



# ***TR 2011/List - Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2011***

 This cover sheet is provided for information only. It does not form part of *TR 2011/List - Income tax and other taxes: Determinations, Rulings, notices of withdrawal, addendum and erratum issued in 2011*

 This document has changed over time. This is a consolidated version of the ruling which was published on *21 December 2011*



## List of Taxation Rulings

Income tax and other taxes:  
Determinations, Rulings, notices of  
withdrawal, addendum and erratum  
issued in 2011

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### Preamble

*This document is not a 'public ruling' in terms of the **Taxation Administration Act 1953** and is not legally binding on the Commissioner. Taxation Ruling TR 2006/10 and Goods and Services Taxation Ruling GSTR 1999/1 explain when a Ruling is a public ruling and how it is binding on the Commissioner.*

## What this document is about

1. This document lists all draft and final Determinations and Rulings, as well as all notices of withdrawal, addendum and erratum to Determinations and Rulings, issued by the Commissioner of Taxation in the 2011 calendar year.

## Taxation Rulings and Determinations

2. During the 2011 calendar year the Commissioner of Taxation issued:

### Draft Taxation Rulings

Ruling	Title	Issue date
TR 2011/D1	Fringe benefits tax: meaning of 'cost price' of a car, for the purpose of calculating the taxable value of car fringe benefits	23.02.11
TR 2011/D2	Income tax and fringe benefits tax: charities	11.05.11
TR 2011/D3	Income tax: when a superannuation income stream commences and ceases	13.07.11
TR 2011/D4	Income tax: the operation of subsection 230-55(4) in determining what is an 'arrangement' for the purposes of the taxation of financial arrangements under Division 230 of the <i>Income Tax Assessment Act 1997</i>	24.08.11

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Ruling	Title	Issue date
TR 2011/D5	Income tax: school or college building funds	05.12.11
TR 2011/D6	Income tax: deductibility under subsection 295-465(1) of the <i>Income Tax Assessment Act 1997</i> of premiums paid by a complying superannuation fund for an insurance policy providing Total and Permanent Disability cover in respect of its members	07.12.11
TR 2011/D7	Income tax: taxation of financial arrangements - application of subsections 230-30(2) and 230-30(3) of the <i>Income Tax Assessment Act 1997</i> to gains and losses relating to exempt income or non-assessable non-exempt income	14.12.11
TR 2011/D8	Income tax: Section 254T of the Corporations Act and the assessment and franking of dividends paid from 28 June 2010	21.12.11

## Draft Taxation Rulings - notices of withdrawal

Ruling	Title	Issue date
TR 2010/D9	Income tax: deductibility under subsection 295-465(1) of the <i>Income Tax Assessment Act 1997</i> of premiums paid by a complying superannuation fund for an insurance policy providing Total and Permanent Disability cover in respect of its members	07.12.11

## Taxation Rulings

Ruling	Title	Issue date
TR 2011/1	Income tax: application of the transfer pricing provisions to business restructuring by multinational enterprises	09.02.11
TR 2011/2	Income tax: effective life of depreciating assets (applicable from 1 July 2011)	29.06.11
TR 2011/3	Fringe benefits tax: meaning of 'cost price' of a car, for the purpose of calculating the taxable value of car fringe benefits	17.08.11

Ruling	Title	Issue date
TR 2011/4	Income tax and fringe benefits tax: charities	12.10.11
TR 2011/5	Income tax: objections against income tax assessments	19.10.11
TR 2011/6	Income tax: business related capital expenditure – section 40-880 of the <i>Income Tax Assessment Act 1997</i> core issues	30.11.11

## Taxation Rulings – notices of withdrawal

Ruling	Title	Issue date
TR 95/23	Income tax: transfer pricing – procedures for bilateral and unilateral advance pricing arrangements	10.03.11
TR 2005/21	Income tax and fringe benefits tax: charities	11.05.11
TR 2010/2	Income tax: effective life of depreciating assets (applicable from 1 July 2010)	29.06.11
TR 92/13	Income tax: distribution by trustees of dividend income under the imputation system	22.06.11
TR 95/4	Fringe benefits tax: guidelines for the remission of penalty taxes arising from audit action	10.08.11
TR 96/10	Income tax: section 110C of the <i>Income Tax Assessment Act 1936</i> : calculation of exempt income and deductions	24.08.11
TR 96/8	Income tax: school and college building funds	30.11.11

