TR 2010/List - Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2010

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Taxation Ruling

Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2010

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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 2010 calendar year.

Ruling

2. This Ruling lists the documents that have issued during the 2010 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 2010 calendar year the Commissioner of Taxation issued the following.

Draft Taxation Rulings

Ruling	Title	Issue date
TR 2010/D1	Income tax: the relevance of 'economic compulsion' in deciding whether an issuer of a financing arrangement has an 'effectively non-contingent obligation' for the purposes of section 974-135 of the *Income Tax Assessment Act 1997*	24.03.10
TR 2010/D2	Income tax: application of the transfer pricing provisions to business restructuring by multinational enterprises	2.06.10
TR 2010/D3	Income tax: application of subsection 109RB(1) of the *Income Tax Assessment Act 1936*	9.06.10
TR 2010/D4	Petroleum resource rent tax: general pre-conditions common to deductibility of expenditure of a kind referred to in sections 37, 38 and 39 of the *Petroleum Resource Rent Tax Assessment Act 1987*	30.06.10
TR 2010/D5	Petroleum resource rent tax: excluded expenditure under paragraphs 44(j) and 44(k) of the *Petroleum Resource Rent Tax Assessment Act 1987* – administrative, accounting, wages, salary, other work costs, and overhead expenditure; land or buildings for use in accounting or administration not adjacent to the operations site	30.06.10
TR 2010/D6	Petroleum resource rent tax: deductibility of expenditure to procure the carrying on or providing of operations, facilities or other things by another person in relation to a petroleum project, as provided by section 41 of the *Petroleum Resource Rent Tax Assessment Act 1987*	30.06.10
TR 2010/D7	Income tax: business related capital expenditure – section 40-880 of the *Income Tax Assessment Act 1997* core issues	8.12.10

Ruling	Title	Issue date
TR 2010/D8	Income tax: retail premiums paid to shareholders where share entitlements are not taken up or are not available	8.12.10
TR 2010/D9	Income tax: deductibility under subsection 295-465(1) of the *Income Tax Assessment Act 1997* of premiums paid by a complying superannuation fund for an insurance policy providing Total and Permanent Disability cover in respect of its members	15.12.10
TR 2010/D10	Income tax: objections against income tax assessments	15.12.10

Draft Taxation Rulings – notices of erratum

Ruling	Title	Issue date
TR 2010/D7	Income tax: business related capital expenditure – section 40-880 of the *Income Tax Assessment Act 1997* core issues	10.12.10

Taxation Rulings

Ruling	Title	Issue date
TR 2010/1	Income tax: superannuation contributions	25.02.10
TR 2010/2	Income tax: effective life of depreciating assets (applicable from 1 July 2010)	23.06.10
TR 2010/3	Income tax: Division 7A loans: trust entitlements	2.06.10
TR 2010/4	Income tax: capital gains: when a dividend will be included in the capital proceeds from a disposal of shares that happens under a contract or a scheme of arrangement	30.06.10
TR 2010/5	Income tax: the relevance of 'economic compulsion' in deciding whether an issuer of a financing arrangement has an 'effectively non-contingent obligation' for the purposes of section 974-135 of the *Income Tax Assessment Act 1997*	22.09.10

Ruling	Title	Issue date
TR 2010/6	Income tax, Pay As You Go Withholding and fringe benefits tax: tax consequences on the issue, holding and redemption of bonus units as part of an employee benefits trust arrangement	22.09.10
TR 2010/7	Income tax: the interaction of Division 820 of the *Income Tax Assessment Act 1997* and the transfer pricing provisions	27.10.10
TR 2010/8	Income tax: application of subsection 109RB(1) of the *Income Tax Assessment Act 1936*	15.12.10

Taxation Rulings – notices of withdrawal

Ruling	Title	Issue date
TR 2009/4	Income tax: effective life of depreciating assets (applicable from 1 July 2009)	23.06.10
TR 95/29	Income tax: Division 16 – applicability of averaging provisions to beneficiaries of trust estates carrying on a business of primary production	30.06.10
TR 2006/4	Income tax: capital gains: meaning of the words 'the beneficiaries and terms of both trusts are the same' in paragraphs 104-55(5)(b) and 104-60(5)(b) of the *Income Tax Assessment Act 1997*	21.07.10
TR 2001/12	Income tax and capital gains tax: capital gains in pre-CGT tax treaties	13.10.10
TR 2005/18	Income tax: foreign loss quarantining and foreign tax credit system – taxation of Australian resident individual members of Lloyd's	17.11.10
TR 96/12	Income tax: objections against income tax assessments	15.12.10

Taxation Rulings – notices of partial withdrawal

Ruling	Title	Issue date
TR 95/6	Income tax: primary production and forestry	12.05.10

Taxation Rulings – notices of addendum

Ruling	Title	Issue date
TR 93/9	Income tax: deferral of deductions for trading stock purchases involving prepayments	17.02.10
TR 2006/3	Income tax: government payments to industry to assist entities (including individuals) to continue, commence or cease business	17.03.10
TR 2001/3	Income tax: penalty tax and trusts	31.03.10
TR 98/21	Income tax: withholding tax implications of cross border leasing arrangements	30.06.10
TR 93/10	Income tax: whether a resident beneficiary of a non-resident trust estate is allowed a credit for Australian withholding tax	7.07.10
TR 97/2	Income tax: income tax concessions for members of the Australian Defence Force serving overseas	7.07.10
TR 93/33	Income tax: gold mining: tailing dumps as trading stock of gold tailings processors and gold mining operators	20.10.10
TR 94/13	Income tax: cotton growers – trading stock and derivation of income under various selling options	20.10.10
TR 2005/8	Income tax: the meaning of particular terms in the Government Service Articles of Australia's tax treaties	20.10.10
TR 2010/1	Income tax: superannuation contributions	8.12.10

Taxation Rulings – notices of erratum

Ruling	Title	Issue date
TR 2010/1	Income tax: superannuation contributions	17.03.10

Draft Taxation Determinations

Ruling	Title	Issue date
TD 2010/D1	Income tax and fringe benefits tax: can a non-resident employer be: (a) required to withhold amounts from salary and wages paid to an Australian resident employee for work performed overseas under section 12-35 of Schedule 1 to the *Taxation Administration Act 1953*? (b) subject to obligations under the *Fringe Benefits Tax Assessment Act 1986* in relation to benefits provided to an Australian resident employee in relation to work performed overseas?	28.04.10
TD 2010/D2	Income tax: will the exemption in section 102NA of the *Income Tax Assessment Act 1936* continue to apply to a unit trust that has become the interposed trust of a stapled group pursuant to Subdivision 124-Q of the *Income Tax Assessment Act 1997* if the trustee of the unit trust later gains control (or the ability to control), either directly or indirectly, of operations of an entity that are in respect of a trading business within the meaning of section 102M of the *Income Tax Assessment Act 1936*?	18.08.10
TD 2010/D3	Income tax: where an equity interest is a financial arrangement which satisfies both subsections 230-45(1) and 230-50(1) of the *Income Tax Assessment Act 1997*, which provision applies?	20.10.10
TD 2010/D4	Income tax: consolidation: capital gains: does paragraph 40-880(5)(f) of the *Income Tax Assessment Act 1997* prevent the deduction, under section 40-880 of that Act, of incidental costs described in subsection 110-35(2) of that Act that the head company of a consolidated group or MEC group incurs, in acquiring shares in an entity that becomes a subsidiary member of the group, before the entity joins the group?	17.11.10

