TR 1999/List - Income tax and other taxes: Determinations, Rulings, and notices of withdrawal and addendum issued in 1999

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Taxation Ruling
Income tax and other taxes: Determinations, Rulings, and notices of withdrawal and addendum issued in 1999

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Preamble

*This document is not a 'public ruling' in terms of Part IVAAA of the **Taxation Administration Act 1953** and is not legally binding on the Commissioner. 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.*

[Note: This is a consolidated version of this document. Refer to the Tax Office Legal Database (http://law.ato.gov.au) to check its currency and to view the details of all changes.]

What this Ruling is about

Class of person/arrangement

1. This Ruling lists all draft and final Determinations and Rulings, as well as all notices of withdrawal and addendum to Determinations and Rulings, issued by the Commissioner of Taxation in calendar year 1999.

Ruling

2. This Ruling lists the documents that have been issued during 1999 divided by function and showing in relation to each action the number of the document, its title and the date the action took place.

Goods and Services Tax

3. During the calendar year 1999 the Commissioner of Taxation issued:

Draft Rulings

GSTR 1999/D1	Goods and Services Tax: information requirements for adjustment notes (27.10.99)
GSTR 1999/D2	Goods and Services Tax: transitional arrangements - entitlement to an input tax credit without a tax invoice (24.11.99)
GSTR 1999/D3	Goods and Services Tax: special credit for sales tax paid on stock (25.11.99)

GSTR 1999/D4	Goods and Services Tax: adjustments for bad debts (15.12.99)
GSTR 1999/D5	Goods and Services Tax: recipient created tax invoices (22.12.99)
GSTR 1999/D6	Goods and Services Tax: payment of fees and commissions to insurance brokers and agents where the period of insurance cover begins before and ends on or after 1 July 2000 (22.12.99)
GSTR 1999/D7	Goods and Services Tax: attributing GST payable, input tax credits and adjustments (22.12.99)
GSTR 1999/D8	Goods and Services Tax: determining the extent of creditable purpose for claiming input tax credits and for making adjustments for changes in extent of creditable purpose (22.12.99)
GSTR 1999/D9	Goods and Services Tax: the margin scheme for supplies of real property held prior to 1 July 2000 (22.12.99)
GSTR 1999/D10	Goods and Services Tax: tax invoices (22.12.99)
GSTR 1999/D11	Goods and Services Tax: transitional arrangements – GST-free supplies under existing agreements (24.12.99)
GSTR 1999/D12	Goods and Services Tax: transitional arrangements: supplies of a right made on or after 2 December 1998 but before 1 July 2000 and the extent to which such supplies are taken to be made on or after 1 July 2000 (24.12.99)
GSTR 1999/D13	Goods and Services Tax: Grants of Financial Assistance (24.12.99)
GSTR 1999/D14	Goods and Services Tax: apportionment of input tax credits for providers of financial supplies (24.12.99)

Rulings

GSTR 1999/1	Goods and Services Tax: the GST rulings system (15.12.99)

Income tax and fringe benefits tax

4. During the calendar year 1999 the Commissioner of Taxation issued:

Draft Determinations

TD 1999/D1	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – when will an issue of debentures be taken to have 'resulted from' the debentures being 'offered for issue' for the purposes of the public offer test under subsection 128F(3)? (27.01.99)
TD 1999/D2	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – if a debenture is executed and delivered outside Australia, will it be taken to have been 'issued' outside Australia for the purposes of paragraph 128F(1)(c)? (27.01.99)

TD 1999/D3	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does the definition of the term 'debenture' include an individual share or interest in a debenture? (27.01.99)
TD 1999/D4	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - when is a non-resident borrowing subsidiary treated as a 'resident' for the purposes of the tax law of a country other than Australia? (27.01.99)
TD 1999/D5	Income tax: withholding tax avoidance – do the withholding tax avoidance provisions of Part IVA and, in particular, section 177CA of the *Income Tax Assessment Act 1936* apply to a decision by a company to establish a programme for the issue of debentures in respect of which interest is exempt from interest withholding tax pursuant to the operation of section 128F? (27.01.99)
TD 1999/D6	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the public offer test under paragraph 128F(3)(a) (the 'first public offer test') (a) are pension funds and other 'qualified institutional buyers' considered to be carrying on the business of providing finance, or investing or dealing in securities? (b) what is required of a company to establish that the persons to whom the debentures are offered are carrying on business in the manner required by the legislation? (c) when is a company be taken to know or suspect that such a person is an associate? (27.01.99)
TD 1999/D7	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - when is it reasonable for a company to regard the person to whom a debenture is offered as either 'having acquired debentures in the past' or 'being likely to be interested in acquiring debentures' for the purposes of the public offer test in paragraph 128F(3)(b)? (27.01.99)
TD 1999/D8	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the third public offer test in paragraph 128F(3)(c) (a) what is required to establish that a debenture has been offered for issue *as a result of being accepted for listing*? (b) does the issue of a debenture satisfy the public offer test if the listing of the debenture by a stock exchange takes place following the issue where an agreement exists with the dealer, manager or underwriter requiring listing to take place? (27.01.99)
TD 1999/D9	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does the public offer test set out in paragraph 128F(3)(d) require a company to demonstrate that negotiations in respect of a particular debenture actually resulted from negotiations being initiated publicly in electronic form? (27.01.99)

TD 1999/D10	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - does the sole business test in paragraph 128F(8)(b) allow the borrowing subsidiary to enter into credit enhancements and swap arrangements in respect of finance raised for the purposes of the parent company? (27.01.99)
TD 1999/D11	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the fifth public offer test, in paragraph 128F(3)(e), in what circumstances is a debenture taken to be 'offered for issue'? (27.01.99)
TD 1999/D12	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does an issue of a debenture fail the public offer test under subsection 128F(5) if an associate of the company that issued the debenture takes a security interest over the debenture? (27.01.99)
TD 1999/D13	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the exemption exclusion contained in subsection 128F(6), when is a known associate of the company who is acting in the capacity of a dealer, manager or underwriter in relation to the *placement* of a debenture, and who receives interest, attract the exclusion? (27.01.99)
TD 1999/D14	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - when is a company taken to have the requisite knowledge or suspicion that interest was paid to an associate for the purposes of subsection 128F(6)? (27.01.99)
TD 1999/D15	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - is subsection 128F(10) the only method by which a global bond may satisfy the public offer test? (27.01.99)
TD 1999/D16	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - does section 128F apply to debentures under which the yield is determined by a variable indexation factor rather than by being fixed? (27.01.99)
TD 1999/D17	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - how may a company satisfy the introductory requirements in paragraphs 128F(3)(a) and (b) that a debenture must be offered on a 'debenture by debenture' basis? (27.01.99)
TD 1999/D18	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - what conditions need to be satisfied before a resident company can raise finance by the issue of debentures through a 'non-resident borrowing subsidiary' in another country? (27.01.99)
TD 1999/D19	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does the exemption from interest withholding tax in section 128F extend to payments made by a guarantor to a lender on behalf of a borrower who defaults? (27.01.99)

TD 1999/D20	Income tax: should salary continuance benefits, paid to a member of a superannuation fund as a result of having a temporary disability, be reported for Reasonable Benefit Limits (RBL) purposes? (10.02.99)
TD 1999/D21	Income tax: capital gains: does the redenomination of a financial arrangement to the Euro constitute: (a) the derivation of assessable income or the incurrence of an allowable deduction; (b) the realisation of a currency exchange gain or loss for the purposes of Division 3B of Part III of the *Income Tax Assessment Act 1936*; or (c) a CGT event? (31.03.99)
TD 1999/D22	Income tax: do the principles set out in Taxation Ruling TR 98/22 apply to line of credit facilities? (14.04.99)
TD 1999/D23	Income tax: is the cost of life membership paid to a work-related or business association an allowable deduction and, if it is, is it allowable in full in the year it is paid? (14.04.99)
TD 1999/D24	Income tax: capital gains: how do Parts 3-1, 3-3 and 3-5 of the *Income Tax Assessment Act 1997* ('the 1997 Act') operate if all or part of a liquidator's distribution is deemed by subsection 47(1) of the *Income Tax Assessment Act 1936* ('the 1936 Act') to be a dividend paid out of profits and therefore assessable income of a shareholder under subsection 44(1) of the 1936 Act? (28.04.99)
TD 1999/D25	Income tax: capital gains: how is a distribution of the 'exempt' component of a capital gain attributable to goodwill treated for the purposes of: (a) section 47 of *the Income Tax Assessment Act 1936* ('the 1936 Act'); and (b) the capital gains provisions; when a company's business ends and the capital gain is distributed to shareholders by a liquidator in the course of winding up the company? (28.04.99)
TD 1999/D26	Income tax: capital gains: what are the capital gains consequences for wheat levy payers who are allocated units from the Wheat Industry Fund (WIF)? (09.06.99)
TD 1999/D27	Income tax: capital gains: what are the capital gains consequences for taxpayers whose Wheat Industry Fund (WIF) units are converted to shares in AWB Ltd? (09.06.99)
TD 1999/D28	Income tax and fringe benefits tax: is a reward (other than a 'flight reward') received under a 'consumer loyalty program' that results from business expenditure assessable as income or subject to fringe benefits tax? (16.06.99)
TD 1999/D29	Income tax: capital gains: for the purpose of the expression 'before you acquired the share' in paragraph 110-55(7)(b) of the *Income Tax Assessment Act 1997* ('the 1997 Act') does when a share was *acquired* include when a share is *taken* to have been *acquired* by subsection 149-30(1) or subsection 149-70(2) of Division 149 (about when an asset stops being a pre-CGT asset)? (30.06.99)

