


# ***CR 2005/16W - Income tax: capital gains: demerger of NGM Resources Limited by Aviva Corporation Limited***

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 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: demerger of NGM Resources Limited by Aviva Corporation 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 This Ruling is withdrawn from immediately after 30 June 2005. This Ruling continues to apply, in respect of the tax laws ruled upon, to all persons within the specified class who enter into the arrangement during the term of the Ruling.

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#### **Commissioner of Taxation**

6 April 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:*

- capital benefit
- capital gains
- cost base adjustments
- demerger allocation
- demerger benefit
- demerger dividend
- demerger group
- demerger subsidiary
- return of capital
- roll-over
- schemes to provide certain benefits

#### *Legislative references:*

- ITAA 1936 6(1)
- ITAA 1936 6D
- 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(8)(c)

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|-----------------------------|-----------------------------|
| - ITAA 1936 45B(8)(d)       | - ITAA 1997 125-70(1)(e)(i) |
| - ITAA 1936 45B(8)(e)       | - ITAA 1997 125-70(1)(f)    |
| - ITAA 1936 45B(8)(f)       | - ITAA 1997 125-70(1)(g)    |
| - ITAA 1936 45B(8)(g)       | - ITAA 1997 125-70(2)       |
| - ITAA 1936 45BA            | - ITAA 1997 125-70(2)(a)    |
| - ITAA 1936 45C             | - ITAA 1997 125-70(2)(b)    |
| - ITAA 1997 104-135         | - ITAA 1997 125-70(3)       |
| - ITAA 1997 109-10          | - ITAA 1997 125-70(4)       |
| - ITAA 1997 Div 115         | - ITAA 1997 125-70(5)       |
| - ITAA 1997 115-25(1)       | - ITAA 1997 125-75          |
| - ITAA 1997 115-30(1)       | - ITAA 1997 125-75(4)       |
| - ITAA 1997 Div 125         | - ITAA 1997 125-75(5)       |
| - ITAA 1997 125-55(1)       | - ITAA 1997 125-80          |
| - ITAA 1997 125-65(1)       | - ITAA 1997 125-80(1)       |
| - ITAA 1997 125-65(3)       | - ITAA 1997 125-80(2)       |
| - ITAA 1997 125-65(4)       | - ITAA 1997 125-80(3)       |
| - ITAA 1997 125-65(6)       | - ITAA 1997 125-80(6)       |
| - ITAA 1997 125-70          | - ITAA 1997 125-85(1)       |
| - ITAA 1997 125-70(1)       | - ITAA 1997 125-85(2)       |
| - ITAA 1997 125-70(1)(a)    | - Copyright Act 1968        |
| - ITAA 1997 125-70(1)(b)(i) | - TAA 1953 Pt IVA           |
| - ITAA 1997 125-70(1)(c)(i) | - TAA 1953 14ZAAF           |
| - ITAA 1997 125-70(1)(d)    |                             |
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## ATO references

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