



Draft Taxation Determination

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

Subject references:

court order

TD 1999/D76

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)

ATO references:

NO 99/19509-6

BO CGT marriage breakdown summit 1999

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