## Taxation Rulings – notices of draft addendum

Ruling	Title	Issue date
TR 2006/10	Income tax, fringe benefits tax and product grants and benefits: Public Rulings	06.04.11
TR 2006/11	Income tax, fringe benefits tax and product grants and benefits: Private Rulings	06.04.11
TR 2005/22	Income tax: companies controlled by exempt entities	22.06.11

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## Taxation Rulings – notices of addendum

Ruling	Title	Issue date
TR 98/2	Income tax: miscellaneous trading stock issues affecting the general mining, petroleum mining and quarrying industries	02.02.11
TR 93/3	Income tax: trading stock of gold miners	02.02.11
TR 2000/5	Income tax and fringe benefits tax: costs incurred in preparing and administering employment agreements	02.03.11
TR 2007/7	Income tax: consolidation: errors in tax cost setting amounts of reset cost base assets	02.03.11
TR 93/30	Income tax: deductions for home office expenses	06.04.11
TR 95/13	Income tax: employee police officers-allowances, reimbursements and work-related deductions	06.04.11
TR 2007/6	Income tax: non-commercial business losses: Commissioner's discretion	27.04.11
TR 2001/14	Income tax: Division 35 - non-commercial losses	27.04.11
TR 97/24	Income tax: relief from the effects of failing to substantiate	25.05.11
TR 2008/2	Income tax: various income tax issues relating to the horse industry; including whether racing, training and breeding activities (carried out as stand alone activities or in combination) amount to the carrying on of a business	22.06.11
TR 2004/14	Income tax: consolidation: recognising and measuring the liabilities of a joining entity under subsection 705-70(1) of the <i>Income Tax Assessment Act 1997</i> where the entity becomes a subsidiary member of a consolidated group in a financial reporting period of the entity not beginning on or after 1 January 2005	29.06.11
TR 2002/8	Income tax: assessability of payments received from strike funds	06.07.11
TR 2005/10	Income tax: consolidation: retained cost base assets consisting of Australian currency or a right to receive a specified amount of such currency	06.07.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
TR 98/5	Income tax: calculating and claiming a deduction for laundry expenses	06.07.11
TR 96/20	Income tax: assessability and deductibility of prompt payment discounts offered by traders of goods to their customers and certain other discounts	20.07.11
TR 2006/10	Income tax, fringe benefits tax and product grants and benefits: Public Rulings	27.07.11
TR 2006/11	Income tax, fringe benefits tax and product grants and benefits: Private Rulings	27.07.11
TR 97/9	Income tax: sale of wool	10.08.11
TR 93/29	Income tax: motor vehicle dealers: valuation of stock on hand: motor vehicles traded in	17.08.11
TR 1999/6	Income tax and fringe benefits tax: flight rewards received under frequent flyer and other similar consumer loyalty programs	17.08.11
TR 97/12	Income tax and fringe benefits tax: work related expenses: deductibility of expenses on clothing, uniform and footwear	17.08.11
TR 97/15	Income tax: conditional contracts: derivation of income; allowable deductions; trading stock on hand	17.08.11
TR 92/11	Income tax: application of the Division 13 transfer pricing provisions to loan arrangements and credit balances	31.08.11
TR 2005/22	Income tax: companies controlled by exempt entities.	16.11.11
TR 97/11	Income tax: am I carrying on a business of primary production?	16.11.11
TR 2006/7	Income tax: special income derived by a complying superannuation fund, a complying approved deposit fund or a pooled superannuation trust in relation to the year of income	07.12.11
TR 98/9	Income tax: deductibility of self-education expenses	07.12.11
TR 2006/11	Private Rulings	21.12.11

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## Taxation Rulings – notices of erratum

Ruling	Title	Issue date
TR 2006/10A	Public Rulings	10.08.11
TR 2006/11A	Private Rulings	10.08.11
TR 2011/6	Income tax: business related capital expenditure – section 40-880 of the Income Tax Assessment Act 1997 core issues	07.12.11
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.	14.12.11

