


# ***PR 2004/47W - Income tax: Palandri America Wine Business - 2004***

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 This document has changed over time. This is a consolidated version of the ruling which was published on *1 July 2006*



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## Product Ruling

### Income tax: Palandri America Wine Business - 2004

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#### **Preamble**

The number, subject heading, **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 1999/95 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 This Product Ruling is withdrawn and ceases to have effect after 30 June 2006. 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, who entered into the specified arrangement prior to withdrawal of the Ruling. This is subject to there being no change in the arrangement or in the persons' involvement in the arrangement.

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#### **Commissioner of Taxation**

28 April 2004

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##### *Previous draft:*

Not previously issued in draft form

##### *Related Rulings/Determinations:*

PR 1999/95; TR 92/1; TR 92/20;  
TR 97/11; TR 97/16; TD 93/34;  
TR 98/22; TR 2000/8;  
TR 2001/14; IT 360

##### *Subject references:*

- carrying on a business
- commencement of business
- non-commercial losses
- primary production
- primary production expenses
- management fee expenses
- producing assessable income
- product rulings

- public rulings
- schemes and shams
- taxation administration
- tax avoidance
- tax benefits under tax avoidance
- schemes
- tax shelters

##### *Legislative references:*

- ITAA 1936 Pt III – Div 3
- ITAA 1936 82KL
- ITAA 1936 82KZL
- ITAA 1936 82KZL(1)
- ITAA 1936 82KZME
- ITAA 1936 82KZME(1)
- ITAA 1936 82KZME(2)
- ITAA 1936 82KZME(3)
- ITAA 1936 82KZME(4)
- ITAA 1936 82KZME(7)
- ITAA 1936 82KZMF

- ITAA 1936 82KZMF(1)
  - ITAA 1936 Pt IVA
  - ITAA 1936 177A
  - ITAA 1936 177C
  - ITAA 1936 177D
  - ITAA 1936 177D(b)
  - ITAA 1997 Pt 2-25
  - ITAA 1997 6-5
  - ITAA 1997 8-1
  - ITAA 1997 17-5
  - ITAA 1997 Div 27
  - ITAA 1997 Div 35
  - ITAA 1997 35-10
  - ITAA 1997 35-10(2)
  - ITAA 1997 35-55
  - ITAA 1997 35-55(1)(b)
  - ITAA 1997 40-535
  - ITAA 1997 Div 70
- ITAA 1997 70-35
  - ITAA 1997 Subdiv 328-F
  - ITAA 1997 Subdiv 328-G
  - ITAA 1997 328-105
  - ITAA 1997 328-105(1)(a)
  - ITAA 1997 328-105(1)(b)
  - ITAA 1997 328-285(1)
  - ITAA 1997 328-285(2)
  - TAA 1953 Pt IVAAA
  - Copyright Act 1968
  - Corporations Act 2001

*Case references:*

- Commissioner of Taxation v. Lau (1984) 6 FCR 202; 84 ATC 4929; (1984) 16 ATR 55

## ATO references:

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