TR 2002/List - Income tax and other taxes: Determinations, Rulings, and notices of withdrawal, addendum and erratum issued in 2002

Taxation Ruling

Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2002

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Preamble

This document is not a 'public ruling' in terms of Part IVAAA of the ***Taxation Administration Act 1953*** *and is not legally binding on the Commissioner. Taxation Rulings TR 92/1 and TR 97/16 together explain when a Ruling is a public ruling and how it is binding on the Commissioner.*

What this Ruling is about

Class of person/arrangement

1. This Ruling lists all draft and final Determinations and Rulings, as well as all notices of withdrawal, addendum and erratum to Determinations and Rulings, issued by the Commissioner of Taxation in the 2002 calendar year.

Ruling

2. This Ruling lists the documents that have been issued during 2002 divided by type and series and showing in relation to each action the number of the document, its title and the date the action took place.

Class Rulings

3. During the calendar year 2002 the Commissioner of Taxation issued:

Class Rulings

Ruling	Title	Issue date
CR 2002/1	Income tax: Eligible Termination Payment – FreightCorp Sale and Transfer of Employment	16.01.02
CR 2002/2	Income tax: Approved Early Retirement Scheme – Trinity College Incorporated	16.01.02
CR 2002/3	Income tax: Approved Early Retirement Scheme – SunWater	23.01.02
CR 2002/4	Income tax: Exempt Income – Cancer Research Vacation Studentships	27.02.02
CR 2002/5	Income tax: Exempt Income – Post-Graduate Research Scholarships	27.02.02
CR 2002/6	Income tax: Return of capital by Ranger Minerals Ltd	27.02.02
CR 2002/7	Income tax: Approved Early Retirement Scheme – Holmesglen Institute of TAFE Victoria	27.02.02
CR 2002/8	Income tax: Approved Early Retirement Scheme – Chisholm Institute of TAFE Victoria	27.02.02
CR 2002/9	Income tax: Approved Early Retirement Scheme – Victoria Police	27.02.02
CR 2002/10	Income tax: Approved Early Retirement Scheme – Dampier Salt Limited	06.03.02
CR 2002/11	Income tax: Approved Early Retirement Scheme – Port Waratah Coal Services Limited	06.03.02
CR 2002/12	Income tax: Approved Early Retirement Scheme – M S W A Trust	13.03.02
CR 2002/13	Income tax: Investors in the Wattle Group	20.03.02
CR 2002/14	Income tax: Approved Early Retirement Scheme – NSW Department of Industrial Relations	27.03.02
CR 2002/15	Income tax: Approved Early Retirement Scheme – Joint Services Department, Parliament of Victoria	27.03.02
CR 2002/16	Income tax: Share Buy-Back: TAB Limited	03.04.02
CR 2002/17	Income tax: Approved Early Retirement Scheme – Department of Treasury and Finance Victoria	10.04.02
CR 2002/18	Income tax: Approved Early Retirement Scheme – Nacos Credit Union Ltd	10.04.02
CR 2002/19	Income tax: assessable income: football umpires: Tasmanian Football League Umpires Association (TFLUA) receipts	10.04.02
CR 2002/20	Income tax: assessable income: soccer referees: Victorian Soccer Federation referees	10.04.02

Ruling	Title	Issue date
CR 2002/21	Income tax: Listed investment companies: LIC capital gain: proposed disposal of investment portfolio of CMG CH China Investments Limited	17.04.02
CR 2002/22	Income tax: Approved Early Retirement Scheme – Mater Hospital Mackay	17.04.02
CR 2002/23	Income tax: AusBulk Ltd – 0:90:10 Extended Wheat Pool	24.04.02
CR 2002/24	Income tax: Approved Early Retirement Scheme – Alcoa of Australia Ltd	24.04.02
CR 2002/25	Income tax: Approved Early Retirement Scheme – Department of Justice Victoria	08.05.02
CR 2002/26	Income tax: capital reduction and related scheme of arrangement for the demerger of BHP Steel Limited	15.05.02
CR 2002/27	Income tax: Approved Early Retirement Scheme – Hella Australia Pty Ltd	15.05.02
CR 2002/28	Income tax: Approved Early Retirement Scheme – The Parliament of New South Wales, Printing Services	22.05.02
CR 2002/29	Income tax: Approved Early Retirement Scheme – Department of the House of Representatives, Parliament of Australia	29.05.02
CR 2002/30	Income tax: Approved Early Retirement Scheme – Department of Human Services (Grampians Region)	05.06.02
CR 2002/31	Income tax: Approved Early Retirement Scheme – Education Queensland	05.06.02
CR 2002/32	Income tax: capital gains: the issue by St. George Bank Limited of preference shares called St. George Preferred Resetting Yield Marketable Equity Securities (PRYMES)	12.06.02
CR 2002/33	Income tax: Approved Early Retirement Scheme – Applied Soil Technology Pty Limited	12.06.02
CR 2002/34	Income tax: Approved Early Retirement Scheme – South Australian Water Corporation	26.06.02
CR 2002/35	Income tax: Approved Early Retirement Scheme – Australian Provincial Newspapers Limited and Subsidiary Companies	03.07.02
CR 2002/36	Income tax: Approved Early Retirement Scheme – South Australian Water Corporation (Skill Based Reform)	03.07.02
CR 2002/37	Income tax: Approved Early Retirement Scheme – South Australian Water Corporation (Succession Based Reform)	03.07.02
CR 2002/38	Income tax: Approved Early Retirement Scheme – Ford Motor Company of Australia Limited	03.07.02

Ruling	Title	Issue date
CR 2002/39	Income tax: Approved Early Retirement Scheme – Riverina Wool Combing Pty Ltd	10.07.02
CR 2002/40	Income tax: Approved Early Retirement Scheme – Department of Information Technology and Management	17.07.02
CR 2002/41	Income tax: Return of capital by Bligh Ventures Ltd	17.07.02
CR 2002/42	Income tax: Approved Early Retirement Scheme – Allied Bearing Co. (Cairns)	17.07.02
CR 2002/43	Income tax: Approved Early Retirement Scheme – Department of Infrastructure, Victoria	17.07.02
CR 2002/44	Income tax: Approved Early Retirement Scheme – Rail Infrastructure Corporation	24.07.02
CR 2002/45	Income tax: Selective Capital Reduction and Special Dividend	24.07.02
CR 2002/46	Income tax: Approved Early Retirement Scheme – Victoria University of Technology	31.07.02
CR 2002/47	Income tax: Approved Early Retirement Scheme – Victoria Police	31.07.02
CR 2002/48	Income tax: Approved Early Retirement Scheme – Queensland Government	31.07.02
CR 2002/49	Income tax: The Armidale School Fee Plan	07.08.02
CR 2002/50	Income tax: Approved Early Retirement Scheme – CSR Emoleum Services Pty Ltd	14.08.02
CR 2002/51	Income tax: Approved Early Retirement Scheme – Ministry of Energy and Utilities	14.08.02
CR 2002/52	Income tax: Johnson & Johnson Pty Ltd – Exempt Share Plan	21.08.02
CR 2002/53	Income tax: Johnson & Johnson Pty Ltd – Deferred Share Plan	21.08.02
CR 2002/54	Income tax: Approved Early Retirement Scheme – Hewlett Packard Australia Ltd, Compaq Computer Australia Pty Ltd, Compaq Technologies (Aust) Pty Ltd	21.08.02
CR 2002/55	Income tax: Approved Early Retirement Scheme – South Australian Government	21.08.02
CR 2002/56	Income tax: RMIT University: fees paid in respect of employees for professional appointments	28.08.02
CR 2002/57	Income tax: Colonial Mutual Life Assurance Society Limited – Income Care Policy	28.08.02
CR 2002/58	Income tax: Share Buy-Back: Bank of Queensland Limited	04.09.02