## Draft Taxation Determinations

Ruling	Title	Issue date
TD 2011/D1	Income tax: does it follow merely from the fact that an investment has been made by a trustee that any gain or loss from the investment will be on capital account?	09.03.11
TD 2011/D2	Income tax: may Part IVA of the <i>Income Tax Assessment Act 1936</i> apply to a scheme designed to convert otherwise assessable interest income into non-assessable non-exempt dividends?	16.03.11
TD 2011/D3	Income tax: capital gains tax: will the Commissioner accept that the shares in a 'no goodwill' incorporated professional practice have a market value of nil when considering the application of subsection 116-30(1) of the <i>Income Tax Assessment Act 1997</i> to an admission or exit of a practitioner shareholder from the practice for no consideration?	16.03.11
TD 2011/D4	Income tax: when will a taxpayer be provided interest and penalty protection through relying on an existing general administrative practice?	06.04.11

Ruling	Title	Issue date
TD 2011/D5	Income tax: will the gain or loss resulting from the expiration, sale, termination or exercise of a hedging financial arrangement to which a hedging financial arrangement election applies be determined and allocated in accordance with subsections 230-300(2) and (3) of the <i>Income Tax Assessment Act 1997</i> where that expiration, sale, termination or exercise happens before an occurrence of an event listed in the table in section 230-305 of the <i>Income Tax Assessment Act 1997</i> ?	01.06.11
TD 2011/D6	Income tax: does the hedge effectiveness test under section 230-365 of the <i>Income Tax Assessment Act 1997</i> require both retrospective and prospective testing for the purposes of the hedging financial arrangements method?	01.06.11
TD 2011/D7	Income tax: Division 7A: do the exclusion rules in Subdivision D of Division 7A of Part III of the <i>Income Tax Assessment Act 1936</i> (ITAA 1936) necessarily impact on the deemed circumstances arising from Subdivision E of the ITAA 1936 and the consequent operation of Subdivision B of the ITAA 1936?	15.06.11
TD 2011/D8	Income tax: does a taxpayer's purpose of 'paying their home loan off sooner' mean that Part IVA of the <i>Income Tax Assessment Act 1936</i> cannot apply to a 'line of credit home loan arrangement' of the type described in this Taxation Determination?	29.06.11
TD 2011/D9	Income tax: employee share schemes: if a share in a 'no goodwill' professional practice company is acquired by a practitioner shareholder (or a new practitioner shareholder), will the Commissioner accept, for the purposes of determining whether that acquisition was at a discount within the meaning of subsection 83A-20(1) of the <i>Income Tax Assessment Act 1997</i> , that the goodwill of the company can be taken to have no value?	26.10.11



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Ruling	Title	Issue date
TD 2011/D10	Income tax: when considering the application of subsection 159GZZZQ(2) of the <i>Income Tax Assessment Act 1936</i> to an exiting vendor practitioner-shareholder by a 'no goodwill' incorporated professional practice, will the Commissioner consider that the buy-back price is less than the market value of the shares merely because the price is calculated not to reflect the underlying goodwill of the company?	26.10.11
TD 2011/D11	Income tax: when is the shortfall interest charge incurred for the purposes of paragraph 25-5(1)(c) of the <i>Income Tax Assessment Act 1997</i> ?	09.11.11
TD 2011/D12	Income tax: what types of temporary absences from foreign service form part of a continuous period of foreign service under section 23AG of the <i>Income Tax Assessment Act 1936</i> ?	16.11.11

## Draft Taxation Determinations – notices of erratum

Ruling	Title	Issue date
TD 2011/D11	Income tax: when is the shortfall interest charge incurred for the purposes of paragraph 25-5(1)(c) of the <i>Income Tax Assessment Act 1997</i> ?	18.11.11

## Taxation Determinations

Ruling	Title	Issue date
TD 2011/1	Income tax and fringe benefits tax: can a non-resident entity be: (a) required to withhold amounts from salary and wages paid to an Australian resident employee for work performed overseas under section 12-35 of Schedule 1 to the <i>Taxation Administration Act 1953</i> ? (b) subject to obligations under the <i>Fringe Benefits Tax Assessment Act 1986</i> in relation to benefits provided to an Australian resident employee in relation to work performed overseas?	19.01.11