Ruling	Title	Issue date
TD 2010/D5	Income tax: consolidation: capital gains: does paragraph 40-880(5)(f) of the *Income Tax Assessment Act 1997* prevent the deduction, under section 40-880 of that Act, of incidental costs described in subsection 110-35(2) of that Act that the head company of a consolidated group or MEC group incurs, in acquiring shares in an entity that becomes a subsidiary member of the group, after the entity joins the group?	17.11.10
TD 2010/D6	Income tax: consolidation: capital gains: does paragraph 40-880(5)(f) of the *Income Tax Assessment Act 1997* prevent the deduction, under section 40-880 of that Act, of incidental costs described in subsection 110-35(2) of that Act that the head company of a consolidated group or MEC group incurs, in disposing of shares in a subsidiary member to a non-group entity, after the member leaves the group?	17.11.10
TD 2010/D7	Income tax: is 'Australian source(s)' in subsection 6-5(3) of the *Income Tax Assessment Act 1997* dependant solely on where purchase and sale contracts are executed in respect of the sale of shares in an Australian corporate group acquired in a leveraged buyout by a private equity fund?	1.12.10
TD 2010/D8	Income tax: does the business profits article (Article 7) of Australia's tax treaties apply to Australian sourced business profits of a foreign limited liability partnership (LLP) where the partners in the LLP are residents of a country with which Australia has entered into a tax treaty and the LLP is treated as fiscally transparent in the country of residence of the partners?	1.12.10
TD 2010/D9	Income tax: Division 7A – unpaid present entitlements – factors the Commissioner will take into account in determining the amount of any deemed entitlement arising under section 109XI of the *Income Tax Assessment Act 1936*	15.12.10

Ruling	Title	Issue date
TD 2010/D10	Income tax: Division 7A – payments and loans through interposed entities – factors the Commissioner will take into account in determining the amount of any deemed payment or notional loan arising under section 109T of the *Income Tax Assessment Act 1936*	15.12.10

Draft Taxation Determinations – notices of withdrawal

Ruling	Title	Issue date
TD 2009/D15	Income tax: will a deduction remain allowable under subsection 394-10(1) of the *Income Tax Assessment Act 1997* where a CGT event happens in relation to a participant's forestry interest in a forestry managed investment scheme within 4 years after the end of the income year in which the participant first pays an amount under the scheme (subsection 394-10(5) of that Act)?	14.07.10
TD 2009/D16	Income tax: will a deduction remain allowable under section 8-1 of the *Income Tax Assessment Act 1997* where a CGT event happens in relation to a taxpayer's interest in a section 82KZMG of the *Income Tax Assessment Act 1936* forestry managed investment scheme within 4 years after the end of the income year in which the taxpayer first incurred expenditure under the agreement?	14.07.10

Taxation Determinations

Ruling	Title	Issue date
TD 2010/1	Income tax: consolidation: capital gains: does paragraph 40-880(5)(f) of the *Income Tax Assessment Act 1997* prevent the deduction, under section 40-880 of that Act, of incidental costs described in subsection 110-35(2) of that Act that the head company of a consolidated group or MEC group incurs, in disposing of shares in a subsidiary member to a non-group entity, before the member leaves the group?	24.02.10
TD 2010/2	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 2010?	24.03.10
TD 2010/3	Fringe benefits tax: for the purposes of section 28 of the *Fringe Benefits Tax Assessment Act 1986* what are the indexation factors for valuing non-remote housing for the fringe benefits tax year commencing on 1 April 2010?	24.03.10
TD 2010/4	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 2010?	24.03.10
TD 2010/5	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 2010?	24.03.10
TD 2010/6	Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax year commencing on 1 April 2010?	24.03.10

Ruling	Title	Issue date
TD 2010/7	Income tax: does a change of Responsible Entity of a registered agricultural managed investment scheme affect the tax outcomes for participants if the arrangement continues to be implemented in accordance with the relevant product ruling?	31.03.10
TD 2010/8	Income tax: does the disposal or termination of an interest in a non-forestry managed investment scheme which arises as a result of circumstances outside the control of the taxpayer result in the denial of deductions previously allowed under section 8-1(1)(b) of the *Income Tax Assessment Act 1997* in respect of your contributions to the scheme?	31.03.10
TD 2010/9	Income tax: Is a payment received by an investor in a non-forestry managed investment scheme upon the winding-up of the scheme, that does not involve the disposal of your interest in the scheme to another person, *necessarily* ordinary or statutory income under the *Income Tax Assessment Act 1997*?	31.03.10
TD 2010/10	Income tax: can Part IVA of the *Income Tax Assessment Act 1936* apply to an employee savings plan as described in Taxpayer Alert TA 2008/13?	31.03.10
TD 2010/11	Income tax: can Part IVA of the *Income Tax Assessment Act 1936* apply to a salary deferral arrangement as described in Taxpayer Alert TA 2008/14?	31.03.10
TD 2010/12	Income tax: can Part IVA of the *Income Tax Assessment Act 1936* apply to an asymmetric swap scheme?	28.04.10
TD 2010/13	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 2010?	12.05.10

Ruling	Title	Issue date
TD 2010/14	Income tax: does a failure to plant trees intended to be established under a forestry scheme affect the timing of deductions for expenditure on seasonally dependent agronomic activities where paragraph 8-1(1)(b) of the *Income Tax Assessment Act 1997* and section 82KZMG of the *Income Tax Assessment Act 1936* have previously been ruled to be satisfied?	2.06.10
TD 2010/15	Income tax: does failure to plant all the trees intended to be established under a forestry managed investment scheme covered by Division 394 of the *Income Tax Assessment Act 1997* mean that no deduction is allowable under Division 394 of that Act in respect of a participant's initial contribution to the scheme?	2.06.10
TD 2010/16	Income tax: capital gains: what is the improvement threshold for the 2010-11 income year under section 108-85 of the *Income Tax Assessment Act 1997*?	19.05.10
TD 2010/17	Income tax: what is the car limit for the 2010-11 financial year?	9.06.10
TD 2010/18	Income tax: what is the benchmark interest rate applicable for the year of income that commenced on 1 July 2010 for the purposes of Division 7A of Part III of the *Income Tax Assessment Act 1936* and how is it used?	30.06.10
TD 2010/19	Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2010-11 income year?	30.06.10
TD 2010/20	Income tax: treaty shopping – can Part IVA of the *Income Tax Assessment Act 1936* apply to arrangements designed to alter the intended effect of Australia's International Tax Agreements network?	1.12.10
TD 2010/21	Income tax: can the profit on the sale of shares in a company group acquired in a leveraged buyout be included in the assessable income of the vendor under subsection 6-5(3) of the *Income Tax Assessment Act 1997*?	1.12.10

