \$65,000 per income year may be claimed for a director, founder or CEO of a game development studio who also undertakes development work on a game applied for under a stream of the DGTO.

Does your General Ledger include any individuals for which this exception will apply? *

Yes No

Applications for other government incentives

Has a final certificate for this title (or titles) been issued under any of the following Australian Government tax offsets? Select all that apply *

- Producer Offset
- Location Offset
- Post, Digital and Visual Effects (PDV) Offset
- Research and Development (R&D) Offset
- Digital Games Tax Offset (under another stream)
- None of the above

Has the game (or have the games) received or applied for any other Australian Government support? *

Yes No

Has the game received or applied for any state/territory government support? *

Yes No

Please upload any additional documents to support your application and/or substantiate your QADE claim.

Documents may include:

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- employment contracts
- payroll summary details
- invoices
- change orders
- letters of engagement
- schedules
- timesheets
- attendance sheet
- relevant quotes
- letters of authorisation
- foreign currency calculations
- major service providers' full quotes and/or budget

Note: If you get an error uploading Excel spreadsheet files please save them as 'Excel 97-2004 Workbook (.xls)' format in Excel and try uploading again.

Further documentation may be requested during the assessment process.

Attachment *

No files have been uploaded

Maximum file size of 25MB per file

Please provide a web link to verify the game's distribution. *

Must be a URL.

Additional information

If you have any further information to provide in relation to your application, please detail it here.

Attachment

No files have been uploaded

Maximum file size of 25MB per file

Declaration and confirmations

*** indicates a required field**

You are required to make the following declaration under Schedule 1, Part B of the DGTO Rules.

The information provided in your application (and in any subsequent requests for additional information) will be used by the Department to administer the DGTO. The *Taxation Administration Act 1953* imposes administrative penalties on any entity that makes a false or misleading statement, or takes positions that are not reasonably arguable, to the Commissioner of Taxation or another entity exercising powers or performing functions under

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a taxation law. When submitting information to support your application to the DGTO it will be deemed to be made as a tax declaration; any such statement could attract substantial penalties under taxation laws.

I, the applicant, confirm that: *

- I am authorised by the applicant company to complete this application
- information provided in this application may be provided to the Australian Taxation Office, the Digital Games Tax Offset Advisory Board, the National Film and Sound Archive of Australia and independent digital games consultants contracted by the Department
- to the best of my knowledge, all the information in this application is true and correct

At least 3 choices and no more than 3 choices may be selected.

Certified by *

Date *

Must be a date.