



TD 94/52 - Income tax: can funds be raised through an infrastructure borrowing before expenditure is contractually required to be made for the construction of an infrastructure facility, or the construction or acquisition of a related facility?

 This cover sheet is provided for information only. It does not form part of *TD 94/52 - Income tax: can funds be raised through an infrastructure borrowing before expenditure is contractually required to be made for the construction of an infrastructure facility, or the construction or acquisition of a related facility?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *16 June 1994*

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part IVAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, this Determination applies to years commencing both before and after its date of issue. However, this Determination does not apply to taxpayers to the extent that it conflicts with the terms of a settlement of a dispute agreed to before the date of issue of the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

Taxation Determination

Income tax: can funds be raised through an infrastructure borrowing before expenditure is contractually required to be made for the construction of an infrastructure facility, or the construction or acquisition of a related facility?

1. Yes. Funds which are intended to be spent on the construction of one or more 'infrastructure facilities', or the construction or acquisition of one or more 'related facilities', may be raised before expenditure is required to be made under the relevant agreement.
2. Under sections 159GZZZU and 159GZZZW of the *Income Tax Assessment Act 1936*, such borrowings will constitute infrastructure borrowings under Division 16L of Part III from the date of the borrowing if, at that time, the requirements relating to the spending of moneys set out in section 159GZZZZA are able to be satisfied.

Commissioner of Taxation

16/6/94

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Subject Ref: infrastructure borrowings; infrastructure facility; related facility

Legislative Ref: ITAA 159GZZZU; ITAA 159GZZZW; ITAA 159GZZZZA(1); ITAA 159GZZZZA(3); ITAA 159GZZZZC; ITAA 159GZZZZD;

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