



TD 1993/62W - Income tax: is a building write-off deduction under Division 10D available to a taxpayer who acquires a building (e.g. house, flat or home unit) in respect of which qualifying expenditure has been incurred by any of its owners?

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 This document has changed over time. This is a consolidated version of the ruling which was published on 7 October 2009



Notice of Withdrawal

Taxation Determination

Income tax: is a building write-off deduction under Division 10D available to a taxpayer who acquires a building (e.g. house, flat or home unit) in respect of which qualifying expenditure has been incurred by any of its owners?

Taxation Determination TD 93/62 is withdrawn with effect from today.

1. Taxation Determination TD 93/62, which issued on 1 April 1993, explains when a building write-off deduction is available to a taxpayer who acquires a building in respect of which qualifying expenditure has been incurred by any of its owners under Division 10D of the *Income Tax Assessment Act 1936* (ITAA 1936).
2. Under section 124ZEB of the ITAA 1936, Division 10D of the ITAA 1936 has no effect after the 1996-97 income year.
3. From 1 July 1997, Division 43 of the *Income Tax Assessment Act 1997* (ITAA 1997), which effectively replaced these provisions, allows deductions in respect of construction expenditure on capital works, including buildings.
4. The question that was interpretative under the former Division 10D of the ITAA 1936 and dealt with in TD 93/62 is a straight forward application of the law under Division 43 of the ITAA 1997. Accordingly, TD 93/62 is no longer necessary and is withdrawn.

Commissioner of Taxation

7 October 2009

ATO references

NO: 2006/20258

ISSN: 1038-8982

ATOlaw topic: Income Tax ~~ Capital allowances ~~ capital works deduction - qualifying building and structural improvements