


***TR 2008/3ER - Notice of Erratum - Income tax:  
debt/equity - identification of any 'effectively  
non-contingent obligation' of an issuer of a  
convertible note to provide 'financial benefits' for the  
purposes of Division 974 of the Income Tax  
Assessment Act 1997 if the note can be converted at  
any time at the issuer's discretion into shares that  
are equity interests in the issuer company***

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# Erratum

## Taxation Ruling

Income tax: debt/equity – identification of any ‘effectively non-contingent obligation’ of an issuer of a convertible note to provide ‘financial benefits’ for the purposes of Division 974 of the *Income Tax Assessment Act 1997* if the note can be converted at any time at the issuer’s discretion into shares that are equity interests in the issuer company

This Erratum corrects Taxation Ruling TR 2008/3 to amend the Date of effect paragraph.

### TR 2008/3 is corrected as follows:

#### 1. Paragraph 7

Omit the paragraph; substitute:

7. This Ruling will apply to years commencing both before and after its date of issue. However, the Ruling does not apply to taxpayers to the extent that it conflicts with the terms of settlement of a dispute agreed to before the date of issue of the Ruling (see paragraphs 75 and 76 of Taxation Ruling TR 2006/10).

This Erratum applies on and from 28 May 2008.

**Commissioner of Taxation**  
11 June 2008

#### ATO references

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