Ruling	Title	Issue date
CR 2002/59	Income tax: compensation payments to Holocaust survivors and their relatives – Remembrance, Responsibility and Future Foundation	04.09.02
CR 2002/60	Income tax: compensation payments to Holocaust survivors and their relatives – the Stichting Maror-gelden Overheid Foundation	04.09.02
CR 2002/61	Income tax: compensation payments to Holocaust survivors and their relatives – French Ministry of Defence Fund for Orphans	04.09.02
CR 2002/62	Income tax: Approved Early Retirement Scheme – TransGrid	04.09.02
CR 2002/63	Income tax: Australian Coal Association Research Program Scholarships	04.09.02
CR 2002/64	Income tax: Approved Early Retirement Scheme – NSW Roads and Traffic Authority	04.09.02
CR 2002/65	Income tax: Approved Early Retirement Scheme – Rural Finance Corporation of Victoria	04.09.02
CR 2002/66	Income tax: allowable deduction: tuition fees paid by certain Royal Melbourne Institute of Technology (‘RMIT’) students	04.09.02
CR 2002/67	Income tax: capital gains: scrip for scrip roll-over: exchange of units in Mirvac Commercial Trust for units in Mirvac Property Trust	04.09.02
CR 2002/68	Income tax: Approved Early Retirement Scheme – Deakin University	11.09.02
CR 2002/69	Income tax: Approved Early Retirement Scheme – State Revenue Office, Victoria	11.09.02
CR 2002/70	Income tax: Approved Early Retirement Scheme – Adult Multicultural Education Services, Department of Education and Training, Victoria	11.09.02
CR 2002/71	Income tax: reduction of capital and related scheme of arrangement for the demerger of Loomis Limited by Mayne Group Limited	23.10.02
CR 2002/72	Income tax: University of Melbourne – Externally Funded Research Project Scholarships	18.09.02
CR 2002/73	Income tax: Share Buy-Back NRMA Insurance Group Limited	25.09.02
CR 2002/74	Income tax: Share Buy-Back Insurance Australia Group Limited	25.09.02
CR 2002/75	Income tax: travel allowance paid to New South Wales judges	02.10.02
CR 2002/76	Income tax: Approved Early Retirement Scheme – Victoria University of Technology	09.10.02

Ruling	Title	Issue date
CR 2002/77	Income tax: Victoria University of Technology – leadership and citizenship bursary payments to elected student representatives	23.10.02
CR 2002/78	Income tax: WMC Limited Demerger – Option Scheme affecting employees and former employees of WMC Limited Group holding options over WMC Limited shares	06.11.02
CR 2002/79	Income tax: Approved Early Retirement Scheme – Pasminco Australia Limited, Rosebery Mine	06.11.02
CR 2002/80	Income tax: Approved Early Retirement Scheme – Epixtech Pty Ltd	13.11.02
CR 2002/81	Income tax: capital gains: demerger roll-over relief for shareholders: demerger of WMC Ltd	13.11.02
CR 2002/82	Income tax: Approved Early Retirement Scheme – Bendigo Regional Institute of TAFE	20.11.02
CR 2002/83	Income tax: science prizes: The Prime Minister's Prize for Science, The Malcolm McIntosh Prize – Physical Scientist of the Year, The Science Minister's Prize – Life Scientist of the Year, The Prime Minister's Prize for Excellence in Science Teaching in Primary Schools, The Prime Minister's Prize for Excellence in Science Teaching in Secondary Schools	13.12.02
CR 2002/84	Income tax: Approved Early Retirement Scheme – James Cook University	04.12.02
CR 2002/85	Income tax: capital gains tax: CGT event G3: Pasminco Limited (subject to Deed of Company Arrangement)	04.12.02
CR 2002/86	Income tax: American International Assurance Company (Australia) Limited Statutory Fund No. 3 – continuation of Life Insurance Policy	11.12.02
CR 2002/87	Income tax: Approved Early Retirement Scheme – Loy Yang Power Management Pty Ltd	18.12.02
CR 2002/88	Income tax: Approved Early Retirement Scheme – Snowy Hydro Limited	18.12.02
CR 2002/89	Income tax: dividend, capital reduction and related schemes of arrangement for the demerger of SciGen Limited from Sonic Healthcare Limited	18.12.02

Class Rulings – notices of addendum

Ruling	Title	Issue date
CR 2001/1	Class Ruling: Class Rulings System	16.10.02
CR 2001/42	Income tax: exempt income: approved projects: MH Matrix	28.08.02

Ruling	Title	Issue date
CR 2002/3	Income tax: Approved Early Retirement Scheme – SunWater	29.05.02
CR 2002/8	Income tax: Approved Early Retirement Scheme – Chisholm Institute of TAFE Victoria	17.07.02
CR 2002/44	Income tax: Approved Early Retirement Scheme – Rail Infrastructure Corporation	06.11.02
CR 2002/55	Income tax: Approved Early Retirement Scheme – South Australian Government	04.12.02
CR 2002/78	Income tax: WMC Limited Demerger – Option Scheme affecting employees and former employees of WMC Limited Group holding options over WMC Limited shares	04.12.02
CR 2002/81	Income tax: capital gains: demerger roll-over relief for shareholders: demerger of WMC Ltd	04.12.02
CR 2002/81	Income tax: capital gains: demerger roll-over relief for shareholders: demerger of WMC Ltd	18.12.02

Class Rulings – notices of withdrawals

Ruling	Title	Issue date
CR 2002/71	Income tax: reduction of capital and related scheme of arrangement for the demerger of Loomis Limited by Mayne Group Limited	04.12.02

Excise Bulletins

4. During the calendar year 2002 the Commissioner of Taxation withdrew one excise bulletin:

Excise Bulletin withdrawn as a consequence of a Ruling being issued

Ruling	Title	Issue date	Replace
EB 2000/1	Excise Bulletin: the wine equalisation tax	18.12.02	WETR 20

Fuel Grant and Rebate Rulings

5. During the calendar year 2002 the Commissioner of Taxation issued:

Draft Fuel Grant and Rebate Rulings

Ruling	Title	Issue date
FGRR 2002/D1	Off-Road Scheme – application to mining operations	12.06.02

Fuel Grant and Rebate Rulings

Ruling	Title	Issue date
FGRR 2002/1	Off-Road Scheme – application to mining operations	04.12.02

Income Tax

6. During the calendar year 2002 the Commissioner of Taxation withdrew or partially withdrew:

Income Tax Rulings – notices of partial withdrawal

Ruling	Title	Issue date
IT 2328	Income tax: capital gains provisions: interpretation and operation	11.09.02

Income Tax Rulings – notices of withdrawal

Ruling	Title	Issue date
IT 243	Commutation of a pension entitlement to a lump sum	18.12.02
IT 2060	Commuted lump sum pension payments	18.12.02
IT 2218	Income tax: Partners’ salaries	22.05.02
IT 2270	Income tax: application of overseas ships provisions to time charters	25.09.02

Goods and Services Tax

7. During the calendar year 2002 the Commissioner of Taxation issued:

Draft Goods and Services Tax Determinations

Ruling	Title	Issue date
GSTD 2002/D1	Goods and services tax: what supplies of fruit and vegetable juices are GST-free?	30.01.02
GSTD 2002/D2	Goods and services tax: is a token of appreciation given to a speaker consideration for the supply of the speaking services?	26.06.02
GSTD 2002/D3	Goods and services tax: how do I account for GST when I supply taxable goods, non-taxable goods and delivery services together?	03.07.02
GSTD 2002/D4	Goods and services tax: is the payment of judgment interest consideration for a supply?	27.11.02
GSTD 2002/D5	Goods and services tax: are there GST consequences when a partner in a partnership takes goods held as trading stock for private or domestic use?	27.11.02

