


TD 2022/15 - Income tax: value of goods taken from stock for private use for the 2022-23 income year

 This cover sheet is provided for information only. It does not form part of *TD 2022/15 - Income tax: value of goods taken from stock for private use for the 2022-23 income year*



Page status: **legally binding**

Taxation Determination

Income tax: value of goods taken from stock for private use for the 2022–23 income year

📌 Relying on this Determination

This publication (excluding appendix) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

If this Determination applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Determination. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Determination.

Table of Contents	Paragraph
Ruling	1
Schedule for the value of goods taken from trading stock	2
Date of effect	3
Appendix – Explanation	4
Methodology	7
<i>Selection of industries</i>	7
Determination of amounts	9
Updating the Schedule	12

Ruling

1. This Determination provides an update of amounts that the Commissioner will accept as estimates of the value of goods taken from trading stock for private use by taxpayers in named industries. The updated amounts are contained in the Schedule for the value of goods taken from trading stock (the Schedule) at paragraph 2 of this Determination.

Schedule for the value of goods taken from trading stock

2. The Schedule for the value of goods taken from trading stock for private use in the 2022–23 income year is:

Table 1: Values of goods

TYPE OF BUSINESS	AMOUNT (EXCLUDING GST) FOR ADULT/CHILD OVER 16 YEARS	AMOUNT (EXCLUDING GST) FOR CHILD 4 to 16 YEARS OLD
Bakery	\$1,360	\$680
Butcher	\$990	\$495

Page status: **legally binding**

TYPE OF BUSINESS	AMOUNT (EXCLUDING GST) FOR ADULT/CHILD OVER 16 YEARS	AMOUNT (EXCLUDING GST) FOR CHILD 4 to 16 YEARS OLD
Restaurant/café (licensed)	\$4,830	\$1,950
Restaurant/café (unlicensed)	\$3,900	\$1,950
Caterer	\$4,120	\$2,060
Delicatessen	\$3,900	\$1,950
Fruiterer/greengrocer	\$1,010	\$505
Takeaway food shop	\$4,030	\$2,015
Mixed business (includes milk bar, general store and convenience store)	\$4,870	\$2,435

Date of effect

3. This Determination applies to the 2022–23 income year. However, this Determination will not apply to taxpayers to the extent that it conflicts with the terms of a settlement of a dispute agreed to before the date of issue of this Determination (see paragraphs 75 and 76 of Taxation Ruling TR 2006/10 *Public Rulings*).

Commissioner of Taxation

19 October 2022

Appendix – Explanation

❶ *This Appendix is provided as information to help you understand how the Commissioner’s view has been reached. It does not form part of the binding public ruling.*

4. In the context of self-assessment, each taxpayer should be able to demonstrate that the value attributed to goods taken from stock for private use was fair and reasonable. Taxpayers should always have regard to their own circumstances when determining the appropriate value.

5. The Commissioner has previously issued ‘goods own use’ (GOU) amounts for a range of industries in recognition of the fact that in many cases it is difficult for accurate records to be kept of transactions involving goods taken from stock for private use. These amounts are estimates of the value of goods taken from trading stock for private use by taxpayers in named industries.

6. It is also recognised that greater or lesser values may be appropriate in particular cases. Taxpayers may be able to justify a lower value for goods taken from stock than that shown in the Schedule in this Determination. In that case, the lower amount should be used. Where the value of goods ex-stock would be significantly greater, the actual amount should be used.

Methodology

Selection of industries

7. Industries suitable for inclusion in the Schedule should:

- exhibit a transformation process of trading stock items (for example, baking)
- have as trading stock a range of small items or ingredients, usually of low value
- not be suited to inventory systems, and
- have a high turnover of items, often for cash.

8. Industries included in the Schedule are:

Table 2: Industries

Bakery
Butcher
Restaurant/café (licensed)
Restaurant/café (unlicensed)
Caterer
Delicatessen
Fruiterer/greengrocer
Takeaway food shop
Mixed business (incorporating milk bar, general store and convenience store)

Page status: **not legally binding**

Determination of amounts

9. The basis for determining values of goods taken from trading stock is derived from the latest¹ Household Expenditure Survey (HES) results issued by the Australian Bureau of Statistics (ABS), adjusted for consumer price index (CPI) movements for each category of items.² The ABS collects, at varying intervals, detailed information about the expenditure, income, net worth and other characteristics of households resident in private dwellings throughout Australia. Information is collected during personal interviews and from diaries in which survey participants have recorded all personal expenditure over a 2-week period. Interviews and diary keeping are spread over the financial year of collection. At the 'fine-level' of expenditure, the survey details household expenditure in over 700 categories of items across a range of household composition groups.³ It is considered that these survey results provide reasonable and statistically valid estimates as to the community's level of spending on a wide range of items.

10. Using the HES data, consideration has been given to the fine-level expenditure items and which items would be present in the trading stock of the industries listed in the Schedule in this Determination. The stock items are generally limited to the HES 'food and non-alcoholic beverage' broad category, except for Restaurants/cafés (licensed) where 'alcoholic beverage' items are included⁴, and Caterer where some 'household equipment' items are included.

11. The main assumption in calculating GOU amounts is that if a business has an item in stock, then the taxpayer would take the item from stock for own use rather than purchase the item elsewhere. However, the GOU amounts represent amounts that the Commissioner deems acceptable. Where a taxpayer considers the values provided in the Schedule in this Determination do not reflect their particular circumstances, they may elect to maintain suitable records⁵ of items taken from trading stock for personal use.

Updating the Schedule

12. It is intended to adjust the values annually to reflect either the most recent HES data or the HES data uplifted for CPI movements and reissue the Schedule in this Determination at the commencement of each income year.

¹ 2015–16 year of income.

² This figure is rounded up to the nearest \$10 for adults.

³ For example, sole person, couple or couple with one dependant.

⁴ For adults but not for children.

⁵ See section 262A of the *Income Tax Assessment Act 1936* and Taxation Ruling TR 96/7 *Income tax: record keeping – section 262A – general principles*. Law Administration Practice Statement PS LA 2004/3 (GA) *Trading stock: valuation of goods taken from trading stock for private use by sole traders or partners in a partnership* sets out the approach the Commissioner will accept for valuing trading stock that is taken for private use by sole traders or partners in a partnership.

Page status: **not legally binding**

References

Related Rulings/Determinations:

TR 96/7; TR 2006/10

Legislative references:

- ITAA 1936 262A

Previous Rulings/Determinations:

TD 2018/10; TD 2019/2; TD 2020/1;
TD 2021/1; TD 2021/8

Other references:

- PS LA 2004/3 (GA)

ATO references

NO: 1-VAI5LHW

ISSN: 2205-6211

BSL: SMB

ATOlaw topic: Income tax ~~ Assessable income ~~ Trading stock ~~ Disposal of trading stock

© 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).