TD 1999/D30	Income tax: capital gains: does paying a loss company for the transfer of a net capital gain under Division 170 of the *Income Tax Assessment Act 1997* ('the 1997 Act') (where the payment is equal to the tax benefit of the loss) mean that it is not appropriate to reduce the cost base and reduced cost base of direct and indirect interests in the loss company under section 170-175? (30.06.99)
TD 1999/D31	Income tax: capital gains: if a company transfers a net capital loss under Subdivision 170-B of the *Income Tax Assessment Act 1997* ('the 1997 Act'): (a) when do the adjustments required by section 170-175 or 170-180 to the cost base and reduced cost base ('RCB') of a group company's interests in the loss company or the gain company take effect; and (b) what happens if a subvention payment (loss company) or a tax benefit (gain company) that would otherwise be taken into account in determining the amount of any adjustment, is no longer reflected in the market value of an interest at the time a CGT event happens to it because the subvention payment or tax benefit has been distributed as a dividend? (30.06.99)
TD 1999/D32	Income tax: capital gains: does paying a loss company for the transfer of a net capital loss under Division 170 of the *Income Tax Assessment Act 1997* ('the 1997 Act') (where the payment is equal to the tax benefit of the loss) mean that it is not appropriate to reduce the cost base and reduced cost base of direct and indirect interests in the loss company under section 170-175? (07.07.99)
TD 1999/D33	Income tax: capital gains: if a company transfers a net capital loss under Subdivision 170-B of the *Income Tax Assessment Act 1997* ('the 1997 Act'): (a) when do the adjustments required by section 170-175 or 170-180 to the cost base and reduced cost base ('RCB') of a group company's interests in the loss company or the gain company take effect; and (b) what happens if a subvention payment (loss company) or a tax benefit (gain company) that would otherwise be taken into account in determining the amount of any adjustment, is no longer reflected in the market value of an interest at the time a CGT event happens to it because the subvention payment or tax benefit has been distributed as a dividend? (07.07.99)
TD 1999/D34	Income tax: capital gains: if a public entity partly owns, directly or indirectly, a non-public entity, when for the purposes of Subdivision 149-B of the *Income Tax Assessment Act 1997* does the non-public entity have to take into account results of the public entity's tracing of underlying interests in examining underlying interests in its own pre-CGT assets? (14.07.99)
TD 1999/D35	Income tax: how are assets to be valued in determining the balance of a member's account in a superannuation fund that provides an allocated pension? (21.07.99)

TD 1999/D36	Income tax: capital gains: what factors should be taken into account in determining the 'amount that is reasonable' in applying subsection 118-190(2) of the *Income Tax Assessment Act 1997*? (28.07.99)
TD 1999/D37	Income tax: capital gains: if your land (including land on which your dwelling is situated) exceeds 2 hectares, can you select which 2 hectares the main residence exemption in Subdivision 118-B applies to and, if so, how do you calculate any capital gain or capital loss you make on the remainder of your land? (28.07.99)
TD 1999/D38	Income tax: capital gains: is 'adjacent' land in terms of section 118-120 of the *Income Tax Assessment Act 1997* limited to land contiguous to a dwelling? (28.07.99)
TD 1999/D39	Income tax: capital gains: can the term 'dwelling' as defined in section 118–115 of the *Income Tax Assessment Act 1997* include more than one unit of accommodation? (28.07.99)
TD 1999/D40	Income tax: capital gains: if a dwelling passes to you as a beneficiary or the trustee of a deceased estate and you make a capital gain or capital loss from a CGT event that happens to the dwelling, can you disregard the gain or loss despite your having used the dwelling since the deceased's death for income producing purposes if: • the deceased acquired the dwelling on or after 20 September 1985; • the dwelling was the deceased's main residence just before their death and was not then being used for income producing purposes; and • your ownership interest in the dwelling ends within 2 years of the deceased's death? (28.07.99)
TD 1999/D41	Income tax: capital gains: does section 118–190 of the *Income Tax Assessment Act 1997* reduce your main residence exemption if part of your dwelling is used by someone else for an income producing purpose? (28.07.99)
TD 1999/D42	Income tax: capital gains: does the cost base modification in subsection 128-15(4) Item 1 of the *Income Tax Assessment Act 1997* apply if a main residence acquired on or after 20 September 1985 is owned by joint tenants and one of them dies? (28.07.99)
TD 1999/D43	Income tax: capital gains: is land under a unit of accommodation subject to the main residence exemption under Subdivision 118-B in Part 3-1 of the *Income Tax Assessment Act 1997* if the taxpayer sells the unit of accommodation separately from the land? (28.07.99)
TD 1999/D44	Income tax: capital gains: in what circumstances does a trustee of a deceased estate acquire an ownership interest in a dwelling 'under the deceased's will' for the purposes of subsection 118-210(1) of the *Income Tax Assessment Act 1997*? (28.07.99)
TD 1999/D45	Income tax: capital gains: does CGT event G1 in section 104-135 of the *Income Tax Assessment Act 1997* (about capital payments for shares) apply to a bonus share issued out of a share capital account? (04.08.99)

TD 1999/D46	Income tax: capital gains: are shares acquired under a dividend reinvestment plan 'bonus shares' for the purposes of Subdivision 130-A of the *Income Tax Assessment Act 1997*? (04.08.99)
TD 1999/D47	Income tax: capital gains: if a genuine prospector sells shares received as proceeds from the sale of rights to mine: • is any ordinary income derived from the sale of the shares exempt under section 330-60 of the *Income Tax Assessment Act 1997*; or • is any capital gain (or capital loss) made on the sale of the shares disregarded under section 118-45? (04.08.99)
TD 1999/D48	Income tax: capital gains: does the requirement to disregard capital losses in Step 2 of the method statement in paragraph 47(1A)(b) of the *Income Tax Assessment Act 1936* affect the application of the *Archer Brothers* principle*? (04.08.99)
TD 1999/D49	Income tax: capital gains: what are the CGT consequences for a shareholder if a company converts its shares into a larger or smaller number of shares? (04.08.99)
TD 1999/D50	Income tax: capital gains: if a non-resident person bequeaths a CGT asset, which does not have the necessary connection with Australia, to a resident beneficiary, does that mean the resident makes a capital gain or capital loss if a CGT event later happens to the asset? (04.08.99)
TD 1999/D51	Income tax: capital gains: how are the date of acquisition and the acquisition cost of bonus shares determined if the bonus shares are issued in relation to shares held by a deceased person at the date of their death and the bonus shares are issued after the date of death? (04.08.99)
TD 1999/D52	Income tax: capital gains: when does a CGT event happen to shares in a company, for the purposes of Part 3-1 and Part 3-3 of the *Income Tax Assessment Act 1997*, if the company is deregistered under the *Corporations Law*? (04.08.99)
TD 1999/D53	Income tax: capital gains: is an entity (other than a Commonwealth, State or Territory authority) which is given authority to acquire a CGT asset under a Commonwealth, State or Territory Act an 'Australian government agency' for the purposes of Subdivision 124-B of the *Income Tax Assessment Act 1997*? (04.08.99)
TD 1999/D54	Income tax: capital gains: for the purposes of Subdivision 124-B of the *Income Tax Assessment Act 1997*, can you purchase a replacement asset before an Australian government agency has given you a formal notice of intention to compulsorily acquire a CGT asset? (04.08.99)
TD 1999/D55	Income tax: capital gains: is roll-over available under Subdivision 124-B of the *Income Tax Assessment Act 1997* for the loss or destruction of a CGT asset if an asset is damaged? (04.08.99)
TD 1999/D56	Income tax: capital gains: what does the word 'incur' in subsection 124-75(2) of the *Income Tax Assessment Act 1997* mean? (04.08.99)

TD 1999/D57	Income tax: capital gains: what are 'special circumstances' for the purposes of subsection 124-75(3) of the *Income Tax Assessment Act 1997*? (04.08.99)
TD 1999/D58	Income tax: capital gains: are the requirements in subsection 124-75(4) of the *Income Tax Assessment Act 1997* for a CGT asset acquired to replace an original asset alternative and mutually exclusive requirements? (04.08.99)
TD 1999/D59	Income tax: capital gains: what is the scope of the words 'use the other asset … for the same purpose … or for a similar purpose' in subsection 124-75(4) of the *Income Tax Assessment Act 1997* in relation to a replacement asset? (04.08.99)
TD 1999/D60	Income tax: capital gains: if a CGT asset is owned by partners in partnership, how do the replacement asset tests in Subdivision 124-B of the *Income Tax Assessment Act 1997* apply? (04.08.99)
TD 1999/D61	Income tax: capital gains: what constitutes 'a reasonable time' for the purposes of subsection 124-75(4) of the *Income Tax Assessment Act 1997*? (04.08.99)
TD 1999/D62	Income tax: capital gains: in what circumstances is it reasonable to treat one CGT asset as 'substantially the same' as another CGT asset for the purposes of paragraphs 124-85(3)(b) and 124-95(6)(b) of the *Income Tax Assessment Act 1997*? (04.08.99)
TD 1999/D63	Income tax: capital gains: if you receive compensation for the compulsory acquisition of part of a CGT asset that you own, how do you treat the compensation to the extent that it is attributable to the reduction in value of the remainder of your asset? (04.08.99)
TD 1999/D64	Income tax: are officers of military cadets entitled to deductions for expenses incurred in the performance of their duties? (11.08.99)
TD 1999/D65	Income tax: capital gains: if Australian currency facilitates a CGT event happening to a CGT asset, how is the Australian currency treated for capital gains purposes? (11.08.99)
TD 1999/D66	Income tax: capital gains: if you own an interest in a CGT asset and you acquire another interest in that asset, do the interests remain separate CGT assets or do they merge into a single asset? (11.08.99)
TD 1999/D67	Income tax: capital gains: is the interest of a default beneficiary in a discretionary trust an interest to which section 104-70 of the *Income Tax Assessment Act 1997* applies? (11.08.99)
TD 1999/D68	Income tax: capital gains: does a unit holder have an interest in the property of a unit trust for capital gains purposes? (11.08.99)
TD 1999/D69	Income tax: capital gains: is know-how a CGT asset? (11.08.99)
TD 1999/D70	Income tax: capital gains: can property or a right that does not have a 'market value' be a CGT asset? (11.08.99)
TD 1999/D71	Income tax: capital gains: is a capital gain or capital loss made from an antique car or a vintage car disregarded? (11.08.99)
TD 1999/D72	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*? (18.08.99)

