


LCG 2015/2A1 - Addendum - Section 177DA of the Income Tax Assessment Act 1936: schemes that limit a taxable presence in Australia

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Addendum

Law Companion Guideline

Section 177DA of the *Income Tax Assessment Act 1936*: schemes that limit a taxable presence in Australia

This Addendum is a public ruling for the purposes of the *Taxation Administration Act 1953*. It amends Law Companion Guideline LCG 2015/2 to account for the *Tax Laws Amendment (Combating Multinational Tax Avoidance) Act 2015* receiving royal assent on 11 December 2015.

LCG 2015/2 is amended as follows:

1. Page status (all pages)

At the top of all pages; insert:

Page status: **legally binding**

2. Title

Omit 'Schemes'; substitute 'schemes'.

3. Preamble

Omit the preamble; substitute:

Relying on this Guideline

This publication is a public ruling for the purposes of the *Taxation Administration Act 1953*.

This Guideline describes how the Commissioner will apply the law as amended by Schedule 2 to the *Tax Laws Amendment (Combating Multinational Tax Avoidance) Act 2015* to entities that rely on this Guideline in good faith.

If you rely on this Guideline in good faith, you will not have to pay any underpaid tax, penalties or interest in respect of matters covered by the Guideline if it does not correctly state how a relevant provision applies to you.

4. Paragraph 1

- (a) Omit all occurrences of 'Bill'; substitute 'Act'.
- (b) Omit 'new'.

5. Paragraph 2

- (a) Omit 'proposed'.
- (b) Before 'law; insert 'new'.

6. Paragraph 3

- (a) Omit 'will be'; substitute 'is'.
- (b) Omit 'proposed'.
- (c) Omit 'are currently working on'; substitute 'have developed'.
- (d) Omit 'new' from the last sentence.

7. Paragraph 5

Omit the paragraph; substitute:

- 5. Miscellaneous Taxation Ruling [MT 2012/3](#) *Administrative penalties: voluntary disclosures* sets out the circumstances in which the Commissioner is able to remit penalties in the case of voluntary disclosures.

8. Paragraphs 7 and 12

Omit 'Bill'; substitute 'Act'.

9. Paragraph 15

- (a) Omit 'Explanatory Memorandum (EM) to the Bill'; substitute 'Explanatory Memorandum to the Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015 (Explanatory Memorandum)'.
- (b) Omit 'EM to the Bill'; substitute 'Explanatory Memorandum'.

10. Paragraphs 23 and 40

Omit 'EM to the Bill'; substitute 'Explanatory Memorandum'.

11. Paragraph 30

Omit 'ITAA 1997'; substitute '*Income Tax Assessment Act 1997* (ITAA 1997)'.

12. Subparagraph 36(i)

Omit '*Income Tax Assessment Act 1997* (ITAA 1997)'; substitute 'ITAA 1997'.

13. Paragraphs 38, 48 and 61

Omit all occurrences of 'proposed law'; substitute 'MAAL'.

14. Paragraph 41

Omit 'law'; substitute 'MAAL'.

15. Paragraph 65

After the last dot point; insert:

- [PS LA 2011/30](#) which deals with remission of penalties relating to scheme shortfall amounts.
- [MT 2012/3](#) which deals with administrative penalties in the case of voluntary disclosures.

16. Paragraphs 66 and 67

Omit the paragraphs; substitute:

66. As noted above, the ATO has developed an internal framework for transitional arrangements for the MAAL, including a client experience road-map.

67. If you believe that the MAAL will apply to you and you would like to obtain a copy of the client experience road-map, please contact the MAAL project team at MAAL@ato.gov.au.

Commissioner of Taxation

11 December 2015

17. Legislative references

(a) Omit:

ITAA 1936 177DA(a)(ii)

ITAA 1936 177DA(a)(iii)

Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015

Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015 Sch 2

(b) Insert:

ITAA 1936 177DA(1)(a)(ii)

ITAA 1936 177DA(1)(a)(iii)

Tax Laws Amendment (Combating Multinational Tax Avoidance) Act 2015

Tax Laws Amendment (Combating Multinational Tax Avoidance) Act 2015 Sch 2

TAA 1953

18. Related Rulings/Determinations

After 'TR 2001/13'; insert 'MT 2012/3'.

19. Other references

Insert 'PS LA 2011/30';

This Addendum applies on and from 11 December 2015.

Commissioner of Taxation
18 December 2015

ATO references

ATOlaw topic(s)

Tax integrity measures -- OECD issues

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