Notice of Withdrawal

Taxation Ruling

Income tax: transfer of losses within a company group

Taxation Ruling IT 2636 is withdrawn with effect from today.

1. Taxation Ruling IT 2636 explains how subsection 80G(9) of the *Income Tax Assessment Act 1936* (ITAA 1936) interacts, in relation to the transfer of losses within a company group, with the current year loss provisions in Subdivision B of Division 2A of Part III of the ITAA 1936.

2. Part 3-90 of the *Income Tax Assessment Act 1997* introduced the Consolidation regime, which came into effect for income years beginning on or after 1 July 2002. Part 3-90 contains the current provisions concerning the transfer of tax attributes between members of the same wholly-owned group. After 1 July 2003, the existing group loss transfer rules are no longer available, except in the very limited circumstance where one company is an Australian branch of a foreign bank.

3. The Ruling does not have application to income tax years after the 2002-2003 income year and is therefore withdrawn.

Commissioner of Taxation
19 September 2007

ATO references:
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