Goods and Services Tax Determinations

Ruling	Title	Issue date
GSTD 2002/1	Goods and services tax: are there GST consequences when a partner in a partnership takes goods held as trading stock for private or domestic use?	27.03.02
GSTD 2002/2	Goods and services tax: what supplies of fruit and vegetable juices are GST-free?	22.05.02
GSTD 2002/3	Goods and services tax: how do I account for GST when I supply taxable goods, non-taxable goods and delivery services together?	18.09.02
GSTD 2002/4	Goods and services tax: what are the requirements for a particular document to be treated as an adjustment note when an adjustment arises from a payment made by a third party?	09.10.02
GSTD 2002/5	Goods and services tax: is a token of appreciation given to a speaker consideration for the supply of the speaking services	23.10.02

Goods and Services Tax Rulings – notices of withdrawal

Ruling	**Title**	**Issue date**
GSTD 2002/1	Income tax: are there GST consequences when a partner in a partnership takes goods held as trading stock for private or domestic use?	27.11.02

Draft Goods and Services Tax Rulings

Ruling	**Title**	**Issue date**
GSTR 2002/D1	Goods and services tax: what do the expressions 'directly connected with goods or real property' and 'a supply of work physically performed on goods' mean for the purposes of subsection 38-190(1) of the *A New Tax System (Goods and Services Tax) Act 1999*?	16.01.02
GSTR 2002/D2	Goods and services tax: supplies that are GST-free as special education courses	13.03.02
GSTR 2002/D3	Goods and services tax: the GST implications of barter transactions through trade exchanges	14.08.02
GSTR 2002/D4	Goods and services tax: when is a sale of real property a sale of new residential premises?	09.10.02
GSTR 2002/D5	Goods and services tax: supplies that are GST-free as professional or trade courses	30.10.02
GSTR 2002/D6	Goods and services tax: financial acquisition threshold	30.10.02
GSTR 2002/D7	Goods and services tax: inducements to enter into a lease of commercial premises	30.10.02
GSTR 2002/D8	Goods and services tax: when is a non-resident 'not in Australia when the thing supplied is done' for the purposes of item 2 of the table in subsection 38-190(1) of the *A New Tax System (Goods and Services Tax) Act 1999*?	30.10.02
GSTR 2002/D9	Income tax: transfers of enterprise assets as a result of property distributions under the *Family Law Act 1975* or in similar circumstances	27.11.02
GSTR 2002/D10	Goods and services tax: supply of rights for use outside Australia or to a non-resident – subsection 38-190(1), item 4 and subsection 38-190(2)	18.12.02
GSTR 2002/D11	Goods and services tax: importation of goods into Australia	19.12.02

Goods and Services Tax Rulings – notices of withdrawal

Ruling	Title	Issue date
GSTR 2001/D3	Goods and services tax: when is a sale of real property a sale of new residential premises?	09.10.02

Draft Goods and Services Tax Rulings – notices of erratum

Ruling	Title	Issue date
GSTR 2002/D5	Income tax: goods and services tax: supplies that are GST-free as professional or trade courses	06.11.02

Goods and Services Tax Rulings

Ruling	Title	Issue date
GSTR 2002/1	Goods and services tax: supplies that are GST-free as special education courses	29.05.02
GSTR 2002/2	Goods and services tax: GST treatment of financial supplies and related supplies and acquisitions	26.06.02
GSTR 2002/3	Goods and services tax: prizes	02.10.02
GSTR 2002/4	Goods and services tax: recipient created tax invoices and foreign currency conversions	09.10.02
GSTR 2002/5	Goods and services tax: when is a 'supply of a going concern' GST-free?	16.10.02
GSTR 2002/6	Goods and services tax: exports of goods, items 1 to 4 of the table in subsection 38-185(1) of the *A New Tax System (Goods and Services Tax) Act 1999*	18.12.02

Goods and Services Tax Rulings – notices of addendum

Ruling	Title	Issue date
GSTR 2000/15	Goods and services tax: determining the extent of creditable purpose for claiming input tax credits and for making adjustments for changes in extent of creditable purpose	18.12.02
GSTR 2000/21	Goods and services tax: the margin scheme for real property held prior to 1 July 2000	18.09.02
GSTR 2000/22	Goods and services tax: determining the extent of creditable purpose for providers of financial supplies	18.12.02
GSTR 2000/24	Goods and services tax: Division 129 – making adjustments for changes in extent of creditable purpose	18.12.02
GSTR 2001/3	Goods and services tax: GST and how it applies to supplies of fringe benefits	18.12.02

Ruling	Title	Issue date
GSTR 2002/17	Goods and services tax: tax invoices	25.09.02

Goods and Services Tax Rulings – notices of withdrawal

Ruling	Title	Issue date
GSTR 2001/5	Goods and services tax: when is a 'supply of a going concern' GST-free?	16.10.02

Product Rulings

8. During the calendar year 2002 the Commissioner of Taxation issued:

Product Rulings

Ruling	Title	Issue date
PR 2002/1	Income tax: Parkview Orchard Project Prospectus No. 2	16.01.02
PR 2002/2	Income tax: Forestry Plantation Investments Project No. 1	16.01.02
PR 2002/3	Income tax: Red Earth Olives Project	16.01.02
PR 2002/4	Income tax: Frankland River Olives Stage 4	16.01.02
PR 2002/5	Income tax: Karri Oak Project No. 2 (Stage 3) Revised Arrangement	16.01.02
PR 2002/6	Income tax: Great Southern Plantations 2002 and 2003 Projects	16.01.02
PR 2002/7	Income tax: Northern Rivers Coffee Project 2 (revised arrangement)	23.01.02
PR 2002/8	Income tax: Settlers Rise Premium Vineyard Project	30.01.02
PR 2002/9	Income tax: Yelloch Creek Estate Vineyard Project (revised arrangement)	30.01.02
PR 2002/10	Income tax: Soho Lemon Farm Project (revised arrangement)	30.01.02
PR 2002/11	Income tax: 2002 Timbercorp Olives Project	06.02.02
PR 2002/12	Income tax: Sandalwood and Mango Project 2002	06.02.02
PR 2002/13	Income tax: Palandri America Wine Business	06.02.02
PR 2002/14	Income tax: Liverno Olive Project	20.02.02