Ruling	Title	Issue date
TD 2011/2	Fringe benefits tax: for the purposes of section 135C of the <i>Fringe Benefits Tax Assessment Act 1986</i> , what is the exemption threshold for the fringe benefits tax year commencing on 1 April 2011?	30.03.11
TD 2011/3	Fringe benefits tax: for the purposes of section 28 of the <i>Fringe Benefits Tax Assessment Act 1986</i> what are the indexation factors for valuing non-remote housing for the fringe benefits tax year commencing on 1 April 2011?	30.03.11
TD 2011/4	Fringe benefits tax: for the purposes of Division 7 of Part III of the <i>Fringe Benefits Tax Assessment Act 1986</i> , 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 2011?	30.03.11
TD 2011/5	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 year commencing on 1 April 2011?	30.03.11
TD 2011/6	Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax year commencing on 1 April 2011?	30.03.11
TD 2011/7	Income tax: will the exemption in section 102NA of the <i>Income Tax Assessment Act 1936</i> continue to apply to a unit trust that has become the interposed trust of a stapled group pursuant to Subdivision 124-Q of the <i>Income Tax Assessment Act 1997</i> if the trustee of the trust later gains control (or the ability to control), either directly or indirectly, of operations of an entity that are in respect of a trading business within the meaning of section 102M of the <i>Income Tax Assessment Act 1936</i> ?	20.04.11

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Ruling	Title	Issue date
TD 2011/8	Income tax: consolidation: capital gains: does paragraph 40-880(5)(f) of the <i>Income Tax Assessment Act 1997</i> prevent the deduction, under section 40-880 of that Act, of incidental costs described in subsection 110-35(2) of that Act that the head company of a consolidated group or MEC group incurs, in acquiring shares in an entity that becomes a subsidiary member of the group, before the entity joins the group?	04.05.11
TD 2011/9	Income tax: consolidation: capital gains: does paragraph 40-880(5)(f) of the <i>Income Tax Assessment Act 1997</i> prevent the deduction, under section 40-880 of that Act, of incidental costs described in subsection 110-35(2) of that Act that the head company of a consolidated group or MEC group incurs, in acquiring shares in an entity that becomes a subsidiary member of the group, after the entity joins the group?	04.05.11
TD 2011/10	Income tax: consolidation: capital gains: does paragraph 40-880(5)(f) of the <i>Income Tax Assessment Act 1997</i> prevent the deduction, under section 40-880 of that Act, of incidental costs described in subsection 110-35(2) of that Act that the head company of a consolidated group or MEC group incurs, in disposing of shares in a subsidiary member to a non group entity, after the member leaves the group?	04.05.11
TD 2011/11	Income tax: value of goods taken from stock for private use for the 2010-11 income year	18.05.11
TD 2011/12	Income tax: where an equity interest is a financial arrangement which satisfies both subsections 230-45(1) and 230-50(1) of the <i>Income Tax Assessment Act 1997</i> , which provision applies?	25.05.11
TD 2011/13	Income tax: capital gains: what is the improvement threshold for the 2011-12 income year under section 108-85 of the <i>Income Tax Assessment Act 1997</i> ?	25.05.11

Ruling	Title	Issue date
TD 2011/14	Fringe benefits tax: what is the car parking threshold for the fringe benefits tax year commencing on 1 April 2011	25.05.11
TD 2011/15	Income tax: Division 7A - unpaid present entitlements – factors the Commissioner will take into account in determining the amount of any deemed entitlement arising under section 109XI of the <i>Income Tax Assessment Act 1936</i>	15.06.11
TD 2011/16	Income tax: Division 7A – payments and loans through interposed entities – factors the Commissioner will take into account in determining the amount of any deemed payment or notional loan arising under section 109T of the <i>Income Tax Assessment Act 1936</i>	15.06.11
TD 2011/17	Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2011-12 income year?	29.06.11
TD 2011/18	Income tax: what is the car limit for the 2011-12 financial year?	29.06.11
TD 2011/19	Tax administration: what is a general administrative practice for the purposes of protection from administrative penalties and interest charges?	27.07.11
TD 2011/20	Income tax: what is the benchmark interest rate applicable for the year of income that commenced on 1 July 2011 for the purposes of Division 7A of Part III of the <i>Income Tax Assessment Act 1936</i> and how is it used?	13.07.11
TD 2011/21	Income tax: does it follow merely from the fact that an investment has been made by a trustee that any gain or loss from the investment will be on capital account for tax purposes?	17.08.11
TD 2011/22	Income tax: can Part IVA of the <i>Income Tax Assessment Act 1936</i> apply to a scheme designed to convert otherwise assessable interest income into non assessable non-exempt dividends?	24.08.11

