


***TD 2000/D1 - Income tax: is a prescribed fee paid by a person to the Industrial Registrar in lieu of an annual subscription to a trade union or employee association an allowable deduction under section 8-1 of the Income Tax Assessment Act 1997?***

 This cover sheet is provided for information only. It does not form part of *TD 2000/D1 - Income tax: is a prescribed fee paid by a person to the Industrial Registrar in lieu of an annual subscription to a trade union or employee association an allowable deduction under section 8-1 of the Income Tax Assessment Act 1997?*

This document has been finalised by TD 2000/17.

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## Draft Taxation Determination

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**Income tax: is a prescribed fee paid by a person to the Industrial Registrar in lieu of an annual subscription to a trade union or employee association an allowable deduction under section 8-1 of the *Income Tax Assessment Act 1997*?**

### *Preamble*

*Draft Taxation Determinations (DTDs) present the preliminary, though considered, views of the Australian Taxation Office. DTDs should not be relied on; only final Taxation Determinations represent authoritative statements by the Australian Taxation Office*

1. Yes, where the person would be entitled to a deduction for the annual subscription if it was paid to the appropriate trade union or employee association, that person is entitled to a deduction.
2. A person whose conscientious beliefs prevent them from being a member of a trade union or employee association is able to pay a prescribed fee to the Industrial Registrar under section 267 of the *Workplace Relations Act 1996* (this section was present in similar form in the preceding Acts - the *Conciliation and Arbitration Act 1904* and the *Industrial Relations Act 1988*). Payment of the prescribed fee results in the person receiving a certificate that is valid for 12 months and enables that person to be treated as if they are a paid-up member of the respective trade union or employee association for the duration of the certificate.
3. This Determination should be read in conjunction with Draft Taxation Ruling TR 2000/D1 which explains the circumstances under which a deduction is allowable for subscriptions to trade, business or professional associations, including trade unions and employee associations.

### **Previous rulings**

4. This Determination, when issued in final form, will replace Taxation Ruling IT 296. There is no change to the policy stated in IT 296.

### **Your comment**

5. We invite you to comment on this Draft Taxation Determination. We are allowing 4 weeks for comment before we finalise the Determination. If you want your comments considered, please provide them to us within this period.

**Comments by Date:** 24 March 2000  
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**Commissioner of Taxation**

23 February 2000

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*Previous draft:*

Not previously released in draft form

*Subject references:*

Association and membership expenses  
Trade unions and employee associations

*Legislative references:*

ITAA 97 8-1  
Workplace Relations Act 1996 267

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ATO references:

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