TR 2008/List - Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2008

This cover sheet is provided for information only. It does not form part of *TR 2008/List - Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2008*

This document has changed over time. This is a consolidated version of the ruling which was published on *17 December 2008*

Generated on: 6 November 2026, 04:53:36 AM

Taxation Ruling

Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2008

Contents Para

What this Ruling is about 1
Ruling 2
Taxation Rulings and Determinations 3
Goods and Services Tax Rulings, Determinations and Bulletins 4
Luxury Car Tax Determinations 5
Self Managed Superannuation Funds Rulings and Determinations 6
Superannuation Guarantee Rulings and Determinations 7
Fuel Tax Rulings and Determinations 8
Wine Equalisation Tax Rulings 9
Miscellaneous Taxation Rulings 10
Class Rulings 11
Product Rulings 12
Old Series Rulings 13
Last Ruling 14

Preamble

*This document is not a 'public ruling' in terms of the **Taxation Administration Act 1953** and is not legally binding on the Commissioner. Taxation Ruling TR 2006/10 and Goods and Services Taxation Ruling GSTR 1999/1 explain when a Ruling is a public ruling and how it is binding on the Commissioner.*

What this Ruling is about

Class of entities/scheme

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 2008 calendar year.

Ruling

2. This Ruling lists the documents that have issued during the 2008 calendar year 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.

Taxation Rulings and Determinations

3. During the 2008 calendar year the Commissioner of Taxation issued:

Draft Taxation Rulings

Ruling	Title	Issue date
TR 2008/D1	Income tax: tax consequences for a company of issuing shares for assets	16.01.08
TR 2008/D2	Petroleum resource rent tax and income tax: treatment of geosequestration expenditure and receipts	20.02.08

Ruling	Title	Issue date
TR 2008/D3	Income tax: the taxation treatment of ship and aircraft leasing profits under the ships and aircraft articles of Australia's tax treaties	09.04.08
TR 2008/D4	Petroleum resource rent tax: application of Petroleum Resource Rent Tax Assessment Regulations 2005 to an integrated gas-to-liquid operation	07.05.08
TR 2008/D5	Income tax: meaning of 'Australian superannuation fund' in subsection 295-95(2) of the *Income Tax Assessment Act 1997*	04.06.08
TR 2008/D6	Income tax: genuine redundancy payments	27.08.08
TR 2008/D7	Petroleum resource rent tax: transfer of expenditure incurred in relation to a project that did not have a production licence to other taxable projects of the person or other group companies under sections 45A and 45B of the *Petroleum Resource Rent Tax Assessment Act 1987* (PRRTAA) where the expenditure is taken to be incurred by the person under sections 48 and 48A of the PRRTAA	27.08.08
TR 2008/D8	Income tax: application of section 177EA of the *Income Tax Assessment Act 1936* to non-share distributions on certain 'dollar value' convertible notes	17.12.08

Draft Taxation Rulings – notices of withdrawal

Ruling	Title	Issue date
TR 1999/D13	Income tax: advance payments made under swap agreements	09.04.08

Taxation Rulings

Ruling	Title	Issue date
TR 2008/1	Income tax: application of Part IVA of the *Income Tax Assessment Act 1936* to 'wash sale' arrangements	16.01.08

Ruling	Title	Issue date
TR 2008/2	Income tax: various income tax issues relating to the horse industry; including whether racing, training and breeding activities (carried out as stand alone activities or in combination) amount to the carrying on of a business	14.05.08
TR 2008/3	Income tax: debt/equity – identification of any 'effectively non-contingent obligation' of an issuer of a convertible note to provide 'financial benefits' for the purposes of Division 974 of the *Income Tax Assessment Act 1997* if the note can be converted at any time at the issuer's discretion into shares that are equity interests in the issuer company	28.05.08
TR 2008/4	Income tax: effective life of depreciating assets (applicable from 1 July 2008)	25.06.08
TR 2008/5	Income tax: tax consequences for a company of issuing shares for assets or for services	27.08.08
TR 2008/6	Petroleum resource rent tax and income tax: treatment of geosequestration expenditure and receipts	27.08.08
TR 2008/7	Income tax: royalty withholding tax and the assignment of copyright	27.08.08
TR 2008/8	Income tax: the taxation treatment of ship and aircraft leasing profits under the ships and aircraft articles of Australia's tax treaties	22.10.08
TR 2008/9	Income tax: meaning of 'Australian superannuation fund' in subsection 295-95(2) of the *Income Tax Assessment Act 1997*	10.12.08
TR 2008/10	Petroleum resource rent tax: application of Petroleum Resource Rent Tax Assessment Regulations 2005 to an integrated gas-to-liquid operation	17.12.08

Taxation Rulings – notices of addendum

Ruling	Title	Issue date
TR 2002/13	Income tax: Australian films – Division 10B – tax avoidance schemes	25.06.08
TR 2003/4	Income tax: boat hire arrangements	29.10.08

Ruling	Title	Issue date
TR 2001/14	Income tax: Division 35 – non-commercial business losses	12.11.08
TR 96/12	Income tax: objections against income tax assessments	17.12.08
TR 2007/11	Income tax: withholding tax and related implications for a non-resident head lessor or hire-purchase provider of substantial equipment where the equipment is obtained by another non-resident entity that subleases, subprovides or leases it for use in Australia	17.12.08

Taxation Rulings – notices of withdrawal

Ruling	Title	Issue date
TR 94/4	Income tax: tax shortfall penalties: reasonable care, recklessness and intentional disregard	14.05.08
TR 94/5	Income tax: tax shortfall penalties: reasonably arguable	14.05.08
TR 94/6	Income tax: tax shortfall penalties: voluntary disclosures	14.05.08
TR 2007/3	Income tax: effective life of depreciating assets (applicable from 1 July 2007)	25.06.08
TR 96/14	Income tax: traditional securities	30.07.08
TR 94/12	Income tax: approved early retirement scheme and bona fide redundancy payments	27.08.08
TR 2000/12	Income tax: deductible gift recipients – the gift fund requirement	26.11.08

Taxation Rulings – notices of erratum

Ruling	Title	Issue date
TR 2008/3	Income tax: debt/equity – identification of any 'effectively non-contingent obligation' of an issuer of a convertible note to provide 'financial benefits' for the purposes of Division 974 of the *Income Tax Assessment Act 1997* if the note can be converted at any time at the issuer's discretion into shares that are equity interests in the issuer company	11.06.08
TR 2008/6	Petroleum resource rent tax and income tax: treatment of geosequestration expenditure and receipts	03.09.08

Draft Taxation Determinations

Ruling	Title	Issue date
TD 2008/D1	Income tax: can an Australian-formed unincorporated association of persons who do not carry on a business in common with a view to profit be a corporate limited partnership within the meaning of section 94D of the *Income Tax Assessment Act 1936*?	13.02.08
TD 2008/D2	Income tax: Division 7A of Part III of the *Income Tax Assessment Act 1936* – what is the meaning of 'because' in the context of the expression 'because the entity has been such a shareholder or associate at some time' in relation to payments, loans and debt forgiveness with former shareholders of a private company?	27.02.08
TD 2008/D3	Income tax: where a taxpayer has supplied or acquired property under an international agreement and that gives rise to a debt interest or an equity interest as defined for the purposes of Division 974 of the *Income Tax Assessment Act 1997*, does Division 974 bear upon the characterisation to be adopted for the purposes of the application of Division 13 of Part III of the *Income Tax Assessment Act 1936* to the transaction?	26.03.08

Ruling	Title	Issue date
TD 2008/D4	Income tax: is a Deferred Purchase Agreement warrant, an investment product offered by financial institutions, a traditional security for the purposes of sections 26BB and 70B of the *Income Tax Assessment Act 1936*?	26.03.08
TD 2008/D5	Income tax: capital gains: does CGT event C2 happen as a result of the satisfaction of an investor's rights under a Deferred Purchase Agreement warrant, an investment product offered by financial institutions, by the delivery of the Delivery Assets?	26.03.08
TD 2008/D6	Income tax: is a taxpayer entitled to an income tax deduction under subsection 70B(2) of the *Income Tax Assessment Act 1936* where a Stapled Security of the kind described in Taxpayer Alert TA 2008/1, is sold at a loss or upon the occurrence of an Assignment Event?	26.03.08
TD 2008/D7	Income tax: is an exceptional circumstances relief payment paid to a farmer under the *Farm Household Support Act 1992* 'assessable primary production income' under subsection 392-80(2) of the *Income Tax Assessment Act 1997*?	09.04.08
TD 2008/D8	Income tax: when is income tax of a private company a 'present legal obligation' for the purposes of the distributable surplus calculation under subsection 109Y(2) of Division 7A of Part III of the *Income Tax Assessment Act 1936*?	18.06.08
TD 2008/D9	Income tax: consolidation: capital gains: do the core consolidation rules in Division 701 of the *Income Tax Assessment Act 1997* modify the effect of the CGT contract rules if an entity contracts to buy or sell a CGT asset and the contract settles after the entity becomes, or ceases to be, a member of a consolidated group?	25.06.08

