



TD 94/59W - Income tax: will a leasing company be entitled to claim the investment allowance if it has entered into a lease agreement with a lessee before 1 July 1994, and the lease agreement is treated as a purchase order between the leasing company and a supplier?

 This cover sheet is provided for information only. It does not form part of *TD 94/59W - Income tax: will a leasing company be entitled to claim the investment allowance if it has entered into a lease agreement with a lessee before 1 July 1994, and the lease agreement is treated as a purchase order between the leasing company and a supplier?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *23 April 2008*



Notice of Withdrawal

Taxation Determination

Income tax: will a leasing company be entitled to claim the investment allowance if it has entered into a lease agreement with a lessee before 1 July 1994, and the lease agreement is treated as a purchase order between the leasing company and a supplier?

Taxation Determination TD 94/59 is withdrawn with effect from today.

1. Taxation Determination TD 94/59 explains that a leasing company may be able to claim the general investment allowance under the former Subdivision BA of Part 3 of the *Income Tax Assessment Act 1936* (ITAA 1936) if it enters into the lease before 1 July 1994 provided that the lease commits the leasing company to the acquisition of the asset and provided the other requirements of the investment allowance provisions are met.
2. The former paragraph 82AT(1)(d) of the ITAA 1936 limited the availability of the general investment allowance to eligible property that was first used or installed ready for use before 1 July 1995. The general investment allowance is not available if the eligible property was first used, or installed ready for use, after that date. The Ruling does not have application where the eligible property was first used or installed ready for use on or after that date.

Commissioner of Taxation

23 April 2008

ATO references

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ATOlaw topic: Income Tax ~~ Capital allowances ~~ decline in value calculation