TD 1999/D73	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 court order under the *Family Law Act 1975* made by consent? (18.08.99)
TD 1999/D74	Income tax: capital gains: if a court makes an order under the *Family Law Act 1975* declaring or altering a spouse's interest in property, do CGT events happen to CGT assets of the spouse for the purpose of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997*? (18.08.99)
TD 1999/D75	Income tax: capital gains: is roll-over under sections 126-5 and 126-15 of the *Income Tax Assessment Act 1997* dependent on there being a marriage breakdown between the spouses? (18.08.99)
TD 1999/D76	Income tax: capital gains: does the expression 'a court order' in sections 126-5 and 126-15 of the *Income Tax Assessment Act 1997* encompass an original order and any later order made by a court varying or cancelling an earlier order of the court? (18.08.99)
TD 1999/D77	Income tax: capital gains: if a court order in the context of Subdivision 126-A of the *Income Tax Assessment Act 1997* varies or sets aside an earlier order of the court, does the later court order operate retrospectively or prospectively? (18.08.99)
TD 1999/D78	Income tax: capital gains: does a CGT event happen for the purposes of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997* because of a court order, if the order directs: (a) a transfer of non-specific matrimonial property; or (b) a transfer of specific CGT assets? (18.08.99)
TD 1999/D79	Income tax: capital gains: if a CGT asset is transferred by agreement between spouses and a court order later sanctions its transfer, was the original transfer of the asset made 'because of' the court order in terms of section 126-5 or 126-15 for roll-over to apply? (18.08.99)
TD 1999/D80	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 asset is transferred in accordance with the terms of a court order under the *Family Law Act 1975* but after the time limit specified in the court order? (18.08.99)
TD 1999/D81	Income tax: capital gains: if a CGT asset other than one specified in a court order under the *Family Law Act 1975* is transferred between spouses, is the asset transferred 'because of' the court order for the purposes of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997*? (18.08.99)
TD 1999/D82	Income tax: capital gains: if a CGT asset acquired on or after 20 September 1985 is transferred by one spouse to another because of a court order under the *Family Law Act 1975*, when is the asset acquired under Division 109 of the *Income Tax Assessment Act 1997* by the transferee? (18.08.99)

TD 1999/D83	Income tax: capital gains: if marriage breakdown roll-over applies to a transfer of a CGT asset between spouses, what expenses of the transferor become the first element of the transferee's cost base of the asset under paragraph 126-5(5)(a) of the *Income Tax Assessment Act 1997*? (18.08.99)
TD 1999/D84	Income tax: capital gains: if section 126-15 of the *Income Tax Assessment Act 1997* applies to a CGT event that has happened involving a company or a trustee, can expenses incurred by both spouses to the marriage breakdown form part of the cost base of a CGT asset? (18.08.99)
TD 1999/D85	Income tax: capital gains: do the record keeping requirements of Division 121 of the *Income Tax Assessment Act 1997* apply to both the transferor and transferee of a CGT asset to which the marriage breakdown roll-over provisions in Subdivision 126-A apply? (18.08.99)
TD 1999/D86	Income tax: capital gains: if the requirements of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997* are satisfied, is the marriage breakdown roll-over provided by the section automatic? (18.08.99)
TD 1999/D87	Income tax: capital gains: is the expression 'a State law, Territory law or foreign law relating to *de facto* marriage breakdowns' in paragraphs 126-5(1)(c) and 126-15(1)(c) of the *Income Tax Assessment Act 1997* restricted to State, Territory or foreign legislation? (18.08.99)
TD 1999/D88	Income tax: capital gains: does the word 'expiring' in paragraph 104-25(1)(c) and the expression 'expiry of a CGT asset' in subparagraph 116-30(3)(a)(i) of the *Income Tax Assessment Act 1997* include voluntary terminations? (25.08.99)
TD 1999/D89	Income tax: capital gains: is the Commonwealth or a State or Territory an entity for the purposes of CGT event D1 (about creating contractual or other rights in you) in sections 104-35 and 109-5 of the *Income Tax Assessment Act 1997*? (25.08.99)
TD 1999/D90	Income tax: capital gains: for the purposes of CGT event B1, what is meant by the expression 'at the end of an agreement' in section 104-15 of the *Income Tax Assessment Act 1997*? (25.08.99)
TD 1999/D91	Income tax: capital gains: does the expression 'loss or destruction' for the purposes of CGT event C1 in section 104-20 of the *Income Tax Assessment Act 1997* apply to: (a) a voluntary 'loss' or 'destruction'? (b) intangible assets? (25.08.99)
TD 1999/D92	Income tax: capital gains: does CGT event D1 in section 104-35 of the *Income Tax Assessment Act 1997* happen if you receive money or property for withdrawing an objection against a proposed land development? (25.08.99)
TD 1999/D93	Income tax: capital gains: is a court an entity for the purposes of CGT event D1 (about creating contractual or other legal or equitable rights in you) in section 104-35 and section 109-5 of the *Income Tax Assessment Act 1997*? (25.08.99)

TD 1999/D94	Income tax: capital gains: can you acquire a contractual or other legal or equitable right even though there may be no tax consequences for the entity creating the right? (25.08.99)
TD 1999/D95	Income tax: capital gains: if a trust becomes a resident trust when is it taken to have acquired its CGT assets? If a trust stops being a resident trust, when does CGT event I2 in section 104-170 of the *Income Tax Assessment Act 1997* happen? (25.08.99)
TD 1999/D96	Income tax: capital gains: in what circumstances does the expression 'proceeds cannot be valued' in paragraph 116-30(2)(a) of the *Income Tax Assessment Act 1997* (market value substitution rule) apply? (25.08.99)
TD 1999/D97	Income tax: capital gains: if: • you acquire land and a dwelling (dwelling A) on or after 20 September 1985 which you use as your main residence and do not use for income producing purposes; and • you subdivide the land into 2 blocks and build another dwelling (dwelling B) on the subdivided vacant land and this dwelling becomes your main residence; and • you choose **not** to apply section 118-150 of the *Income Tax Assessment Act 1997* (about building, repairing or renovating a dwelling) for dwelling B; and • you sell dwellings A and B; are you entitled to the full main residence exemption in Subdivision 118-B for both dwellings? (17.11.99)
TD 1999/D98	Income tax: capital gains: if: • you acquire land and a dwelling (dwelling A) on or after 20 September 1985 which you use as your main residence and do not use for income producing purposes; and • you subdivide the land into 2 blocks and build another dwelling (dwelling B) on the subdivided vacant land and this dwelling becomes your main residence; and • you choose to apply section 118-150 of the *Income Tax Assessment Act 1997* (about building, repairing or renovating a dwelling) for dwelling B; and • you sell dwellings A and B; are you entitled to the full main residence exemption in Subdivision 118-B for both dwellings? (17.11.99)
TD 1999/D99	Income tax: capital gains: in what circumstances does subsection 118-150(5) of the *Income Tax Assessment Act 1997* modify the start of the period in paragraph 118-150(4)(b) for which you choose under subsection 118-150(2) to apply the main residence exemption in Subdivision 118-B? (17.11.99)

TD 1999/D100	Income tax: capital gains: what is meant by the phrase 'to the extent that' in subsection 118-120(1) of the *Income Tax Assessment Act 1997* where it refers to 'land that is adjacent to a dwelling … to the extent that you used the land primarily for private or domestic purposes in association with the dwelling as if it were a dwelling? (17.11.99)
TD 1999/D101	Income tax: do variations to, or transfers of, projects pre-qualified for the development allowance have to be approved by the Development Allowance Authority? (24.11.99)
TD 1999/D102	Income tax: are certificate holders under the infrastructure borrowings provisions of *the Development Allowance Authority Act 1992* required to continue to lodge annual reports? (24.11.99)
TD 1999/D103	Income tax: is Macau covered by the Australia-China Double Taxation Agreement on or after 20 December 1999? (22.12.99)

Notices of withdrawal of draft Determinations

TD 98/D6	Income tax and fringe benefits tax: what are the taxation consequences of certain motor vehicle lease novation arrangements known as partial novations? (05.05.99)
TD 1999/D30	Income tax: capital gains: does paying a loss company for the transfer of a net capital gain [sic] under Division 170 of the *Income Tax Assessment Act 1997* ('the 1997 Act') (where the payment is equal to the tax benefit of the loss) mean that it is not appropriate to reduce the cost base and reduced cost base of direct and indirect interests in the loss company under section 170-175? (02.07.99)
TD 1999/D31	Income tax: capital gains: if a company transfers a net capital loss under Subdivision 170-B of the *Income Tax Assessment Act 1997* ('the 1997 Act'): (a) when do the adjustments required by section 170-175 or 170-180 to the cost base and reduced cost base ('RCB') of a group company's interests in the loss company or the gain company take effect; and (b) what happens if a subvention payment (loss company) or a tax benefit (gain company) that would otherwise be taken into account in determining the amount of any adjustment, is no longer reflected in the market value of an interest at the time a CGT event happens to it because the subvention payment or tax benefit has been distributed as a dividend? (02.07.99)

Determinations

TD 1999/1	Income tax: are deductions under Division 43 of the *Income Tax Assessment Act 1997* (ITAA 1997) excluded by subsection 82(2) of the *Income Tax Assessment Act 1936* (ITAA 1936) in calculating any assessable profit or deductible loss from the sale of the property by the person who constructed the building? (24.03.99)

