



Notice of Withdrawal

Taxation Determination

Income tax: capital gains: is there roll-over under section 126-5 or 126-15 of the *Income Tax Assessment Act 1997* if a CGT event happens because of a maintenance agreement registered under section 86 of the *Family Law Act 1975*?

Taxation Determination TD 1999/46 is withdrawn with effect from today.

1. This Determination provides that roll-over is not available if a CGT event happens because of a maintenance agreement registered under section 86 of the *Family Law Act 1975* (FLA).
2. In November 2000, changes were made to the FLA so that maintenance agreements made on or after 27 December 2000 could no longer be registered under section 86 or approved under section 87 of the FLA. From this date, in order to make a binding agreement the parties must enter into a financial agreement that meets the requirements of Part VIIIA of the FLA.
3. As taxpayers can no longer enter into maintenance agreements under section 86 of the FLA this Determination will no longer have any application. As a result, this determination is withdrawn.

Commissioner of Taxation
8 September 2004

ATO references

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