

# ***TR 98/16W - Income tax: international transfer pricing - penalty tax guidelines***

⚠ This cover sheet is provided for information only. It does not form part of *TR 98/16W - Income tax: international transfer pricing - penalty tax guidelines*

⚠ This document has changed over time. This is a consolidated version of the ruling which was published on *5 May 2016*



---

# Notice of Withdrawal

---

## Taxation Ruling

### Income tax: international transfer pricing – penalty tax guidelines

Taxation Ruling TR 98/16 is withdrawn with effect from today.

1. TR 98/16 does not apply to schemes entered into in relation to the 2000-01 or later income year(s).
2. Item 28 of *A New Tax System (Tax Administration) Act (No. 2) 2000* inserted section 222AA into Part VII of the *Income Tax Assessment Act 1936* (ITAA 1936) so that this Part ceased to apply in relation to schemes entered into in relation to the 2000-01 or later income year(s).
3. Furthermore, item 49 of the *Tax Laws Amendment (Countering Tax Avoidance and Multinational Profit Shifting) Act 2013* repealed subsection 284-145(2) of Schedule 1 to the *Taxation Administration Act 1953*. This subsection imposed scheme penalties arising from the application of Division 13 of the ITAA 1936 or the *International Tax Agreements Act 1953* in respect of transfer pricing and income years commencing on or before 28 June 2013. That is, immediately prior to the enactment of Subdivisions 815-B, 815-C and 815-D of the *Income Tax Assessment Act 1997* that replaced Division 13 of the ITAA 1936.

---

**Commissioner of Taxation**

5 May 2016

---

ATO references

NO: 1-6PB19E1  
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).