


IT 183W - Withdrawal - Income tax: section 26AAA - sale of matrimonial home within 12 months of death of spouse

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Notice of Withdrawal

Taxation Ruling

Income tax: section 26AAA – sale of matrimonial home within 12 months of death of spouse

Taxation Ruling IT 183 is withdrawn with effect from today.

1. Taxation Ruling IT 183 applied to the disposal of a matrimonial home within 12 months of the death of a spouse. A taxpayer who purchased a property after 21 August 1973 and sold that property (or an interest in that property) within 12 months of purchase fell for consideration under section 26AAA of the *Income Tax Assessment Act 1936*. The terms 'purchase' and 'sale' applied to situations where property was transferred in exchange for other property or for no consideration. Section 26AAA only applies to a sale of property, or an interest in property, that occurs before 25 May 1988. The disposal of such property after 25 May 1988 is subject to Part IIIA (Capital Gains and Capital Losses) of the *Income Tax Assessment Act 1936*.
2. IT 183 was the subject of a Notice of Archival on 16 June 1994.
3. IT 183 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states:

We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.

Commissioner of Taxation

24 May 2006

ATO references

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