Ruling	Title	Issue date
TD 2008/D10	Income tax: consolidation: capital gains: for the purposes of Part 3-90 of the *Income Tax Assessment Act 1997*, is the CGT asset that an entity has contracted to buy from another taxpayer an asset of the entity at a time it joins or leaves a consolidated group, if the contract is not completed at that time?	25.06.08
TD 2008/D11	Income tax: consolidation: capital gains: for the purposes of Part 3-90 of the *Income Tax Assessment Act 1997*, is the CGT asset that an entity has contracted to sell to another taxpayer an asset of the entity at a time it joins or leaves a consolidated group, if the contract is not completed at that time?	25.06.08
TD 2008/D12	Income tax: is the deductibility of compound interest determined according to the same principles as the deductibility of other interest?	03.09.08
TD 2008/D13	Income tax: when is 'foreign income tax … imposed … on the partners, not the partnership' under paragraph 830-10(1)(b) of the *Income Tax Assessment Act 1997* for the purpose of determining whether a foreign limited partnership is a foreign hybrid limited partnership under Division 830 of that Act?	24.09.08
TD 2008/D14	Income tax: does subsection 974-135(1) of the *Income Tax Assessment Act 1997* only apply to a legally enforceable obligation?	01.10.08
TD 2008/D15	Income tax: (a) are credits for United Kingdom interest withholding tax paid allowable under Article 22.1(a) of the 2003 United Kingdom Convention to an Australian resident financial institution which enters into an arrangement of the kind described in Taxpayer Alert TA 2007/3; and (b) would the Commissioner consider the application of Part IVA of the *Income Tax Assessment Act 1936* to the arrangement?	22.10.08

Ruling	Title	Issue date
TD 2008/D16	Income tax: is interest on a loan fully deductible under section 8-1 of the *Income Tax Assessment Act 1997* when the borrowed moneys are settled by the borrower on trust to benefit the borrower and others?	19.11.08
TD 2008/D17	Income tax: in accounting for a Dividend Re-investment Plan, can a company taint its share capital account for the purposes of Division 197 of the *Income Tax Assessment Act 1997*?	10.12.08
TD 2008/D18	Income tax: employee share schemes: for the purpose of subsection 139CD(6) of the *Income Tax Assessment Act 1936*, does a taxpayer become the holder of a beneficial interest in shares merely by acquiring a contractual right to obtain shares in a company (the particular, individual shares not being ascertained at the time)?	17.12.08
TD 2008/D19	Income tax: Division 7A: in exercising the discretion under subsection 109Y(2) of Division 7A of Part III of the *Income Tax Assessment Act 1936* to substitute an appropriate value for a private company's assets, can the Commissioner take into account the value of the company's assets not shown in the company's accounting records?	17.12.08

Draft Taxation Determinations – notices of withdrawal

Ruling	Title	Issue date
TD 2007/D9	Income tax: is income tax of a private company properly payable for an income year, but unpaid at the end of that year, a 'present legal obligation' for the purposes of the distributable surplus calculation under subsection 109Y(2) of Division 7A of Part III of the *Income Tax Assessment Act 1936*?	18.06.08

Ruling	Title	Issue date
TD 2005/D27	Income tax: consolidation: capital gains: do the core consolidation rules in Division 701 of the *Income Tax Assessment Act 1997* modify the effect of the CGT contract rules if an entity contracts to sell or buy a CGT asset and the contract settles after the entity becomes, or ceases to be, a member of a consolidated group?	25.06.08
TD 2005/D17	Income tax: is an employee's deduction for the decline in value of a depreciating asset used for a taxable purpose affected by section 51AH of the *Income Tax Assessment Act 1936*, if they are subsequently reimbursed an amount for the cost of the asset by their employer?	9.07.08
TD 2007/D16	Income tax: can section 177EA of the *Income Tax Assessment Act 1936* apply to the issue of 'dollar value' convertible notes of the type described in this Taxation Determination?	17.12.08

Taxation Determinations

Ruling	Title	Issue date
TD 2008/1	Income tax: if a private company provides trade credit to a shareholder (or their associate) on the usual terms it gives to parties at arm's length, will a failure by the shareholder (or their associate) to repay the amount within the agreed payment term prevent section 109M of the *Income Tax Assessment Act 1936* from applying?	16.01.08
TD 2008/2	Fringe benefits tax: in determining whether a charitable institution is a rebatable employer for the purposes of paragraph 65J(1)(baa) of the *Fringe Benefits Tax Assessment Act 1986*, is the institution 'established by a law of the Commonwealth, a State or a Territory' under subsection 65J(3) of that Act because it is incorporated under either the *Corporations Act 2001* or under a law of a State or Territory which relates to the incorporation of Associations?	26.03.08

Ruling	Title	Issue date
TD 2008/3	Fringe benefits tax: for the purposes of Division 7 of Part III of the *Fringe Benefits Tax Assessment Act 1986*, what amount represents a reasonable food component of a living-away-from-home allowance for expatriate employees for the fringe benefits tax year commencing on 1 April 2008?	26.03.08
TD 2008/4	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 year commencing on 1 April 2008?	26.03.08
TD 2008/5	Fringe benefits tax: for the purposes of section 28 of the *Fringe Benefits Tax Assessment Act 1986 w*hat are the indexation factors for valuing non-remote housing for the fringe benefits tax year commencing on 1 April 2008?	26.03.08
TD 2008/6	Fringe benefits tax: for the purposes of section 135C of the *Fringe Benefits Tax Assessment Act 1986*, what is the exemption threshold for the fringe benefits tax year commencing on 1 April 2008?	26.03.08
TD 2008/7	Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax year commencing on 1 April 2008?	2.04.08
TD 2008/8	Income tax: if a private company makes a loan to a shareholder or their associate in an income year and the loan has not been fully repaid, what elements of the loan agreement need to be in writing for the purposes of paragraph 109N(1)(a) of Division 7A of Part III of the *Income Tax Assessment Act 1936?*	30.04.08
TD 2008/9	Income tax: are amounts mistakenly paid as salary or wages to employees (or as income support payments or worker's compensation amounts to persons), to which they are not beneficially entitled, but are obliged to repay, 'ordinary income' under section 6-5 of the *Income Tax Assessment Act 1997?*	30.04.08

Ruling	Title	Issue date
TD 2008/10	Fringe benefits tax: where an employer recognises they mistakenly paid to their employee an amount that the employee is not legally entitled to, but is obliged to repay, and afterwards allows the employee time to repay the amount, is there a 'loan benefit' under subsection 16(1) of the *Fringe Benefits Tax Assessment Act 1986?*	30.04.08
TD 2008/11	Fringe benefits tax: where an employer mistakenly pays to their employee an amount that the employee is not legally entitled to, but is obliged to repay, does the employer's subsequent waiver of that obligation constitute a 'debt waiver benefit' under section 14 of the *Fringe Benefits Tax Assessment Act 1986?*	30.04.08
TD 2008/12	Fringe benefits tax: for the purposes of section 39A of the *Fringe Benefits Tax Assessment Act 1986* what is the car parking threshold for the fringe benefits tax year commencing on 1 April 2008?	07.05.08
TD 2008/13	Income tax: capital gains: what is the improvement threshold for the 2008-09 income year under section 108-85 of the *Income Tax Assessment Act 1997*?	21.05.08
TD 2008/14	Income tax: Division 7A of Part III of the *Income Tax Assessment Act 1936* – what is the meaning of 'because' in the context of the expression 'because the entity has been such a shareholder or associate at some time' in relation to payments, loans and debt forgiveness made by a private company to the entity?	28.05.08
TD 2008/15	Income tax: can an unincorporated association of persons acting only in Australia who do not carry on a business in common with a view to profit be a corporate limited partnership within the meaning of section 94D of the *Income Tax Assessment Act 1936*?	25.06.08
TD 2008/16	Income tax: is an exceptional circumstances relief payment paid to a farmer under the *Farm Household Support Act 1992* 'assessable primary production income' under subsection 392-80(2) of the *Income Tax Assessment Act 1997*?	25.06.08

Ruling	Title	Issue date
TD 2008/17	Income tax: what is the car limit for the 2008-2009 financial year?	30.06.08
TD 2008/18	Income tax: what are the reasonable travel and overtime meal allowance expense amounts for 2008-2009?	02.07.08
TD 2008/19	Income tax: what is the benchmark interest rate applicable for the year of income that commenced on 1 July 2008 for the purposes of Division 7A of Part III of the *Income Tax Assessment Act 1936* and how is it used?	02.07.08
TD 2008/20	Income tax: where a taxpayer has supplied or acquired property under an international agreement and that gives rise to a debt interest or an equity interest as defined for the purposes of Division 974 of the *Income Tax Assessment Act 1997*, does Division 974 bear upon the characterisation to be adopted for the purposes of the application of Division 13 of Part III of the *Income Tax Assessment Act 1936* to the transaction?	16.07.08
TD 2008/21	Income tax: is a Deferred Purchase Agreement warrant, an investment product offered by financial institutions, a traditional security for the purposes of sections 26BB and 70B of the *Income Tax Assessment Act 1936*?	30.07.08
TD 2008/22	Income tax: capital gains: does CGT event C2 happen as a result of the satisfaction of an investor's rights under a Deferred Purchase Agreement warrant, an investment product offered by financial institutions, by the delivery of the Delivery Assets?	30.07.08
TD 2008/23	Income tax: are the active assets of a partnership, in which a foreign company is a partner, active foreign business assets of the foreign company for the purposes of the capital gains tax participation exemption provisions contained in Subdivision 768-G of the *Income Tax Assessment Act 1997*?	13.08.08