TD 1999/2	Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax (FBT) year commencing on 1 April 1999? (28.04.99)
TD 1999/3	Fringe benefits tax: for the purposes of Division 7 of the *Fringe Benefits Tax Assessment Act 1986* (FBTAA), what amount represents a reasonable food component of a living-away-from-home allowance for expatriate employees for the fringe benefits tax year commencing on 1 April 1999? (28.04.99)
TD 1999/4	Fringe benefits tax: what are the indexation factors for valuing non-remote housing and remote area housing for the fringe benefits tax (FBT) year commencing on 1 April 1999? (28.04.99)
TD 1999/5	Fringe benefits tax: what are the rates to be applied on a cents per kilometre basis for calculating the taxable value of a fringe benefit arising from the private use of a motor vehicle other than a car for the fringe benefits tax (FBT) year commencing on 1 April 1999? (28.04.99)
TD 1999/6	Income tax: what is the purpose of sections 279E and 289A of the *Income Tax Assessment Act 1936* (ITAA 1936)? (05.05.99)
TD 1999/7	Income tax: non-profit societies, associations or clubs located outside Australia that promote cultural activities such as the arts: is income derived by these organisations subject to Australian income tax if they provide performances at Australian cultural festivals and events? (05.05.99)
TD 1999/8	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – when will an issue of debentures be taken to have 'resulted from' the debentures being 'offered for issue' for the purposes of the public offer test in subsection 128F(3)? (12.05.99)
TD 1999/9	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – if a debenture is executed and delivered outside Australia, will it be taken to have been 'issued' outside Australia for the purposes of paragraph 128F(1)(c)? (12.05.99)
TD 1999/10	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does the definition of the term 'debenture' include an individual share or interest in a debenture? (12.05.99)
TD 1999/11	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - when is a non-resident borrowing subsidiary treated as a 'resident' for the purposes of the tax law of a country other than Australia? (12.05.99)
TD 1999/12	Income tax: withholding tax avoidance – do the withholding tax avoidance provisions of Part IVA and, in particular, section 177CA of the *Income Tax Assessment Act 1936* apply to a decision by a company to establish a programme for the issue of debentures in respect of which interest is exempt from interest withholding tax pursuant to the operation of section 128F? (12.05.99)

TD 1999/13	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the public offer test in paragraph 128F(3)(a) (the 'first public offer test'): (a) are pension funds and other 'qualified institutional buyers' considered to be carrying on the business of providing finance, or investing or dealing in securities? (b) what is required of a company to establish that the persons to whom the debentures are offered are carrying on business in the manner required by the legislation? when is a company taken to know or suspect that such a person is an associate? (12.05.99)
TD 1999/14	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - when is it reasonable for a company to regard the person to whom a debenture is offered as either 'having acquired debentures in the past' or 'being likely to be interested in acquiring debentures' for the purposes of the public offer test in paragraph 128F(3)(b)? (12.05.99)
TD 1999/15	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the third public offer test in paragraph 128F(3)(c): (a) what is required to establish that a debenture has been offered for issue *as a result of being accepted for listing*? (b) does the issue of a debenture satisfy the public offer test if the listing of the debenture by a stock exchange takes place following the issue where an agreement exists with the dealer, manager or underwriter requiring listing to take place? (12.05.99)
TD 1999/16	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does the public offer test in paragraph 128F(3)(d) require a company to demonstrate that negotiations in respect of a particular debenture actually resulted from negotiations being initiated publicly in electronic form? (12.05.99)
TD 1999/17	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - does the sole business test in paragraph 128F(8)(b) allow the borrowing subsidiary to enter into credit enhancements and swap arrangements in respect of finance raised for the purposes of the parent company? (12.05.99)
TD 1999/18	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the fifth public offer test, in paragraph 128F(3)(e), in what circumstances is a debenture taken to be 'offered for issue'? (12.05.99)
TD 1999/19	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does an issue of a debenture fail the public offer test in subsection 128F(5) if an associate of the company that issued the debenture takes a security interest over the debenture? (12.05.99)

TD 1999/20	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – for the purposes of the exemption exclusion in subsection 128F(6), when does a known associate of the company who is acting in the capacity of a dealer, manager or underwriter in relation to the *placement* of a debenture, and who receives interest, attract the exclusion? (12.05.99)
TD 1999/21	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - when is a company taken to have the requisite knowledge or suspicion that interest was paid to an associate for the purposes of subsection 128F(6)? (12.05.99)
TD 1999/22	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - is subsection 128F(10) the only method by which a global bond may satisfy the public offer test? (12.05.99)
TD 1999/23	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - does section 128F apply to debentures under which the yield is determined by a variable indexation factor rather than by being fixed? (12.05.99)
TD 1999/24	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - how may a company satisfy the introductory requirements in paragraphs 128F(3)(a) and 128F(3)(b) that a debenture must be offered on a 'debenture by debenture' basis? (12.05.99)
TD 1999/25	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* - what conditions need to be satisfied before a resident company can raise finance by the issue of debentures through a 'non-resident borrowing subsidiary' in another country? (12.05.99)
TD 1999/26	Income tax: interest withholding tax exemption under section 128F of the *Income Tax Assessment Act 1936* – does the exemption from interest withholding tax in section 128F extend to payments made by a guarantor to a lender on behalf of a borrower who defaults? (12.05.99)
TD 1999/27	Income tax: what are the thresholds and limits for superannuation amounts in 1999-2000? (19.05.99)
TD 1999/28	Fringe benefits tax: for the purposes of section 39A of the *Fringe Benefits Tax Assessment Act 1986* (FBTAA) what is the car parking threshold for the fringe benefits tax (FBT) year commencing on 1 April 1999? (02.06.99)
TD 1999/29	Income tax: capital gains: what is the improvement threshold for the 1999-2000 income year under section 108-85 of the *Income Tax Assessment Act 1997*? (09.06.99)
TD 1999/30	Income tax: capital gains: what is the business exemption threshold for the 1999-2000 income year under section 118-260 of the *Income Tax Assessment Act 1997*? (09.06.99)
TD 1999/31	Income tax: does Taxation Determination TD 94/80 apply to the Land Transport Facilities tax offset? (09.06.99)

TD 1999/32	Income tax: is a cash collateralisation arrangement acceptable for parties entering into a Land Transport Facilities borrowings agreement? (09.06.99)
TD 1999/33	Income tax: will a lender under a Land Transport Facilities borrowings agreement be denied deductions in respect of their own funding costs if they lend to the borrower at a lower rate of interest? (09.06.99)
TD 1999/34	Income tax: is a reward received under a 'consumer loyalty program' that results from private expenditure assessable? (16.06.99)
TD 1999/35	Income tax: are joining fees or annual fees paid for a 'consumer loyalty program' an allowable deduction? (16.06.99)
TD 1999/36	Income tax: should salary continuance benefits, paid to a member of a superannuation fund as a result of having a temporary disability, be reported for Reasonable Benefit Limits (RBL) purposes? (14.07.99)
TD 1999/37	Income tax: does section 103-20 of the *Income Tax Assessment Act 1997* apply in determining the capital gain or loss content of attributable income of a controlled foreign company? (21.07.99)
TD 1999/38	Income tax: does the principle of mutuality apply to income derived by a registered/licensed club under an arrangement entered into with an external party to conduct gaming or other activities on the club's premises? (21.07.99)
TD 1999/39	Income tax: what is the benchmark interest rate applicable for the year of income commencing on 1 July 1999 for the purposes of Division 7A of Part III of the *Income Tax Assessment Act 1936* ('the Act') and how is it used? (28.07.99)
TD 1999/40	Income tax: capital gains: what is an 'antique' for the purposes of the definition of 'collectable' in subsection 108-10(2) of the *Income Tax Assessment Act 1997*? (04.08.99)
TD 1999/41	Income tax: value of goods taken from stock for private use (18.08.99)
TD 1999/42	Income tax: do the principles set out in Taxation Ruling TR 98/22 apply to line of credit facilities? (18.08.99)
TD 1999/43	Income tax: capital gains: does section 118-140 of the *Income Tax Assessment Act 1997* (about changing main residences) allow you to treat two dwellings as your main residence for a period of up to six months if you choose to apply: (a) section 118-145 (about absences from your main residence); or (b) section 118-150 (about building, repairing or renovating a dwelling)? (25.08.99)
TD 1999/44	Fringe benefits tax: what is the exemption threshold for the purposes of subsection 135C(3) of the *Fringe Benefits Tax Assessment Act 1986* (FBTAA) for the fringe benefits tax (FBT) year commencing on 1 April 1999? (15.09.99)
TD 1999/45	Income tax: is the cost of life membership paid to a work-related or business association an allowable deduction and, if it is, is it allowable in full in the year it is paid? (15.09.99)

TD 1999/46	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*? (03.11.99)
TD 1999/47	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 court order under the *Family Law Act 1975* made by consent? (03.11.99)
TD 1999/48	Income tax: capital gains: if a court makes an order under the *Family Law Act 1975* declaring or altering a spouse's interest in property, do CGT events happen to CGT assets of the spouse for the purpose of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997*? (03.11.99)
TD 1999/49	Income tax: capital gains: is roll-over under sections 126-5 and 126-15 of the *Income Tax Assessment Act 1997* dependent on there being a marriage breakdown between the spouses? (03.11.99)
TD 1999/50	Income tax: capital gains: does the expression 'a court order' in sections 126-5 and 126-15 of the *Income Tax Assessment Act 1997* encompass an original order and any later order made by a court varying or cancelling an earlier order of the court? (03.11.99)
TD 1999/51	Income tax: capital gains: if a court order in the context of Subdivision 126-A of the *Income Tax Assessment Act 1997* varies or sets aside an earlier order of the court, does the later court order operate retrospectively or prospectively? (03.11.99)
TD 1999/52	Income tax: capital gains: does a CGT event happen for the purposes of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997* because of a court order, if the order directs: (a) a transfer of non-specific matrimonial property; or (b) a transfer of specific CGT assets? (03.11.99)
TD 1999/53	Income tax: capital gains: if a CGT asset is transferred by agreement between spouses and a court order later sanctions its transfer, was the transfer of the asset made 'because of' the court order in terms of section 126-5 or 126-15 for roll-over to apply? (03.11.99)
TD 1999/54	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 asset is transferred in accordance with the terms of a court order under the *Family Law Act 1975* but after the time limit specified in the court order? (03.11.99)
TD 1999/55	Income tax: capital gains: if a CGT asset other than one specified in a court order under the *Family Law Act 1975* is transferred between spouses, is the asset transferred 'because of' the court order for the purposes of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997*? (03.11.99)
TD 1999/56	Income tax: capital gains: if a CGT asset is transferred by one spouse to another because of a court order under the *Family Law Act 1975*, when is the asset acquired under Division 109 of the *Income Tax Assessment Act 1997* by the transferee? (03.11.99)

