


***TD 2002/28W - Income tax: when can a foreign bank elect not to apply Part IIIB of the Income Tax Assessment Act 1936 (ITAA 1936) in calculating the taxable income attributable to the activities of its Australian branch?***

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



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## Notice of Withdrawal

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### Taxation Determination

Income tax: when can a foreign bank elect not to apply Part IIIB of the *Income Tax Assessment Act 1936* (ITAA 1936) in calculating the taxable income attributable to the activities of its Australian branch?

Taxation Determination TD 2002/28 is withdrawn with effect from today.

1. TD 2002/28 explains that a foreign bank with an applicable Double Tax Agreement (DTA) may choose not to apply Part IIIB of the ITAA 1936 in situations where the determination of the taxable income of its Australian branch would be more favourable under the DTA.
2. TD 2002/28 applied to income years commencing after 30 June 1994 and up to, but not including, the first income year commencing after 1 July 2001.
3. TD 2002/28 has no ongoing relevance and is therefore withdrawn without replacement.

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**Commissioner of Taxation**  
20 December 2016

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ATO references

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