



# ***CR 2004/108W - Income tax: capital gains: demerger of Austin Engineering Ltd by West Australian Metals Ltd***

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 This document has changed over time. This is a consolidated version of the ruling which was published on *1 July 2004*



## Class Ruling

### Income tax: capital gains: demerger of Austin Engineering Ltd by West Australian Metals Ltd

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#### **Preamble**

The number, subject heading, **What this Class Ruling is about** (including **Tax law(s)**, **Class of persons** and **Qualifications** sections), **Date of effect**, **Withdrawal**, **Arrangement** and **Ruling** parts of this document are a 'public ruling' in terms of Part IVAAA of the **Taxation Administration Act 1953**. CR 2001/1 explains Class Rulings and Taxation Rulings TR 92/1 and TR 97/16 together explain when a Ruling is a 'public ruling' and how it is binding on the Commissioner.

## Withdrawal

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1. This Ruling is withdrawn from 1 July 2004. The Ruling continues to apply to those members of the class of persons who participated in the demerger which happened on 8 December 2003.

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### Commissioner of Taxation

6 October 2004

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<i>Previous draft:</i>	- ITAA 1936 6(1)
Not previously issued as a draft	- ITAA 1936 44
	- ITAA 1936 44(1)
<i>Related Rulings/Determinations:</i>	- ITAA 1936 44(3)
CR 2001/1; TR 92/1; TR 92/20;	- ITAA 1936 44(4)
TR 97/16	- ITAA 1936 44(5)
	- ITAA 1936 45B
<i>Subject references:</i>	- ITAA 1936 45B(2)(a)
- capital benefit	- ITAA 1936 45B(2)(b)
- capital gains	- ITAA 1936 45B(2)(c)
- cost base adjustments	- ITAA 1936 45B(4)
- demerger	- ITAA 1936 45B(5)
- demerger allocation	- ITAA 1936 45B(6)
- demerger benefit	- ITAA 1936 45B(8)
- demerger dividend	- ITAA 1936 45B(8)(c)
- demerger subsidiary	- ITAA 1936 45B(8)(d)
- demerger group	- ITAA 1936 45B(8)(e)
- return of capital	- ITAA 1936 45B(8)(f)
- roll-over	- ITAA 1936 45B(8)(g)
- schemes to provide certain benefits	- ITAA 1936 45BA
	- ITAA 1936 45C
	- ITAA 1936 Pt IVA
	- ITAA 1936 177D
<i>Legislative references:</i>	- ITAA 1997 104-135

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- ITAA 1997 115-30(1)
  - ITAA 1997 Div 125
  - ITAA 1997 125-55(1)
  - ITAA 1997 125-65(1)
  - ITAA 1997 125-65(3)
  - ITAA 1997 125-65(4)
  - ITAA 1997 125-65(6)
  - ITAA 1997 125-70
  - ITAA 1997 125-70(1)
  - ITAA 1997 125-70(1)(a)
  - ITAA 1997 125-70(1)(b)(i)
  - ITAA 1997 125-70(1)(c)(i)
  - ITAA 1997 125-70(1)(d)
  - ITAA 1997 125-70(1)(e)(i)
  - ITAA 1997 125-70(1)(f)
  - ITAA 1997 125-70(1)(g)
  - ITAA 1997 125-70(2)
  - ITAA 1997 125-70(2)(a)
  - ITAA 1997 125-70(2)(b)
  - ITAA 1997 125-70(3)
  - ITAA 1997 125-70(4)
  - ITAA 1997 125-70(5)
  - ITAA 1997 125-75
  - ITAA 1997 125-80
  - ITAA 1997 125-80(1)
  - ITAA 1997 125-80(2)
  - ITAA 1997 125-80(3)
  - ITAA 1997 125-85(1)
  - ITAA 1997 125-85(2)
  - Copyright Act 1968
  - TAA 1953 Pt IVAAA
  - TAA 1953 14ZAAF
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## ATO references

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