TD 1999/57	Income tax: capital gains: if marriage breakdown roll-over applies to a transfer of a CGT asset between spouses, what expenses of the transferor become the first element of the transferee's cost base of the asset under paragraph 126-5(5)(a) of the *Income Tax Assessment Act 1997*? (03.11.99)
TD 1999/58	Income tax: capital gains: if section 126-15 of the *Income Tax Assessment Act 1997* applies to a CGT event that has happened involving a company or a trustee, can expenses incurred by the spouse to the marriage breakdown who is not the transferee form part of the cost base of a CGT asset? (03.11.99)
TD 1999/59	Income tax: capital gains: do the record keeping requirements of Division 121 of the *Income Tax Assessment Act 1997* apply to both the transferor and transferee of a CGT asset to which the marriage breakdown roll-over provisions in Subdivision 126-A apply? (03.11.99)
TD 1999/60	Income tax: capital gains: if the requirements of section 126-5 or 126-15 of the *Income Tax Assessment Act 1997* are satisfied, is the marriage breakdown roll-over provided by the section automatic? (03.11.99)
TD 1999/61	Income tax: capital gains: is the expression 'a State law, Territory law or foreign law relating to *de facto* marriage breakdowns' in paragraphs 126-5(1)(c) and 126-15(1)(c) of the *Income Tax Assessment Act 1997* restricted to State, Territory or foreign legislation? (03.11.99)
TD 1999/62	Income tax: what are the criteria to be considered in deciding whether clothing items constitute a compulsory corporate uniform/wardrobe for the purposes of paragraph 30 of Taxation Ruling TR 97/12? (10.11.99)
TD 1999/63	Income tax: are officers of military cadets entitled to deductions for expenses incurred in the performance of their duties? (10.11.99)
TD 1999/64	Income tax: capital gains: what are the consequences for taxpayers who make a capital gain on the conversion of their Wheat Industry Fund units to shares in AWB Limited? (15.12.99)
TD 1999/65	Income tax: capital gains: how do you calculate the cost base of a Wheat Industry Fund unit issued to a wheat levy payer from the Fund? (15.12.99)
TD 1999/66	Income tax: capital gains: what factors should be taken into account in determining the 'amount that is reasonable' in applying subsection 118-190(2) of the *Income Tax Assessment Act 1997*? (15.12.99)
TD 1999/67	Income tax: capital gains: if your land (including land on which your dwelling is situated) exceeds 2 hectares, can you select which 2 hectares the main residence exemption in Subdivision 118-B applies to and, if so, how do you calculate any capital gain or capital loss you make on the remainder of your land? (15.12.99)
TD 1999/68	Income tax: capital gains: is 'adjacent' land in terms of section 118-120 of the *Income Tax Assessment Act 1997* limited to land contiguous to a dwelling? (15.12.99)

TD 1999/69	Income tax: capital gains: can the term 'dwelling' as defined in section 118–115 of the *Income Tax Assessment Act 1997* include more than one unit of accommodation? (15.12.99)
TD 1999/70	Income tax: capital gains: if a dwelling passes to you as a beneficiary or the trustee of a deceased estate and you make a capital gain or capital loss from a CGT event that happens to the dwelling, can you disregard the gain or loss despite your having used the dwelling since the deceased's death for income producing purposes if: • the deceased acquired the dwelling on or after 20 September 1985; • the dwelling was the deceased's main residence just before their death and was not then being used for income producing purposes; and • your ownership interest in the dwelling ends within 2 years of the deceased's death? (15.12.99)
TD 1999/71	Income tax: capital gains: does section 118–190 of the *Income Tax Assessment Act 1997* reduce your main residence exemption if part of your dwelling is used by someone else for an income producing purpose? (15.12.99)
TD 1999/72	Income tax: capital gains: does the cost base modification in subsection 128-15(4) Item 1 of the *Income Tax Assessment Act 1997* apply if a main residence acquired on or after 20 September 1985 is owned by joint tenants and one of them dies? (15.12.99)
TD 1999/73	Income tax: capital gains: is land under a unit of accommodation subject to the main residence exemption under Subdivision 118-B in Part 3-1 of the *Income Tax Assessment Act 1997* if the taxpayer sells the unit of accommodation separately from the land? (15.12.99)
TD 1999/74	Income tax: capital gains: in what circumstances does a trustee of a deceased estate acquire an ownership interest in a dwelling 'under the deceased's will' for the purposes of subsection 118-210(1) of the *Income Tax Assessment Act 1997*? (15.12.99)
TD 1999/75	Income tax: capital gains: does the redenomination of a financial arrangement to the Euro constitute: (a) the derivation of assessable income or the incurrence of an allowable deduction; (a) the realisation of a currency exchange gain or loss for the purposes of Division 3B of Part III of the *Income Tax Assessment Act 1936*; or (c) a CGT event? (15.12.99)
TD 1999/76	Income tax: capital gains: do the word 'expiring' in paragraph 104-25(1)(c) and the expression 'expiry of a CGT asset' in subparagraph 116-30(3)(a)(i) of the *Income Tax Assessment Act 1997* include voluntary terminations? (15.12.99)
TD 1999/77	Income tax: capital gains: is the Commonwealth or a State or Territory an entity for the purposes of Event Number D1 (about an entity creating contractual or other rights in you) in subsection 109-5(2) of the *Income Tax Assessment Act 1997*? (15.12.99)

TD 1999/78	Income tax: capital gains: for the purposes of CGT event B1, what is meant by the expression 'at the end of an agreement' in section 104-15 of the *Income Tax Assessment Act 1997*? (15.12.99)
TD 1999/79	Income tax: capital gains: does the expression 'lost or destroyed' for the purposes of CGT event C1 in subsection 104-20(1) of the *Income Tax Assessment Act 1997* apply to: (a) a voluntary 'loss' or 'destruction'? (b) intangible assets? (15.12.99)
TD 1999/80	Income tax: capital gains: does CGT event D1 in section 104-35 of the *Income Tax Assessment Act 1997* happen if you receive money or property for withdrawing an objection against a proposed land development? (15.12.99)
TD 1999/81	Income tax: capital gains: is a court an entity for the purposes of Event Number D1 (about an entity creating contractual or other rights in you) in subsection 109-5(2) of the *Income Tax Assessment Act 1997*? (15.12.99)
TD 1999/82	Income tax: capital gains: can you acquire a contractual or other legal or equitable right even though there may be no tax consequences for the entity creating the right? (15.12.99)
TD 1999/83	Income tax: capital gains: if a trust: (a) becomes a resident trust - when is it taken to have acquired its CGT assets? (b) stops being a resident trust - when does CGT event I2 in section 104-170 of the *Income Tax Assessment Act 1997* happen? (15.12.99)
TD 1999/84	Income tax: capital gains: in what circumstances does the expression 'proceeds cannot be valued' in paragraph 116-30(2)(a) of *the Income Tax Assessment Act 1997* (market value substitution rule) apply? (15.12.99)

Addenda to Determinations

TD 7	Capital gains: what are the CGT consequences of subdividing pre-CGT land? (10.03.99)
TD 92/119	Income tax: insurance: does paragraph 140 of Taxation Ruling IT 2663 apply to general insurers who have omitted to include in assessable income the earned portion of premiums attributable to unclosed business? (28.04.99)
TD 92/143	Income tax: is establishment expenditure incurred by a company preparatory to listing its shares on an Australian or foreign stock exchange deductible under subsection 51(1) of the *Income Tax Assessment Act 1936*? (05.05.99)
TD 92/166	Income tax: insurance: does a life insurance policy exist for taxation purposes where the policy holder is entitled to direct the investment activities of the assets underlying the investment? (18.08.99)

TD 93/234	Income tax: is the value of the shares received as consideration for providing services for research and development activities assessable income in the hands of an independent contractor? (18.08.99)
TD 94/40	Income tax: life assurance: are any of the premiums paid by an employer under a 'split purpose' insurance arrangement an allowable deduction? (18.08.99)
TD 94/48	Income tax: what types of protective clothing and footwear are shearers entitled to deduct as work related expenses under subsection 51(1) of the *Income Tax Assessment Act 1936*? (28.07.99)
TD 95/40	Income tax: is the premium payable on a trauma insurance policy, sold with a life assurance policy rider, assessable income of a life assurance company? (18.08.99)
TD 95/41	Income tax: is a premium payable on a trauma insurance policy by a self employed person or an employee an allowable deduction to the self employed person or employee? (18.08.99)
TD 95/42	Income tax: can a premium paid by an employer on a trauma insurance policy in respect of an employee be an allowable deduction to the employer? (18.08.99)
TD 95/44	Income tax: can research and development expenditure incurred by a business be deductible under subsection 51(1) of the *Income Tax Assessment Act 1936* ('the Act')? (18.08.99)
TD 97/14	Income tax: in what circumstances can an employer who self-insures for workers' compensation obtain a deduction for provisions under subsection 51(1) of the *Income Tax Assessment Act 1936*? (28.04.99)
TD 97/15	Income tax: capital gains: does section 160ZM of *the Income Tax Assessment Act 1936* apply to a non-assessable payment made by a trustee to a beneficiary of a discretionary trust? (10.03.99)
TD 98/22	Income tax: under Division 7A of Part III of the *Income Tax Assessment Act 1936* ('the Act'), how is the benchmark interest rate used for private company loans to shareholders or associates? (14.04.99)

Notices of withdrawal of Determinations

TD 15	Income tax: capital gains: does roll-over relief apply if there is a capital loss following the loss, destruction of, or damage to, an asset acquired after 19 September 1985? (10.03.99)
TD 22	Capital gains: how are section 80G or section 160ZP loss transfers treated for CGT purposes (09.06.99)
TD 25	Capital gains: what is the meaning of "value" in paragraph 160ZZT(1)(d)? (09.06.99)
TD 29	Capital gains: does section 160ZM apply only to cash distributions? (09.06.99)
TD 30	Capital gains: is the term 'sum' in subsection 160ZB(1) limited to a cash sum? (09.06.99)