Ruling	Title	Issue date
TD 2008/24	Income tax: can section 23AJ of the *Income Tax Assessment Act 1936* apply to a dividend when it is paid by a company (not being a Part X Australian resident) to an Australian resident company which receives it in its capacity as a partner in a partnership?	13.08.08
TD 2008/25	Income tax: can section 23AJ of the *Income Tax Assessment Act 1936* apply to a dividend paid by a company (not being a Part X Australian resident) to the trustee of a trust, even where the trustee then pays an amount attributable to the dividend to an Australian resident company beneficiary?	13.08.08
TD 2008/26	Income tax: are bees kept for use in a honey production business trading stock as defined in section 70-10 of the *Income Tax Assessment Act 1997*?	19.11.08
TD 2008/27	Income tax: is the deductibility of compound interest determined according to the same principles as the deductibility of other interest?	03.12.08
TD 2008/28	Income tax: when is income tax of a private company a 'present legal obligation' for the purposes of the distributable surplus calculation under subsection 109Y(2) of Division 7A of Part III of the *Income Tax Assessment Act 1936*?	10.12.08
TD 2008/29	Income tax: consolidation: capital gains: do the core consolidation rules in Division 701 of the *Income Tax Assessment Act 1997* modify the effect of the CGT contract rules if an entity contracts to buy or sell a CGT asset and the contract settles after the entity becomes, or ceases to be, a member of a consolidated group?	17.12.08
TD 2008/30	Income tax: consolidation: capital gains: for the purposes of Part 3-90 of the *Income Tax Assessment Act 1997*, is the CGT asset that an entity has contracted to buy from another taxpayer an asset of the entity at a time it joins or leaves a consolidated group, if the contract is not completed at that time?	17.12.08

Ruling	Title	Issue date
TD 2008/31	Income tax: consolidation: capital gains: for the purposes of Part 3-90 of the *Income Tax Assessment Act 1997*, is the CGT asset that an entity has contracted to sell to another taxpayer an asset of the entity at a time it joins or leaves a consolidated group, if the contract is not completed at that time?	17.12.08
TD 2008/32	Income tax: value of goods taken from stock for private use for the 2008-09 income year	17.12.08

Taxation Determinations – notices of addendum

Ruling	Title	Issue date
TD 2003/28	Income tax: capital gains: does CGT event E4 in section 104-70 of the *Income Tax Assessment Act 1997* happen if the trustee of a discretionary trust makes a non assessable payment to: (a) a mere object; or (b) a default beneficiary?	30.04.08
TD 93/86	Income tax: capital gains: are the totality of rights under a contract considered to be the one asset, or is each right considered to be a separate asset for CGT purposes?	14.05.08
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?	25.06.08
TD 2004/25	Income tax: do moneys used to acquire financial securities or which are otherwise set aside to fund a guaranteed return to investors satisfy the 'expended directly' requirement of Division 10BA of Part III of the *Income Tax Assessment Act 1936*?	25.06.08

Ruling	Title	Issue date
TD 2006/2	Income tax: for the purpose of Division 376 of the *Income Tax Assessment Act 1997*, are some insurance premiums excluded from film production expenditure?	25.06.08
TD 2006/3	Income tax: to what extent are freight costs included in 'qualifying Australian production expenditure' within the meaning of section 376-40 of the *Income Tax Assessment Act 1997*?	25.06.08
TD 2006/63	Income tax: capital gains: is a CGT asset that is leased by a taxpayer to a connected entity for use in the connected entity's business an active asset under section 152-40 of the *Income Tax Assessment Act 1997*?	29.10.08
TD 2006/65	Income tax: capital gains: small business concessions: can a share in a company or an interest in a trust qualify as an active asset under subsection 152-40(3) of the *Income Tax Assessment Act 1997* if the company or trust owns interests in another entity that satisfies the '80% test'?	29.10.08
TD 2006/71	Income tax: capital gains: small business concessions: is the part of a payment which is a small business 50% reduction amount a non-assessable part under CGT event E4 in section 104-70 of the *Income Tax Assessment Act 1997*?	29.10.08
TD 2006/63	Income tax: capital gains: is a CGT asset that is leased by a taxpayer to a connected entity for use in the connected entity's business an active asset under section 152-40 of the *Income Tax Assessment Act 1997*?	31.10.08
TD 2006/71	Income tax: capital gains: small business concessions: is the part of a payment which is a small business 50% reduction amount a non-assessable part under CGT event E4 in section 104-70 of the *Income Tax Assessment Act 1997*?	31.10.08

Taxation Determinations – notices of withdrawal

Ruling	Title	Issue date
TD 92/167	Income tax: where a 'non-employer sponsored superannuation fund' has paid tax on a member's contributions, what can that member do to have the tax recovered to his/her superannuation account if the member is not eligible to claim, or has chosen not to claim, a tax deduction for the contributions?	16.01.08
TD 93/224	Income tax: what is the approved form and manner of notices required by section 82AAT of the *Income Tax Assessment Act 1936* (the ITAA) to be given to the trustees of a superannuation fund by taxpayers who wish to claim a deduction for their personal contributions to the fund?	16.01.08
TD 94/5	Income tax: can expenditure incurred on cosmetic surgery qualify as medical expenses for the purpose of section 159P and therefore qualify for a medical expenses rebate?	16.01.08
TD 96/36	Income tax: in what circumstances will an eligible termination payment (ETP) be accepted as having been 'immediately' paid to a roll-over fund for the purposes of subsection 27A(12) of the *Income Tax Assessment Act 1936*?	16.01.08
TD 94/6	Income tax: abnormal income of artists, sportspersons etc: can eligible taxable income be a negative amount for the purposes of Division 16A of Part III of the *Income Tax Assessment Act 1936*, so that a loss can be recognised from eligible activities and used to reduce average eligible taxable income?	27.02.08
TD 94/41	Income tax: is a taxpayer who jointly acquires and uses an item of eligible property for which a general investment allowance deduction is allowable, entitled to a portion of the deduction?	23.04.08

Ruling	Title	Issue date
TD 94/59	Income tax: will a leasing company be entitled to claim the investment allowance if it has entered into a lease agreement with a lessee before 1 July 1994, and the lease agreement is treated as a purchase order between the leasing company and a supplier?	23.04.08
TD 93/77	Income tax: is interest paid by an Australian resident to a non-resident government savings bank exempt from withholding tax under paragraph 128B(3)(a) of the *Income Tax Assessment Act 1936*?	07.05.08
TD 94/37	Income tax: how does the receipt of a share of the net income or loss from a partnership affect the calculation of the rebate for personal superannuation contributions under section 159SZ of the *Income Tax Assessment Act 1936?*	07.05.08
TD 93/159	Income tax: if a purchase of depreciable plant comprises individual items costing $300 or less each or having an effective life of less than 3 years, can these individual items be depreciated at the rate of 100% in terms of subsection 55(2) of the *Income Tax Assessment Act 1936*?	21.05.08
TD 94/69	Income tax: if a person and his family die at the same time, and an eligible termination payment (ETP) is paid after the death of the person to the trustee of the estate of the person, could the deceased person's family be considered to benefit from the person's estate for the purpose of applying subsection 27A(4) of the *Income Tax Assessment Act 1936*?	28.05.08
TD 93/192	Income tax: does employment, for the purposes of subsection 27A(1), include time spent as a partner for the purpose of calculation of the eligible service period in relation to an eligible termination payment made in consequence of the termination of a person's employment?	16.07.08

Ruling	Title	Issue date
TD 94/35	Income tax: during the course of a year of income, may the Commissioner of Taxation refund to an employer excess tax instalment deductions (TIDs) paid by the employer under the pay-as-you-earn (PAYE) arrangements, where the excess TIDs, mistakenly, were not made in accordance with the rates prescribed?	16.07.08
TD 94/85	Income tax: is a taxpayer entitled to a deduction under subsection 59(1) or any other section of the *Income Tax Assessment Act 1936* when an item of plant is sold by an agent of the taxpayer and the proceeds of sale are misappropriated by the agent?	03.09.08
TD 35	Capital gains: what is meant by the term 'renewal of statutory licence' in section 160ZZPE?	15.10.08
TD 36	Capital gains: when is a renewal of a statutory licence 'wholly or principally attributable to' the taxpayer's ownership of the original licence?	15.10.08
TD 2006/69	Income tax: capital gains: small business concessions: must a taxpayer receive actual capital proceeds from a CGT event to qualify for the small business retirement exemption under Subdivision 152-D of the *Income Tax Assessment Act 1997*?	29.10.08
TD 2006/70	Income tax: capital gains: is a bank account or cash on hand included in the numerator of the '80% test' calculation in paragraph 152-40(3)(b) of the *Income Tax Assessment Act 1997*?	29.10.08
TD 34	Capital gains: what is meant by the term 'statutory licence' in section 160ZZPE?	19.11.08

Taxation Determinations – notices of erratum

Ruling	Title	Issue date
TD 2008/9	Income tax: are amounts mistakenly paid as salary or wages to employees (or as income support payments or worker's compensation amounts to persons), to which they are not beneficially entitled, but are obliged to repay, 'ordinary income' under section 6-5 of the *Income Tax Assessment Act 1997*?	14.05.08
TD 2008/22	Income tax: capital gains: does CGT event C2 happen as a result of the satisfaction of an investor's rights under a Deferred Purchase Agreement warrant, an investment product offered by financial institutions, by the delivery of the Delivery Assets?	17.09.08
TD 2008/23	Income tax: are the active assets of a partnership, in which a foreign company is a partner, active foreign business assets of the foreign company for the purposes of the capital gains tax participation exemption provisions contained in Subdivision 768-G of the *Income Tax Assessment Act 1997*?	10.09.08

