## TR 94/4W - Income tax: tax shortfall penalties: reasonable care, recklessness and intentional disregard

This cover sheet is provided for information only. It does not form part of TR 94/4W - Income tax: tax shortfall penalties: reasonable care, recklessness and intentional disregard

This document has changed over time. This is a consolidated version of the ruling which was published on 14 May 2008

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## Notice of Withdrawal

## **Taxation Ruling**

Income tax: tax shortfall penalties: reasonable care, recklessness and intentional disregard

Taxation Ruling TR 94/4 is withdrawn with effect from today.

- 1. Taxation Ruling TR 94/4 sets out the Commissioner's interpretation on what is meant by reasonable care, recklessness and intentional disregard as used in sections 226G, 226H and 226J (contained in Part VII of the *Income Tax Assessment Act 1936*) (ITAA 1936) and sections 160ARZA, 160ARZB and 160ARZC (contained in Division 11 of Part IIIAA of the ITAA 1936).
- 2. Part VII of the ITAA 1936 does not apply to statements made in relation the 2000-2001 and later income years and was replaced by Division 284 of Part 4-25 of Schedule 1 to the *Taxation Administration Act 1953* (TAA).
- 3. Division 11 of Part IIIAA of the ITAA 1936 does not apply to a return or information relating to the 2000-2001 and later franking years and was replaced in part by Division 284 of Part 4-25 of Schedule 1 to the TAA.
- 4. The administrative penalty regime within Part 4-25 of Schedule 1 to the TAA applies from 1 July 2000, in relation to:
  - income tax matters for the 2000-01 and later income years;
  - fringe benefits tax matters for the year commencing
    April 2001 and later years; and
  - matters relating to other taxes for the year commencing 1 July 2000 and later years.
- 5. The issues covered by TR 94/4 are now covered by Draft Miscellaneous Taxation Ruling MT 2008/D1, which issued today.

## **Commissioner of Taxation**

14 May 2008

ATO references

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