TD 42	Capital gains: will section 160ZZS apply where pre-CGT shares in a company are transferred to a spouse and the shares are eligible for roll-over relief under section 160ZZM? (09.06.99)
TD 53	Capital gains: can an election that subsection 160ZZQ(5) apply, be pro-rated for part of the 'construction period'? (25.08.99)
TD 92/108	Income tax: foreign income: application of currency conversion rules to foreign exchange gains and losses of a controlled foreign company (CFC) (28.07.99)
TD 92/116	Income tax: capital gains: when is the grant of the deemed option in paragraph 160ZZC(12)(a) taken to have occurred? (09.06.99)
TD 92/118	Income tax: insurance: can a life assurance company get a deduction for expenditure incurred in deriving foreign income which is exempt under the former section 112B of the *Income Tax Assessment Act 1936*? (18.08.99)
TD 92/130	Income tax: capital gains: does subsection 160ZB(1) exclude from the operation of Part 111A compensation or damages obtained by a taxpayer for defamation, the loss of support following the (wrongful) death of the taxpayer's spouse or parent or the professional negligence of a solicitor failing to institute a personal injuries claim? (09.06.99)
TD 92/175	Income tax: capital gains: if a company seeks to carry forward a net capital loss but fails the continuing ownership test, can it rely on the same business test as set out in section 80E? (09.06.99)
TD 92/191	Income tax: do the pay-as-you-earn (PAYE) tax instalment deduction provisions of the *Income Tax Assessment Act 1936* apply to persons other than common law employees? (08.09.99)
TD 93/120	Income tax: capital gains: section 160A and subsections 160M(6) and 160M(7) of the *Income Tax Assessment Act 1936* were amended by *Taxation Laws Amendment Act (No 4) 1992* with effect from 25 June 1992. Are there any CGT consequences arising from the transfer of section 80G or section 160ZP losses after that date? (09.06.99)
TD 93/228	Income tax: a salon owner licences a hairdresser to use certain hairdressing facilities and purports to engage the hairdresser as an independent contractor. Do the Pay-As-You-Earn (PAYE) provisions of the *Income Tax Assessment Act 1936* apply to payments made by the salon owner to the hairdresser for work performed? (08.09.99)
TD 95/31	Income tax: are interest payments made to non-residents by an Offshore Banking Unit (OBU) on bearer debentures, where the names and addresses of the holders have not been supplied to the Commissioner of Taxation, caught by Division 11 and in particular section 126 of the *Income Tax Assessment Act 1936*? (05.05.99)
TD 95/35	Fringe benefits tax: if an employee (or an associate of an employee) receives an incentive award from an industry product promotion, will the award always be a fringe benefit provided under an 'arrangement' between the employer and the provider? (16.06.99)

TD 95/58	Income tax: capital gains: in determining whether the threshold and ratio tests in subsection 160P(6) of the *Income Tax Assessment Act 1936* are met, in what circumstances is it appropriate to aggregate a number of enhancements made to an asset so as to constitute an 'improvement' to the asset? (10.03.99)
TD 95/61	Income tax: what is the fair market value of flight rewards under frequent flyer or other similar consumer award type programs ('frequent flyer type programs')? (16.06.99)
TD 96/15	Income tax: under the Fly Buys program and similar consumer award programs which apply primarily for private or domestic purchases, is any amount of the award assessable where some of the purchases are employer-paid transactions? (16.06.99)
TD 96/20	Income tax: capital gains: does subsection 160ZZQ(8) of the *Income Tax Assessment Act 1936* allow a principal residence exemption for two dwellings, for a period of up to three months, if a taxpayer makes an election that either subsection 160ZZQ(5) or 160ZZQ(11) applies to one of the dwellings? (25.08.99)

Draft Rulings

TR 1999/D1	Income tax and fringe benefits tax: meaning of 'personal injury' (20.01.99)
TR 1999/D2	Income tax: penalty tax and trusts (20.01.99)
TR 1999/D3	Income tax: deductibility of interest on moneys drawn down under line of credit facilities and redraw facilities (10.02.99)
TR 1999/D4	Income tax: capital gains: treatment of forfeited deposits (14.04.99)
TR 1999/D5	Income tax and fringe benefits tax: taxation consequences of certain motor vehicle lease novation arrangements (05.05.99)
TR 1999/D6	Income tax and fringe benefits tax: Members of Parliament – allowances, reimbursements, donations and gifts, benefits, deductions and recoupments (26.05.99)
TR 1999/D7	Income tax, fringe benefits tax and superannuation guarantee: salary sacrifice arrangements (02.06.99)
TR 1999/D8	Income tax: insurance registers (23.06.99)
TR 1999/D9	Income tax: capital gains: application of Division 20 of Part IIIA of the *Income Tax Assessment Act 1936* and Division 149 of the *Income Tax Assessment Act 1997* to public entities (11.08.99)
TR 1999/D10	Income tax: remission of penalty and General Interest Charge for failure to make deductions from RPS, PAYE and PPS payments (18.08.99)
TR 1999/D11	Fringe benefits tax: meaning of 'business premises' (25.08.99)
TR 1999/D12	Income tax: substantiation rules: calculation of balancing adjustment for cars (15.09.99)
TR 1999/D13	Income tax: advance payments made under swap agreements (13.10.99)
TR 1999/D14	Income tax: research and development: plant expenditure (10.11.99)

TR 1999/D15	Income tax and fringe benefits tax: costs incurred in preparing and administering employment agreements (01.12.99)
TR 1999/D16	Income tax: international transfer pricing – transfer pricing and profit reallocation adjustments, relief from double taxation and the Mutual Agreement Procedure (22.12.99)
TR 1999/D17	Income tax: necessitous circumstances funds (22.12.99)
TR 1999/D18	Income tax: public libraries, public museums and public art galleries (22.12.99)
TR 1999/D19	Income tax: endorsement of income tax exempt charities (22.12.99)
TR 1999/D20	Income tax: deductible gift recipients – the gift fund requirement (22.12.99)
TR 1999/D21	Income tax and fringe benefits tax: charities (24.12.99)

Notices of withdrawal of draft Rulings

TR 94/D25	Income tax: interpretation of Division 16D - restrictions applying to certain non-leveraged finance leases to exempt public bodies or for overseas use (25.08.99)
TR 94/D26	Income tax: depreciation of fixtures (25.08.99)
TR 95/D15	Income tax: property development: valuing land held as trading stock at cost price (08.09.99)

Rulings

TR 1999/1	Income tax: international transfer pricing for intra-group services (20.01.99)
TR 1999/2	Income tax: deductibility of expenditure incurred on tailings dams or similar mining residue, waste storage or disposal facilities (20.01.99)
TR 1999/3	Income tax: the value for depreciation purposes for a subsequent purchaser of a car subject to the section 42-80 luxury car limit (03.02.99)
TR 1999/4	Income tax: capital gains: changes in majority underlying interests in assets of public entities for Division 20 of Part IIIA of the *Income Tax Assessment Act 1936* (14.04.99)
TR 1999/5	Fringe benefits tax: employee benefit trusts and non-complying superannuation funds – meaning of 'associate' – property fringe benefits (19.05.99)
TR 1999/6	Income tax and fringe benefits tax: flight rewards received under frequent flyer and other similar consumer loyalty programs (16.06.99)
TR 1999/7	Income tax: reasonable allowances amounts for the 1999-2000 income year (23.06.99)
TR 1999/8	Income tax: international transfer pricing: the effects of determinations made under Division 13 of Part III, including consequential adjustments under section 136AF (23.06.99)

TR 1999/9	Income tax: the operation of sections 165-13 and 165-210, paragraph 165-35(b), section 165-126 and section 165-132 (23.06.99)
TR 1999/10	Income tax and fringe benefits tax: Members of Parliament - allowances, reimbursements, donations and gifts, benefits, deductions and recoupments (30.06.99)
TR 1999/11	Income tax: basis of assessment of interest paid in advance and received in advance by financial institutions (14.07.99)
TR 1999/12	Income tax: deductibility of expenses incurred in preparing for the commencement of the Goods and Services Tax (GST) (20.08.99)
TR 1999/13	Income tax: tax instalment deductions (08.09.99)
TR 1999/14	Income tax: determining the co-operative status of a company which makes loans to shareholders (15.09.99)
TR 1999/15	Income tax and fringe benefits tax: taxation consequences of certain motor vehicle lease novation arrangements (17.11.99)
TR 1999/16	Income tax: capital gains: goodwill of a business (24.11.99)
TR 1999/17	Income tax: sportspeople - receipts and other benefits obtained from involvement in sport (24.11.99)
TR 1999/18	Income tax: lease surrender receipts and payments (01.12.99)
TR 1999/19	Income tax: capital gains: treatment of forfeited deposits (15.12.99)
TR 1999/List	Income tax and other taxes: Determinations, Rulings, and notices of withdrawal and addendum issued in 1999 (24.12.99)

Addenda to Rulings

IT 88	Income tax: Trading Stock – Commonwealth securities held by authorised dealers in the short term money market (05.05.99)
IT 2154	Income tax: expenses incurred in implementing affirmative action for women programs (18.08.99)
IT 2276	Income tax: assessability of profits on sales of investments of general insurance companies (28.04.99)
IT 2546	Income tax: implications of discount of premium arrangements by insurance companies (18.08.99)
IT 2552	Income tax: research and development (R&D) – costing of expenditure (18.08.99)
IT 2572	Income tax: general insurers – valuation of investments at net market value for accounting purposes: treatment of unrealised profits and losses for taxation purposes (18.08.99)
IT 2663	Income tax: basis of assessment of general insurance activities (28.04.99)
TR 92/7	Income tax: life assurance companies – total income (28.04.99)
TR 92/14	Income tax: taxation privileges and immunities of prescribed International Organisations and their staff (20.01.99)