Goods and Services Tax Rulings, Determinations and Bulletins

4. During the 2008 calendar year the Commissioner of Taxation issued:

Draft Goods and Services Tax Rulings

Ruling	Title	Issue date
GSTR 2008/D1	Goods and services tax: registered agricultural managed investment schemes	27.02.08
GSTR 2008/D2	Goods and services tax: general law partnerships and the margin scheme	11.06.08
GSTR 2008/D3	Goods and services tax: partitioning of land	25.06.08
GSTR 2008/D4	Goods and services tax: cancellation fees	29.10.08

Ruling	Title	Issue date
GSTR 2008/D5	Goods and services tax: new residential premises and adjustments for changes in extent of creditable purpose	17.12.08

Goods and Services Tax Rulings

Ruling	Title	Issue date
GSTR 2008/1	Goods and services tax: when do you acquire anything or import goods solely or partly for a creditable purpose?	05.03.08
GSTR 2008/2	Goods and services tax: development lease arrangements with government agencies	07.05.08
GSTR 2008/3	Goods and services tax: dealings in real property by bare trusts	25.06.08

Goods and Services Tax Rulings – notices of draft addendum

Ruling	Title	Issue date
GSTR 2003/13	Goods and services tax: general law partnerships	11.06.08

Goods and Services Tax Rulings – notices of addendum

Ruling	Title	Issue date
GSTR 2001/7	Goods and services tax: meaning of annual turnover, including the effect of section 188-25 on projected annual turnover	20.02.08
GSTR 2002/2	Goods and services tax: GST treatment of financial supplies and related supplies and acquisitions	5.03.08
GSTR 2000/1	Goods and services tax: adjustment notes	2.04.08
GSTR 2000/37	Goods and services tax: agency relationships and the application of the law	2.04.08
GSTR 2002/3	Goods and services tax: prizes	18.06.08
GSTR 2003/9	Goods and services tax: financial acquisitions threshold	02.07.08

Ruling	Title	Issue date
GSTR 2004/1	Goods and services tax: reduced credit acquisitions	02.07.08
GSTR 2005/6	Goods and services tax: the scope of subsection 38-190(3) and its application to supplies of things (other than goods or real property) made to non-residents that are GST-free under item 2 in the table in subsection 38-190(1) of the *A New Tax System (Goods and Services Tax) Act 1999*	02.07.08
GSTR 2000/17	Goods and services tax: tax invoices	06.08.08
GSTR 2003/9	Goods and services tax: financial acquisitions threshold	06.08.08
GSTR 2003/5	Goods and services tax: vouchers	10.09.08
GSTR 2008/3	Goods and services tax: dealings in real property by bare trusts	15.10.08
GSTR 2001/4	Goods and services tax: GST consequences of court orders and out-of-court settlements	12.11.08
GSTR 2003/3	Goods and services tax: when is a sale of real property a sale of new residential premises?	17.12.08

Goods and Services Tax Rulings – notices of partial withdrawal

Ruling	Title	Issue date
GSTR 2002/13	Goods and services tax: general law partnerships	11.06.08

Goods and Services Tax Rulings – notices of erratum

Ruling	Title	Issue date
GSTR 2001/7A	Goods and services tax: meaning of GST turnover, including the effect of section 188-25 on projected GST turnover	27.02.08

Draft Goods and Services Tax Determinations

Ruling	Title	Issue date
GSTD 2008/D1	Goods and services tax: are supplies of food known as breakfast bars GST-free?	28.05.08

Ruling	Title	Issue date
GSTR 2008/D2	Goods and services tax: is a supply by way of an *in specie* distribution of an asset that is applied or intended to be applied in an enterprise carried on by a discretionary trust to a beneficiary of the trust made 'in the course or furtherance of' the trust's enterprise?	25.06.08

Goods and Services Tax Determinations

Ruling	Title	Issue date
GSTD 2008/1	Goods and services tax: for taxable supplies or creditable acquisitions made by a member entity of a GST group, is the representative member of the GST group liable to pay GST and entitled to input tax credits if the GST or input tax credits are attributable to a tax period other than when the entity is a member of the GST group?	28.05.08
GSTD 2008/2	Goods and services tax: are supplies of food known as breakfast bars GST-free?	27.08.08

Goods and Services Tax Determinations – notices of addendum

Ruling	Title	Issue date
GSTD 2006/3	Goods and services tax: are settlement adjustments taken into account to determine the consideration for the supply or acquisition of real property?	16.04.08

Luxury Car Tax Determinations

5. During the 2008 calendar year the Commissioner of Taxation issued:

Luxury Car Tax Determinations

Ruling	Title	Issue date
LCTD 2008/1	Luxury car tax: what is the luxury car tax threshold for the 2008-2009 financial year?	30.06.08

Self Managed Superannuation Funds Rulings and Determinations

6. During the 2008 calendar year the Commissioner of Taxation issued:

Self Managed Superannuation Funds Rulings

Ruling	Title	Issue date
SMSFR 2008/1	Self Managed Superannuation Funds: giving financial assistance using the resources of a self managed superannuation fund to a member or relative of a member that is prohibited for the purposes of paragraph 65(1)(b) of the *Superannuation Industry (Supervision) Act 1993*	16.07.08
SMSFR 2008/2	Self Managed Superannuation Funds: the application of the sole purpose test in section 62 of the *Superannuation Industry (Supervision) Act 1993* to the provision of benefits other than retirement, employment termination or death benefits	16.07.08

Draft Self Managed Superannuation Funds Rulings

Ruling	Title	Issue date
SMSFR 2008/D1	Self Managed Superannuation Funds: application of the *Superannuation Industry (Supervision) Act 1993* to unpaid trust distributions payable to a Self Managed Superannuation Fund	19.03.08
SMSFR 2008/D2	Self Managed Superannuation Funds: the application of subsection 66(1) of the *Superannuation Industry (Supervision) Act 1993* to contributions of assets to a self managed superannuation fund by a related party of that fund	2.04.08
SMSFR 2008/D3	Superannuation: business real property for the purposes of the *Superannuation Industry (Supervision) Act 1993*	30.04.08
SMSFR 2008/D4	Self Managed Superannuation Funds: the meaning of 'borrow money' or 'maintain an existing borrowing of money' for the purposes of section 67 of the *Superannuation Industry (Supervision) Act 1993*	17.09.08
SMSFR 2008/D5	Self Managed Superannuation Funds: The meaning of 'asset', 'loan', 'investment in', 'lease' and 'lease arrangement' in the definition of an 'in-house asset' in the *Superannuation Industry (Supervision) Act 1993*	5.11.08

Self Managed Superannuation Funds Determinations

Ruling	Title	Issue date
SMSFD 2008/1	Self Managed Superannuation Funds: how does the happening of an event in subregulation 13.22D(1) of the Superannuation Industry (Supervision) Regulations 1994 affect whether a self managed superannuation fund's investments in related companies or unit trusts are in-house assets of the fund?	20.02.08

SMSFD 2008/2	Self Managed Superannuation Funds: when calculating the market value ratio of in house assets for the purposes of section 75 of the *Superannuation Industry (Supervision) Act 1993* is it permissible for a self managed superannuation fund to value its assets at historical cost (purchase price)?	16.04.08
SMSFD 2008/3	Self Managed Superannuation Funds: is there any restriction in the Superannuation Industry (Supervision) legislation on a self managed superannuation fund trustee accepting from a member a binding nomination of the recipients of any benefits payable in the event of the member's death?	17.12.08

Draft Self Managed Superannuation Funds Determinations

Ruling	Title	Issue date
SMSFD 2008/D1	Self Managed Superannuation Funds: is there any restriction in the *Superannuation Industry (Supervision) Act 1993* on a fund trustee accepting from a member a binding nomination of the recipients of any benefits payable in the event of the member's death?	10.09.08

Superannuation Guarantee Rulings and Determinations

7. During the 2008 calendar year the Commissioner of Taxation issued:

Draft Superannuation Guarantee Rulings

Ruling	Title	Issue date
SGR 2008/D1	Superannuation guarantee: payments made to sportspersons	03.09.08
SGR 2008/D2	Superannuation guarantee: meaning of the terms 'ordinary time earnings' and 'salary or wages'	5.11.08

Superannuation Guarantee Rulings – notices of withdrawal

Ruling	Title	Issue date
SGR 94/1	Superannuation guarantee: Earnings bases	30.07.08

Fuel Tax Rulings and Determinations

8. During the 2008 calendar year the Commissioner of Taxation issued:

Draft Fuel Tax Rulings

Ruling	Title	Issue date
FTR 2008/D1	Fuel tax: entitlement to a fuel tax credit under section 41-5 of the *Fuel Tax Act 2006* in a vehicle or equipment hire arrangement	03.12.08

Fuel Tax Rulings

Ruling	Title	Issue date
FTR 2008/1	Fuel tax: vehicle's travel on a public road that is incidental to the vehicle's main use and the road user charge	09.04.08

