



TD 93/206 - Income tax: Offshore Banking Units (OBU) - if an OBU carries on a business of trading in shares or debt instruments, such that the trading is an offshore banking (OB) activity for the purposes of subsection 121D(1), are dividends and interest derived from holding the shares or debt instruments assessable OB income?

 This cover sheet is provided for information only. It does not form part of *TD 93/206 - Income tax: Offshore Banking Units (OBU) - if an OBU carries on a business of trading in shares or debt instruments, such that the trading is an offshore banking (OB) activity for the purposes of subsection 121D(1), are dividends and interest derived from holding the shares or debt instruments assessable OB income?*

 This document has changed over time. This is a consolidated version of the ruling which was published on 28 October 1993

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part IVAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, this Determination applies to years commencing both before and after its date of issue. However, this Determination does 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 the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

Taxation Determination

Income tax: Offshore Banking Units (OBU) - if an OBU carries on a business of trading in shares or debt instruments, such that the trading is an offshore banking (OB) activity for the purposes of subsection 121D(1), are dividends and interest derived from holding the shares or debt instruments assessable OB income?

1. Yes. Subsection 121EE(2) of the *Income Tax Assessment Act 1936* defines the assessable OB income of an OBU as so much of the OBU's assessable income as is derived from OB activities, or included in assessable income because of such activities.
2. Dividends and interest accruing from instruments held in an OBU's trading portfolio clearly fall under the second limb of subsection 121EE(2) and, therefore, qualify as assessable OB income.

Commissioner of Taxation
28/10/93

FOI INDEX DETAIL: Reference No. I 1216400

Previously issued as Draft TD 93/D201

Related Determinations:

Related Rulings:

Subject Ref: Offshore banking, OBUs, assessable OB income

Legislative Ref: ITAA 121D(1); ITAA 121EE(2)

Case Ref:

ATO Ref: NAT 93/3707-5

ISSN 1038 - 8982