TD 1999/25W - Income tax: interest withholding tax exemption under section 128F of the Income Tax Assessment Act 1936 - what conditions need to be satisfied before a resident company can raise finance by the issue of debentures through a 'non-resident borrowing subsidiary' in another country?

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This document has changed over time. This is a consolidated version of the ruling which was published on *12 April 2017*

Generated on: 4 June 2026, 10:40:39 PM

Notice of Withdrawal

Taxation Determination

Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – what conditions need to be satisfied before a resident company can raise finance by the issue of debentures through a 'non-resident borrowing subsidiary' in another country?

Taxation Determination TD 1999/25 is withdrawn with effect from today.

1. TD 1999/25 explains that subsection 128F(8) of the *Income Tax Assessment Act 1936* (ITAA 1936) provides that debentures issued through certain non-resident subsidiaries are eligible for exemption from withholding tax, provided the subsidiary raises finance in a country specified in the regulations. The only country listed in the regulations was the United States of America. However, the ruling also stated that the Commissioner would consider submissions for other countries to be added.

2. TD 1999/25 is being withdrawn as paragraph 128F(8)(c) of the ITAA 1936 has been amended to contain the words 'in the United States of America or in another country'.

3. TD 1999/25 has no ongoing relevance and is therefore withdrawn without replacement.

Commissioner of Taxation
12 April 2017

ATO references
NO: 1-9N72KXS
ISSN: 2205-6211

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