Fuel Tax Rulings – notices of erratum

Ruling	Title	Issue date
FTR 2008/1	Fuel tax: vehicle's travel on a public road that is incidental to the vehicle's main use and the road user charge	20.08.08

Fuel Tax Rulings – notices of addendum

Ruling	Title	Issue date
FTR 2007/1	Fuel tax: the meaning of 'acquire', 'manufacture' and 'import' in the expression 'taxable fuel that you acquire or manufacture in, or import into, Australia to the extent that you do so for use in carrying on your enterprise' in the *Fuel Tax Act 2006*	27.08.08

Ruling	Title	Issue date
FTR 2007/1	Fuel tax: the meaning of 'acquire', 'manufacture' and 'import' in the expression 'taxable fuel that you acquire or manufacture in, or import into, Australia to the extent that you do so for use in carrying on your enterprise' in the *Fuel Tax Act 2006*	03.12.08

Draft Fuel Tax Determinations

Ruling	Title	Issue date
FTD 2008/D1	Fuel tax: what is the meaning of 'use' for the purposes of section 41-5 of the *Fuel Tax Act 2006*?	03.12.08

Wine Equalisation Taxation Rulings

9. During the 2008 calendar year the Commissioner of Taxation issued:

Draft Wine Equalisation Taxation Rulings

Ruling	Title	Issue date
WETR 2008/D1	Wine equalisation tax: the operation of the wine equalisation tax system	17.12.08
WETR 2008/D2	Wine equalisation tax: operation of the producer rebate for other than New Zealand participants	17.12.08

Miscellaneous Taxation Rulings

10. During the 2008 calendar year the Commissioner of Taxation issued:

Draft Miscellaneous Taxation Rulings

Ruling	Title	Issue date
MT 2008/D1	Penalty relating to statements: meaning of reasonable care, recklessness and intentional disregard	14.05.08

MT 2008/D2	Shortfall penalties: administrative penalty for taking a position that is not reasonably arguable	14.05.08
MT 2008/D3	Shortfall penalties: voluntary disclosures	14.05.08
MT 2008/D4	Miscellaneous taxes: notification requirements for an entity under section 105-55 of Schedule 1 to the *Taxation Administration Act 1953*	29.10.08

Miscellaneous Taxation Rulings

Ruling	Title	Issue date
MT 2008/1	Penalty relating to statements: meaning of reasonable care, recklessness and intentional disregard	12.11.08
MT 2008/2	Shortfall penalties: administrative penalty for taking a position that is not reasonably arguable	12.11.08
MT 2008/3	Shortfall penalties: voluntary disclosures	12.11.08

Miscellaneous Taxation Rulings – notices of partial withdrawal

Ruling	Title	Issue date
MT 2024	Fringe benefits tax: dual cab vehicles eligibility for exemption	22.10.08

Class Rulings

11. During the 2008 calendar year the Commissioner of Taxation issued:

Class Rulings

Ruling	Title	Issue date
CR 2008/1	Income tax: proposed return of capital: Globe International Limited	16.01.08
CR 2008/2	Fringe benefits tax and income tax: employer contributions to the Electrical Industry Training Foundation	16.01.08
CR 2008/3	Income tax: early retirement scheme – OneSteel Wire Pty Limited	16.01.08

Ruling	Title	Issue date
CR 2008/4	Income tax: MMC Contrarian Limited – proposed return of capital to shareholders	30.01.08
CR 2008/5	Income tax: Selective Capital Reduction: Orica Limited	06.02.08
CR 2008/6	Income tax: statutory licence roll-over for the replacement of existing water entitlements with new water entitlements under the *Water Act 1989* (Victoria)	06.02.08
CR 2008/7	Income tax: cancellation of shares in Telecom Corporation of New Zealand Limited	13.02.08
CR 2008/8	Income tax: assessable income: payments received under the Redress Scheme for former residents of Queensland children's institutions	20.02.08
CR 2008/9	Income tax and fringe benefits tax: Brookefield Asset Management Inc – 2007 Management Share Option Plan	20.02.08
CR 2008/10	Income tax: off-market share buy-back: Coca-Cola Amatil Limited	20.02.08
CR 2008/11	Income tax: off-market share buy-back: Sunraysia Television Limited	20.02.08
CR 2008/12	Income tax: Selective Capital Reduction: Avatar Industries Limited	20.02.08
CR 2008/13	Income tax: Panbio Limited – Employee Share Scheme – proposed takeover by Inverness Medical Innovations Inc	20.02.08
CR 2008/14	Income tax: scrip for scrip roll-over: exchange of units in Convertible Adjusting Rate Security Trust for Transurban Securities	20.02.08
CR 2008/15	Income tax: scrip for scrip: exchange of shares in Home Building Society Ltd for shares in Bank of Queensland Ltd	5.03.08
CR 2008/16	Income tax: amendments to Sensible Saver Life Assurance Policy issued by Zurich Australia Limited	5.03.08
CR 2008/17	Income tax: return of capital: Multiplex Acumen Vale Syndicate Limited	5.03.08
CR 2008/18	Income tax: proposed Equity Return: MYOB Limited	5.03.08
CR 2008/19	Income tax: Qantas Deferred Share Plan – Non-Executive Director Share Plan	5.03.08

Ruling	Title	Issue date
CR 2008/20	Income tax: Qantas Deferred Share Plan – 2006 Performance Rights Plan	5.03.08
CR 2008/21	Income tax: Qantas Deferred Share Plan – 2006 Performance Share Plan	5.03.08
CR 2008/22	Income tax: Qantas Deferred Share Plan – 2006 Retention Plan	5.03.08
CR 2008/23	Fringe benefits tax: employer clients of Super Group International (Australia) Pty Limited or SMB Fleet Management Pty Limited who make use of the SMB Café Card facility	12.03.08
CR 2008/24	Fringe benefits tax: employer clients of Australia and New Zealand Banking Group Limited who are subject to the provisions of section 57A of the *Fringe Benefits Tax Assessment Act 1986* whose employees make use of the ANZ Business One – Salary Packaging Card facility	12.03.08
CR 2008/25	Fringe benefits tax: employer clients of Corporate Care Australia Pty Limited whose employees receive a Corporate Advantage Card	12.03.08
CR 2008/26	Income tax: capital gains: Converting Preference Shares: St. George Bank Limited	19.03.08
CR 2008/27	Income tax: tax treatment of payments received from the sale of produced seed into a seed pool under an agreement with Seed Technology & Marketing Pty Limited	09.04.08
CR 2008/28	Income tax: statutory licence roll-over for the replacement of bore licences with aquifer access licences and treatment of payments received under the Achieving Sustainable Groundwater Entitlements Program	09.04.08
CR 2008/29	Income tax: early retirement scheme – Melbourne Convention & Exhibition Trust	09.04.08
CR 2008/30	Income tax: Commonwealth Bank of Australia – Perpetual Exchangeable Resaleable Listed Securities	23.04.08
CR 2008/31	Income tax: demerger of Autogen Research Pty Ltd by ChemGenex Pharmaceuticals Ltd	30.04.08

Ruling	Title	Issue date
CR 2008/32	Income tax: capital gains: establishment of Asciano Finance Trust and demerger of Asciano Ltd by Toll Holdings Ltd	30.04.08
CR 2008/33	Income tax: capital gains: demerger of Mercury Mobility Ltd by Cellnet Group Ltd	30.04.08
CR 2008/34	Income tax: return of capital: Hansen Technologies Ltd	07.05.08
CR 2008/35	Income tax: share buy back: Boral Limited	14.05.08
CR 2008/36	Income tax: INVESCO PLC – corporate reorganisation – Employee Share Schemes	14.05.08
CR 2008/37	Income tax: assessable income: payments received under the Redress Scheme for former residents of State care in Western Australia	21.05.08
CR 2008/38	Income tax: scrip for scrip: acquisition of Dyno Nobel Limited by the Incitec Pivot Limited Group	21.05.08
CR 2008/39	Income tax: demerger of Uramet Minerals Limited by Elkedra Diamonds NL	28.05.08
CR 2008/40	Income tax: treatment of payments received under the Western Port Commercial Netting Licence Surrender and Relocation Program	28.05.08
CR 2008/41	Income tax: BT Investment Management Limited – Employee Equity Plan	11.06.08
CR 2008/42	Income tax: proposed return of capital: Equities and Freeholds Limited (previously Goldlink GrowthPlus Limited)	11.06.08
CR 2008/43	Income tax: conversion by Mackay Sugar Co-operative Association Limited to a company registered under the *Corporations Act 2001*	11.06.08
CR 2008/44	Income tax: scrip for scrip roll-over: merger of Zinifex Limited and Oxiana Limited	25.06.08
CR 2008/45	Income tax: early retirement scheme – Alcoa of Australia Ltd	25.06.08
CR 2008/46	Income tax: early retirement scheme – Central Northern Adelaide Health Service Incorporated	02.07.08
CR 2008/47	Income tax: early retirement scheme – Charles Sturt University	16.07.08