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Ruling	Title	Issue date
TD 2011/23	Income tax: does the hedge effectiveness test under section 230-365 of the <i>Income Tax Assessment Act 1997</i> require both retrospective and prospective testing where 'highly effective' takes its meaning from Australian accounting principles?	21.09.11
TD 2011/24	Income tax: is an 'Australian source' in subsection 6-5(3) of the <i>Income Tax Assessment Act 1997</i> dependent solely on where purchase and sale contracts are executed in respect of the sale of shares in an Australian corporate group acquired in a leveraged buyout by a private equity fund?	26.10.11
TD 2011/25	Income tax: does the business profits article (Article 7) of Australia's tax treaties apply to Australian sourced business profits of a foreign limited partnership (LP) where the LP is treated as fiscally transparent in a country with which Australia has entered into a tax treaty (tax treaty country) and the partners in the LP are residents of that tax treaty country?	26.10.11
TD 2011/26	Income tax: capital gains tax: if a share in a 'no goodwill' incorporated professional practice is disposed of for no consideration, will the Commissioner accept, for the purposes of calculating the market value of the share upon a possible application of subsection 116-30(1) of the <i>Income Tax Assessment Act 1997</i> that the goodwill of the company can be taken to have no value?	26.10.11

## Taxation Determinations – notices of withdrawal

Ruling	Title	Issue date
TD 93/68	Income tax: how do the substantiation provisions apply in relation to payments made by police officers to informants?	06.04.11
TD 93/69	Income tax: are police officers entitled to claim a deduction for the cost of meals and liquor provided to informants?	06.04.11

Ruling	Title	Issue date
TD 93/51	Income tax: is it always necessary for a retailer to make a police complaint before taking into account stock shortages for working out the value of trading stock on hand under subsection 28(1)?	06.04.11
TD 92/113	Income tax: foreign income: is a foreign loss quarantined within a partnership?	29.06.11
TD 2002/19	Income tax: can a private company be taken to have paid a dividend under section 109D of the <i>Income Tax Assessment Act 1936</i> ('the Act') in respect of a loan taken to have been made by the operation of section 109UB of the Act where the loan is made to another company?	06.07.11
TD 2005/27	Income tax: consolidation: is a unit in a cash management trust a retained cost base asset?	13.07.11
TD 2003/2	Income tax: can a private company be taken to have paid a dividend under either section 109C or section 109D of the <i>Income Tax Assessment Act 1936</i> ('the Act') in respect of a payment or loan taken to have been made to a target entity by way of section 109T of the Act where the private company is taken to have made a loan to the interposed entity by way of section 109UB of the Act?	24.08.11
TD 94/93	Income tax: are second schedule charges incurred by a motor vehicle dealer, upon the acquisition from the manufacturer / importer of a new vehicle, components of cost price for the purposes of calculating the value of that vehicle in terms of subsection 31(1) of the <i>Income Tax Assessment Act 1936</i> ?	24.08.11
TD 94/94	Income tax: can subsection 51(2A) of the <i>Income Tax Assessment Act 1936</i> operate to deny a tax deduction, available to a motor vehicle dealer, for second schedule charges incurred when acquiring new vehicle trading stock?	24.08.11

