



***TD 97/23W - Income tax: what is the approved form of an election under subsection 139E(1) of the Income Tax Assessment Act 1936 ('the Act') so that it applies to all shares or rights acquired in an income year under a qualifying employee share acquisition scheme?***

 This cover sheet is provided for information only. It does not form part of *TD 97/23W - Income tax: what is the approved form of an election under subsection 139E(1) of the Income Tax Assessment Act 1936 ('the Act') so that it applies to all shares or rights acquired in an income year under a qualifying employee share acquisition scheme?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *20 December 2016*



# Notice of Withdrawal

## Taxation Determination

Income tax: what is the approved form of an election under subsection 139E(1) of the *Income Tax Assessment Act 1936* so that it applies to all qualifying shares or qualifying rights acquired in an income year under an employee share scheme?

Taxation Determination TD 97/23 is withdrawn with effect from today.

1. TD 97/23 provided the approved form for an election under subsection 139E(1) of the *Income Tax Assessment Act 1936* (ITAA 1936) to have any discounts from the market price of qualifying shares and qualifying rights taxed at the time the shares or rights were acquired, rather than when any restrictions on those shares or rights ceased.
2. Section 139E of the ITAA 1936 was repealed with effect from 1 July 2009.
3. TD 97/23 has no ongoing relevance and is therefore withdrawn without replacement.

---

**Commissioner of Taxation**  
20 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).