

CR 2009/14A1 - Addendum - Income tax: Goldman Sachs JBWere Capital Markets Limited; Goldman Sachs JBWere Group Holdings Pty Limited - Goldman Sachs JBWere Redeemable Capital Securities

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Addendum

Class Ruling

Income tax: Goldman Sachs JBWere Capital Markets Limited; Goldman Sachs JBWere Group Holdings Pty Limited – Goldman Sachs JBWere Redeemable Capital Securities

This Addendum amends Class Ruling CR 2009/14 to include changes made to the consolidated group structure in which the issuer of the Redeemable Capital Securities (RSC) belongs and the use of RCS funds by the consolidated group.

CR 2009/14 is amended as follows:

1. Paragraph 8

Omit the first and second sentences; substitute:

This Ruling applies from 1 July 2010 to 30 June 2011. The Ruling continues to apply after 30 June 2011 to all entities within the specified class who entered into the specified scheme during the term of the Ruling.

2. Paragraph 9

(a) Omit:

- Draft Private Placement Memorandum (PPM) date 29 September 2008 incorporating Terms of Issue;

(b) After the last dot point; insert:

- Letter dated 16 April 2010 from Ernst & Young in relation to a request for an addendum to CR 2009/14.
- A draft Private Placement Memorandum of November 2008.

3. Paragraph 10

After the paragraph; insert:

10A. Goldman Sachs JBWere (GSJBW) is part of the GSJBWGH tax consolidated group. The franking account balance of GSJBW has been transferred to GSJBWGH.

4. Paragraph 12

Omit 'PPM dated 29 September 2008'; substitute 'draft PPM of November 2008'.

5. Paragraph 16

Omit the paragraph; substitute:

16. GSJBWGH advises that the proceeds from the issue of the RCS will be used in the ordinary business operations of the New Zealand branch of GSJBWGH and any surplus will be used to lend to GSJBWGH for its Australian operations on an arm's length basis on commercial terms.

6. Paragraph 86

Omit 'subsection 204-145(1)'; substitute 'subsection 207-145(1)'.

7. Legislative references

Omit (both instances):

- ITAA 1997 204-145(1)

Insert:

- ITAA 1997 207-145(1)

This Addendum applies on and from 1 July 2010.

Commissioner of Taxation

7 July 2010

ATO references

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Income Tax ~~ Assessable income ~~ traditional securities
Income Tax ~~ Entity specific matters ~~ franking of dividends - company matters
Income Tax ~~ Tax integrity measures ~~ qualified persons - franking credits