## Taxation Determinations – notices of addendum

Ruling	Title	Issue date
TD 92/198	Income tax: when can a taxpayer elect the replacement price method for the valuation of trading stock under subsection 31(1)?	02.02.11
TD 92/164	Income tax: insurance: are amounts paid by an employer on behalf of an employee as premiums on a life insurance policy exempt income of the employee where it is expected that the employee will obtain the amounts paid as premiums shortly after they are paid?	09.02.11
TD 93/47	Income tax: banana growers – what expenses should be included in a cost price valuation of trading stock on hand at the end of the financial year under subsection 31(1) of the <i>Income Tax Assessment Act 1936</i> ?	23.02.11
TD 93/97	Income tax: if a taxpayer claims a deduction for self education expenses under section 51(1), is the amount of \$250 spent, but disallowed as a deduction under section 82A, excluded from the substantiation provisions?	23.02.11
TD 2005/53	Income tax: consolidation: exit tax cost setting rules: where an accounting liability added at subsection 711-45(1) of the <i>Income Tax Assessment Act 1997</i> is modified by the operation of subsections 711-45(3) and (5), does the amount determined under subsection 711-45(5) override the adjustment made by subsection 711-45(3)?	02.03.11
TD 2006/50	Income tax: consolidation: losses: when a company that joins an existing MEC group is an eligible tier-1 company, do prior group losses of the head company of that group become subject to the loss utilisation rules in Subdivision 707-C of the <i>Income Tax Assessment Act 1997</i> ?	09.03.11
TD 2007/27	Income tax: consolidation: is the cost base of the goodwill referred to in subsection 711-25(2) of the <i>Income Tax Assessment Act 1997</i> limited to the cost base of goodwill previously identified under subsection 705-35(3) of that Act?	16.03.11

Ruling	Title	Issue date
TD 2004/4	Income tax: is a dividend paid before 1 July 1987 an unfranked dividend for the purpose of section 705-50 of the <i>Income tax Assessment Act 1997</i> ?	23.03.11
TD 2004/55	Income tax: consolidation tax cost setting rules: step 3 of the allocable cost amount: is the 'retained profits' amount referred to in subsection 705-90(2) of the <i>Income Tax Assessment Act 1997</i> a cumulative retained profits balance?	23.03.11
TD 2004/70	Income tax: consolidation: does the phrase 'is taken into account at a later time' in paragraph 705-80(1)(a) of the <i>Income Tax Assessment Act 1997</i> require that an accounting liability, or a change in the amount of an accounting liability, of a joining entity that is first recognised after the joining time be examined when determining whether or not section 705-80 of that Act applies?	23.03.11
TD 2004/71	Income tax: consolidation: can section 705-80 of the <i>Income Tax Assessment Act 1997</i> apply to a liability (or a change in a liability) that is recognised for accounting purposes because of an event that occurred after the joining time that provides new evidence of conditions that existed at the joining time?	23.03.11
TD 2004/77	Income tax: consolidation: general insurance: are accounting liabilities for unearned premiums adjusted under subsections 705-75(1) and 705-80(1) of the <i>Income Tax Assessment Act 1997</i> for the purposes of working out the allocable cost amount for a joining entity that is a general insurance company?	23.03.11
TD 2004/78	Income tax: consolidation: do subsections 705-75(1) and 705-80(1) of the <i>Income Tax Assessment Act 1997</i> apply to any part of an accounting liability for outstanding claims for the purposes of working out step 2 of the allocable cost amount for a joining entity that is a general insurance company?	23.03.11



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Ruling	Title	Issue date
TD 2004/62	Income tax: consolidation tax cost setting rules: how does subsection 701-30(2) of the <i>Income Tax (Transitional Provisions) Act 1997</i> modify the step 3 amount under section 705-90 of the <i>Income Tax Assessment Act 1997</i> ?	30.03.11
TD 2004/76	Income tax: consolidation: are the voting interests in a foreign company held by a subsidiary member of a consolidated group treated as being voting interests of the head company of the group when determining whether section 23AJ of the <i>Income Tax Assessment Act 1936</i> applies to a dividend paid to the group?	27.04.11
TD 2007/13	Income tax: consolidation: can a head company make a capital gain under CGT event L5 (section 104-520 of the <i>Income Tax Assessment Act 1997</i> ) when a subsidiary member of the group is deregistered after liquidation?	25.05.11
TD 2004/64	Income tax: consolidation: capital gains: does section 104-530 (CGT event L7) of the <i>Income Tax Assessment Act 1997</i> apply to amounts of a liability that accrue after the time that the entity with the liability became a subsidiary member of a consolidated group?	22.06.11
TD 2004/65	Income tax: consolidation: capital gains: does section 104-530 (CGT event L7) of the <i>Income Tax Assessment Act 1997</i> apply where: (a) an entity becomes a member of a consolidated group; (b) the entity owes a liability to another member of the group at that time; and (c) the liability is later discharged?	22.06.11
TD 2004/66	Income tax: consolidation: capital gains: can section 104-530 (CGT event L7) of the <i>Income Tax Assessment Act 1997</i> only apply if an allocable cost amount is worked out for an entity?	22.06.11

