



# ***TD 92/100 - Explanation of Taxation Determination system***

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 This document has changed over time. This is a consolidated version of the ruling which was published on *28 May 1992*

**Taxation Determinations (TDs) do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.**

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# Taxation Determination

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## Explanation of Taxation Determination system

1. The Taxation Determination system has been introduced to complement the Taxation Rulings system. Taxation Determinations are intended to help clarify the taxation law by quickly publishing the Australian Taxation Office's interpretive and administrative policy. Taxation Determinations will be published on a variety of matters, ranging from complex interpretive issues to questions regularly asked of our enquiry areas.
2. This Taxation Determination is the first in the series. The first two digits in the numbering system indicate the year in which the Taxation Determination is issued. The remaining digits indicate the number of the particular Taxation Determination, commencing with number 100 in 1992 and number 1 in each of the following years.
3. No further CGT Determinations will be issued after CGT 60. In future, Determinations on CGT matters will become part of this series. For indexing and citation purposes, the previously issued CGT Determinations 1 to 60 will be referred to as Taxation Determinations TD 1 to 60 respectively.
4. Taxation Determinations will usually address only one particular taxation issue. They are not meant to give a comprehensive analysis of the overall impact of the general tax provisions. Accordingly, the release of a Taxation Determination on a particular issue means that taxpayers should not ignore other tax consequences associated with the issue. Taxation Determinations will also not usually contain detailed analysis of the ATO's rationale in arriving at its conclusions.
5. To ensure that Taxation Determinations are published quickly, only limited consultation is possible. Circulation of drafts for comment is to be restricted to certain representative organisations. The period for comment is 7 working days. Organisations will include tax professional bodies who are members of the National Taxation Liaison Group, the Corporate Tax Association and, in the case of Taxation Determinations dealing with specialised areas (e.g. insurance), key peak bodies in the affected industry. If comments are not received within the period allowed, publication generally will not be delayed.

## Status of Taxation Determinations

6. Under proposed amendments to the *Income Tax Assessment Act 1936*, *Fringe Benefits Tax Assessment Act 1986* and the *Taxation Administration Act 1953*, if a Taxation Determination that is a public Ruling for the purposes of those amendments applies to a taxpayer's arrangements and:

- (a) the law applies in a manner different from that set out in the Determination; and
- (b) the application of the law in that manner would result in an assessment for an amount greater than it would have been if the Commissioner had applied the law as set out in the Determination,

the proposed amendments will require the Commissioner to issue an assessment that is the same as it would have been if the law applied as set out in the Determination. The proposed amendments are to apply to arrangements begun on or after the later of 1 July 1992 and the commencement date of the amendments.

28/5/92

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Related Determinations: TD1

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