Ruling	Title	Issue date
PR 2002/15	Income tax: 2002 Timbercorp Almond Project (Private Offer No. 1)	20.02.02
PR 2002/16	Income tax: Plantation Forestry Managers Limited, Hardwood Project No. 2 1999	20.02.02
PR 2002/17	Income tax: TFS Sandalwood Project 2002	20.02.02
PR 2002/18	Income tax: 1992 Timbercorp Eucalypts Project	20.02.02
PR 2002/19	Income tax: 1993 Timbercorp Eucalypts Project	20.02.02
PR 2002/20	Income tax: 1994 Timbercorp Eucalypts Project	20.02.02
PR 2002/21	Income tax: Hillston Grove Vineyards No. 3 Project	20.02.02
PR 2002/22	Income tax: Gunns Plantations Woodlot Project 2002	27.02.02
PR 2002/23	Income tax: Campbell's River Project (2002 planting)	27.02.02
PR 2002/24	Income tax: 2002 Timbercorp Almond Project	06.03.02
PR 2002/25	Income tax: Coonawarra Premium Vineyards Project No. 2	06.03.02
PR 2002/26	Income tax: Forest Rewards Sandalwood Project 2002	20.03.02
PR 2002/27	Income tax: NoRegrets Managed Retail Franchise Project	20.03.02
PR 2002/28	Income tax: Forest Rewards Tropical Citrus Project 2002	20.03.02
PR 2002/29	Income tax: Padthaway Braithwaite Estate Vineyard Project (Lease of Community Lot)	27.03.02
PR 2002/30	Income tax: Padthaway Braithwaite Estate Vineyard Project (Purchase of Community Lot)	27.03.02
PR 2002/31	Income tax: The Gnangara Vineyard Project	27.03.02
PR 2002/32	Income tax: Mt Benson Premium Estates Vineyard Project	27.03.02
PR 2002/33	Income tax: Forestry Bond 2002	03.04.02
PR 2002/34	Income tax: ARA Forestry Project	03.04.02
PR 2002/35	Income tax: Wrights Bay Vineyard Stage 1	10.04.02
PR 2002/36	Income tax: Grand Vin Estate Project	10.04.02
PR 2002/37	Income tax: Wrights Bay Vineyard Stage 3	10.04.02
PR 2002/38	Income tax: Vintage Park Vineyard Project	17.04.02
PR 2002/39	Income tax: Australian Growth – Timber Project No. 4	17.04.02
PR 2002/40	Income tax: Film Investment – 'Lost World 3' television series	17.04.02

Ruling	Title	Issue date
PR 2002/41	Income tax: deductibility of interest incurred on borrowings under the Commonwealth Bank Protected Portfolio Loan	24.04.02
PR 2002/42	Income tax: Howcroft Estate No. 1	24.04.02
PR 2002/43	Income tax: Hadley Hall Estate Vineyard Project	24.04.02
PR 2002/44	Income tax: Clearstream Olive Project No. 5	24.04.02
PR 2002/45	Income tax: Film Investment – 'Skirmish'	24.04.02
PR 2002/46	Income tax: Hillston Grove Vineyards Project No. 2	24.04.02
PR 2002/47	Income tax: ITC Pulpwood Project 2002	24.04.02
PR 2002/48	Income tax: ITC Solidwood Project 2002	24.04.02
PR 2002/49	Income tax: ITC Sandalwood Project 2002	24.04.02
PR 2002/50	Income tax: Howcroft Estate Project No. 2	24.04.02
PR 2002/51	Income tax: Film Investment – 'Macquarie Nine Film & Television Investment Fund'	01.05.02
PR 2002/52	Income tax: Environinvest Eucalypt Project No. 5	01.05.02
PR 2002/53	Income tax: Summerhill Orchards Project No. 1 (Second Prospectus)	01.05.02
PR 2002/54	Income tax: Forest Rewards Teak Project 2001 – Supplementary Prospectus	01.05.02
PR 2002/55	Income tax: Pinetec Woodlot Project 2002	01.05.02
PR 2002/56	Income tax: Gunns Plantations Woodlot Project 2002 (revised arrangement)	01.05.02
PR 2002/57	Income tax: Ord River Sandalwood Project No. 2	01.05.02
PR 2002/58	Income tax: Frankland Valley Vineyard Project No. 2	08.05.02
PR 2002/59	Income tax: Great Southern Plantations 2002 and 2003 Projects	08.05.02
PR 2002/60	Income tax: Wrights Bay Vineyard Stage 2 (revised arrangement)	08.05.02
PR 2002/61	Income tax: Barkworth Olives Project No. 6	08.05.02
PR 2002/62	Income tax: Kirribilly Estate Vineyard Stage 2	15.05.02
PR 2002/63	Income tax: Rosedale Vines Project No. 2	15.05.02
PR 2002/64	Income tax: WRF Kangaroo Island Plantations 2002 – Second Prospectus	15.05.02
PR 2002/65	Income tax: Treviso Table Grape Project	15.05.02
PR 2002/66	Income tax: Australian Growth – Timber 2002/2003	15.05.02
PR 2002/67	Income tax: Forest Rewards Sandalwood Project 2002 – Prepaid Woodlots	22.05.02
PR 2002/68	Income tax: ITC Hardwood Timber Project 1999	22.05.02

Ruling	Title	Issue date
PR 2002/69	Income tax: Brothers At War Film Project	22.05.02
PR 2002/70	Income tax: Film Investment – 'Hating Alison Ashley'	22.05.02
PR 2002/71	Income tax: Campbell's River Project (2002 planting)	22.05.02
PR 2002/72	Income tax: Malanda Bamboo Project	22.05.02
PR 2002/73	Income tax: Mary Valley Paulownia Project (revised arrangement)	29.05.02
PR 2002/74	Income tax: Mediterranean Olives Project 2002	29.05.02
PR 2002/75	Income tax: Tasmanian Truffle Project No. 1 – Replacement Short Form Prospectus	29.05.02
PR 2002/76	Income tax: Willmott Forests Project – 2002 Replacement Prospectus	29.05.02
PR 2002/77	Income tax: Victorian Olive Oil Project	29.05.02
PR 2002/78	Income tax: TFS Sandalwood Project 2002	05.06.02
PR 2002/79	Income tax: deductibility of interest incurred on borrowings under the UBS Warburg Protected Equity Product	05.06.02
PR 2002/80	Income tax: Australian Forests Project 2002	05.06.02
PR 2002/81	Income tax: Forestry Bond 2002 – Supplementary Prospectus	05.06.02
PR 2002/82	Income tax: Kiri Park Project No. 2 – Second Prospectus	05.06.02
PR 2002/83	Income tax: 2002 Timbercorp Almond Project (Carina West Site)	05.06.02
PR 2002/84	Income tax: ITC Eucalypt Project 1998	12.06.02
PR 2002/85	Income tax: Queensland Paulownia Forests Project No. 6	12.06.02
PR 2002/86	Income tax: Beechworth Winegrape Special Offer	12.06.02
PR 2002/87	Income tax: tax consequences of investing in equities using the Macquarie Geared Equities Investment (plus shared upside)	12.06.02
PR 2002/88	Income tax: Black Truffle Project 2001 (revised arrangement)	12.06.02
PR 2002/89	Income tax: deductibility of interest incurred on borrowings under the Leveraged Equities Share Protection Plan	12.06.02
PR 2002/90	Income tax: tax consequences of investing in Macquarie Instalment Warrants – cash applicants and on-market purchasers	19.06.02
PR 2002/91	Income tax: Film Investment – 'The Complete History of Cricket – From Dawn to Stumps'	19.06.02

