

TD 94/52W - 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 94/52W - 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 7 December 2016



Notice of Withdrawal

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?

Taxation Determination TD 94/52 is withdrawn with effect from today.

1. TD 94/52 explains that where funds to be spent on construction or acquisition of 'infrastructure facilities' or 'related facilities' are raised before expenditure is contractually required to be made, those borrowings can be infrastructure borrowings under former sections 159GZZZU and 159GZZZW of the *Income Tax Assessment Act 1936* (ITAA 1936) if they meet the requirements in section 159GZZZZA.
2. TD 94/52 deals with the former infrastructure borrowing provisions in Division 16L of Part III of the ITAA 1936, which were repealed by the *Taxation Laws Amendment (Infrastructure Borrowings) Act 1997*.
3. TD 94/52 has no ongoing relevance and is therefore withdrawn without replacement.

Commissioner of Taxation

7 December 2016

ATO references

NO: 1-9N72KXS
ISSN: 2205-6211
BSL: TCN

© AUSTRALIAN TAXATION OFFICE FOR THE
COMMONWEALTH OF AUSTRALIA

You are free to copy, adapt, modify, transmit and distribute this material as you wish (but not in any way that suggests the ATO or the Commonwealth endorses you or any of your services or products).