Taxation Determinations – notices of withdrawal

Ruling	Title	Issue date
TD 2004/2	Income tax: capital gains: is reflection in the 'value' of an asset sufficient to constitute reflection in its 'state' or 'nature' for the fourth element of cost base and reduced cost base (subsections 110-25(5) and 110-55(2) of the *Income Tax Assessment Act 1997* and what are the implications of this issue for a shareholder that makes a non-scrip share capital contribution to a company?	13.01.10
TD 58	Income tax: capital gains: is a principal residence exemption available where a dwelling is owned by a family company or family trust?	10.03.10
TD 92/183	Income tax: as a result of the New Zealand government's decision to impose a tax on the income of superannuation funds from 1 April 1990, what amount should be included as assessable income by an Australian resident in receipt of a pension paid out of these funds?	10.03.10
TD 95/43	Income tax: capital gains: is a sum obtained by a taxpayer under a trauma insurance policy an exempt capital gain under subsection 160ZB(1) of the *Income Tax Assessment Act 1936*?	10.03.10
TD 2004/29	Income tax: can section 79D of the *Income Tax Assessment Act 1936* operate to limit deductions available under Division 10B or Division 10BA of Part III of the *Income Tax Assessment Act 1936*?	10.03.10
TD 92/173	Income tax: capital gains: does subsection 160ZZQ(9) require each spouse to have an interest in each dwelling referred to?	17.03.10
TD 2005/16	Income tax: does paragraph 251L(1)(b) of the *Income Tax Assessment Act 1936* prevent persons other than registered tax agents from giving advice about a taxation law for a fee?	17.03.10

Ruling	Title	Issue date
TD 93/37	Income tax: capital gains: where an asset owned by the deceased at the time of death passes to a remainderman on the death of a life tenant, what is the date of acquisition of the asset by the remainderman?	7.04.10
TD 2004/63	Income tax: where a private company beneficiary of a trust estate is taken to have made a loan under section 109UB of the *Income Tax Assessment Act 1936* because of a loan made by the trustee to a shareholder of the private company or shareholder's associate, are repayments made in relation to the trustee's loan taken into account in determining whether the private company is taken to have paid a dividend under section 109D?	14.04.10
TD 95/8	Income tax: capital gains: can a subsection 160ZZQ(11A) election made for the purposes of subsection 160ZZQ(11) of the *Income Tax Assessment Act 1936* cover more than one period of absence from a taxpayer's sole or principal residence (SPR)?	21.04.10
TD 96/32	Income tax: capital gains: can an index number for a quarter of a year of income be estimated in calculating the indexation factor under subsection 160ZJ(5) or (5A) of the *Income Tax Assessment Act 1936*?	21.04.10
TD 37	Capital gains: when does the grant of a new statutory licence to which section 160ZZPE applies constitute the acquisition of a separate asset?	12.05.10
TD 50	Income tax: capital gains: where post-CGT land has been held for more than 12 months, is indexation available in relation to the cost of a house built for investment purposes on the land and sold within 12 months of construction?	12.05.10
TD 51	Capital gains: what factors are taken into account in determining whether or not a dwelling is a taxpayer's sole or principal residence?	19.05.10

Ruling	Title	Issue date
TD 92/134	Income tax: capital gains: how is a capital gain or loss determined if a dwelling has been occupied as a sole or principal residence for part only of the period of ownership?	19.05.10
TD 93/43	Income tax: capital gains: what is the amount of the consideration received in respect of the disposal of an asset where the consideration consists of shares which will be delivered at a later date and decline in value prior to delivery?	19.05.10
TD 93/45	Income tax: capital gains: if the parties to a contract for the sale of an asset renegotiate prior to settlement a lesser sum than the consideration originally agreed to, what is the consideration in respect of the resulting disposal and acquisition?	19.05.10
TD 95/9	Income tax: capital gains: if an election made for the purposes of subsection 160ZZQ(11) of the *Income Tax Assessment Act 1936* covers more than one period of absence from a taxpayer's sole or principal residence (SPR), is the six year period referred to in subparagraph 160ZZQ(11)(d)(iii) available in relation to each period of absence?	19.05.10
TD 93/5	Income tax: in which circumstances is the construction cost of an access road incurred by a person carrying on timber operations for the purpose of gaining or producing assessable income an allowable deduction?	23.06.10
TD 2004/14	Income tax: capital gains: does CGT event E2 in section 104-60 of the *Income Tax Assessment Act 1997* happen if a CGT asset is transferred between two trusts and the beneficiaries and terms of both trusts are the same?	21.07.10
TD 93/181	Income tax: capital gains: a building acquired pre-CGT is relocated to land acquired post-CGT – can the relocation costs be included in the cost base of the post-CGT land?	8.09.10
TD 10	Capital Gains: what are acceptable valuations for CGT purposes?	3.11.10

Ruling	Title	Issue date
TD 93/48	Income tax: is a deduction for borrowing costs allowable under section 67 of the *Income Tax Assessment Act 1936* when a loan does not proceed?	3.11.10
TD 93/70	Income tax: 1. are live pearl oysters (*Pinctada maxima*) used in a business of pearl culture, trading stock for the purposes of *Income Tax Assessment Act 1936*? 2. What is the value to be allocated to live pearl oysters used in a business of pearl culture pursuant to section 32?	3.11.10
TD 2005/19	Income tax: consolidation: does the phrase 'could be recognised in the joining entity's statement of financial position' in subsection 705-90(2) of *Income Tax Assessment Act 1997* refer to the application of accounting policies consistent with the established accounting framework in preparing an entity's notional statement of financial position as at the joining time?	17.11.10
TD 2006/60	Income tax: consolidation: is a deferred tax liability recognised and measured in accordance with AASB 1020 (AAS 3) Income Taxes (the 1999 standard) an accounting liability under subsection 705-70(1) where the 1999 standard was not adopted for the recognition and measurement of the liability for financial reporting purposes for the period within which the joining time occurred?	17.11.10

Taxation Determinations – notices of addendum

Ruling	Title	Issue date
TD 92/174	Income tax: capital gains: how does subsection 160ZZQ(9) interact with subsection 160ZZQ(11)?	10.03.10

