# TD 93/D52 - Income tax: is a police officer entitled to a deduction for the cost of renewing a driver's licence?

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This document has been finalised by TD 93/108.

### Taxation Determination TD 93/D52

FOI Status: draft only - for comment

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Draft Taxation Determinations (TDs) represent the preliminary, though considered, views of the ATO. Draft TDs may not be relied on; only final TDs are authoritative statements of the ATO.

#### **Draft Taxation Determination**

## Income tax: is a police officer entitled to a deduction for the cost of renewing a driver's licence?

- 1. No. While the holding of a driver's licence may be a condition of employment, it does not follow that the licence fees are deductible. They are private in nature and accordingly not deductible under subsection 51(1) of the *Income Tax Assessment Act* 1936.
- 2. The right to drive on the public roads does not cease to be a private right merely because the taxpayer is employed in some capacity which involves the use of the public road system. (See *Case R49* 84 ATC 387; Butterworths 27 CTBR(NS) *Case 104*)

#### **Commissioner of Taxation**

04/03/93

FOI INDEX DETAIL: Reference No.

Related Determinations:

Related Rulings:

Subject Ref: police, drivers licence

Legislative Ref: ITAA 51(1)

Case Ref: Case R49 84 ATC 387; 27 CTBR (NS) Case 104

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