



TD 5 - Capital Gains: Are intangible improvements caught by subsection 160P(6)?

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CGT Cell Determinations do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.

CGT Determination Number 5

Capital Gains: Are intangible improvements caught by subsection 160P(6)?

Determination

1. Subsection 160P(6) is concerned with post 19 September 1985 capital improvements to any pre-CGT asset.
2. Unlike some subsections before it in section 160P, subsection (6) is not confined to land nor to physical improvements such as buildings.
3. Intangible (non-physical) improvements are taken to be improvements of a capital nature for subsection 160P(6).

Example:

Improvements such as council approval to rezone and subdivide land.

COMMISSIONER OF TAXATION

10 September 1991

FOI INDEX DETAIL: Reference No. CGT 5

Subject Ref: Composite assets
Intangible improvements

Legislative Ref: 160(6) ATO Ref: CGT Cell 6

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