TD 2012/19EC - Compendium

Ruling Compendium – TD 2012/19

This is a compendium of responses to the issues raised by external parties to draft Taxation Determination TD 2009/D2 – Income tax: when is a non-share equity interest 'issued at or through a permanent establishment' for the purposes of paragraph 215-10(1)(c) of the *Income Tax Assessment Act 1997?*

This compendium of comments has been edited to maintain the anonymity of entities that commented on the draft Determination.

Summary of issues raised and responses

Issue No.	Issue raised	ATO Response/Action taken
1	Draft Determination appears to be inconsistent with the policy intent.	The Australian Taxation Office (ATO) does not agree with this statement. The Determination accords with the policy intent in the ATO's view. Treasury has also confirmed that the Determination is consistent with the policy rationale for section 215-10 of the *Income Tax Assessment Act 1997*.
2	The examples need to be expanded to make the reasoning clear as to why subsection 215-10(1)(c) of the *Income Tax Assessment Act 1997* is failed or satisfied.	The examples have been rewritten and a new example has been added to illustrate more fully the ATO reasoning.