Ruling	Title	Issue date
CR 2008/48	Income tax: scrip for scrip roll-over: merger of Centro Shopping America Trust with Centro Retail Trust	16.07.08
CR 2008/49	Income tax: demerger of Impedance Cardiology Systems Inc. by ImpediMed Limited	23.07.08
CR 2008/50	Income tax: distribution of VISA proceeds by Cuscal Limited via the issuance of a special class of share	23.07.08
CR 2008/51	Income tax: off-market share buy-back: Portman Limited	30.07.08
CR 2008/52	Income tax: return of capital: in specie distribution of shares by Legend Mining Limited	06.08.08
CR 2008/53	Income tax: return of capital: Emperor Mines Limited	06.08.08
CR 2008/54	Income tax: services for Australian Rural and Remote Allied Health: postgraduate scholarships and assistance payments	20.08.08
CR 2008/55	Fringe benefits tax: employer clients of Auto-Ad Pty Limited whose employees hire cars from Smart Car Rentals Pty Limited	27.08.08
CR 2008/56	Income tax: Westpac Banking Corporation: Westpac Stapled Preferred Securities	10.09.08
CR 2008/57	Income tax: Suncorp-Metway Limited – allotment of Converting Preference Shares	10.09.08
CR 2008/58	Income tax: payment of dividend by MediHerb Holdings Limited	17.09.08
CR 2008/59	Income tax: tax treatment of Commercial Horse Assistance Payments to primary carers of commercial horses affected by the equine influenza quarantine	17.09.08
CR 2008/60	Income tax: assessable income: Australian Rules umpires: Hills Football League	01.10.08
CR 2008/61	Income tax: implications of the Centennial Coal Company Limited return of capital for participants in the Centennial Deferred Employee Share Plan	08.10.08
CR 2008/62	Income tax: BHP Billiton Group – Global Employee Share Plan	22.10.08

Ruling	Title	Issue date
CR 2008/63	Income tax: scrip for scrip: merger of St George Bank Limited and Westpac Banking Corporation	22.10.08
CR 2008/64	Income tax: St George Bank Ltd – Employee Reward Share Plan – proposed merger with Westpac Banking Corporation	22.10.08
CR 2008/65	Income tax: private practice arrangements for salaried medical officers in South Australian public hospitals	22.10.08
CR 2008/66	Income tax: scrip for scrip: acquisition of Just Group Limited by Premier Investments Limited	29.10.08
CR 2008/67	Income tax: share buy-back: Santos Limited	5.11.08
CR 2008/68	Income tax: capital gains tax: conversion of Swan Taxis Co-operative Limited to Swan Taxis Limited, an unlisted public company registered under the *Corporations Act 2001*	5.11.08
CR 2008/69	Income tax: return of capital: MYOB Limited	5.11.08
CR 2008/70	Income tax: assessable income: Australian Federal Police deployed to the Solomon Islands	5.11.08
CR 2008/71	Income tax: assessable income: Australian Federal Police deployed to Timor-Leste	5.11.08
CR 2008/72	Income tax: Skilled Group Limited Executive Share Option Plan	5.11.08
CR 2008/73	Fringe benefits tax: Fernwood Corporate Health Counselling program	12.11.08
CR 2008/74	Income tax: demerger of Buru Energy Ltd by ARC Energy Ltd and merger of ARC Energy Ltd with Australian Worldwide Exploration Ltd	12.11.08
CR 2008/75	Income tax: conversion by Australian Co-operative Foods Limited to a company registered under the *Corporations Act 2001* and subsequent payment of special dividend pursuant to Scheme of Arrangement	12.11.08
CR 2008/76	Income tax: scrip for scrip: exchange of pSivida Ltd shares, options or warrants for equivalent New pSivida Inc securities	12.11.08

Ruling	Title	Issue date
CR 2008/77	Income tax: return of capital: Olea Australis Limited	19.11.08
CR 2008/78	Income tax: Henderson Group plc reorganisation – scrip for scrip roll-over and Foreign Investment Fund implications	19.11.08
CR 2008/79	Income tax: Australia and New Zealand Banking Group Limited – allotment of convertible preference shares	26.11.08
CR 2008/80	Income tax: Selective Capital Reduction: CITIC Australia Trading Limited	26.11.08
CR 2008/81	Income tax: Peplin Group restructure – Employee Share Scheme – treatment of unlisted options	26.11.08
CR 2008/82	Income tax: scrip for scrip roll-over: exchange of shares and options in Peplin Limited (Australia) for shares and options in Peplin Incorporated (USA)	26.11.08
CR 2008/83	Fringe benefits tax: contributions to an approved worker entitlement fund: Australian Construction Industry Redundancy Trust	03.12.08
CR 2008/84	Income tax: Wesfarmers Limited – Employee Share Ownership Plan	03.12.08
CR 2008/85	Income tax: off-market share buy-back: MMC Contrarian Limited	03.12.08
CR 2008/86	Fringe benefits tax: employers who use the SG Fleet Australia Pty Limited telematics system	03.12.08
CR 2008/87	Income tax: scrip for scrip roll-over: exchange of shares in Bandanna Coal Pty Ltd for shares in Enterprise Energy Ltd	17.12.08
CR 2008/88	Income tax: off-market share buy-back: Lion Selection Limited	17.12.08
CR 2008/89	Income tax: scrip for scrip roll-over: exchange of shares in Sunshine Gas Limited for shares in Queensland Gas Company Limited	17.12.08
CR 2008/90	Income tax: demerger of Iron Road Limited by Adelaide Resources Limited	17.12.08
CR 2008/91	Income tax: provision of security camera systems to Queensland taxi service licence holders	17.12.08

Ruling	Title	Issue date
CR 2008/92	Income tax: exchange of units in Connell Wagner Holdings Trust for shares in Connell International Group Limited	17.12.08

Class Rulings – notices of addendum

Ruling	Title	Issue date
CR 2007/108	Income tax: The National Mutual Life Association of Australasia Limited: Application of section 26AH of the *Income Tax Assessment Act 1936* to Guaranteed Investment Bonds and Personal Investment Bonds	26.03.08
CR 2006/123	Income tax: Henderson Group plc – return of capital	03.09.08
CR 2007/9	Income tax: capital gains: demerger of Tower Australia Group Limited by Tower Limited	03.09.08
CR 2007/29	Income tax: capital gains – roll-over relief – acquisition of land for Traveston Crossing and Wyaralong Dams	12.11.08

Class Rulings – notices of withdrawal

Ruling	Title	Issue date
CR 2007/58	Income tax: conversion by Mackay Sugar Co-operative Association Limited to a company registered under the *Corporations Act 2001*	11.06.08
CR 2005/89	Fringe benefits tax: employer clients of Remunerator (Aust) Pty Ltd that make use of a Salary Packaging Dining Card facility	20.08.08
CR 2006/81	Fringe benefits tax and income tax: employer clients of Sodexho Australia Pty Ltd or Universal Sodexho Pty Ltd that make use of the Sodexho 'SmartPay' card facility	20.08.08
CR 2008/23	Fringe benefits tax: employer clients of Super Group International (Australia) Pty Limited or SMB Fleet Management Pty Limited who make use of the SMB Cafe Card facility	20.08.08

Ruling	Title	Issue date
CR 2007/113	Income tax: merger between the Mulgrave Central Mill Company Limited and TQ Sugar Limited	08.10.08
CR 2003/61	Income tax: Assessability of income: Australian Federal Police (AFP) and Australian Protective Service (APS) employees deployed to the Solomon Islands	5.11.08
CR 2006/89	Income tax: assessable income: Australian Federal Police deployed to Timor-Leste in accordance with the arrangement dated 26 May 2006	5.11.08
CR 2006/108	Income tax: assessable income: Australian Federal Police personnel on long term, non-diplomatic posting to East Timor (Timor-Leste) under the auspices of the Timor-Leste Police Development Program	5.11.08
CR 2006/109	Income tax: assessable income: Australian Federal Police personnel on long term, non-diplomatic posting to Solomon Islands under the auspices of the Regional Assistance Mission to the Solomon Islands	5.11.08
CR 2007/48	Income tax: UBS AG Key employee lending incentive plan	19.11.08

Class Rulings – notices of erratum

Ruling	Title	Issue date
CR 2007/114	Income tax: scrip for scrip: acquisition of Coles Group Limited by Wesfarmers Limited	23.01.08
CR 2008/15	Income tax: scrip for scrip: exchange of shares in Home Building Society Ltd for shares in Bank of Queensland Ltd	26.03.08
CR 2008/19	Income tax: Qantas Deferred Share Plan – Non-Executive Director Share Plan	2.04.08
CR 2008/22	Income tax: Qantas Deferred Share Plan – 2006 Retention Plan	2.04.08

Product Rulings

12. During the 2008 calendar year the Commissioner of Taxation issued:

Product Rulings

Ruling	Title	Issue date
PR 2008/1	Income tax: Oak Valley Truffle Project 2008	16.01.08
PR 2008/2	Income tax: Early Season Apple Project – Late Growers	16.01.08
PR 2008/3	Income tax: Australian Bight Abalone Project 2008	16.01.08
PR 2008/4	Income tax: TFS Sandalwood Project 2008 – Pre 30 June 2008 Growers	16.01.08
PR 2008/5	Income tax: Margaret River Watershed Premium Wine Project 2008 (Pre 15 June 2008 Growers	23.01.08
PR 2008/6	Income tax: tax consequences of investing in the UBS Protected Geared Investment – 2007 Product Disclosure Statement	30.01.08
PR 2008/7	Income tax: Organic Apple Project	06.02.08
PR 2008/8	Income tax: Mediterranean Olives Project 2008 – (Growers not in Joint Venture)	06.02.08
PR 2008/9	Income tax: Kiri Park Project No. 2 Second Prospectus – NCL discretion	13.02.08
PR 2008/10	Income tax: TFS Sandalwood Project 2007 (Post 30 June 2007 Growers)	13.02.08
PR 2008/11	Income tax: AIL Almond Grower Project – Swan Hill: 2008 Growers (to 15 June 2008)	13.02.08
PR 2008/12	Income tax: 1997 Timbercorp Eucalypts Project	13.02.08
PR 2008/13	Income tax: tax consequences of investing in Next Financial Instalments – Series NF 330	13.02.08
PR 2008/14	Income tax: Capricorn Timber Indian Sandalwood Project	20.02.08
PR 2008/15	Income tax: Mediterranean Olives Project 2008 – (Joint Venture Growers)	27.02.08
PR 2008/16	Income tax: Alpine Meadows Olive & Walnut Project No. 1	27.02.08

