# *TD 2000/27W - Income tax: can a company satisfy the requirements of section 80A or section 80E of the Income Tax Assessment Act 1936 if 50% or more of its shares are held by the trustee(s) of a discretionary trust(s)?*

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This document has changed over time. This is a consolidated version of the ruling which was published on *20 December 2016*

# Notice of Withdrawal

## Taxation Determination

## Income tax: can a company satisfy the requirements of section 80A or section 80E of the *Income Tax Assessment Act 1936* if 50% or more of its shares are held by the trustee(s) of a discretionary trust(s)?

Taxation Determination TD 2000/27 is withdrawn with effect from today.

1. TD 2000/27 discusses the application of section 80A or section 80E of the *Income Tax Assessment Act* 1936 (ITAA 1936), where 50% or more of a company's shares are held by the trustee(s) of a discretionary trust(s).

2. TD 2000/27 relates to section 80A of the ITAA 1936, which has now been replaced by section 165-12 of the *Income Tax Assessment Act* 1997 (ITAA 1997). It also relates to section 80E of the ITAA 1936, which has since been repealed. Further to this, special tracing rules now exist in Division 165 of the ITAA 1997 in situations where trusts are shareholders.

3. TD 2000/27 has no ongoing relevance, and is therefore withdrawn without replacement.

**Commissioner of Taxation**
20 December 2016

ATO references
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