




***TD 94/79W - Income tax: capital gains: if a post-CGT asset bequeathed to a legal personal representative/beneficiary (LPR/B) is disposed of within 12 months of the LPR/B's acquisition, in which circumstances is indexation available?***

 This cover sheet is provided for information only. It does not form part of *TD 94/79W - Income tax: capital gains: if a post-CGT asset bequeathed to a legal personal representative/beneficiary (LPR/B) is disposed of within 12 months of the LPR/B's acquisition, in which circumstances is indexation available?*

 TD 94/79 has been withdrawn as part of a project to review public rulings.

 This document has changed over time. This is a consolidated version of the ruling which was published on *27 June 2018*



# Notice of Withdrawal

## Taxation Determination

Income tax: capital gains: if a post-CGT asset bequeathed to a legal personal representative/beneficiary (LPR/B) is disposed of within 12 months of the LPR/B's acquisition, in which circumstances is indexation available?

Taxation Determination TD 94/79 is withdrawn with effect from today.

1. TD 94/79 explains that if the LPR/B disposes of an asset within 12 months of the LPR/B's acquisition but after more than 12 months from when the deceased acquired the asset, the benefits of indexation are available. However, if the LPR/B disposes of the asset within 12 months of the LPR/B's acquisition and within 12 months of the deceased's acquisition, the LPR/B is denied any benefits of indexation.
2. Indexation applies only in respect of expenditure incurred at or before 11:45am on 21 September 1999. For expenditure incurred after that time, a taxpayer may be eligible to discount their capital gain under Division 115 of the *Income Tax Assessment Act 1997*.
3. TD 94/79 has limited ongoing relevance and is therefore withdrawn without replacement.

---

**Commissioner of Taxation**  
27 June 2018

---

ATO references

NO: 1-D75OWX3  
ISSN: 2205-6211

---

© AUSTRALIAN TAXATION OFFICE FOR THE  
COMMONWEALTH OF AUSTRALIA

You are free to copy, adapt, modify, transmit and distribute this material as you wish (but not in any way that suggests the ATO or the Commonwealth endorses you or any of your services or products).