


TD 1999/D72 - Income tax: capital gains: is there roll-over under section 126-5 or 126-15 of the Income Tax Assessment Act 1997 if a CGT event happens because of a maintenance agreement registered under section 86 of the Family Law Act 1975?

 This cover sheet is provided for information only. It does not form part of *TD 1999/D72 - Income tax: capital gains: is there roll-over under section 126-5 or 126-15 of the Income Tax Assessment Act 1997 if a CGT event happens because of a maintenance agreement registered under section 86 of the Family Law Act 1975?*

This document has been finalised by TD 1999/46.

Draft Taxation Determination

Income tax: capital gains: is there roll-over under section 126-5 or 126-15 of the *Income Tax Assessment Act 1997* if a CGT event happens because of a maintenance agreement registered under section 86 of the *Family Law Act 1975*?

Preamble

Draft Taxation Determinations (DTDs) present the preliminary, though considered, views of the Australian Taxation Office (ATO). DTDs should not be relied on; only final Taxation Determinations represent authoritative statements by the ATO.

1. No. Maintenance agreements registered under section 86 of the *Family Law Act 1975* (FLA 1975) do not come within the expression 'a court order' in paragraphs 126-5(1)(a) and 126-15(1)(a) of the *Income Tax Assessment Act 1997* (ITAA 1997). Nor do they come within the words 'a maintenance agreement approved by a court under section 87' of the FLA 1975 in paragraphs 126-5(1)(b) and 126-15(1)(b) of the ITAA 1997.

Your comments

2. We invite you to comment on this Draft Taxation Determination. We are allowing 4 weeks for comments before we finalise the Determination. If you want your comments considered, please provide them to us within this period.

Comments by date:	15 September 1999
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Commissioner of Taxation

18 August 1999

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FOI status: draft only - for comment

Subject references:

CGT event; court order; maintenance agreement; roll-over

Legislative references:

ITAA 1997 126-5; ITAA 1997 126-5(1)(a); ITAA 1997 126-5(1)(b); ITAA 1997 126-15; ITAA 1997 126-15(1)(a); ITAA 1997 126-15(1)(b)
FLA 1975 86; FLA 1975 87

ATO references:

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BO CGT marriage breakdown summit 1999

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