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## Legislative Instrument

### Taxation Administration: Individuals Engaged in Foreign Service Variation Notice 2019

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I, Louise Clarke, Deputy Commissioner Policy, Analysis and Legislation, make this determination under section 15-15 of Schedule 1 to the *Taxation Administration Act 1953*.

Louise Clarke  
Deputy Commissioner of Taxation  
Dated: 3 September 2019

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**1. Name of instrument**

This determination is the *Taxation Administration: Individuals Engaged in Foreign Service Variation Notice 2019*.

**2. Commencement**

This instrument commences on the day after it is registered on the Federal Register of Legislation. When it is registered this instrument repeals and replaces *Taxation Administration Act 1953 – PAYG withholding – Individuals engaged in foreign service* (F2009L02794) registered on 14 July 2009.

**3. Application**

This instrument applies to payments covered by subdivision 12-B of Schedule 1 to the *Taxation Administration Act 1953* that are made to individuals engaged in foreign service whose foreign earnings from that service are not exempt under subsection 23AG of the *Income Tax Assessment Act 1936*.

**4. Variation**

The Australian tax amount to be withheld is calculated using the following steps:-

**Step 1**

Calculate the Australian dollar equivalent of the foreign earnings.

**Step 2**

Use the relevant pay as you go withholding tax table to calculate the amount of tax that would normally be withheld on those earnings. The amount is based on the information the payee supplied on a *Tax file number declaration* and, if applicable, a *Withholding declaration*.

**Step 3**

Subtract the Australian dollar equivalent of the amount of tax withheld and paid to the foreign country from the answer to Step 2.

**Step 4**

The result of Step 3 is the amount to withhold. If the result from Step 3 is zero or negative, there is no amount to withhold.