



***TD 93/44W - Income tax: capital gains: what is the amount of the consideration in respect of the disposal of an asset by a taxpayer where consideration is actually received but an amount is later paid out by way of damages?***

 This cover sheet is provided for information only. It does not form part of *TD 93/44W - Income tax: capital gains: what is the amount of the consideration in respect of the disposal of an asset by a taxpayer where consideration is actually received but an amount is later paid out by way of damages?*

 This document has changed over time. This is a consolidated version of the ruling which was published on 28 October 1998

## Notice of Withdrawal

**Income tax: capital gains: what is the amount of the consideration in respect of the disposal of an asset by a taxpayer where consideration is actually received but an amount is later paid out by way of damages?**

1. Taxation Determination TD 93/44 is withdrawn with effect from today (and not replaced).
2. The *Income Tax Assessment Act 1997* now allows capital proceeds to be reduced by any amount repaid, to the extent that a deduction is not allowable for the repayment (section 116-50).
3. TD 93/44 continues to apply to disposals of assets under the *Income Tax Assessment Act 1936* occurring before the beginning of the 1998-99 income year.

**Commissioner of Taxation**

28 October 1998

---

[ATO Ref:](#) NAT 98/3350-1

ISSN 1038 - 8982