Ruling	Title	Issue date
PR 2008/17	Income tax: Moora Citrus Project – 2008 Growers	27.02.08
PR 2008/18	Income tax: Tasmanian Premium Cherries Project	27.02.08
PR 2008/19	Income tax: Heathcote Ridge Vineyard Project No. 2	27.02.08
PR 2008/20	Income tax: Agriwealth 2008 Softwood Project	5.03.08
PR 2008/21	Income tax: Barossa Vines Project 2007 – Applicant Group 2	5.03.08
PR 2008/22	Income tax: Barossa Vines Project 2007 – Applicant Group 2 (using finance from Barossa Vines Ltd)	5.03.08
PR 2008/23	Income tax: Piangil Grower Project – 2008	12.03.08
PR 2008/24	Income tax: Rewards Group Tropical Fruits Project 2008	12.03.08
PR 2008/25	Income tax: Macquarie Almond Investment 2008 – Early Growers (to 15 June 2008)	12.03.08
PR 2008/26	Income tax: deductibility of interest incurred on borrowings in relation to the Macquarie Fusion Funds – June 2008 Offer	19.03.08
PR 2008/27	Income tax: ITC Sandalwood Project 2008	19.03.08
PR 2008/28	Income tax: ITC Hardwood Project 2008 (High Value Timber Option)	19.03.08
PR 2008/29	Income tax: ITC Hardwood Project 2008 (Pulpwood Option)	19.03.08
PR 2008/30	Income tax: 1998 Timbercorp Eucalypts Project	26.03.08
PR 2008/31	Income tax: FEA Plantations Project 2008 – Woodlot Option 1	26.03.08
PR 2008/32	Income tax: FEA Plantations Project 2008 – Woodlot Option 2	26.03.08
PR 2008/33	Income tax: FEA Plantations Project 2008 – Woodlot Option 3	26.03.08
PR 2008/34	Income tax: FEA Plantations Project 2008 – Woodlot Option 4	26.03.08
PR 2008/35	Income tax: Babcock and Brown Property Instalment Plan	09.04.08
PR 2008/36	Income tax: Olive Growers Australia Project 2007 – Applicant Group 2	09.04.08

Ruling	Title	Issue date
PR 2008/37	Income tax: Olive Growers Australia Project 2007 – Applicant Group 2 (using finance from Olive Growers Australia Limited)	09.04.08
PR 2008/38	Income tax: Macquarie Eucalypt Project 2008	23.04.08
PR 2008/39	Income tax: Great Southern 2008 Renewable Fibre Project	23.04.08
PR 2008/40	Income tax: tax consequences of investing in ABN AMRO Self Funding Instalment Warrants TL3SZZ Series 2006 Product Disclosure Statement – cash applicants and secondary market purchasers	30.04.08
PR 2008/41	Income tax: tax consequences of investing in ABN AMRO High Leverage Instalment Warrants TL3IZA-IZC Series 2006 Product Disclosure Statement – cash applicants and secondary market purchasers	30.04.08
PR 2008/42	Income tax: Cool Climate Apricot Project – 2008 Growers	30.04.08
PR 2008/43	Income tax: Rewards Group Teak Project 2008	30.04.08
PR 2008/44	Income tax: Paulownia Tree Farming Project 3B	14.05.08
PR 2008/45	Income tax: Great Southern Wine Grape Income Project – 2008 Growers	14.05.08
PR 2008/46	Income tax: Curtis Eastern Project	21.05.08
PR 2008/47	Income tax: tax consequences of rebalancing, contributing to and partially redeeming an investment in a unit in the Credit Suisse Asset Management Select Investment Flexible International Shares Fund – 2008 Product Disclosure Statement	21.05.08
PR 2008/48	Income tax: Rewards Group Berry Project 2008 – Late Growers	21.05.08
PR 2008/49	Income tax: tax consequences of investing in ABN AMRO Unlisted Rolling Instalment Warrants 2007 Product Disclosure Statement (Cash Applicants) – Navra Blue Chip Australian Share Retail Fund	21.05.08
PR 2008/50	Income tax: tax consequences of investing in ANZ Protected Equity Leveraged Solutions	21.05.08

Ruling	Title	Issue date
PR 2008/51	Income tax: Goulburn Valley Orchards Project	28.05.08
PR 2008/52	Income tax: Goulburn Valley Orchards 2000 Project (8 March 2000 – 5 December 2000)	28.05.08
PR 2008/53	Income tax: Goulburn Valley Orchards 2000 Project (6 December 2000 – 5 June 2001)	28.05.08
PR 2008/54	Income tax: Great Southern 2008 Diversified Olives Income Project – 2008 Growers	28.05.08
PR 2008/55	Income tax: deductibility of interest incurred on borrowings related to the Merrill Lynch Structured Equity Loan	04.06.08
PR 2008/56	Income tax: KTC Mahogany Project 2008 (2008 Participants)	11.06.08
PR 2008/57	Income tax: tax consequences of investing in the Retirement Booster – Prospectus 1	18.06.08
PR 2008/58	Income tax: tax consequences of investing in MQ Listed Protected Loan	18.06.08
PR 2008/59	Income tax: tax consequences of investing in equities using the Macquarie Geared Equities Investment plus	23.07.08
PR 2008/60	Income tax: 2009 Willmott Forests Premium Forestry Blend Project	23.07.08
PR 2008/61	Income tax: GlenKara Estate Vineyard Project – Stage 2A	20.08.08
PR 2008/62	Income tax: tax consequences of changing the portfolio structure, contribution to and partially redeeming an investment in a unit in Perpetual's Investor Choice Fund	10.09.08
PR 2008/63	Income tax: 2009 Timbercorp Forestry Project	10.09.08
PR 2008/64	Income tax: deductibility of interest incurred on borrowings in relation to Macquarie Fusion Funds – November 2008 Offer	17.09.08
PR 2008/65	Income tax: Great Southern 2009 High Value Timber Project	08.10.08
PR 2008/66	Income tax: Gunns Plantations Woodlot Project 2009 – Option 1	15.10.08
PR 2008/67	Income tax: Gunns Plantations Woodlot Project 2009 – Option 2	15.10.08

Ruling	Title	Issue date
PR 2008/68	Income tax: Gunns Plantation Woodlot Project 2009 – Option 3	15.10.08
PR 2008/69	Income tax: Gunns Plantation Woodlot Project 2009 – Blended Option	15.10.08
PR 2008/70	Income tax: Kiri Park Projects – 2009 Growers	22.10.08
PR 2008/71	Income tax: tax consequences of investing in Next Financial Instalments – Series NF 330	5.11.08
PR 2008/72	Income tax: Great Southern 2009 High Value Timber Project (ABL Nominees Pty Ltd Finance)	17.12.08
PR 2008/73	Income tax: Rewards Group Premium Timber Project 2009	17.12.08

Product Rulings – notices of addendum

Ruling	Title	Issue date
PR 2006/27	Income tax: 2006 Grain Co-Production Project	23.01.08
PR 2007/25	Income tax: Kiri Park Project No. 2 – NCL	13.02.08
PR 2006/145	Income tax: 2007 Timbercorp Almond Project – Early Growers (to 15 June 2007)	19.03.08
PR 2006/146	Income tax: 2007 Timbercorp Almond Project – Post 30 June Growers	19.03.08
PR 2007/39	Income tax: Mort & Co No. 5 Project	2.04.08
PR 2007/58	Income tax: Mort & Co No. 5 Project – 2008	2.04.08
PR 2008/4	Income tax: TFS Sandalwood Project 2008 – pre 30 June 2008 Growers	16.04.08
PR 2008/2	Income tax: Early Season Apple Project – Late Growers	23.04.08
PR 2008/11	Income tax: AIL Almond Grower Project – Swan Hill: 2008 Growers (to 15 June 2008)	23.04.08
PR 2008/21	Income tax: Barossa Vines Project 2007 – Applicant Group 2	07.05.08
PR 2008/22	Income tax: Barossa Vines Project 2007 – Applicant Group 2 (using finance from Barossa Vines Limited)	07.05.08