Ruling	Title	Issue date
TD 93/126	Income tax: once commissioned plant has been handed over to its owner, is the expenditure incurred by a company in bringing the said plant into a fully operational state, deductible under subsection 51(1) of the *Income Tax Assessment Act 1936*?	10.03.10
TD 92/172	Income tax: capital gains: do the dwellings referred to in subsection 160ZZQ(9) have to be post-CGT assets?	17.03.10
TD 92/129	Income tax: capital gains: if a person builds a principal residence straddling two post-CGT blocks acquired at different times, what is the 'relevant commencing date' for the purposes of subsection 160ZZQ(5AA) of the *Income Tax Assessment Act 1936*?	24.03.10
TD 93/184	Income tax: capital gains: does the relocation of a building come within the meaning of 'constructed' in subsection 160P(2) of the *Income Tax Assessment Act 1936*?	31.03.10
TD 96/18	Income tax: capital gains: if after 19 September 1985 a person makes a capital improvement to a pre-CGT asset, does subsection 160P(6) of the *Income Tax Assessment Act 1936* deem the improvement to be a separate asset on the person's death or on any later disposal by the legal personal representative (LPR) or a beneficiary?	31.03.10
TD 92/158	Income tax: capital gains: can the following comprise a 'dwelling' and therefore be eligible for exemption as a sole or principal residence: (i) a structure built underground? (ii) a yacht? (iii) a tent?	21.04.10
TD 92/171	Income tax: capital gains: does the principal residence exemption extend to additional land acquired after the time of acquisition of the residence?	21.04.10

Ruling	Title	Issue date
TD 93/36	Income tax: capital gains: what are the capital gains tax consequences where a legal personal representative (LPR) purchases an asset to satisfy a general legacy?	21.04.10
TD 93/180	Income tax: capital gains: how is the removal of a building from a block of land that does not amount to a loss or destruction, treated for CGT purposes?	21.04.10
TD 93/182	Income tax: capital gains: when will a building which is relocated to pre-CGT land be treated as a separate asset under subsection 160P(2)?	21.04.10
TD 93/183	Income tax: capital gains: what are the CGT implications of removing a post-CGT building from post-CGT land and relocating it on pre-CGT land?	21.04.10
TD 92/162	Income tax: is the cost of a corporate box with associated advertising signs allowable as a deduction?	28.04.10
TD 92/135	Income tax: capital gains: is the principal residence exemption relevant when the proceeds of sale of a dwelling are treated as income under ordinary concepts?	12.05.10
TD 92/147	Income tax: capital gains: how soon after erection must a dwelling become the sole or principal residence of a taxpayer to satisfy the conditions in subsection 160ZZQ(5)?	12.05.10
TD 95/7	Income tax: capital gains: does subsection 160M(12) of the *Income Tax Assessment Act 1936* prevent a taxpayer from making an election under subsection 160ZZQ(11A) for a sole or principal residence (SPR) that the taxpayer owned before becoming a resident of Australia?	12.05.10

Ruling	Title	Issue date
TD 96/19	Income tax: capital gains: if a person (A): • improves a pre-CGT asset to which subsection 160P(6) applies; and • disposes of the improved asset to A's spouse (B) under an order of the Court under the *Family Law Act 1975* following marriage breakdown, how does section 160ZZM apply: (i) to the disposal of the improved asset by A; and (ii) to any later disposal of the improved asset by B?	19.05.10
TD 96/21	Income tax: capital gains: if after 19 September 1985 a taxpayer makes a capital improvement to a pre-CGT principal residence, and the improvement is deemed to be a separate asset under subsection 160P(6) of the *Income Tax Assessment Act 1936*, is a disposal of that asset subject to the exemption for a principal place of residence?	19.05.10
TD 97/3	Income tax: capital gains: if a parcel of land acquired after 19 September 1985 is subdivided into lots ('blocks'), does Part IIIA of the *Income Tax Assessment Act 1936* treat a disposal of a block of the subdivided land as the disposal of part of an asset (the original land parcel) or the disposal of an asset in its own right (the subdivided block)?	19.05.10
TD 96/45	Income tax: where a wholesaler's account for trading stock provides a retailer with a prompt payment discount which can be accumulated in an account, applied to the acquisition of new shares or transferred to an affiliated person or persons or company: • can the retailer claim a deduction for the full purchase price; and • is the discount assessable?	16.06.10

Ruling	Title	Issue date
TD 95/48	Income tax: a wholesaler of computers lends demonstration computers (demonstrators) to prospective purchasers (excluding retailers) on the basis of 'approval, exchange or return' or to retailers for display purposes only. The wholesaler retains ownership at the time of providing the demonstrators. The demonstrators are not on consignment. Are the demonstrators 'trading stock' of the wholesaler for the purposes of subsection 6(1) and 'trading stock on hand' of the wholesaler for the purposes of subsection 28(1) of the *Income Tax Assessment Act 1936* (the Act)?	23.06.10
TD 93/29	Income tax: if an employee incurs legal expenses recovering wages paid by a dishonoured cheque, are these legal expenses an allowable deduction under subsection 51(1) of the *Income Tax Assessment Act 1936*?	11.08.10
TD 2005/2	Income tax: does a resident of a country with which Australia has a Tax Treaty, have a permanent establishment solely from the sale of trading stock through an internet website hosted by an Australian resident internet service provider?	22.09.10
TD 2006/51	Income tax: can a dividend, or part of a dividend, be non-assessable non-exempt income under both section 23AJ and section 23AI of the *Income Tax Assessment Act 1936*?	10.11.10
TD 93/127	Income tax: trading stock of gold miners: what is the application of subsection 31(2) of the *Income Tax Assessment Act 1936* to the low grade ore stocks where the notional market selling value is below cost?	17.11.10
TD 93/242	Income tax: what is the income tax treatment of a deferred salary payment agreement?	1.12.10

Ruling	Title	Issue date
TD 94/60	Income tax: are bar shouts and in-house competition prizes of cash and liquor, supplied by hoteliers to encourage patronage, allowable deductions, and if so, what documentation is acceptable to support the amount claimed?	1.12.10
TD 2006/52	Income tax: can a dividend, or part of a dividend, be non-assessable non-exempt income under both section 23AJ and section 23AK of the *Income Tax Assessment Act 1936*?	22.12.10

Goods and Services Tax Rulings, Determinations and Bulletins

4. During the 2010 calendar year the Commissioner of Taxation issued:

Draft Goods and Services Tax Rulings

Ruling	Title	Issue date
GSTR 2010/D1	Goods and services tax: interest free loans received by the developer of a retirement village	9.06.10

Draft Goods and Services Tax Rulings – notices of addenda

Ruling	Title	Issue date
GSTR 2006/11DA	Goods and services tax: appropriations	10.11.10

Goods and Services Tax Rulings

Ruling	Title	Issue date
GSTR 2010/1	Goods and services tax: application of Division 165 of *A New Tax System (Goods and Services Tax) Act 1999* where a land owner engages the services of an associate to arrange construction of residential premises for lease under an arrangement described in Taxpayer Alert TA 2009/5	29.09.10

Goods and Services Tax Rulings – notices of withdrawal

Ruling	Title	Issue date
GSTR 1999/1	Goods and services tax: the GST rulings system	30.06.10

