


TD 1999/D73 - 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 court order under the Family Law Act 1975 made by consent?

 This cover sheet is provided for information only. It does not form part of *TD 1999/D73 - 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 court order under the Family Law Act 1975 made by consent?*

This document has been finalised by TD 1999/47.

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 court order under the *Family Law Act 1975* made by consent?

Preamble

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

1. Yes. An order made by consent is a 'court order' in terms of paragraphs 126-5(1)(a) and 126-15(1)(a) of the *Income Tax Assessment Act 1997* (ITAA 1997). If a CGT event happens because of a consent order under the *Family Law Act 1975*, there is roll-over under section 126-5 or 126-15 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

Subject references:

CGT event; consent order; court order; roll-over

TD 1999/D73

Page 2 of 2

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Legislative references:

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

ATO references:

NO 99/19509-6
BO CGT marriage breakdown summit 1999
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