TR 94/14	Income tax: application of Division 13 of Part III (international profit shifting) - some basic concepts underlying the operation of Division 13 and some circumstances in which section 136AD will be applied (14.04.99)
TR 95/4	Fringe benefits tax: guidelines for the remission of penalty taxes arising from audit action (25.08.99)
TR 95/5	Income tax: basis of assessment of reinsurance activities (28.04.99)
TR 95/17 Addendum 2	Income tax: employee work-related deductions of employees of the Australian Defence Force (31.03.99)
TR 94/22	Income tax: implications of the *Edwards case* for the deductibility of expenditure on conventional clothing by employees (28.07.99)
TR 95/25 Addendum 1	Income tax: deductions for interest under subsection 51(1) of the *Income Tax Assessment Act 1936* following *FC of T v. Roberts; FC of T v. Smith* (26.05.99)
TR 95/25 Addendum 2	Income tax: deductions for interest under subsection 51(1) of the *Income Tax Assessment Act 1936* following *FC of T v. Roberts; FC of T v. Smith* (23.06.99)
TR 95/28 Addendum 2	Income tax: life insurers and friendly societies – effect of 1994 amendments to Division 8 and Division 8A (18.08.99)
TR 96/2	Income tax: taxation implications of arrangements known as financial insurance and financial reinsurance (18.08.99)
TR 96/10	Income tax: section 110C: calculation of exempt income and deductions (18.08.99)
TR 96/16	Income tax: work related expenses: deductibility of expenses on compulsory uniform shoes, socks and stockings (28.07.99)
TR 96/17	Income tax: work-related expenses: deductibility of expenses on rehydrating moisturiser and rehydrating hair conditioner (04.08.99)
TR 96/18	Income tax: cosmetics and other personal grooming expenses (04.08.99)
TR 97/12	Income tax and fringe benefits tax: work related expenses: deductibility of expenses on clothing, uniform and footwear (10.11.99)
TR 98/3	Income tax: treatment of receipts for dealing with or disclosing mining, quarrying or prospecting information (20.01.99)

Notices of withdrawal of Rulings

IT 2005	Income tax: finance companies - gains and losses on redemption of securities (05.05.99)
IT 2009	Income tax: tax instalment deductions – authors and feature writers (08.09.99)
IT 2017	Income tax: deduction of accrued interest on debentures (17.11.99)
IT 2077	Income tax: tax instalment deductions – freelance writers/authors (08.09.99)

IT 2108	Income tax: tax instalment deductions from earnings of attendants engaged under the attendant care project (08.09.99)
IT 2129	Income tax: tax instalment deductions from payments of salary or wages (08.09.99)
IT 2137	Income tax: tax instalment deductions – fishermen (08.09.99)
IT 2180	Income tax: New Enterprise Incentive Scheme (28.07.99)
IT 2196	Income tax: interest withholding tax – exemption under section 128F of the *Income Tax Assessment Act* (15.09.99)
IT 2205	Income tax: exemption from interest withholding tax - application of section 128F of the *Income Tax Assessment Act* (15.09.99)
IT 2238	Income tax: interest withholding tax – exemption of interest where moneys raised by widely distributed debentures – use of loan funds outside Australia (15.09.99)
IT 2288	Income tax: interest withholding tax: exemption from withholding tax: public subscription and wide distribution of debentures outside Australia (15.09.99)
IT 2328 partial withdrawal	Income: capital gains provisions: interpretation and operation (24.11.99)
IT 2328 partial withdrawal	Income: capital gains provisions: interpretation and operation (08.12.99)
IT 2331	Income tax: deductions allowable to Members of Parliament (04.08.99)
IT 2347	Income tax: deductions: expenses incurred by officers of cadets in the performance of their duties (10.11.99)
IT 2396	Income tax: income of family day caregivers: income tax deductions allowable: PAYE provisions (08.09.99)
IT 2411	Income tax: convertible notes – meaning of convertible note – perpetual floating rate note (05.11.99)
IT 2511	Income tax: PAYE tax instalment deductions: insurance agents (08.09.99)
IT 2515	Income tax: interest withholding tax – exemption under section 128F of the *Income Tax Assessment Act* (15.09.99)
IT 2532	Income tax: deductions allowable to Members of Parliament (04.08.99)
IT 2539	Income tax: capital gains provisions: antiques (04.08.99)
IT 2541	Income tax: tax instalment deductions from payments made to hotel entertainers (08.09.99)
IT 2576	Income tax: tax instalment deductions – arrangements involving employment (or 'placement') agencies and labour hire firms (08.09.99)
IT 2641	Income tax: corporate wardrobes and corporate uniforms (10.11.99)

IT 2642	Income tax: mining exploration and prospecting expenditure (20.01.99)
IT 2647	Income tax: interest withholding tax – exemption from withholding tax – requirement that borrowed moneys be used in an Australian business (15.09.99)
IT 2652	Income tax: interest withholding tax – company - issues debentures – acting through an agent who does not disclose existence of principal (15.09.99)
IT 2673 Partial withdrawal	Income tax: capital gains tax - use of sole or principal residence for income producing purposes (15.12.99)
IT 2677	Income tax: requirements to make tax instalment deductions from payments of salary or wages to locum doctors (08.09.99)
IT 2679	Income tax: global notes – section 128F exemption from interest withholding tax (15.09.99)
TR 92/16	Income tax: mudlakes, dykes, tailing dams and other industrial residue or waste disposal facilities – deductions (20.01.99)
TR 93/2	Income tax and fringe benefits tax: benefits received under frequent flyer and other similar consumer award type programs (16.06.99)
TR 93/24	Income tax: the value for depreciation purposes for a subsequent purchaser of a motor vehicle subject to the section 57AF luxury motor vehicle limit (03.02.99)
TR 94/15	Income tax and fringe benefits tax: responses to questions on benefits received under frequent flyer and other similar consumer award type programs (16.06.99)
TR 95/3 partial withdrawal	Income tax: capital gains: application of subsections 160M(6) and 160M(7) to restrictive covenants and trade ties (24.11.99)
TR 95/31	Income tax: the operation of section 80E, section 50D, section 63C and section 80F (23.06.99)
TR 96/27	Fringe benefits tax: meaning of 'business premises' (17.02.99)
TR 97/13	Income tax: interpretation of Division 16D - finance leases to exempt public bodies or for overseas use (25.08.99)

Miscellaneous taxes

5. During the calendar year 1999 the Commissioner of Taxation issued:

Draft Rulings

MT 1999/D1	The New Tax System: the meaning of entity carrying on an enterprise for the purposes of entitlement to an Australian Business Number ('ABN') (27.10.99)

Product Rulings

6. During the calendar year 1999 the Commissioner of Taxation issued:

Rulings

PR 1999/1	Income tax: Hillston Grove Vineyards Project (27.01.99)
PR 1999/2	Income tax: ITC Eucalypts 1999 Green Triangle Project (03.02.99)
PR 1999/3	Income tax: The Australian Blue Gum Trust No 8 (10.02.99)
PR 1999/4	Income tax: Queensland Paulownia Forests Project No 3 (10.02.99)
PR 1999/5	Income tax: Australian Eucalypt Project 1999 (17.02.99)
PR 1999/6	Income tax: ITC Eucalypts 1999 West Australian Project (17.02.99)
PR 1999/7	Income tax: Goulburn Valley Orchards Project (03.03.99)
PR 1999/8	Income tax: Australian Hardwood Management Project No 2 (03.03.99)
PR 1999/9	Income tax: The Great Forests 1999 Project (17.03.99)
PR 1999/10	Income tax: The Paulownia West Coast Project No 2 (24.03.99)
PR 1999/11	Income tax: The Larenta Olive Project (05.05.99)
PR 1999/12	Income tax: deductibility of interest incurred on borrowings under the Macquarie Sharemarket Lending Facility for the purchase of units in the Macquarie Enhanced Index Trust (14.04.99)
PR 1999/13	Income tax: Australian Irrigated Timber Project No 1 (28.04.99)
PR 1999/14	Income tax: Heydon Park Tea Tree Project (28.04.99)
PR 1999/15	Income tax: Mobandilla Cotton Project No 2 (28.04.99)
PR 1999/16	Income tax: Great Southern Blue Gum Plantations 2000 Project (28.04.99)
PR 1999/17	Income tax: Summerhill Orchards Project No 1 (28.04.99)
PR 1999/18	Income tax: Norfolk Ridge Vineyards Project (05.05.99)
PR 1999/19	Income tax: Injury Management Solutions Partnership (05.05.99)
PR 1999/20	Income tax: Timber Capital Plantation Prospectus 1999 (12.05.99)
PR 1999/21	Income tax: Tarwoona Olives Scheme No 1 (12.05.99)
PR 1999/22	Income tax: Limestone Hill Vineyard Project (12.05.99)
PR 1999/23	Income tax: Preston Vale Vineyard Project (12.05.99)
PR 1999/24	Income tax: Murtagh of Rutherglen No 3 (12.05.99)
PR 1999/25	Income tax: Tasmanian Forest Trust No 7 Project (19.05.99)
PR 1999/26	Income tax: Beechworth Winegrape Project (19.05.99)
PR 1999/27	Income tax: Barkworth Olive Groves Project No 3 (19.05.99)
PR 1999/28	Income tax: Karri Oak Vineyard Project No 2 (19.05.99)

PR 1999/29	Income tax: Margaret River Wine Business (19.05.99)
PR 1999/30	Income tax: Brookhampton Estate Vineyard Project (19.05.99)
PR 1999/31	Income tax: Australian Blue Gum Project 1999 (19.05.99)
PR 1999/32	Income tax: Paulownia Forestry Project No 2 (19.05.99)
PR 1999/33	Income tax: Mt Barker Vineyard Fig Tree Lane Vineyard Project (26.05.99)
PR 1999/34	Income tax: Oilgrowers Management Project No 3 (26.05.99)
PR 1999/35	Income tax: The First TrackNet Project - Blue, Red and Yellow TrackNet Interests (26.05.99)
PR 1999/36	Income tax: Pacific Tea Tree Project (26.05.99)
PR 1999/37	Income tax: Australian Olives Project No 2 (26.05.99)
PR 1999/38	Income tax: Old Mundulla Vineyard Project 1998 (26.05.99)
PR 1999/39	Income tax: The Paulownia West Coast Project No 3 (26.05.99)
PR 1999/40	Income tax: Cameron Lodge Vineyard (26.05.99)
PR 1999/41	Income tax: Chateau Xanadu Vineyards Project (26.05.99)
PR 1999/42	Income tax: consequences for investors in OSSCCA Film Fund No 7 (02.06.99)
PR 1999/43	Income tax: Forestry Tasmania Trees Trust 1999 (02.06.99)
PR 1999/44	Income tax: Ord River Sandalwood Project No 2 (02.06.99)
PR 1999/45	Income tax: Australian Cotton Project (02.06.99)
PR 1999/46	Income tax: Pineplan Managed Investment Scheme (02.06.99)
PR 1999/47	Income tax: The Koorian Olives Project (02.06.99)
PR 1999/48	Income tax: Bridgeland Vineyards Project (02.06.99)
PR 1999/49	Income tax: Cashews Queensland Managed Investment Scheme (02.06.99)
PR 1999/50	Income tax: Tiwi Islands Acacia Project No 1 (09.06.99)
PR 1999/51	Income tax: consequences for investors in the Second Drill Film Fund (09.06.99)
PR 1999/52	Income tax: The Oil Fields Project 4 (09.06.99)
PR 1999/53	Income tax: Terra Australis Vineyard Project (09.06.99)
PR 1999/54	Income tax: Heydon Park Tea Tree Project (Extended Prospectus Period) (09.06.99)
PR 1999/55	Income tax: Warren River Project No 1 (09.06.99)
PR 1999/56	Income tax: Coonalpyn Olives Project (09.06.99)
PR 1999/57	Income tax: Tumbarumba Paulownia Plantation No 1 – Prospectus No 2 (09.06.99)
PR 1999/58	Income tax: Brooklyn Park Olive Groves (09.06.99)
PR 1999/59	Income tax: Faraday Riding Vineyard Project (09.06.99)

