


MT 2012/2A2 - Addendum - Miscellaneous taxes: application of the income tax and GST laws to deferred transfer farm-out arrangements

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Addendum

Miscellaneous Taxation Ruling

Miscellaneous taxes: application of the income tax and GST laws to deferred transfer farm-out arrangements

This Addendum is a public ruling for the purposes of the *Taxation Administration Act 1953*. It amends Miscellaneous Taxation Ruling MT 2012/2. The addendum is necessary because the income tax guidance in the ruling no longer reflects the law in respect of a deferred transfer farm-out arrangement entered into after 7.30 pm, by legal time in the Australian Capital Territory, on 14 May 2013, because of the enactment of the *Tax and Superannuation Laws Amendment (2014 Measures No. 3) Act 2014* and the *Tax and Superannuation Laws Amendment (2015 Measures No. 2) Act 2015*.

MT 2012/2 is amended as follows:

1. Paragraph 123

Omit the paragraph; substitute:

123. This Ruling applies to a deferred transfer farm-out arrangement⁷⁴ that is:
- (a) in relation to the Commissioner's views on the application of the income tax provisions – entered into after 24 August 2011 but no later than 7:30 pm, by legal time in the Australian Capital Territory, on 14 May 2013, if the farmor started to hold the mining tenement that is the subject of the arrangement on or after 1 July 2011, and
 - (b) in relation to the Commissioner's views on the application of the GST provisions – entered into after 24 August 2011.

2. Paragraph 124

Omit the paragraph; substitute:

124. For the purposes of the income tax provisions:
- (a) Taxation Ruling IT 2378 is relevant if the farmor started to hold the mining tenement before 1 July 2001; and
 - (b) Refer to the '[Deferred transfer farm-out arrangements](#)' fact sheet for guidance on the treatment of a deferred transfer farm-out arrangement that satisfies subsection 40-1100(1) of the *Income Tax Assessment Act 1997* and is entered into after 7.30 pm, by legal time in the Australian Capital Territory, on 14 May 2013.

⁷⁴ It must be a deferred transfer farm-out arrangement of the type covered by this Ruling.

MT 2012/1

Page 2 of 2

3. *Related Rulings/Determinations:*

Omit TR 2006/10

4. *Other references:*

Insert at the end of the list:

- Tax and Superannuation Laws Amendment (2014 Measures No. 3) Act 2014
- Tax and Superannuation Laws Amendment (2015 Measures No. 2) Act 2015

This Addendum applies after 7.30 pm, by legal time in the Australian Capital Territory, on 14 May 2013.

Commissioner of Taxation

13 December 2017

ATO references

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