Goods and Services Tax Rulings – notices of addendum

Ruling	Title	Issue date
GSTR 2006/7	Goods and services tax: how the margin scheme applies to a supply of real property made on or after 1 December 2005 that was acquired or held before 1 July 2000	3.03.10
GSTR 2006/8	Goods and services tax: the margin scheme for supplies of real property acquired on or after 1 July 2000	3.03.10
GSTR 2009/1	Goods and services tax: general law partnerships and the margin scheme	3.03.10
GSTR 2009/2	Goods and services tax: partitioning of land	3.03.10
GSTR 2004/2	Goods and services tax: what is a joint venture for GST purposes?	4.08.10
GSTR 2004/3	Goods and services tax: arrangements of the kind described in Taxpayer Alert TA 2004/2 – Avoidance of GST on the sale of new residential premises	4.08.10
GSTR 2005/3	Goods and services tax: arrangements of the kind described in Taxpayer Alert TA 2004/9 – Exploitation of the second-hand goods provisions to obtain input tax credits	4.08.10
GSTR 2005/4	Goods and services tax: arrangements of the kind described in Taxpayer Alerts TA 2004/6 and TA 2004/7: use of the Grouping or Margin Scheme provisions of the GST Act to avoid or reduce the Goods and Services Tax on the sale of new residential premises	4.08.10
GSTR 2003/5	Goods and Services Tax: Vouchers	18.08.10
GSTR 2006/4	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	18.08.10
GSTR 2002/3	Goods and services tax: prizes	25.08.10

Ruling	Title	Issue date
GSTR 2005/3	Goods and services tax: arrangements of the kind described in Taxpayer Alert TA 2004/9 – exploitation of the second-hand goods provisions to obtain input tax credits	13.10.10
GSTR 2002/5	Goods and services tax: when is a 'supply of a going concern' GST-free?	1.12.10

Goods and Services Tax Rulings – notices of erratum

Ruling	Title	Issue date
GSTR 1999/1W	Goods and services tax: the GST rulings system	14.07.10

Goods and Services Tax Determinations – notices of withdrawal

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?	4.08.10
GSTD 2010/1	Goods and services tax: are there GST consequences where a land owner engages the services of an associate to arrange construction of residential premises for lease under an arrangement described in Taxpayer Alert TA 2009/5?	29.09.10

Goods and Services Tax Determinations – notices of addendum

Ruling	Title	Issue date
GSTD 2004/2	Goods and services tax: are all supplies made by the entity nominated as the joint venture operator to entities that are participants in the GST joint venture to be treated as if they are not taxable supplies?	4.08.10

Luxury Car Tax Determinations

5. During the 2010 calendar year the Commissioner of Taxation issued:

Luxury Car Tax Determinations

Ruling	Title	Issue date
LCTD 2010/1	Luxury car tax: what is the luxury car tax threshold and the fuel-efficient car limit for the 2010-11 financial year?	9.06.10

Self Managed Superannuation Funds Rulings and Determinations

6. During the 2010 calendar year the Commissioner of Taxation issued:

Self Managed Superannuation Funds Rulings

Ruling	Title	Issue date
SMSFR 2010/1	Self Managed Superannuation Funds: the application of subsection 66(1) of the *Superannuation Industry (Supervision) Act 1993* to the acquisition of an asset by a self managed superannuation fund from a related party	25.02.10
SMSFR 2010/2	Self Managed Superannuation Funds: the scope and operation of subparagraph 17A(3)(b)(ii) of the *Superannuation Industry (Supervision) Act 1993*	21.04.10

Self Managed Superannuation Funds Rulings – notices of addendum

Ruling	Title	Issue date
SMSFR 2009/4	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*	21.04.10

Self Managed Superannuation Funds Determinations

Ruling	Title	Issue date
SMSFD 2010/1	Self Managed Superannuation Funds: can a trustee of a self managed superannuation fund purchase a trauma insurance policy in respect of a member and still satisfy the sole purpose test in section 62 of the *Superannuation Industry (Supervision) Act 1993*?	21.04.10

Draft Self Managed Superannuation Funds Determinations

Ruling	Title	Issue date
SMSFD 2010/D1	Self Managed Superannuation Funds: for the purposes of the Superannuation Industry (Supervision) Regulations 1994, can a benefit payable with a cheque or promissory note be 'cashed' at the time the cheque or note is issued?	28.07.10

Superannuation Guarantee Rulings and Determinations

7. During the 2010 calendar year the Commissioner of Taxation issued:

Superannuation Guarantee Rulings – notices of withdrawal

Ruling	Title	Issue date
SGR 94/2	Superannuation guarantee: extension of time under the *Superannuation Guarantee (Administration) Act 1992* (SGAA)	19.05.10

Superannuation Guarantee Rulings – notices of addendum

Ruling	Title	Issue date
SGR 2009/1	Superannuation guarantee: payments made to sportspersons	24.02.10

Superannuation Guarantee Determinations – notices of withdrawal

Ruling	Title	Issue date
SGD 93/7	What is the maximum contribution base for each contribution period in 1993-94?	7.07.10
SGD 94/7	What is the maximum contribution base for each contribution period in 1994-95?	7.07.10
SGD 95/2	What is the maximum contribution base for each contribution period in 1995-96?	7.07.10
SGD 96/1	What is the maximum contribution base for each contribution period in 1996-97?	7.07.10
SGD 97/2	Superannuation guarantee: what is the maximum contribution base for each contribution period in 1997-98?	7.07.10
SGD 98/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 1998-99?	7.07.10
SGD 1999/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 1999-2000?	7.07.10

Ruling	Title	Issue date
SGD 2000/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 2000-2001?	7.07.10
SGD 2001/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 2001-2002?	7.07.10
SGD 2002/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 2002-2003?	7.07.10
SGD 2003/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 2003-2004?	7.07.10
SGD 2004/1	Superannuation guarantee: what is the maximum contribution base for a quarter in the 2004-2005 year?	7.07.10
SGD 2005/1	Superannuation guarantee: what is the maximum contribution base for a quarter in the 2005-06 year?	7.07.10
SGD 2006/1	Superannuation guarantee: what is the maximum contribution base for a quarter in the 2006-2007 financial year?	7.07.10

Superannuation Guarantee Determinations – notices of addendum

Ruling	Title	Issue date
SGD 2005/2	Superannuation guarantee: is a contribution to a complying superannuation fund or a retirement savings account for the benefit of an employee made when the employer makes the contribution to a clearing house?	29.09.10

Fuel Tax Rulings and Determinations

8. During the 2010 calendar year the Commissioner of Taxation issued:

Draft Fuel Tax Determinations

Ruling	Title	Issue date
FTD 2010/D1	Fuel tax: is apportionment used when determining total fuel tax credits in calculating the net fuel amount under section 60-5 of the *Fuel Tax Act 2006*?	19.05.10

Fuel Tax Determinations

Ruling	Title	Issue date
FTD 2010/1	Fuel tax: is apportionment used when determining total fuel tax credits in calculating the net fuel amount under section 60-5 of the *Fuel Tax Act 2006*?	28.07.10

Fuel Tax Determinations – notices of withdrawal

Ruling	Title	Issue date
FTD 2006/1	Fuel tax: for the purposes of calculating your entitlement to a fuel tax credit what methods can be used to calculate the quantity of taxable fuel that you acquire, manufacture in, or import into, Australia for use in carrying on your enterprise or for use in generating electricity for domestic use?	28.07.10

