



***TD 2011/D10W - Notice of Withdrawal - Income tax:  
when considering the application of subsection  
159GZZZQ(2) of the Income Tax Assessment Act  
1936 to an exiting vendor practitioner-shareholder by  
a 'no goodwill' incorporated professional practice,  
will the Commissioner consider that the buy-back  
price is less than the market value of the shares  
merely because the price is calculated not to reflect  
the underlying goodwill of the company?***

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 This document has changed over time. This is a consolidated version of the ruling which was published on 4 May 2016



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## Notice of Withdrawal

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### Draft Taxation Determination

Income tax: when considering the application of subsection 159GZZZQ(2) of the *Income Tax Assessment Act 1936* to an exiting vendor practitioner-shareholder by a 'no goodwill' incorporated professional practice, will the Commissioner consider that the buy-back price is less than the market value of the shares merely because the price is calculated not to reflect the underlying goodwill of the company?

Taxation Determination TD 2011/D10 is withdrawn with effect from today.

1. TD 2011/D10 concluded that no, the Commissioner will accept in calculating the market value of the share in applying subsection 159GZZZQ(2) of the *Income Tax Assessment Act 1936*, that the goodwill of the company can be taken to have no value.
2. Following consultations with the Professional Firms Working Group, TD 2011/26, TD 2011/D9 and TD 2011/D10 would be withdrawn and replaced by the administrative treatment outlined in *Assessing the risk: acquisitions and disposals of interests in certain professional partnerships, trusts and incorporated practices* published today.

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**Commissioner of Taxation**  
4 May 2016

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# TD 2011/D10

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ATO references

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