



TD 93/167W - Income tax: foreign income - when is Foreign Investment Fund (FIF) income not included in:

 This cover sheet is provided for information only. It does not form part of *TD 93/167W - Income tax: foreign income - when is Foreign Investment Fund (FIF) income not included in:*

 This document has changed over time. This is a consolidated version of the ruling which was published on *3 April 2013*



Notice of Withdrawal

Taxation Determination

Income tax: foreign income: when is Foreign Investment Fund (FIF) income not included in:

- (a) the assessable income of an attributable taxpayer of a Controlled Foreign Company (CFC); or
- (b) the notional assessable income of a CFC?

Taxation Determination TD 93/167 is withdrawn with effect from today.

1. Taxation Determination TD 93/167 sets out the treatment of FIF income under sections 431A and 494 of the *Income Tax Assessment Act 1936* (ITAA 1936).
2. The FIF provisions under Part XI of the ITAA 1936, including section 494 of the ITAA 1936, together with section 431A of the ITAA 1936, have been repealed by the *Taxation Laws Amendment (Foreign Source Income Deferral) Act (No1) 2010* (114 of 2010).
3. The repeal of section 431A of the ITAA 1936 by No 114 of 2010, section 3 and Schedule 1 item 36, has the date of effect applicable in relation to statutory accounting periods ending in the 2010-11 year of income and later years of income.
4. The repeal of section 494 of the ITAA 1936 by No 114 of 2010, section 3 and Schedule 1 item 37, has the date of effect applicable in relation to the 2010-11 year of income for a taxpayer and later years of income.
5. Accordingly, TD 93/167 is no longer current and is therefore withdrawn.

Commissioner of Taxation
3 April 2013

ATO references

NO: 1-2P2X7MM

ISSN: 1038-8982

ATOlaw topic: Income tax~~Entity specific matters~~controlled foreign companies