



TD 98/28 - Income tax: are grants received by small business from the Commonwealth Government Gas Emergency Assistance Fund assessable income?

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 This document has changed over time. This is a consolidated version of the ruling which was published on *16 December 1998*



Taxation Determination

Income tax: are grants received by small business from the Commonwealth Government Gas Emergency Assistance Fund assessable income?

Preamble

The number, subject heading, date of effect and paragraph 1 of this Taxation Determination are a 'public ruling' for the purposes of Part IVAAA of the *Taxation Administration Act 1953* and are legally binding on the Commissioner. Taxation Rulings TR 92/1 and TR 97/16 together explain when a Determination is a public ruling and how it is binding on the Commissioner.

Date of effect

This Determination applies to years commencing both before and after its date of issue. However, this Determination does not apply to taxpayers to the extent that it conflicts with the terms of settlement of a dispute agreed to before the date of issue of the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

1. Yes. The payments are either assessable as income according to ordinary concepts or, being a bounty or subsidy, specifically assessable as statutory income under section 15-10 of the *Income Tax Assessment Act 1997*.

2. Eligibility for a grant does not necessarily mean the relevant expenses are allowable income tax deductions. Whether eligible business costs for grant purposes are deductible for tax purposes continues to be determined according to the provisions of the tax law.

Commissioner of Taxation

16 December 1998

FOI INDEX DETAIL: [Reference No.](#) I 1018010

Not previously issued in draft form

[Related Determinations:](#)

[Related Rulings:](#)

[Subject Ref:](#) bounties and subsidies; government grants income; income

[Legislative Ref:](#) ITAA97 15-10

[Case Ref:](#)

[ATO Ref:](#) NAT 98/11832-3