

***CR 2005/115W - Income tax: capital gains tax:  
demerger by Minotaur Resources Limited of Minotaur  
Exploration Limited and merger of Minotaur  
Resources Limited with Oxiana Limited***

 This cover sheet is provided for information only. It does not form part of *CR 2005/115W - Income tax: capital gains tax: demerger by Minotaur Resources Limited of Minotaur Exploration Limited and merger of Minotaur Resources Limited with Oxiana Limited*

 This document has changed over time. This is a consolidated version of the ruling which was published on *1 July 2005*



## Class Ruling

Income tax: capital gains tax: demerger by Minotaur Resources Limited of Minotaur Exploration Limited and merger of Minotaur Resources Limited with Oxiana Limited

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### *Preamble*

The number, subject heading, **What this Class Ruling is about** (including **Tax law(s)**, **Class of persons** and **Qualifications** sections), **Date of effect**, **Withdrawal**, **Arrangement** and **Ruling** parts of this document are a 'public ruling' in terms of Part IVAAA of the **Taxation Administration Act 1953**. CR 2001/1 explains Class Rulings and Taxation Rulings TR 92/1 and TR 97/16 together explain when a Ruling is a 'public ruling' and how it is binding on the Commissioner.

## Withdrawal

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1. This Ruling is withdrawn and ceases to have effect immediately after 30 June 2005. However, the Ruling continues to apply after its withdrawal, in respect of the tax laws ruled upon, to all persons within the specified class who entered into the arrangement during the term of the Ruling.

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### Commissioner of Taxation

21 December 2005

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#### *Previous draft:*

Not previously issued as a draft

#### *Related Rulings/Determinations:*

CR 2001/1; TR 92/1; TR 92/20;  
TR 97/16; TR 2003/8

#### *Subject references:*

- arrangement
- capital benefit
- capital gains
- capital proceeds
- company
- cost base
- cost base adjustments

- demerger
- demerger allocation
- demerger benefit
- demerger dividend
- demerger group
- demerger subsidiary
- interests
- merger
- ordinary share
- original interest
- replacement interest
- resident roll-over
- roll-over relief
- schemes to provide certain benefits
- scrip

- scrip for scrip
- share
- shareholder

*Legislative references:*

- ITAA 1936 6(1)
  - ITAA 1936 6(1)(d)
  - ITAA 1936 6D
  - ITAA 1936 6D(3)
  - ITAA 1936 44
  - ITAA 1936 44(1)
  - ITAA 1936 44(2)
  - ITAA 1936 44(3)
  - ITAA 1936 44(4)
  - ITAA 1936 44(5)
  - ITAA 1936 45B
  - ITAA 1936 45B(2)(a)
  - ITAA 1936 45B(2)(b)
  - ITAA 1936 45B(2)(c)
  - ITAA 1936 45B(3)(a)
  - ITAA 1936 45B(3)(b)
  - ITAA 1936 45B(4)
  - ITAA 1936 45B(5)
  - ITAA 1936 45B(6)
  - ITAA 1936 45B(8)
  - ITAA 1936 45B(9)
  - ITAA 1936 45B(10)
  - ITAA 1936 45BA
  - ITAA 1936 45C
  - ITAA 1936 47
  - ITAA 1936 Pt IIIAA Div 7B
  - ITAA 1936 160ARDM
  - ITAA 1997 103-5
  - ITAA 1997 104-10
  - ITAA 1997 104-135
  - ITAA 1997 109-10
  - ITAA 1997 Div 110
  - ITAA 1997 Div 115
  - ITAA 1997 115-25(1)
  - ITAA 1997 115-30(1)
  - ITAA 1997 Subdiv 124-M
  - ITAA 1997 124-780(1)(a)(i)
  - ITAA 1997 124-780(1)(b)
  - ITAA 1997 124-780(1)(c)
  - ITAA 1997 124-780(2)(a)
  - ITAA 1997 124-780(2)(b)
  - ITAA 1997 124-780(2)(c)
  - ITAA 1997 124-780(3)(a)
  - ITAA 1997 124-780(3)(b)
  - ITAA 1997 124-780(3)(c)
  - ITAA 1997 124-780(3)(d)
  - ITAA 1997 124-780(4)(a)
  - ITAA 1997 124-780(4)(b)
  - ITAA 1997 124-780(5)
  - ITAA 1997 124-785
  - ITAA 1997 124-785(1)
  - ITAA 1997 124-795(2)(a)
  - ITAA 1997 124-795(2)(b)
  - ITAA 1997 124-810
  - ITAA 1997 Div 125
  - ITAA 1997 125-55(1)
  - ITAA 1997 125-65(1)
  - ITAA 1997 125-65(3)
  - ITAA 1997 125-65(4)
  - ITAA 1997 125-65(6)
  - ITAA 1997 125-70
  - ITAA 1997 125-70(1)
  - ITAA 1997 125-70(1)(a)
  - ITAA 1997 125-70(1)(b)(i)
  - ITAA 1997 125-70(1)(c)(i)
  - ITAA 1997 125-70(1)(d)
  - ITAA 1997 125-70(1)(e)(i)
  - ITAA 1997 125-70(1)(f)
  - ITAA 1997 125-70(1)(g)
  - ITAA 1997 125-70(2)
  - ITAA 1997 125-70(2)(a)
  - ITAA 1997 125-70(2)(b)
  - ITAA 1997 125-70(3)
  - ITAA 1997 125-70(4)
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  - ITAA 1997 125-80(1)
  - ITAA 1997 125-80(2)
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  - ITAA 1997 125-85(1)
  - ITAA 1997 125-85(2)
  - TAA 1953 Pt IVAAA
  - Copyright Act 1968
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*ATO references*

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Income Tax ~ Capital Gains Tax ~ demerger relief  
Income Tax ~ Capital Gains Tax ~ roll-overs - other