

CR 2006/32W - Income tax: capital gains: amendment of constitution: possibility of creation of a new trust: Diversified Utility and Energy Trust No 2



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This document has changed over time. This is a consolidated version of the ruling which was published on *1 July 2006*

Class Ruling

Income tax: capital gains: amendment of constitution: possibility of creation of a new trust: Diversified Utility and Energy Trust No 2

❶ This Ruling provides you with the following level of protection:

This publication (excluding appendices) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

A public ruling is an expression of the Commissioner's opinion about the way in which a relevant provision applies, or would apply, to entities generally or to a class of entities in relation to a particular scheme or a class of schemes.

If you rely on this ruling, we must apply the law to you in the way set out in the ruling (or in a way that is more favourable for you if we are satisfied that the ruling is incorrect and disadvantages you, and we are not prevented from doing so by a time limit imposed by the law). You will be protected from having to pay any underpaid tax, penalty or interest in respect of the matters covered by this ruling if it turns out that it does not correctly state how the relevant provision applies to you.

Withdrawal

1. This Ruling is withdrawn and ceases to have effect after 30 June 2006. However, the Ruling continues to apply after its withdrawal in respect of the tax laws ruled upon, to all entities within the specified class who entered into the specified scheme during the term of the Ruling, subject to there being no change in the scheme or in the entity's involvement in the scheme.

References

Previous draft:

Not previously issued as a draft

Subject references:

- capital gains tax
- CGT events
- trusts
- trust resettlements
- unit trusts
- unitholders

Legislative references:

- Copyright Act 1968
- Corporations Act 2001
- Corporations Act 2001 Ch 5C
- ITAA 1936 6(1)
- ITAA 1936 97
- ITAA 1936 98
- ITAA 1997 102-5
- ITAA 1997 102-20
- ITAA 1997 104-10
- ITAA 1997 104-25
- ITAA 1997 104-55
- ITAA 1997 104-60

- ITAA 1997 104-70
 - ITAA 1997 104-75
 - ITAA 1997 104-80
 - ITAA 1997 104-90
 - ITAA 1997 104-155
 - ITAA 1997 136-10
 - ITAA 1997 136-25
 - ITAA 1997 995-1(1)
 - TAA 1953
 - TAA 1953 Sch 1 357-75(1)
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Other references:

- Australian Accounting Standard 132
- Creation of a new trust – Statement of Principles August 2001

ATO references

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Income Tax ~~ Entity specific matters ~~ trusts