Fuel Tax Determinations – notices of addendum

Ruling	Title	Issue date
FTD 2006/2	Fuel tax: what records are required to be kept by taxpayers to substantiate a claim for a fuel tax credit?	20.10.10

Wine Equalisation Tax Rulings

9. During the 2010 calendar year the Commissioner of Taxation issued:

Draft Wine Equalisation Tax Rulings

Ruling	Title	Issue date
WETD 2010/D1	Wine equalisation tax: what are the results for entities that engage in an arrangement described in Taxpayer Alert TA 2009/7?	3.11.10

Wine Equalisation Tax Rulings – notices of erratum

Ruling	Title	Issue date
WETR 2002/1W	Wine equalisation tax: the WET rulings system	14.07.10

Wine Equalisation Tax Determinations

Ruling	Title	Issue date
WETD 2010/1	Wine equalisation tax: what are the results for Wine Equalisation Tax purposes for entities engaging in an arrangement described in Taxpayer Alert TA 2009/6?	24.02.10

Miscellaneous Taxation Rulings

10. During the 2010 calendar year the Commissioner of Taxation issued:

Miscellaneous Taxation Rulings

Ruling	Title	Issue date
MT 2010/1	Miscellaneous tax: restrictions on GST refunds under section 105-65 of Schedule 1 to the *Taxation Administration Act 1953*	15.12.10

Class Rulings

11. During the 2010 calendar year the Commissioner of Taxation issued:

Class Rulings

Ruling	Title	Issue date
CR 2010/1	Income tax: treatment of payments received under the Murrumbidgee Catchment Management Authority Lower Murrumbidgee EcoTender program	13.01.10
CR 2010/2	Income tax: proposed return of capital: Customers Limited	3.02.10
CR 2010/3	Income tax: return of capital: Lion Selection Limited	24.02.10
CR 2010/4	Income tax: demerger of Lion Selection Group Ltd by Lion Selection Ltd	24.02.10
CR 2010/5	Income tax: allowances received by attendees at Centrelink reference group meetings	24.02.10
CR 2010/6	Income tax: scrip for scrip: exchange of Unilife Medical Solutions Limited shares or options for equivalent Unilife Corporation securities	24.02.10
CR 2010/7	Fringe benefits tax: health services provided by Wesley Corporate Health	17.03.10
CR 2010/8	Income tax: assessability of lump sum compensation receipts and interest paid under section 45A of the *Workers Rehabilitation and Compensation Act 1986* (South Australia)	17.03.10
CR 2010/9	Income tax: assessable income – Keno commission received by registered NSW Clubs	24.03.10
CR 2010/10	Income tax and fringe benefits tax: lump sum payments under the ANZ New Career Training Fund and the Past Employee Care Fund	7.04.10
CR 2010/11	Income tax: James Cook University Business Partnership Program Scholarship	28.04.10
CR 2010/12	Income tax: Department for Families and Communities Self-Managed Funding Scheme	5.05.10

Ruling	Title	Issue date
CR 2010/13	Fringe benefits tax: employer clients of PBI Benefit Solutions Pty Ltd who enter into arrangements to reimburse the mortgage payments of participating employees	5.05.10
CR 2010/14	Income tax: Seven Group Holdings Limited – Issue of Transferable Extendable Listed Yield Shares 4	12.05.10
CR 2010/15	Income tax: early retirement scheme – The Association of Professional Engineers, Scientists, Managers, Australia	12.05.10
CR 2010/16	Income tax: proposed return of capital: Oceania Capital Partners Limited	19.05.10
CR 2010/17	Income tax: Selective Capital Reduction: Coal and Allied Industries Limited	19.05.10
CR 2010/18	Income tax: proposed return of capital: Energy Infrastructure Trust	19.05.10
CR 2010/19	Income tax: scrip for scrip: exchange of Seven Network Limited shares for equivalent Seven Group Holdings Limited shares	26.05.10
CR 2010/20	Income tax: scrip for scrip: merger of MyState Financial Credit Union of Tasmania Limited and Tasmanian Perpetual Trustees Limited (MyState Financial Credit Union of Tasmanian shareholders)	16.06.10
CR 2010/21	Income tax: scrip for scrip: merger of MyState Financial Credit Union of Tasmania Limited and Tasmanian Perpetual Trustees Limited (Tasmanian Perpetual Trustees shareholders)	16.06.10
CR 2010/22	Income tax: scrip for scrip roll-over: acquisition of units in Mirvac Real Estate Investment Trust by Mirvac Property Trust	16.06.10
CR 2010/23	Income tax: Queensland Health Bonded Medical Scholarships	30.06.10
CR 2010/24	Income tax: early retirement scheme – Sunshine Coast Regional Council	30.06.10
CR 2010/25	Income tax: proposed return of capital: Minara Resources Limited	7.07.10
CR 2010/26	Income tax: South Australian Bonded Medical Scholarship Scheme	7.07.10

Ruling	Title	Issue date
CR 2010/27	Income tax: employment termination payment: Monadelphous Engineering Associates Pty Ltd	14.07.10
CR 2010/28	Income tax: employment termination payment: WA Construction Industry Redundancy Fund	21.07.10
CR 2010/29	Income tax: employment termination payment: WA Construction Industry Redundancy (No 2) Fund	21.07.10
CR 2010/30	Income tax: Unilife Group restructure – employee share scheme – treatment of unlisted options	21.07.10
CR 2010/31	Income tax: van Eyk Three Pillars Limited: proposed return of capital and share consolidation	28.07.10
CR 2010/32	Income tax: Off market takeover of Corporate Express Australia Limited and Special Dividend	28.07.10
CR 2010/33	Income tax: demerger of Dart Energy Limited by Arrow Energy Limited	4.08.10
CR 2010/34	Income tax: demerger of DuluxGroup Limited by Orica Limited	4.08.10
CR 2010/35	Income tax: scrip for scrip roll-over: exchange of units in Westpac Office Trust for Mirvac Group stapled securities	4.08.10
CR 2010/36	Fringe benefits tax: employers who implement the SmartSalary Holiday Accommodation and Venue Hire Benefit arrangement and who satisfy the provisions of section 57A of the Fringe Benefits Tax Assessment Act 1986	4.08.10
CR 2010/37	Income tax: University of Melbourne Master of Veterinary Science (Clinical) and Advanced Clinical Practicum scholarship	4.08.10
CR 2010/38	Income tax: return of capital: Customers Limited	11.08.10
CR 2010/39	Income tax: proposed return of capital: Ramelius Resources Limited	11.08.10
CR 2010/40	Income tax: payments from Redundancy Payment Central Fund No 2 and Redundancy Payment Approved Worker Entitlement Fund 2	11.08.10

