

TD 93/D79 - Income tax: capital gains: does the relocation of a building come within the meaning of 'constructed' in subsection 160P(2) of the Income Tax Assessment Act 1936 ?

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This document has been finalised by TD 93/184.

Draft Taxation Determinations (TDs) represent the preliminary, though considered, views of the ATO. Draft TDs may not be relied on; only final TDs are authoritative statements of the ATO.

Draft Taxation Determination

Income tax: capital gains: does the relocation of a building come within the meaning of 'constructed' in subsection 160P(2) of the *Income Tax Assessment Act 1936*?

1. Yes. 'Constructed' includes the process of placing a relocated building onto a block of land and making it functional.
2. This process may entail:
 - (i) the 'brick-by-brick' reassembly of a relocated building;
 - (ii) site preparation (e.g. clearing and levelling);
 - (iii) laying foundations;
 - (iv) installing drainage and connecting utilities

Commissioner of Taxation
1/4/93

FOI INDEX DETAIL: Reference No.

Related Determinations: TD 93/D75; TD 93/D76; TD 93/D77; TD 93/D78

Subject Ref: Meaning of 'constructed'; relocation of a building

Legislative Ref: ITAA 160P(2)

ATO Ref: TD/92/0030/PAR (CGTDET 62)

ISSN 1038 - 8982