

***TD 2008/20W - Income tax: where a taxpayer has supplied or acquired property under an international agreement and that gives rise to a debt interest or an equity interest as defined for the purposes of Division 974 of the Income Tax Assessment Act 1997 , does Division 974 bear upon the characterisation to be adopted for the purposes of the application of Division 13 of Part III of the Income Tax Assessment Act 1936 to the transaction?***

! This cover sheet is provided for information only. It does not form part of *TD 2008/20W - Income tax: where a taxpayer has supplied or acquired property under an international agreement and that gives rise to a debt interest or an equity interest as defined for the purposes of Division 974 of the Income Tax Assessment Act 1997 , does Division 974 bear upon the characterisation to be adopted for the purposes of the application of Division 13 of Part III of the Income Tax Assessment Act 1936 to the transaction?*

! There is a Compendium for this document: [\*\*TD 2008/20EC\*\*](#) .

! This document has changed over time. This is a consolidated version of the ruling which was published on *31 October 2018*



---

# Notice of Withdrawal

---

## Taxation Determination

Income tax: where a taxpayer has supplied or acquired property under an international agreement and that gives rise to a debt interest or an equity interest as defined for the purposes of Division 974 of the *Income Tax Assessment Act 1997*, does Division 974 bear upon the characterisation to be adopted for the purposes of the application of Division 13 of Part III of the *Income Tax Assessment Act 1936* to the transaction?

Taxation Determination TD 2008/20 is withdrawn with effect from today.

1. TD 2008/20 states that where it is relevant to distinguish between debt and equity in the application of Division 13 of Part III of the *Income Tax Assessment Act 1936* to a supply or acquisition of property, the characterisation is not affected by Division 974 of the *Income Tax Assessment Act 1997*, should Division 974 have application to the scheme under consideration. Division 974 provides a test for determining whether an interest is to be treated as a debt interest or an equity interest for particular tax purposes that do not include the application of Division 13.
2. As Division 13 has been repealed, TD 2008/20 does not apply to income years commencing on or after 29 June 2013.
3. TD 2008/20 continues to have effect for income years that commenced prior to 29 June 2013.

---

**Commissioner of Taxation**

31 October 2018

---

ATO references

NO: 1-9ZXAQ1H  
ISSN: 2205-6122

---

© AUSTRALIAN TAXATION OFFICE FOR THE  
COMMONWEALTH OF AUSTRALIA

You are free to copy, adapt, modify, transmit and distribute this material as you wish (but not in any way that suggests the ATO or the Commonwealth endorses you or any of your services or products).