Ruling	Title	Issue date
PR 2002/92	Income tax: deductibility of interest incurred on borrowings under the UBS Protected Loan Facility	19.06.02
PR 2002/93	Income tax: Deductibility of threshold management fees and interest incurred on borrowings in relation to The Macquarie Fusion Funds	19.06.02
PR 2002/94	Income tax: Environinvest Cattle Project	19.06.02
PR 2002/95	Income tax: deductibility of interest incurred on borrowing's under the Equity Margins Limited Protected Equity Portfolio Loan	26.06.02
PR 2002/96	Income tax: New World Project 2002	26.06.02
PR 2002/97	Income tax: Heydon Park Ginseng Project No. 1	26.06.02
PR 2002/98	Income tax: W.A. Blue Gum Project 2002	26.06.02
PR 2002/99	Income tax: 2002 Timbercorp Eucalypts Project – Prepayment Growers	26.06.02
PR 2002/100	Income tax: Forestry Plantation Investments Project No. 2	26.06.02
PR 2002/101	Income tax: 2002 Timbercorp Eucalypts Project	26.06.02
PR 2002/102	Income tax: The Bellview Vineyard Project (Planted Vineyard Lots)	26.06.02
PR 2002/103	Income tax: The Bellview Vineyard Project (Unplanted Vineyard Lots)	26.06.02
PR 2002/104	Income tax: The Timber Australia Project – 2002/2003 Prospectus	26.06.02
PR 2002/105	Income tax: Tumbarumba Paulownia Plantation No. 2, Prospectus No. 2	31.07.02
PR 2002/106	Income tax: Margaret River Watershed Premium Wine Project – Supplementary Prospectus	31.07.02
PR 2002/107	Income tax: East Kimberley Sandalwood Project No. 1, 1999	14.08.02
PR 2002/108	Income tax: Norfolk Ridge Vineyards	21.08.02
PR 2002/109	Income tax: tax consequences of investing in Macquarie Hot Instalments 'IMD' Series – cash applicants and on-market purchasers	28.08.02
PR 2002/110	Income tax: Kailis Organic Olive Groves	04.09.02
PR 2002/111	Income tax: tax consequences of investing in UBS Warburg Highly Geared 'ISO' Series Instalment Warrants – cash applicants and secondary market purchasers	04.09.02
PR 2002/112	Income tax: Willmott Forests Project – 2003 Prospectus	11.09.02
PR 2002/113	Income tax: Timber Capital Plantation 1995 Prospectus	02.10.02

Ruling	Title	Issue date
PR 2002/114	Income tax: Timber Capital Plantation 1996 Prospectus	02.10.02
PR 2002/115	Income tax: Timber Capital Plantation 1997 Prospectus	02.10.02
PR 2002/116	Income tax: Timber Capital Plantation 1998 Prospectus	02.10.02
PR 2002/117	Income tax: Willmott Forests Project – 2000 Prospectus No. 2	02.10.02
PR 2002/118	Income tax: Australian Cricket Bat Willow Project – Prospectus 2002	02.10.02
PR 2002/119	Income tax: Mount Kincaid 1999 Bluegum Project	23.10.02
PR 2002/120	Income tax: Palandri America Wine Business (Revised Arrangement)	23.10.02
PR 2002/121	Income tax: 2002 Timbercorp Olives Project – Supplementary Prospectus	30.10.02
PR 2002/122	Income tax: deductibility of interest incurred on borrowings under the Westpac Protected Equity Loan	30.10.02
PR 2002/123	Income tax: Templegate Forestry Trust Hamilton 1988	06.11.02
PR 2002/124	Income tax: Templegate Forestry Trust Hamilton 1992	06.11.02
PR 2002/125	Income tax: Templegate Forestry Trust Jeremy 1 1992	06.11.02
PR 2002/126	Income tax: Templegate Forestry Trust Jeremy 1 1988	06.11.02
PR 2002/127	Income tax: Templegate Forestry Trust Jeremy 2 1988	06.11.02
PR 2002/128	Income tax: Templegate Forestry Trust Jeremy 2 1992	06.11.02
PR 2002/129	Income tax: Templegate Forestry Trust Mossgrove 1988	06.11.02
PR 2002/130	Income tax: Templegate Forestry Trust Mossgrove 1992	06.11.02
PR 2002/131	Income tax: Templegate Forestry Trust Wombat 1988	06.11.02
PR 2002/132	Income tax: The Larenta Olive Project	13.11.02
PR 2002/133	Income tax: Forest Rewards Premium Vineyard Project 1	13.11.02
PR 2002/134	Income tax: Great Southern Plantations 2003 Project	20.11.02

Ruling	Title	Issue date
PR 2002/135	Income tax: tax consequences of investing in UBS Warburg Highly Geared ‘ISS’ Series Instalment Warrants – cash applicants and secondary market purchasers	27.11.02
PR 2002/136	Income tax: APT Eucalypt Project 2000 and APT Eucalypt Project 2001	27.11.02
PR 2002/137	Income tax: tax consequences of investing in Macquarie Instalments ‘IMF’ Series – cash applicants and on-market purchasers	04.12.02
PR 2002/138	Income tax: tax consequences of investing in Macquarie Hot Instalments ‘IMG’ Series – cash applicants and on-market purchasers	04.12.02
PR 2002/139	Income tax: tax consequences of investing in UBS Warburg Highly Geared ‘ISQ’ Series Instalment Warrants – cash applicants and secondary market purchasers	04.12.02
PR 2002/140	Income tax: Northern Softwood Project 2003	04.12.02
PR 2002/141	Income tax: Forest Rewards Tropical Fruits Project 2	11.12.02
PR 2002/142	Income tax: Clews Road Vineyard Estate Project	11.12.02
PR 2002/143	Income tax: 2003 Timbercorp Almond Project	18.12.02
PR 2002/144	Income tax: Palandri America Wine Business – 2003	18.12.02
PR 2002/145	Income tax: Willmott Forests Professional Investor 2003 Project	18.12.02
PR 2002/146	Income tax: 2003 Timbercorp Eucalypts Project – Prepayment Growers	18.12.02
PR 2002/147	Income tax: 2003 Timbercorp Eucalypts Project – Early Growers and Post 30 June Growers	18.12.02

Product Rulings – notices of addendum

Ruling	Title	Issue date
PR 2000/5	Income tax: Plantation Forestry Hardwood Project No. 2	20.02.02
PR 2001/25	Income tax: The Timber Australia Project	16.01.02
PR 2001/56	Income tax: Forest Rewards Teak Project 2001	01.05.02
PR 2001/89	Income tax: deductibility of interest incurred on borrowings under the Equity Margins Limited Protected Equity Portfolio Loan	05.06.02
PR 2001/137	Income tax: Queensland Olives	08.05.02

Ruling	Title	Issue date
PR 2002/6	Income tax: Great Southern Plantations 2002 and 2003 Projects	20.03.02
PR 2002/24	Income tax: 2002 Timbercorp Almond Project	08.03.02
PR 2002/38	Income tax: Vintage Park Vineyard Project	24.04.02
PR 2002/39	Income tax: Australian Growth – Timber Project No. 4	24.04.02
PR 2002/22	Income tax: Gunns Plantation Woodlot Project 2002	01.05.02
PR 2002/26	Income tax: Forest Rewards Sandalwood Project 2002	22.05.02
PR 2002/33	Income tax: Forestry Bond 2002	05.06.02
PR 2002/34	Income tax: ARA Forestry Project	12.06.02
PR 2002/44	Income tax: Clearstream Olive Project No. 5	08.05.02
PR 2002/79	Income tax: deductibility of interest incurred on borrowings under the UBS Warburg Protected Equity Product	26.06.02
PR 2002/79	Income tax: deductibility of interest incurred on borrowings under the UBS Warburg Protected Equity Product	23.10.02
PR 2002/90	Income tax: tax consequences of investing in Macquarie Instalment Warrants – cash applicants and on-market purchasers	28.08.02
PR 2002/92	Income tax: deductibility of interest incurred on borrowings under the UBS Protected Loan Facility	23.10.02

Product Rulings – notices of withdrawal

Ruling	Title	Issue date
PR 1999/76	Income tax: Dalby Paulownia Plantation No. 1, Stage 1	16.01.02
PR 2000/5	Income tax: Plantation Forestry Hardwood Project No. 2	20.02.02
PR 2000/43	Income tax: Netlink Hospitality Franchise Project	16.01.02
PR 2000/104	Income tax: Black George Warren River Project No. 1 – Supplementary Prospectus	16.01.02
PR 2001/2	Income tax: Australian Grains Fund	20.02.02
PR 2001/43	Income tax: Queensland Pine Forests No. 2	16.01.02
PR 2001/65	Income tax: NoRegrets Managed Retail Franchise Project	20.03.02
PR 2001/67	Income tax: Settlers Rise Premium Vineyard Project	30.01.02
PR 2001/85	Income tax: Brilliant Gold Reef Project	23.10.02