Ruling	Title	Issue date
PR 2008/13	Income tax: tax consequences of investing in Next Financial Instalments – Series NF 330	21.05.08
PR 2007/70	Income tax: Great Southern 2008 High Value Timber Project	04.06.08
PR 2008/102	Income tax: Great Southern 2008 Almond Income Project	04.06.08
PR 2008/17	Income tax: Moora Citrus Project – 2008 Growers	04.06.08
PR 2008/3	Income tax: Australian Bight Abalone Project 2008	11.06.08
PR 2007/100	Income tax: Kiri Park Projects – pre 30 June 2008 Growers	25.06.08
PR 2008/4	Income tax: TFS Sandalwood Project 2008 – pre 30 June 2008 Growers	03.09.08
PR 2008/23	Income tax: Piangil Grower Project – 2008	03.09.08
PR 2008/25	Income tax: Macquarie Almond Investment 2008 – Early Growers (to 15 June 2008)	03.09.08
PR 2008/38	Income tax: Macquarie Eucalypt Project 2008	03.09.08
PR 2008/39	Income tax: Great Southern 2008 Renewable Fibre Project	10.09.08
PR 2008/45	Income tax: Great Southern 2008 Wine Grape Income Project – 2008 Growers	10.09.08
PR 2008/13	Income tax: tax consequences of investing in Next Financial Instalments – Series NF 330	22.10.08

Product Rulings – notices of withdrawal

Ruling	Title	Issue date
PR 1999/4	Income tax: Queensland Paulownia Forests Project No. 3	26.03.08
PR 1999/100	Income tax: Queensland Paulownia Forests Project No. 4	26.03.08
PR 2000/96	Income tax: Queensland Paulownia Forests Project No. 4	26.03.08
PR 2001/3	Income tax: Queensland Paulownia Forests Project No. 5	26.03.08
PR 2001/119	Income tax: Queensland Paulownia Forests Project No. 4	26.03.08

Ruling	Title	Issue date
PR 2001/120	Income tax: Queensland Paulownia Forests Project No. 2	26.03.08
PR 2001/121	Income tax: Paulownia Forestry Scheme	26.03.08
PR 2001/141	Income tax: Queensland Paulownia Forests Project No. 5: Extended Offer	26.03.08
PR 2001/176	Income tax: Queensland Paulownia Forests Project No. 6	26.03.08
PR 2002/85	Income tax: Queensland Paulownia Forests Project No. 6	26.03.08
PR 2003/39	Income tax: Queensland Paulownia Forests Project No. 7	26.03.08
PR 2004/19	Income tax: Queensland Paulownia Forests Project No. 8	26.03.08
PR 2004/22	Income tax: Queensland Paulownia Forests Project No. 7 (Revised Arrangement)	26.03.08
PR 2004/48	Income tax: Queensland Paulownia Forests Project No. 4 (6 September 2000 to 13 September 2000)	26.03.08
PR 2004/100	Income tax: Queensland Paulownia Forests Project No. 8 – Capital Forestry Units	26.03.08
PR 2004/101	Income tax: Queensland Paulownia Forests Project No. 8 – Capital Forestry Units (Discounted fees)	26.03.08
PR 2005/38	Income tax: QPFL Project No. 9	26.03.08
PR 2005/39	Income tax: QPFL Project No. 9 – Discounted Fees	26.03.08
PR 2005/42	Income tax: Queensland Paulownia Forests Project No. 8 – Income Forestry Bonds	26.03.08
PR 2006/10	Income tax: Capital Forestry Units 2006 and 2007 – 2006 Financial Year	26.03.08
PR 2006/11	Income tax: Capital Forestry Units 2006 and 2007 – 2007 Financial Year	26.03.08
PR 2006/12	Income tax: The Forestry Project 2006 and 2007 – 2006 Financial Year	26.03.08
PR 2006/13	Income tax: The Forestry Project 2006 and 2007 – 2007 Financial Year	26.03.08
PR 2006/15	Income tax: Income Forestry Bonds 2006 and 2007 – 2006 Financial Year	26.03.08

Ruling	Title	Issue date
PR 2006/16	Income tax: Income Forestry Bonds 2006 and 2007 – 2007 Financial Year	26.03.08
PR 2007/78	Income tax: Limestone Coast Vignettes Project – 2007 Development Vignette Owners (to 31 October 2007)	02.04.08
PR 2007/78	Income tax: Limestone Coast Vignettes Project – 2007 Mature Vignette Owners (to 31 March 2008)	02.04.08
PR 2007/42	Income tax: real Dairy Project No. 1	09.04.08
PR 2007/11	Income tax: tax consequences of rebalancing, contributing to an investment and partially redeeming a unit in the Credit Suisse Asset Management Select Investment Flexible International Share Fund – 2007 Product Disclosure Statement	21.05.08
PR 2007/44	Income tax: Great Southern 2008 Diversified Olives Income Project – 2008 Growers	28.05.08
PR 2007/76	Income tax: Palandri Global Supply Challenge 2007 – 2008 (2008 Growers)	11.06.08
PR 2008/16	Income tax: Alpine Meadows Olive & Walnut Project No. 1	02.07.08
PR 2007/68	Income tax: tax consequences of investing in equities using the Macquarie Geared Equity Investment plus	23.07.08
PR 2008/46	Income tax: Curtis Eastern Project	23.07.08
PR 2008/14	Income tax: Capricorn Timber Indian Sandalwood Project	30.07.08
PR 2007/63	Income tax: Great Southern Plantations 2008 Project	06.08.08
PR 2007/77	Income tax: NTT Mahogany 2006-2008 (2008 Growers)	03.09.08
PR 2007/88	Income tax: Ginseng Australia Project No. 1 (Late Growers)	01.10.08
PR 2008/15	Income tax: Mediterranean Olives Project 2008 – (Joint Venture Growers)	08.10.08
PR 2008/13	Income tax: tax consequences of investing in Next Financial Instalments – Series NF 330	5.11.08
PR 2007/84	Income tax: tax consequences of borrowing in relation to the Momentum Investor Funding Product (Post 30 June 2007)	17.12.08

Product Rulings – notices of erratum

Ruling	Title	Issue date
PR 2008/65	Income tax: Great Southern 2009 High Value Timber Project	29.10.08

Old Series Rulings

13. During the 2008 calendar year the Commissioner of Taxation issued:

Income Tax (IT) Rulings – notices of addendum

Ruling	Title	Issue date
IT 2344	Income tax: trust schemes with non-resident beneficiaries: assessing guidelines: determination of objections: settlement guidelines	27.02.08
IT 2534	Income tax: taxation treatment of directors fees, bonuses, etc	27.02.08
IT 2668	Income tax: barter and countertrade transactions	27.02.08
IT 2466	Income tax: trust distributions of group interest to non-resident beneficiaries: determination of objections	5.03.08
IT 333	Expenditure on spare parts and consumable stores. Whether deduction allowable on usage basis or in year of purchase	30.04.08
IT 363	Mining company: application of Division 330 to principal and sub-contractors engaged in mining operations	30.04.08
IT 2484	Income tax: capital gains: time of acquisition of patent	14.05.08
IT 2111	Income tax: taxation incentives for the Australian film industry	25.06.08
IT 2476	Income tax: taxation incentives for Australian film industry	25.06.08
IT 2629	Income tax: taxation incentives for the Australian film industry	25.06.08

Income Tax (IT) Rulings – notices of withdrawal

Ruling	Title	Issue date
IT 69	Investment allowance – hire of plant	19.03.08
IT 24	Investment allowance – adjustments where leave granted to change accounting period	16.04.08
IT 2078	Division 10AAA – deduction for expenditure on public roads and railways	16.04.08
IT 2569	Extensions of time to pay under section 206	16.04.08
IT 27	Decision of Board of Review re apportionment of investment allowance and power to increase assessment	23.04.08
IT 2278	Income tax: investment allowance: partner using privately owned property in partnership business	23.04.08
IT 2383	Income tax: investment allowance – grant of rights to use a fishing vessel	23.04.08
IT 2502	Income tax: deductibility of management and investment company subscriptions where a broker nominee company is the registered subscriber	23.04.08
IT 2520	Income tax: investment allowance on commander telephone systems	23.04.08
IT 32	Investment allowance – disposal of interest in partnership within 12 months of acquisition	28.05.08
IT 2231	Income tax: investment allowance – unit of property	28.05.08
IT 2328	Income tax: capital gains provisions: interpretation and operation	28.05.08
IT 2442	Income tax: Concession for eligible research and development expenditure	06.08.08
IT 2451	Income tax: Investor funding of research and development activities	06.08.08
IT 2552	Income tax: Research and development (R&D) – costing of expenditure	06.08.08
IT 2444	Income tax: self assessment of income tax returns: amendment of assessments: remission of interest on underpayments of income tax	19.11.08

Ruling	Title	Issue date
IT 2593	Income tax: company self assessment: questions for Commissioner's attention: remission of interest on underpayment of income tax	19.11.08

Last Ruling

14. This is the last Ruling for the 2008 calendar year. The next Ruling will be TR 2009/1.

Commissioner of Taxation
17 December 2008

Previous draft:
Not previously issued as a draft

Related Rulings/Determinations:
TR 2006/10; GSTR 1999/1

Previous Rulings/Determinations:
TR 96/List; TR 97/List;
TR 98/List; TR 99/List;
TR 2000/List; TR 2001/List;
TR 2002/List; TR 2003/List;
TR 2004/List; TR 2005/List;
TR 2006/List; TR 2007/List

Subject references:
- public rulings
- rulings issued in 2001
- rulings issued in 2002
- rulings issued in 2003
- rulings issued in 2004
- rulings issued in 2005
- rulings issued in 2006
- rulings issued in 2007
- rulings issued in 2008

ATO references
NO: 2006/26312
ISSN: 1039-0731
ATOlaw topic: Income Tax ~~ Administration ~~ POA year listing