

# ***TR 2019/1ER - Erratum - Income tax: when does a company carry on a business?***

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# Erratum

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## Taxation Ruling

### Income tax: when does a company carry on a business?

This Erratum is a public ruling for the purposes of the *Taxation Administration Act 1953*. It updates Taxation Ruling TR 2019/1 to correct the citation of *Commissioner of Taxation v Radnor Pty Ltd* [1991] FCA 499.

#### TR 2019/1 is corrected as follows:

##### 1. Paragraph 16

Omit footnote 9; substitute:

<sup>9</sup> For example, whether amounts are assessable as ordinary income under section 6-5 of the ITAA 1997 (*London Australia Investment Co Ltd v FCT* [1977] HCA 50 (*London Australia*); *AGC (Investments) Ltd v FC of T* 92 ATC 4239; (1992) 23 ATR 287 (*AGC Investments*); *GP International Pipecoaters Pty Ltd v Federal Commissioner of Taxation* [1990] HCA 25 (*GP International Pipecoaters*)); whether outgoings or losses are deductible under section 8-1 of the ITAA 1997, and whether a company carries on the same business for the purpose of the same business test in Subdivision 165-E of the ITAA 1997 (*Avondale Motors (Parts) Pty Ltd v FCT* [1971] HCA 17 (*Avondale*); *Commissioner of Taxation v R & D Holdings Pty Limited* [2007] FCAFC 107 (*R & D Holdings*); *Re Kennedy Holdings and Property Management Pty Ltd v Federal Commissioner of Taxation* [1992] FCA 645 (*Kennedy*); *Commissioner of Taxation v Radnor* [1991] FCA499 (*Radnor*)).

This Erratum applies on and from 5 April 2019.

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**Commissioner of Taxation**  
4 September 2019

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#### ATO references

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ATOlaw topic: Income tax ~~ Capital gains tax ~~ Small business relief ~~ Small business entity

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