TD 2000/D1 - Income tax: is a prescribed fee paid by a person to the Industrial Registrar in lieu of an annual subscription to a trade union or employee association an allowable deduction under section 8-1 of the Income Tax Assessment Act 1997?

This cover sheet is provided for information only. It does not form part of *TD 2000/D1 - Income tax: is a prescribed fee paid by a person to the Industrial Registrar in lieu of an annual subscription to a trade union or employee association an allowable deduction under section 8-1 of the Income Tax Assessment Act 1997?*

This document has been finalised by TD 2000/17.

Australian Taxation Office

Draft Taxation Determination

TD 2000/D1

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Income tax: is a prescribed fee paid by a person to the Industrial Registrar in lieu of an annual subscription to a trade union or employee association an allowable deduction under section 8-1 of the *Income Tax Assessment Act 1997*?

Preamble

Draft Taxation Determinations (DTDs) present the preliminary, though considered, views of the Australian Taxation Office. DTDs should not be relied on; only final Taxation Determinations represent authoritative statements by the Australian Taxation Office

1. Yes, where the person would be entitled to a deduction for the annual subscription if it was paid to the appropriate trade union or employee association, that person is entitled to a deduction.

2. A person whose conscientious beliefs prevent them from being a member of a trade union or employee association is able to pay a prescribed fee to the Industrial Registrar under section 267 of the *Workplace Relations Act 1996* (this section was present in similar form in the preceding Acts - the *Conciliation and Arbitration Act 1904* and the *Industrial Relations Act 1988*). Payment of the prescribed fee results in the person receiving a certificate that is valid for 12 months and enables that person to be treated as if they are a paid-up member of the respective trade union or employee association for the duration of the certificate.

3. This Determination should be read in conjunction with Draft Taxation Ruling TR 2000/D1 which explains the circumstances under which a deduction is allowable for subscriptions to trade, business or professional associations, including trade unions and employee associations.

Previous rulings

4. This Determination, when issued in final form, will replace Taxation Ruling IT 296. There is no change to the policy stated in IT 296.

Your comment

5. We invite you to comment on this Draft Taxation Determination. We are allowing 4 weeks for comment before we finalise the Determination. If you want your comments considered, please provide them to us within this period.

Comments by Date: **24 March 2000**
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Commissioner of Taxation
23 February 2000

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Not previously released in draft form

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Association and membership expenses
Trade unions and employee associations

Legislative references:
ITAA 97 8-1
Workplace Relations Act 1996 267

ATO references:
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