


***TD 1999/D76 - Income tax: capital gains: does the expression 'a court order' in sections 126-5 and 126-15 of the Income Tax Assessment Act 1997 encompass an original order and any later order made by a court varying or cancelling an earlier order of the court?***

 This cover sheet is provided for information only. It does not form part of *TD 1999/D76 - Income tax: capital gains: does the expression 'a court order' in sections 126-5 and 126-15 of the Income Tax Assessment Act 1997 encompass an original order and any later order made by a court varying or cancelling an earlier order of the court?*

This document has been finalised by TD 1999/50.

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## Draft Taxation Determination

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**Income tax: capital gains: does the expression ‘a court order’ in sections 126-5 and 126-15 of the *Income Tax Assessment Act 1997* encompass an original order and any later order made by a court varying or cancelling an earlier order of the court?**

### Preamble

Draft Taxation Determinations (DTDs) present the preliminary, though considered, views of the Australian Taxation Office. DTDs should not be relied on; only final Taxation Determinations represent authoritative statements by the Australian Taxation Office.

1. Yes. The expression ‘a court order’ in paragraphs 126-5(1)(a), 126-5(1)(c), 126-15(1)(a) and 126-15(1)(c) of the *Income Tax Assessment Act 1997* is not restricted to an original order made by a court. It extends to any later order made by the court varying or cancelling an earlier order of the court.

### Your comments

2. We invite you to comment on this Draft Taxation Determination. We are allowing 4 weeks for comments before we finalise the Determination. If you want your comments considered, please provide them to us within this period.

Comments by date:	15 September 1999
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### Commissioner of Taxation

18 August 1999

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*Subject references:*

court order

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FOI status: draft only - for comment

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*Legislative references:*

ITAA 1997 126-5; ITAA 1997 126-5(1)(a); ITAA 1997 126-5(1)(c); ITAA 1997 126-15; ITAA 1997 126-15(1)(a); ITAA 1997 126-15(1)(c)

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ATO references:

NO 99/19509-6

BO CGT marriage breakdown summit 1999

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