



# ***PR 1999/14W - Income tax: Heydon Park Tea Tree Project***

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 This document has changed over time. This is a consolidated version of the ruling which was published on *18 May 1999*



## **Product Ruling**

### **Income tax: Heydon Park Tea Tree Project**

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#### ***Preamble***

*The number, subject heading, and the What this Product Ruling is about (including Tax law(s), Class of persons and Qualifications sections), Date of effect, Withdrawal, Arrangement and Ruling parts of this document are a 'public ruling' in terms of Part IVAAA of the Taxation Administration Act 1953. Product Ruling PR 98/1 explains Product Rulings and Taxation Rulings TR 92/1 and TR 97/16 together explain when a Ruling is a public ruling and how it is binding on the Commissioner.*

#### **Withdrawal**

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1. This Product Ruling is withdrawn and ceases to have effect on 18 May 1999. The Ruling continues to apply, in respect of the tax law(s) ruled upon, to all persons within the specified class who enter into the specified arrangement during the term of the Ruling. Thus, the Ruling continues to apply to those persons, even following its withdrawal, for arrangements entered into prior to withdrawal of the Ruling. This is subject to there being no material difference in the arrangement or in the persons' involvement in the arrangement.

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#### **Commissioner of Taxation**

28 April 1999

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*Previous draft:*

No draft issued

*Related Rulings/Determinations:*

PR 98/1; TR 92/1; TR 97/11;  
TR 97/16; TR 94/25; TD 93/34

*Subject references:*

- carrying on a business
- commencement of business
- fee expenses
- management fees expenses
- primary production
- primary production expenses
- producing assessable income
- product rulings
- public rulings
- schemes and shams

- taxation administration

- tax avoidance
- tax benefits under tax avoidance schemes
- tax shelters
- tax shelters project

*Legislative references:*

- ITAA1936 82KH(1)
- ITAA1936 82KH(1F)(b)
- ITAA1936 82KL
- ITAA1936 82KL(1)
- ITAA1936 82KZM
- ITAA1936 Pt IVA
- ITAA1936 177A
- ITAA1936 177C
- ITAA1936 177D
- ITAA1936 177D(b)

- ITAA1997 6-5
  - ITAA1997 8-1
  - ITAA 1997 387-A
  - ITAA 1997 387-55
  - ITAA 1997 387-60
  - ITAA1997 387-C
  - ITAA 1997 387-165
  - ITAA 1997 387-170
  - ITAA 1997 387-170(3)
  - ITAA1997 387-185
- Case references:*
- Amalgamated Zinc (de Bavay's) Ltd v. FC of T (1935) 54 CLR 295
  - Charles Moore & Co (WA) Pty Ltd v. FC of T (1956) 95 CLR 344
  - Cliffs International Inc v. FC of T (1979) 9 ATR 507; 77 ATC 4216
  - Coles Myer Finance v. FC of T (1993) 25 ATR 95; 93 ATC 4214
  - Colonial Mutual Life Assurance Society Ltd v. FC of T (1953) 89 CLR 428
  - FC of T v. Brand (1995) 31 ATR 326; 95 ATC 4633
  - FC of T v. Maddalena (1971) 2 ATR 541; 71 ATC 4161
  - FC of T v. Osborne (1990) 21 ATR 888; 90 ATC 4889
  - FC of T v. Raymor (NSW) Pty Ltd (1990) 21 ATR 458; 90 ATC 4461
  - FC of T v. Riverside Road Lodge Pty Ltd (in Liq) (1990) 23 FCR 305; (1990) 21 ATR 499; 90 ATC 4567
  - FC of T v. Darcy Peter Smith (1981) 11 ATR 538; 81 ATC 4114
  - FC of T v. South Australian Battery Makers Pty Ltd (1978) 140 CLR 645
  - Fletcher & Ors v. FC of T (1991) 22 ATR 613; 91 ATC 4559
  - Lodge v. FC of T (1972) 128 CLR 171; 3 ATR 254; 72 ATC 4174
  - Magna Alloys & Research Pty Ltd v. FC of T (1980) 49 FLR 183; 11 ATR 276; 80 ATC 4542
  - Nilsen Development Laboratories Pty Ltd & Ors v. FC of T (1981) 11 ATR 505; 81 ATC 4031
  - NMRSB Ltd & Ors v. FC of T (1998) 38 ATR 308; 98 ATC 4188
  - Ronpibon Tin NL and Tongkah Compound NL v. FC of T (1949) 78 CLR 47
  - Steele v. DC of T [1999] HCA 7
  - Softwood Pulp & Paper Ltd v. FC of T (1976) 7 ATR 101; 76 ATC 4439
  - Sun Newspapers Ltd and Associated Newspapers Ltd v. FC of T (1938) 61 CLR 337

*ATO references:*

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