Ruling	Title	Issue date
CR 2010/41	Income tax: return of capital: in specie distribution of shares by Trafford Resources Limited	11.08.10
CR 2010/42	Income tax: demerger of DuluxGroup Limited by Orica Limited – General Employee Exempt Share Plan	18.08.10
CR 2010/43	Income tax: destapling of the Asciano Group – Asciano Option and Rights Plan	18.08.10
CR 2010/44	Income tax: research and development: membership funding for the ACA Low Emissions Technologies Program	25.08.10
CR 2010/45	Income tax: early retirement scheme – Ambulance Victoria	25.08.10
CR 2010/46	Income tax: capital gains tax: conversion of Abalone Fishermen's Co-operative Limited to a company registered under the *Corporations Act 2001*	1.09.10
CR 2010/47	Income tax: capital gains tax: exchange of units in Asciano Finance Trust for shares in Asciano Limited	8.09.10
CR 2010/48	Income tax: assessable income: Football Umpires: Northern Tasmanian Football League	22.09.10
CR 2010/49	Income tax: treatment of transfer payments to employees in connection with the NSW Energy Reform Strategy	22.09.10
CR 2010/50	Fringe benefits tax: employer clients of PBI Benefit Solutions Pty Ltd who are subject to the provisions of section 57A of the *Fringe Benefits Tax Assessment Act 1986* whose employees make use of an Employee Benefits Card (Leisure Accommodation and Venue Hire) facility	6.10.10
CR 2010/51	Income tax: taxation of Joint Petroleum Development Area (JPDA) employment income: foreign income tax offsets – employees of ConocoPhillips Australia Pty Ltd and ConocoPhillips (03-12) Pty Ltd	6.10.10
CR 2010/52	Income tax: taxation of Joint Petroleum Development Area (JPDA) employment income: foreign income tax offsets – employees of Farstad Shipping (Indian Pacific) Pty Ltd	6.10.10

Ruling	Title	Issue date
CR 2010/53	Income tax: demerger of White Rock Minerals Limited by Rex Minerals Limited	13.10.10
CR 2010/54	Income tax: demerger of Macquarie Atlas Roads International Limited by Intoll International Limited	13.10.10
CR 2010/55	Income tax: demerger of Macquarie Atlas Roads Limited by Intoll Trust (II)	13.10.10
CR 2010/56	Income tax: assessable income: employees of the Australian Public Service deployed to Papua New Guinea as part of the Strongim Gavman Program	20.10.10
CR 2010/57	Income tax: Healthscope Limited Scheme of Arrangement and Proposed Special Dividend	20.10.10
CR 2010/58	Income tax: treatment of transfer payments to employees of Country Energy following the sale of Country Energy Gas Pty Ltd (Gas Networks)	27.10.10
CR 2010/59	Income tax: early retirement scheme – Queensland University of Technology	3.11.10
CR 2010/60	Income tax: Mitchell Communication Group Limited Scheme of Arrangement	3.11.10
CR 2010/61	Income tax: early retirement scheme - Forestry Plantations Queensland Pty Ltd	3.11.10
CR 2010/62	Income tax: off-market share buy-back: Woolworths Limited	10.11.10
CR 2010/63	Income tax: scrip for scrip: exchange of shares in Lihir Gold Limited for shares in Newcrest Mining Limited	10.11.10
CR 2010/64	Income tax: AWB Limited Scheme of Arrangement and Proposed Special Dividend	17.11.10
CR 2010/65	Income tax: treatment of transfer payments to employees of Waste Recycling and Processing Corporation (WSN) following the sale of WSN to the private sector	17.11.10
CR 2010/66	Fringe benefits tax: employers who participate in the Local Government Employees Health Plan	24.11.10
CR 2010/67	Income tax: return of capital: Centrepoint Alliance Limited	24.11.10

Ruling	Title	Issue date
CR 2010/68	Income tax: exchange of shares in Suncorp-Metway Limited for shares in Suncorp Group Limited	1.12.10
CR 2010/69	Income tax: return of capital: Multiplex Acumen Vale Syndicate Limited	1.12.10
CR 2010/70	Income tax: itX Group Limited Scheme of Arrangement and proposed Agreed Dividend	1.12.10
CR 2010/71	Income tax: scrip for scrip: merger of Choiseul Investments Limited and Milton Corporation Limited	1.12.10
CR 2010/72	Income tax: Accenture Group reorganisation – scrip for scrip roll-over: exchange of Accenture Limited shares for equivalent Accenture plc shares	8.12.10
CR 2010/73	Income tax: Macquarie Group Employee Retained Equity Plan	8.12.10
CR 2010/74	Income tax: demerger of Austgrowth Property Syndicate No. 18 Unit Trust	15.12.10
CR 2010/75	Income tax: Breville Group – Performance Rights Plan	15.12.10
CR 2010/76	Income tax: treatment of payments received under the Murrumbidgee Catchment Management Authority Murrumbidgee EcoTender II project	15.12.10
CR 2010/77	Income tax: capital gains tax: Westfield Group – creating a new stapled security	15.12.10
CR 2010/78	Income tax: demerger of Teranga Gold Corporation Limited by Mineral Deposits Limited	22.12.10
CR 2010/79	Income tax: Wridgways Australia Limited Scheme of Arrangement and Discretionary Special Dividend	22.12.10

Class Rulings – notices of withdrawal

Ruling	Title	Issue date
CR 2006/94	Income tax: taxation of Joint Petroleum Development Area (JPDA) employment income: foreign tax credits – employees of ConocoPhillips Australia Pty Ltd and ConocoPhillips (03-12) Pty Ltd	6.10.10

Ruling	Title	Issue date
CR 2006/95	Income tax: taxation of Joint Petroleum Development Area (JPDA) employment income: foreign tax credits – employees of Farstad Shipping (Indian Pacific) Pty Ltd	6.10.10
CR 2006/119	Income tax: assessable income: employees of the Australian Public Service and the Australian Federal Police working in Papua New Guinea as part of the Enhanced Cooperation program	20.10.10

Class Rulings – notices of addendum

Ruling	Title	Issue date
CR 2009/14	Income tax: Goldman Sachs JBWere Capital Markets Limited; Goldman Sachs JBWere Group Holdings Pty Limited – Goldman Sachs JBWere Redeemable Capital Securities	7.07.10
CR 2010/63	Income tax: scrip for scrip: exchange of shares in Lihir Gold Limited for shares in Newcrest Mining Limited	15.12.10

Class Rulings – notices of erratum

Ruling	Title	Issue date
CR 2010/14	Income tax: Seven Group Holdings Limited – Issue of Transferable Extendable Listed Yield Shares 4	26.05.10

Product Rulings

12. During the 2010 calendar year the Commissioner of Taxation issued:

Product Rulings

Ruling	Title	Issue date
PR 2010/1	Income tax: AgriWealth 2010 Timber Project	3.02.10
PR 2010/2	Income tax: 2010 Grain Co-Production Project	17.02.10