Ruling	Title	Issue date
PR 2000/110	Income tax: Victorian Olive Oil Project	29.05.02
PR 2001/170	Income tax: Lake Aquaculture Project	10.04.02

Product Rulings withdrawn as a consequence of another Ruling being issued

Ruling	Title	Issue date	Replaced by
PR 2001/16	Income tax: Australian Growth – Timber Project No. 4	17.04.02	PR 2002/39
PR 2001/54	Income tax: Kiri Park Project No. 2 – Second Prospectus	05.06.02	PR 2002/82
PR 2001/56	Income tax: Forest Rewards Teak Project 2001 – Supplementary Prospectus	01.05.02	PR 2002/54
PR 2001/63	Income tax: Northern Rivers Coffee Project 2 (revised arrangement)	30.01.02	PR 2002/7
PR 2001/65	Income tax: NoRegrets Managed Retail Franchise Project	20.03.02	PR 2002/27
PR 2001/67	Income tax: Settlers Rise Premium Vineyard Project	30.01.02	PR 2002/8
PR 2001/79	Income tax: Sandalwood and Mango Project 2002	06.02.02	PR 2002/12
PR 2001/89	Income tax: deductibility of interest incurred on borrowing's under the Equity margins Limited Protected Equity Portfolio Loan	26.06.02	PR 2002/95
PR 2001/134	Income tax: 2002 Timbercorp Eucalypts Project	26.06.02	PR 2002/101
PR 2001/147	Income tax: Willmott Forests Project – 2002 Replacement Prospectus	29.05.02	PR 2002/76
PR 2001/171	Income tax: Mary Valley Paulownia Project (revised arrangement)	29.05.02	PR 2002/73
PR 2001/176	Income tax: Queensland Paulownia Forests Project No. 6	12.06.02	PR 2002/85
PR 2001/177	Income tax: Margaret River Watershed Premium Wine Project	31.07.02	PR 2002/106
PR 2002/6	Income tax: Great Southern Plantations 2002 and 2003 Projects	08.05.02	PR 2002/59
PR 2002/13	Income tax: Palandri America Wine Business	23.10.02	PR 2002/120
PR 2002/17	Income tax: TFS Sandalwood Project 2002	05.06.02	PR 2002/78

Ruling	Title	Issue date	Replaced by
PR 2002/22	Income tax: Gunns Plantations Woodlot Project 2002 (revised arrangement)	01.05.02	PR 2002/56
PR 2002/23	Income tax: Campbell's River Project (2002 planting)	22.05.02	PR 2002/71
PR 2002/33	Income tax: Forestry Bond 2002 – Supplementary Prospectus	05.06.02	PR 2002/81

Superannuation Contributions Determinations

9. During the calendar year 2002 the Commissioner of Taxation issued:

Superannuation Contributions Determinations

Ruling	Title	Issue date
SCD 2002/1	Superannuation contributions: what is the surcharge threshold for the 2002-2003 financial year under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*?	24.05.02
SCD 2002/2	Superannuation contributions: what are the indexable amounts for the 2002-2003 financial year under the *Termination Payments Tax Imposition Act 1997*?	24.05.02
SCD 2002/3	Superannuation contributions: what is the surcharge threshold for the 2002-2003 financial year under the *Termination Payments Tax (Assessment and Collection) Act 1997*?	24.05.02
SCD 2002/4	Superannuation contributions: what are the surchargeable contributions threshold and the indexable amounts for the 2002-2003 financial year under the *Superannuation Contributions Tax Imposition Act 1997*?	24.05.02

Superannuation Guarantee Determinations

10. During the calendar year 2002 the Commissioner of Taxation issued:

Superannuation Guarantee Determinations

Ruling	Title	Issue date
SGD 2002/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 2002-2003?	24.05.02

Taxation Determinations

11. During the calendar year 2002 the Commissioner of Taxation issued:

Draft Taxation Determinations

Ruling	Title	Issue date
TD 2002/D1	Income tax: can a private company be taken to have paid a dividend under section 109D of the *Income Tax Assessment Act 1936* (‘the Act’) in respect of a loan taken to have been made by the operation of section 109UB of the Act where the loan is made to another company?	27.03.02
TD 2002/D2	Income tax: is a deduction under section 8-1 of the *Income Tax Assessment Act 1997* allowable for underwriting fees paid as part of a Harvest Payment Agreement with either AWB (International) Limited or AWB (Australia) Limited or a Payment Agreement with ABB Grain Export Limited?	27.03.02
TD 2002/D3	Income tax: exemption for foreign service: do periods of physical presence in Australia constitute a break in foreign service for the purposes of section 23AG of the *Income Tax Assessment Act 1936* (‘ITAA 1936’)?	10.04.02
TD 2002/D4	Income tax: what activities are ‘seasonally dependant agronomic activities’ for the purposes of section 82KZMG of the *Income Tax Assessment Act 1936*?	22.05.02
TD 2002/D5	Income tax: is a taxpayer entitled to an income tax deduction for any part of the marketing fee paid in respect of the Internet marketing expenses scheme described in Taxpayer Alert 2002/1?	29.05.02
TD 2002/D6	Income tax: when can a foreign bank elect not to apply Part IIIB of the *Income Tax Assessment Act 1936* (ITAA 1936) in calculating the taxable income attributable to the activities of its Australian branch?	29.05.02

Ruling	Title	Issue date
TD 2002/D7	Income tax: if an Australian film production company alters its method of charging for film production services supplied to a foreign associate to account for the impact of the tax offset scheme under Division 376 of the *Income Tax Assessment Act 1997*, will the Commissioner apply Division 13 of Part III of the *Income Tax Assessment Act 1936* or the Associated Enterprises article of a relevant double tax agreement to increase the charge?	29.05.02
TD 2002/D8	Income tax: what are the results for income tax purposes of entering into a partnership of the type described in Taxpayer Alert TA 2002/4?	29.05.02
TD 2002/D9	Income tax: can a private company be taken to have paid a dividend under either section 109C or section 109D of the *Income Tax Assessment Act 1936* ('the Act') in respect of a payment or loan taken to have been made to a target entity by way of section 109T of the Act where the private company is taken to have made a loan to the interposed entity by way of section 109UB of the Act?	28.08.02
TD 2002/D10	Income tax: are the establishment costs incurred by a taxpayer in entering into a sale and leaseback of a capital asset deductible to the taxpayer under section 8-1 of the *Income Tax Assessment Act 1997* ('the Act')?	28.08.02
TD 2002/D11	Income tax: capital gains: in the first element of the cost base of a CGT asset in subsection 110-25(2) of the *Income Tax Assessment Act 1997*, does money or property necessarily have to be paid or given to the entity that caused a CGT event (for example a disposal) to happen to the asset?	06.11.02
TD 2002/D12	Income tax: is expenditure incurred by a head company in obtaining valuations in respect of the formation of a consolidated group or entities joining a consolidated group an allowable deduction?	08.11.02
TD 2002/D13	Income tax: what is the method for reducing the capital value of a superannuation pension for reasonable benefit limit (RBL) purposes under subsection 140ZP(3) of the *Income Tax Assessment Act 1936* ('ITAA 1936') when a superannuation pension is split pursuant to an agreement or court order on marriage breakdown?	11.12.02
TD 2002/D14	Income tax: what is the deductible amount under section 27H of the *Income Tax Assessment Act 1936* ('ITAA 1936') for a superannuation pension that is taken to have commenced when a superannuation pension is split pursuant to an agreement or court order on marriage breakdown?	11.12.02