PR 1999/60	Income tax: Soho Lemon Farm Project (16.06.99)
PR 1999/61	Income tax: Coonawarra Premium Vineyards Project (16.06.99)
PR 1999/62	Income tax: Yelloch Creek Estate Vineyard Project (16.06.99)
PR 1999/63	Income tax: Plantation Forestry Managers Limited, Hardwood Project No 2 1999 (16.06.99)
PR 1999/64	Income tax: Limestone Hill Estate Vineyard Project (16.06.99)
PR 1999/65	Income tax: Mondall Almond Project (16.06.99)
PR 1999/66	Income tax: Parkview Orchard Project (16.06.99)
PR 1999/67	Income tax: The Great Forests 1999 Project (16.06.99)
PR 1999/68	Income tax: Australian Biotechnology Joint Venture No 1 (16.06.99)
PR 1999/69	Income tax: Environinvest Eucalypt Project 1999 (16.06.99)
PR 1999/70	Income tax: Paulownia Tree Farming Project No 1 (16.06.99)
PR 1999/71	Income tax: Kimseed Bluegum Project (16.06.99)
PR 1999/72	Income tax: Northern Rivers Coffee Project No 1 (23.06.99)
PR 1999/73	Income tax: Group Colleges Australia Project (23.06.99)
PR 1999/74	Income tax: Australian Cricket Bat Willow Project (23.06.99)
PR 1999/75	Income tax: Norfolk Ridge Vineyards Prospectus Number 2 (23.06.99)
PR 1999/76	Income tax: Dalby Paulownia Plantation No 1, Stage 1 (23.06.99)
PR 1999/77	Income tax: Coonawarra Blue Gums 1999 Project (23.06.99)
PR 1999/78	Income tax: Kingsford Olives Project (23.06.99)
PR 1999/79	Income tax: HIVMedications Joint Venture (23.06.99)
PR 1999/80	Income tax: Heritage Plantations Tea Tree Oil Project No 1 (23.06.99)
PR 1999/81	Income tax: The Finishing Touch Franchise Project (23.06.99)
PR 1999/82	Income tax: Kings Creek Vineyard Project (23.06.99)
PR 1999/83	Income tax: Environinvest Eucalypt Private Offering (23.06.99)
PR 1999/84	Income tax: GlenKara Estate Vineyard Project (23.06.99)
PR 1999/85	Income tax: WA Blue Gum Project – Prospectus 1999 (30.06.99)
PR 1999/86	Income tax: The Good Oil Plantation Project No 6 (30.06.99)
PR 1999/87	Income tax: tax consequences for investors in the proposed IMAX film 'AUSTRALIA: Land Beyond Time' (30.06.99)
PR 1999/88	Income tax: Red Wagyu Project (30.06.99)
PR 1999/89	Income tax: Old Stornoway Vineyard Project (25.08.99)
PR 1999/90	Income tax: Carina Park Almond Project (01.09.99)
PR 1999/91	Income tax: Mountain Top Coffee Project (01.09.99)

PR 1999/92	Income tax: Mt Barker Vineyards Fig Tree Lane Vineyard Project (08.09.99)
PR 1999/93	Income tax: Native Pepper Project (08.09.99)
PR 1999/94	Income tax: Brooklyn Park Olive Groves (revised arrangement) (15.09.99)
PR 1999/95	Income tax and fringe benefits tax: Product Rulings system (13.10.99)
PR 1999/96	Income tax: Norfolk Ridge Vineyards Prospectus Number 2 (post 30 June 1999 investors) (13.10.99)
PR 1999/97	Income tax: Mondall Almond Project (20.10.99)
PR 1999/98	Income tax: ITC Eucalypts 1999 Esperance Project (10.11.99)
PR 1999/99	Income tax: Hanging Rock Secondo (17.11.99)
PR 1999/100	Income tax: Queensland Paulownia Forests Project No 4 (17.11.99)
PR 1999/101	Income tax: Australian Biotechnology Joint Venture No 1 (17.11.99)
PR 1999/102	Income tax: Shaw Vineyard Estate Project 1999 (24.11.99)
PR 1999/103	Income tax: Tiwi Islands Acacia Project No 1 (revised arrangement) (24.11.99)
PR 1999/104	Income tax: SellTheHouse net Franchise Project (15.12.99)

Notices of withdrawal of Product Rulings

PR 1999/13	Income tax: Australian Irrigated Timber Project No 1 (01.12.99)
PR 1999/48	Income tax: Bridgeland Vineyards Project (20.10.99)
PR 1999/55	Income tax: Warren River Project No 1 (03.11.99)
PR 1999/58	Income tax: Brooklyn Park Olive Groves (21.07.99)
PR 1999/91	Income tax: Mountain Top Coffee (15.12.99)

Product Rulings withdrawn as a consequence of another Ruling issued

PR 1998/1	Income tax and fringe benefits tax: Product Rulings system (13.10.99)
PR 1999/9	Income tax: The Great Forests 1999 Project (16.06.99)
PR 1999/22	Income tax: Limestone Hill Vineyard Project (16.06.99)
PR 1999/33	Income tax: Mt Barker Vineyards Fig Tree Lane Vineyard Project (08.09.99)
PR 1999/50	Income tax: Tiwi Islands Acacia Project No 1 (24.11.99)
PR 1999/65	Income tax: Mondall Almond Project (20.10.99)
PR 1999/68	Income tax: Australian Biotechnology Joint Venture No 1 (17.11.99)

PR 1999/75	Income tax: Norfolk Ridge Vineyards Prospectus Number 2 (13.10.99)

Sales tax

7. During the calendar year 1999 the Commissioner of Taxation issued:

Determinations

STD 1999/1	Classification of AC adaptors; valuation of AC adaptors (24.02.99)
STD 1999/2	Fitting of a new prefabricated tray body to a new cab-chassis (24.03.99)
STD 1999/3	Glass products (19.05.99)
STD 1999/4	Valuation of tax advantaged computer programs in personal computers (21.07.99)
STD 1999/5	Taxable value of wine manufactured and sold by retail (18.08.99)
STD 1999/6	Classification of instructional materials - valuation of instructional materials (03.11.99)

Notices of withdrawal of draft Determinations

STD 98/D3	Sales tax: contract winemaking (15.09.99)

Notices of withdrawal of Determinations

STD 96/4	Sales tax: instructional material packaged with goods (03.11.99)

Ruling

SST 16	Sales tax: rate reduction credit (21.07.99)

Notices of withdrawal of Rulings

ST 2025	Sales tax: aids to manufacture/auxiliaries to aids to manufacture: "Betterex" liquid spillage absorbent and fire retardant (31.03.99)
ST 2301	Sales tax: herbal products and vitamin/mineral preparations (31.03.99)
ST 2412	Sales tax: silvered sheet and plate glass; silvered glass products (19.05.99)

Superannuation contributions

7. During the calendar year 1999 the Commissioner of Taxation issued:

Determinations

SCD 1999/1	Superannuation contributions: what is the surcharge threshold for the 1999-2000 financial year under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*? (19.05.99)
SCD 1999/2	Superannuation contributions: what are the indexable amounts for the 1999-2000 financial year under the *Termination Payments Tax Imposition Act 1997*? (19.05.99)
SCD 1999/3	Superannuation contributions: what is the surcharge threshold for the 1999-2000 financial year under the *Termination Payments Tax (Assessment and Collection) Act 1997*? (19.05.99)
SCD 1999/4	Superannuation contributions: what are the surchargeable contributions threshold and the indexable amounts for the 1999-2000 financial year under the *Superannuation Contributions Tax Imposition Act 1997*? (19.05.99)
SCD 1999/5	Superannuation contributions: rolled over employer eligible termination payment (ETP) (18.08.99)
SCD 1999/6	Superannuation contributions: what administrative arrangements for further statements and objections will the Commissioner put in place following amendments to the surcharge legislation? (17.11.99)

Addenda to Determination

SCD 1999/5	Superannuation contributions: rolled over employer eligible termination payment (ETP) (01.09.99)

Ruling

SCR 1999/1	Superannuation contributions: allocated surplus amounts for superannuation (accumulated benefits) schemes (13.01.99)

Superannuation guarantee

9. During the calendar year 1999 the Commissioner of Taxation :

Determination

SGD 1999/1	Superannuation guarantee: what is the maximum contribution base for each contribution period in 1999-2000? (19.05.99)

Notices of withdrawal of Determination

SGD 93/6	Superannuation guarantee: is a driver who provides courier services an employee of the courier company for the purposes of the Superannuation Guarantee? (21.07.99)

Commissioner of Taxation
24 December 1999

Previous draft:
Not previously issued: to the public in draft form.

Related Rulings/Determinations:
TR 96/List; TR 97/List; TR 98/List

Subject references:
- public rulings
- rulings issued: in 1999

ATO references:
NO 99/16320-8

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