Ruling	Title	Issue date
PR 2010/3	Income tax: AIL Almond Grower Project – 2010 (on or before 15 June 2010)	24.02.10
PR 2010/4	Income tax: Willmott Forests Premium Forestry Blend 2010 Project	3.03.10
PR 2010/5	Income tax: Gunns Plantations Limited Woodlot Project 2010	17.03.10
PR 2010/6	Income tax: TFS Sandalwood Project 2010	24.03.10
PR 2010/7	Income tax: tax consequences of investing in Westpac Deferred Purchase Agreements – Westpac Maximiser	31.03.10
PR 2010/8	Income tax: Rewards Group Premium Timber Project 2010	14.04.10
PR 2010/9	Income tax: Macquarie Eucalypt Project 2010 (pre 1 July 2010 Growers)	28.04.10
PR 2010/10	Income tax: Elders Diversified Forestry Project 2010 – Regular Contribution Investors	12.05.10
PR 2010/11	Income tax: Elders Diversified Forestry Project 2010 – Single Contribution Investors	12.05.10
PR 2010/12	Income tax: TFS Spicatum Project 2010	19.05.10
PR 2010/13	Income tax: deductibility of interest incurred on borrowings in relation to Macquarie Fusion Funds – June 2010 Offer	19.05.10
PR 2010/14	Income tax: WA Blue Gum Project 2010	9.06.10
PR 2010/15	Income tax: Australia Wide Timbers Project	16.06.10
PR 2010/16	Income tax: deductibility of interest in relation to investment in Macquarie Flexi 100 Trust June 2010 Offer (Class H to P Units) – full recourse borrowings	23.06.10
PR 2010/17	Income tax: deductibility of interest in relation to investment in Macquarie Flexi 100 Trust June 2010 Offer (Class H to P Units) – limited recourse borrowings	30.06.10
PR 2010/18	Income tax: capital gains tax consequences for a Beneficiary of an Insurance Trust Deed	1.09.10
PR 2010/19	Income tax: tax consequences of investing in Westpac Deferred Purchase Agreements – Westpac Maximiser Series 2	1.09.10

Ruling	Title	Issue date
PR 2010/20	Income tax: National Viticulture Fund of Australia Project No. 3	22.09.10
PR 2010/21	Income tax: National Viticulture Fund of Australia Project No. 3 (1 November 2004 – 15 June 2005 Growers)	22.09.10
PR 2010/22	Income tax: Great Southern 2007 High Value Timber Project – Replacement Responsible Entity	10.11.10
PR 2010/23	Income tax: Great Southern 2008 High Value Timber Project – Replacement Responsible Entity	10.11.10
PR 2010/24	Income tax: AgriWealth 2011 Timber Project	17.11.10
PR 2010/25	Income tax: deductibility of interest in relation to investment in units in the Macquarie Flexi 100 Trust offered under the PDS dated 13 September 2010 and issued on or before 30 June 2011 – limited recourse borrowings	17.11.10
PR 2010/26	Income tax: deductibility of interest in relation to investment in units in the Macquarie Flexi 100 Trust offered under the PDS dated 13 September 2010 and issued on or before 30 June 2011 – full recourse borrowings	17.11.10
PR 2010/27	Income tax: Great Southern 2007 Almond Income Project (Replacement Responsible Entity)	1.12.10
PR 2010/28	Income tax: Great Southern 2008 Almond Income Project (Replacement Responsible Entity)	1.12.10
PR 2010/29	Income tax: 2005 Swan Hill Almond Grower Project (2005 Growers)	15.12.10
PR 2010/30	Income tax: 2005 Swan Hill Almond Grower Project (2006 Growers)	15.12.10

Product Rulings – notices of withdrawal

Ruling	Title	Issue date
PR 2010/8	Income tax: Rewards Group Premium Timber Project 2010	23.06.10
PR 2010/15	Income tax: Australia Wide Timbers Project	25.08.10

Ruling	Title	Issue date
PR 2007/7	Income tax: Great Southern 2007 High Value Timber Project (2007 Growers)	10.11.10
PR 2007/70	Income tax: Great Southern 2008 High Value Timber Project	10.11.10
PR 2007/34	Income tax: Great Southern 2007 Almond Income Project	1.12.10
PR 2007/102	Income tax: Great Southern 2008 Almond Income Project	1.12.10
PR 2007/10	Income tax: Palandri Global Supply Challenge 2007-2008 (2007 Growers)	15.12.10
PR 2007/46	Income tax: Palandri Global Supply Challenge 2007-2008 (2007 Growers using finance from Allco Managed Investment Ltd)	15.12.10
PR 2007/76	Income tax: Palandri Global Supply Challenge 2007-2008 (2008 Growers)	15.12.10

Product Rulings – notices of addendum

Ruling	Title	Issue date
PR 2010/8	Income tax: Rewards Group Premium Timber Project 2010	12.05.10

Old Series Rulings

13. During the 2010 calendar year the Commissioner of Taxation issued:

Income Tax (IT) Rulings – notices of withdrawal

Ruling	Title	Issue date
IT 147	Income tax: wheat as trading stock	17.02.10
IT 342	Income tax: determination of a trust estate's net income – ruling of the High Court of Australia on the Union Fidelity Trustee Company	17.02.10
IT 2458	Income tax: Commonwealth educational allowances	17.02.10

Ruling	Title	Issue date
IT 2518	Income tax: Foreign Tax Credit System – interest derived from a transaction directly related to the active conduct of a trade or business	10.03.10
IT 2523	Income tax: Foreign Tax Credit System: application of subsection 51(6) and section 79D to quarantine 'current year foreign losses' where the taxpayer does not derive any foreign income in the year of income	10.03.10
IT 2556	Income tax: Foreign Tax Credit System – denial of underlying tax credit to corporate unit trusts and public trading trusts	10.03.10
IT 2597	Income tax: Foreign Tax Credit System: foreign loss quarantining – meaning of 'foreign source'	10.03.10
IT 2598	Income tax: Foreign Tax Credit System: treatment of export market development grants and relevant expenses for purposes of foreign loss quarantining	10.03.10
IT 2651	Income tax: omission of trust income by beneficiaries – the effect of disclaimer	31.03.10
IT 2664	Income tax: capital gains and losses: the transfer of assets to beneficiaries in deceased estates	7.04.10
IT 2440	Income tax: individuals: release from payment of tax on grounds of serious hardship: guidelines for determining the existence of serious hardship	28.04.10
IT 2054	Interest withholding tax: Treasury Notes and Commonwealth Bonds	23.06.10
IT 2247	Income tax: income derived from commercial advertising by visiting sportsmen	23.06.10
IT 2544	Income tax: application of section 254 and 255	23.06.10
IT 331	Income tax: adjustments to estate income as returned to arrive at net income of estate for the purposes of section 95	30.06.10
IT 217	Income tax: trading stock – value of poultry on hand	6.10.10
IT 2175	Income tax: exempt income: public radio station: charitable institution: gifts	8.12.10

Last Ruling

14. This is the last Ruling for the 2010 calendar year. The next Ruling will be TR 2011/1.

Commissioner of Taxation
22 December 2010

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;
TR 2008/List; TR 2009/List

Subject references:
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- rulings issued in 2001
- rulings issued in 2002
- rulings issued in 2003
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- rulings issued in 2007
- rulings issued in 2008
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