Ruling	Title	Issue date
TD 2002/D15	Income tax: what is the method of calculating the capital value of a superannuation pension for reasonable benefit limit purposes under section 140ZO of the *Income Tax Assessment Act 1936* ('ITAA 1936') that is taken to have commenced when a superannuation pension is split pursuant to an agreement or court order on marriage breakdown?	11.12.02
TD 2002/D16	Income tax: is a taxpayer entitled to an income tax deduction for purported partnership losses claimed to have been incurred as a result of entering a prepaid service warrant arrangement as described in Taxpayer Alert 2002/5?	18.12.02

Draft Taxation Determinations – notices of withdrawal

Ruling	Title	Issue date
TD 2002/D3	Income tax: exemption for foreign service: do periods of physical present in Australia constitute a break in foreign service for the purposes of section 23AG of the *Income Tax Assessment Act 1936* ('ITAA 1936')?	17.07.02

Taxation Determinations

Ruling	Title	Issue date
TD 2002/1	Income tax: is a payment by a taxpayer to a fighting fund deductible to the taxpayer under section 25-5 of the *Income Tax Assessment Act 1997* ('the Act') where it is set up to fund litigation, negotiate a settlement outcome, or to otherwise manage an income tax dispute arising from an investment or scheme?	16.01.02
TD 2002/2	Income tax: capital gains: how is Division 19B of Part IIIA of the *Income Tax Assessment Act 1936* applied to a share value shifting arrangement that is 'neutral' for each shareholder in a company?	16.01.02
TD 2002/3	Income tax: capital gains: can a shareholder in HIH Insurance Limited choose to make a capital loss on a share in that company under CGT event G3 (about a liquidator declaring shares worthless) in section 104-145 of the *Income Tax Assessment Act 1997*?	23.01.02
TD 2002/4	Income tax: capital gains: what is the first element of the cost base and reduced cost base of a share in a company you acquire in exchange for a share in another company in a takeover or merger?	23.01.02

Ruling	Title	Issue date
TD 2002/5	Income tax: what is a 'distribution line' in the electricity distribution industry for the purposes of the expression 'depreciating assets' in section 40-100 of the *Income Tax Assessment Act 1997*?	24.04.02
TD 2002/6	Fringe benefits tax: what are the rates to be applied on a cents per kilometre basis for calculating the taxable value of a fringe benefit arising from the private use of a motor vehicle other than a car for the fringe benefits tax (FBT) year commencing on 1 April 2002?	15.05.02
TD 2002/7	Fringe benefits tax: what are the indexation factors for valuing non-remote housing for the fringe benefits tax (FBT) year commencing on 1 April 2002?	15.05.02
TD 2002/8	Fringe benefits tax: for the purposes of section 135C of the *Fringe Benefits Tax Assessment Act 1986* ('FBTAA 1986') what is the exemption threshold for the fringe benefits tax (FBT) year commencing on 1 April 2002?	15.05.02
TD 2002/9	Fringe benefits tax: for the purposes of Division 7 of the *Fringe Benefits Tax Assessment Act 1986* ('FBTAA 1986'), what amount represents a reasonable food component of a living-away-from-home allowance for expatriate employees for the fringe benefits tax (FBT) year commencing on 1 April 2002?	15.05.02
TD 2002/10	Income tax: capital gains: what is meant by the phrase 'at least 12 months before' in subsection 114-10(1) of the *Income Tax Assessment Act 1997* (about indexation) and subsection 115-25(1) (about the CGT discount)?	15.05.02
TD 2002/11	Income tax: what are the thresholds and limits for superannuation amounts in 2002-2003?	24.05.02
TD 2002/12	Income tax: capital gains: what is the improvement threshold for the 2002-2003 income year under section 108-85 of the *Income Tax Assessment Act 1997*?	29.05.02
TD 2002/13	Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax (FBT) year commencing on 1 April 2002?	29.05.02
TD 2002/14	Fringe benefits tax: for the purposes of section 39A of the *Fringe Benefits Tax Assessment Act 1986* ('FBTAA 1986') what is the car parking threshold for the fringe benefits tax (FBT) year commencing on 1 April 2002?	29.05.02

Ruling	Title	Issue date
TD 2002/15	Income tax: what is the benchmark interest rate applicable for the year of income that commenced on 1 July 2002 for the purposes of Division 7A of Part III of *the Income Tax Assessment Act 1936* and how is it used?	03.07.02
TD 2002/16	Income tax: what are the obligations under the *Income Tax Assessment Act 1936* where a business chooses to keep some of its records as encrypted information?	03.07.02
TD 2002/17	Income tax: capital gains: can a shareholder in One.Tel Limited choose to make a capital loss on a share in that company under CGT event G3 (about a liquidator declaring shares worthless) in section 104-145 of *the Income Tax Assessment Act 1997*?	03.07.02
TD 2002/18	Income tax: is a deduction under section 8-1 of the *Income Tax Assessment Act 1997* allowable for underwriting fees paid as part of a harvest payment agreement with either AWB (International) Limited or AWB (Australia) Limited or a payment agreement with ABB Grain Export Limited?	17.07.02
TD 2002/19	Income tax: can a private company be taken to have paid a dividend under section 109D of the *Income Tax Assessment Act 1936* ('the Act') in respect of a loan taken to have been made by the operation of section 109UB of the Act where the loan is made to another company?	31.07.02
TD 2002/20	Income tax: if an Australian film production company alters its method of charging for film production services supplied to a foreign associate to account for the impact of the tax offset scheme under Division 376 of the *Income Tax Assessment Act 1997*, will the Commissioner apply Division 13 of Part III of the *Income Tax Assessment Act 1936* or the Associated Enterprises article of a relevant double tax agreement to increase the charge?	28.08.02
TD 2002/21	Income tax: how do the transitional measures in the *Corporations Act 2001* ('Corporations Act') impact upon the definition of a financial entity for the purposes of Division 820 of the *Income Tax Assessment Act 1997* ('ITAA 1997')?	04.09.02
TD 2002/22	Income tax: capital gains: scrip for scrip roll-over: can the exchange of an interest (not being a unit) in a trust for a unit in a unit trust satisfy the requirements in subparagraph 124-781(1)(a)(i) of the *Income Tax Assessment Act 1997*?	23.10.02
TD 2002/23	Income tax: is a taxpayer entitled to an income tax deduction for any part of the marketing fee paid in respect of the Internet marketing expenses scheme described in Taxpayer Alert 2002/1?	18.09.02

Ruling	Title	Issue date
TD 2002/24	Income tax: what are the results for income tax purposes of entering into a 'partnership' of the type described in Taxpayer Alert TA 2002/4?	16.10.02
TD 2002/25	Income tax: capital gains: is Australian currency a CGT asset under section 108-5 of the *Income Tax Assessment Act 1997* ('ITAA 1997') if it is used as legal tender to facilitate a transaction?	20.11.02
TD 2002/26	Income tax: value of goods taken from stock for private use	04.12.02
TD 2002/27	Income tax: does a 'permitted purpose' under subsection 215-10(2) of *the Income Tax Assessment Act 1997* include making equity investments in a foreign entity (including a foreign subsidiary) by an Australian authorised deposit-taking institution (ADI) through a permanent establishment out of funds raised by the permanent establishment from the issue of non-share equity interests that meet the conditions of subsection 215-10(1)?	11.12.02
TD 2002/28	Income tax: when can a foreign bank elect not to apply Part IIIB of the *Income Tax Assessment Act 1936* ('ITAA 1936') in calculating the taxable income attributable to the activities of its Australian branch?	18.12.02

