


TD 1 - Capital Gains: What are CGT determinations?

 This cover sheet is provided for information only. It does not form part of *TD 1 - Capital Gains: What are CGT determinations?*

CGT Cell Determinations do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.

CGT Determination Number 1

Capital Gains: What are CGT determinations?

Determination

1. CGT Cell Determinations do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.
2. Determinations will be cleared by the CGT Cell which has been established to provide a national reference point for resolution of the most complex CGT issues that arise. Its role extends to identifying and making known the ATO view on issues which have resulted in frequent enquiries by taxpayers.
3. The purpose of CGT Determinations is primarily to provide taxpayers with answers to the most common and significant CGT problems and issues that have been identified. Most Determinations will be of this nature.
4. However, some complex issues which have been considered by the CGT Cell may also be the subject of Determinations. In turn, some of these Determinations may well be followed, where appropriate, by the release of a more comprehensive Income Tax Ruling.
5. CGT Determinations will usually address only a particular CGT issue. They are not meant to give a comprehensive analysis of the overall impact of either the CGT provisions or the general Income Tax provisions. Accordingly, the release of a Determination on a particular issue means that taxpayers should not ignore the other tax consequences associated with that issue.
6. CGT Determinations are intended to provide rapid dissemination of information on particular CGT issues following their resolution. Therefore, they will not usually contain detailed analysis, for example, of the ATO's rationale in arriving at its conclusions. Rather, they will provide an answer to the specific question that is the subject of the Determination.

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