

TD 93/238 - Income tax: capital gains: will subsection 160M(7) of the Income Tax Assessment Act 1936 apply where there is an act, transaction or event in relation to an asset and no consideration is received or receivable by reason of that act, transaction or event?

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 This document has changed over time. This is a consolidated version of the ruling which was published on 16 December 1993

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).

Taxation Determination

Income tax: capital gains: will subsection 160M(7) of the *Income Tax Assessment Act 1936* apply where there is an act, transaction or event in relation to an asset and no consideration is received or receivable by reason of that act, transaction or event?

1. No. One of the pre-conditions for the application of subsection 160M(7) is that there be consideration received or receivable by reason of the act, transaction or event regarding an asset.

Note: Subsection 160ZD(2) will *not* apply to deem market value consideration to have been received where subsection 160M(7) applies in respect of a "deemed disposal".

Commissioner of Taxation
16/12/93

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