

TD 93/184 - Income tax: capital gains: does the relocation of a building come within the meaning of 'constructed' in subsection 108-55(2) of the Income Tax Assessment Act 1997

 This cover sheet is provided for information only. It does not form part of *TD 93/184 - Income tax: capital gains: does the relocation of a building come within the meaning of 'constructed' in subsection 108-55(2) of the Income Tax Assessment Act 1997*

 This document has changed over time. This is a consolidated version of the ruling which was published on *31 March 2010*

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part IVAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, this Determination applies to years commencing both before and after its date of issue. However, this Determination does not apply to taxpayers to the extent that it conflicts with the terms of a settlement of a dispute agreed to before the date of issue of the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

[Note: This is a consolidated version of this document. Refer to the Tax Office Legal Database (<http://law.ato.gov.au>) to check its currency and to view the details of all changes.]

Taxation Determination

Income tax: capital gains: does the relocation of a building come within the meaning of 'constructed' in subsection 108-55(2) of the *Income Tax Assessment Act 1997*?

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) site preparation (e.g. clearing and levelling);
 - (ii) laying foundations;
 - (iii) installing drainage and connecting utilities.

Commissioner of Taxation
9/9/93