


# ***TD 33A - Addendum - Capital Gains: How do you identify individual shares within a holding of identical shares?***

 This cover sheet is provided for information only. It does not form part of *TD 33A - Addendum - Capital Gains: How do you identify individual shares within a holding of identical shares?*

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## Addendum

1. Taxation Determination TD 33 is concerned with the identification of shares for capital gains tax purposes. It states that if it is not possible individually to distinguish the shares, we accept either the FIFO (first in, first out) method or the taxpayer's selection of the identity of shares disposed of.
2. We have decided to accept a limited exception to our view that average cost is not an acceptable method. We will accept average cost to work out the acquisition cost of shares provided that the shares satisfy all of the following requirements:
  - (a) they are in the same company; and
  - (b) they are acquired on the same day; and
  - (c) they confer identical rights and impose identical obligations.

Any shares for which subsection 160ZH(9) deems a market value cost of acquisition need to be excluded from the average cost calculation.

## Date of effect

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

### Commissioner of Taxation

29 September 1994

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ATO Ref: CGT Cell