


***TD 2000/52A - Addendum - Income tax: capital gains: can CGT event G3 in section 104-145 of the Income Tax Assessment Act 1997 happen - enabling a shareholder to crystallise a capital loss on their shares in a company - if a liquidator declares that they expect to make a distribution during the winding up of the company?***

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## Addendum

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### Taxation Determination

Income tax: capital gains: can CGT event G3 in section 104-145 of the *Income Tax Assessment Act 1997* happen – enabling a shareholder to crystallise a capital loss on their shares in a company – if a liquidator declares that they expect to make a distribution during the winding up of the company?

This Addendum amends Taxation Determination TD 2000/52 to reflect changes that were made to section 104-145 of the *Income Tax Assessment Act 1997* by the *Taxation Laws Amendment (2004 Measures No. 6) Act 2005*.

The changes do not affect the answer to the issue raised in this Determination.

#### TD 2000/52 is amended as follows:

**1. Paragraph 9:**

Insert after Note 2 of Paragraph 9:

**Note 3:** The scope of CGT event G3 in section 104-145 was extended with effect from 22 March 2005. The event now happens if a liquidator or an administrator makes an appropriate written declaration in respect of valueless shares or financial instruments.

This Addendum applies on and from 22 March 2005.

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**Commissioner of Taxation**

11 January 2006

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#### ATO references

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ATOlaw topic: Income Tax~~Capital Gains Tax~~CGT events G1 to G3 - shares