Taxation Determinations – notices of addendum

Ruling	Title	Issue date
TD 1999/66	Income tax: capital gains: what factors should be taken into account in determining the 'amount that is reasonable' in applying subsection 188-190(2) of the *Income Tax Assessment Act 1997*?	27.11.02
TD 2002/3	Income tax: capital gains: can a shareholder in HIH Insurance Limited choose to make a capital loss on a share in that company under CGT event G3 (about a liquidator declaring shares worthless) in section 104-145 of the *Income Tax Assessment Act 1997*?	10.07.02

Taxation Determinations – notices of withdrawal

Ruling	Title	Issue date
TD 39	Capital gains: what is the cost base of shares acquired by a taxpayer on acceptance of a takeover offer?	23.01.02
TD 93/128	Income tax: what is the current status of Taxation Rulings IT 2624 and IT 2662 to the extent that they relate to elections and notifications?	13.03.02
TD 98/11	Income tax: capital gains: when are shares acquired, and instalments paid, under the Commonwealth Bank of Australia (CBA) and Telstra public share offers?	27.11.02

Taxation Rulings

12. During the calendar year 2002 the Commissioner of Taxation issued:

Draft Taxation Rulings

Ruling	Title	Issue date
TR 2002/D1	Income tax: undeducted purchase price of pensions from Austrian superannuation insurance funds	23.01.02
TR 2002/D2	Income tax: home loan unit trust arrangement	27.02.02
TR 2002/D3	Income tax: Simplified Tax System eligibility – *STS average turnover*	13.03.02
TR 2002/D4	Income tax: thin capitalisation – applying the arm's length debt test	15.05.02
TR 2002/D5	Income tax: deductions that relate to personal services income	15.05.02
TR 2002/D6	Income tax: thin capitalisation – definition of assets and liabilities for the purposes of Division 820	19.06.02
TR 2002/D7	Income tax: attribution of personal services income	26.06.02
TR 2002/D8	Income tax: Pay As You Go (PAYG) Withholding from salary, wages, commissions, bonuses or allowances paid to office holders	14.08.02
TR 2002/D9	Income tax: boat hire arrangements	04.09.02
TR 2002/D10	Income tax: non-commercial losses – application of subsections 35-10(2) and 35-10(4) to business activities carried on in partnership	04.09.02
TR 2002/D11	Income tax: the royalty withholding tax implications of chartering and similar arrangements	25.09.02

Ruling	Title	Issue date
TR 2002/D12	Income tax: eligible termination payments (ETP): payments made in consequence of the termination of any employment: meaning of the phrase 'in consequence of'	18.12.02
TR 2002/D13	Income tax: assessability of statutory personal injury compensation scheme payments	18.12.02

Draft Taxation Rulings – notices of erratum

Ruling	Title	Issue date
TR 2002/D11	Income tax: the royalty withholding tax implications of chartering and similar arrangements	02.10.02

Draft Taxation Rulings – notices of withdrawal

Ruling	Title	Issue date
TR 93/D13	Income tax: elections and notifications	13.03.02
TR 1999/D1	Income tax and fringe benefits tax: meaning of 'personal injury'	08.05.02

Taxation Rulings

Ruling	Title	Issue date
TR 2002/1	Income tax: research and development: plant expenditure (pre-29 January 2001)	23.01.02
TR 2002/2	Income tax: meaning of "Arm's Length" for the purpose of subsection 47A(7) of the *Income Tax Assessment Act 1936* (ITAA 1936) dividend deeming provisions	30.01.02
TR 2002/3	Income tax: whether the holding of pre-emptive rights, call options and put options constitute a contingent entitlement to acquire for controlled foreign company (CFC) and foreign investment fund (FIF) purposes	30.01.02
TR 2002/4	Income tax: taxation implications of the Century Yuasa Batteries decision	06.03.02
TR 2002/5	Income tax: Permanent establishment – What is 'a place at or through which [a] person carries on any business' in the definition of permanent establishment in subsection 6(1) of the *Income Tax Assessment Act 1936*?	13.03.02

Ruling	Title	Issue date
TR 2002/6	Income tax: Simplified Tax System: eligibility – grouping rules (*STS affiliate, control of non-fixed trusts)	13.03.02
TR 2002/7	Income tax: deductibility of payments to strike funds	24.04.02
TR 2002/8	Income tax: assessability of payments received from strike funds	24.04.02
TR 2002/9	Income tax: withholding from payments where recipient does not quote ABN	08.05.02
TR 2002/10	Income tax: capital gains tax: asset register	19.06.02
TR 2002/11	Income tax: Simplified Tax System eligibility – *STS average turnover*	26.06.02
TR 2002/12	Income tax: reasonable allowances amounts for the 2002-2003 income year	26.06.02
TR 2002/13	Income tax: Australian Films – Division 10B – tax avoidance schemes	26.06.02
TR 2002/14	Income tax: taxation of retirement village operators	28.06.02
TR 2002/15	Income tax: deductibility of payments incurred on moneys raised through the issue of perpetual notes	03.07.02
TR 2002/16	Income tax: the taxation consequences for taxpayers issuing certain stapled securities	03.07.02
TR 2002/17	Income tax: undeducted purchase price of pensions from Austrian superannuation insurance funds	17.07.02
TR 2002/18	Income tax: home loan unit trust arrangement	24.07.02
TR 2002/19	Income tax: licence arrangements for intellectual property – Division 40 – tax avoidance schemes	24.07.02
TR 2002/20	Income tax: Thin Capitalisation – Definitions of assets and liabilities for the purposes of Division 820	30.10.02
TR 2002/21	Income tax: Pay As You Go (PAYG) Withholding from salary, wages, commissions, bonuses or allowances paid to office holders	11.12.02

Taxation Rulings – notices of addendum

Ruling	Title	Issue date
TR 96/15	Income tax: foreign tax credit system: issues relating to the practical application of section 23AG	17.07.02
TR 1999/10	Income tax and fringe benefits tax: Member of Parliament – allowances, reimbursements, donations and gifts, benefits, deductions and recoupments	18.12.02

Ruling	Title	Issue date
TR 2000/16	Income tax: international transfer pricing – transfer pricing and profit reallocation adjustments, relief from double taxation and the Mutual Agreement Procedure	24.07.02
TR 2000/17	Income tax: deductions for interest following the *Steele* and *Brown* decisions	05.06.02
TR 2000/18	Income tax: effective life of depreciating assets	26.06.02
TR 2000/18	Income tax: effective life of depreciating assets	18.12.02
TR 2001/10	Income tax: fringe benefits tax and superannuation guarantee: salary sacrifice arrangements	31.07.02
TR 2001/14	Income tax: Division 35 – non-commercial business losses	19.06.02

Taxation Rulings – notices of erratum

Ruling	Title	Issue date
TR 2002/4	Income tax: taxation implications of the Century Yuasa Batteries decision	08.03.02

Taxation Rulings – notices of withdrawal

Ruling	Title	Issue date
TR 96/13	Income tax: eligible termination payments (ETP): payments in consequence of the termination of any employment: meaning of the words 'in consequence of'	18.12.02

Wine Equalisation Tax Rulings

13. During the calendar year 2002 the Commissioner of Taxation issued:

Wine Equalisation Tax Rulings

Ruling	Title	Issue date
WETR 2002/1	Wine Equalisation Tax: the WET rulings system	18.12.02
WETR 2002/2	Wine Equalisation Tax Ruling: the operation of the wine equalisation tax system	18.12.02

Commissioner of Taxation

19 December 2002

Previous draft:

Not previously issued in draft form

Related Rulings/Determinations:

TR 96/List, TR 97/List, TR 98/List,
TR 99/List, TR 2000/List,
TR 2001/List

Subject references:

- public rulings
- rulings issued in 2001
- rulings issued in 2002

ATO references:

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