Ruling	Title	Issue date
TD 93/92	Income tax: are expenses incurred by a taxpayer in obtaining valuations for gifts of property donated under the Taxation Incentives for the Arts Scheme allowable deductions?	22.06.11
TD 2004/67	Income tax: consolidation: capital gains: does the determination of a capital gain or loss under section 104-530 (CGT event L7) of the <i>Income Tax Assessment Act 1997</i> require a full reconstruction of the allocable cost amount in relation to the relevant liability?	22.06.11
TD 2005/1	Income tax: what amount of deduction is available under section 40-25 of the <i>Income tax Assessment Act 1997</i> for the decline in value of copyright in patient records in respect of arrangements similar to those described in Taxpayer Alert 2004/5?	29.06.11
TD 94/30	Income tax: is the income earned by a philatelic (stamp collecting) societies exempt from income tax?	29.06.11
TD 2006/59	Income tax: consolidation: subsidiary in liquidation: are unsatisfied debts of a subsidiary at the time of deregistration, being debts owed to creditors outside of the consolidated group, accounting liabilities for the purposes of subsection 711-45(1) of the <i>Income Tax Assessment Act 1997</i> ?	06.07.11
TD 2007/12	Income tax: consolidation: subsidiary in liquidation – for the purposes of subsection 711-45(1) of the <i>Income Tax Assessment Act 1997</i> , is the amount of an unsatisfied liability owed to another member of the consolidated group ('intra-group liability') by a subsidiary member at the time it is deregistered equal to the market value of the corresponding asset of that other member?	13.07.11
TD 92/155	Income tax: under what circumstances is an average cost method acceptable in determining cost price of newsprint for closing stock valuation?	20.07.11

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Ruling	Title	Issue date
TD 2005/37	Income tax: does section 23AG of the <i>Income Tax Assessment Act 1936</i> exempt foreign earnings derived by a member of the Australian Defence Force engaged in foreign service for a continuous period of at least 91 days as part of certain United Nations operations?	17.08.11
TD 93/125	Income tax: is it necessary to do a stocktake at the end of the year?	17.08.11
TD 93/174	Income tax: does the receipt of a travel allowance automatically entitle an employee to a deduction for travel expenses under subsection 51(1) of the <i>Income Tax Assessment Act 1936</i> ?	17.08.11
TD 98/29	Income tax: is a primary producer who receives compensation payments for having destroyed sheep under the Victorian Ovine Johne's Disease (OJD) control program eligible to make elections under Subdivision 385-E of the <i>Income Tax Assessment Act 1997</i> ?	17.08.11
TD 94/84	Income tax: is: (a) a late lodgment fee under the Corporations (Fees) Regulations; and (b) a penalty for an offence under the Corporations Law an 'amount payable, or expressed to be payable, by way of penalty' within the meaning of that phrase in paragraph 51(4)(a) of the <i>Income Tax Assessment Act 1936</i> (ITAA)?	24.08.11
TD 94/55	Income tax: when does providing an item of property constitute the provision of entertainment within the meaning of subsection 51AE(3) of the <i>Income Tax Assessment Act 1936</i> ?	31.08.11
TD 93/95	Income tax: is a taxpayer who carries on business as a livesheep exporter carrying on a business of primary production?	19.10.11

## Taxation Determinations – notices of erratum

Ruling	Title	Issue date
TD 2006/51A	Income tax: can a dividend, or part of a dividend, be non-assessable non-exempt income under both section 23AJ and section 23AI of the <i>Income Tax Assessment Act 1936</i> ?	02.02.11
TD 93/37W	Income tax: capital gains: where an asset owned by the deceased at the time of death passes to a remainderman on the death of a life tenant, what is the date of acquisition of the asset by the remainderman?	09.02.11

## Goods and Services Tax Rulings, Determinations and Bulletins

3. During the 2011 calendar year the Commissioner of Taxation issued:

### Draft Goods and Services Tax Rulings

Ruling	Title	Issue date
GSTR 2011/D1	Goods and services tax: tax invoices	25.05.11
GSTR 2011/D2	Goods and services tax: residential premises and commercial residential premises	22.06.11
GSTR 2011/D3	Goods and services tax: loyalty programs	24.08.11
GSTR 2011/D4	Goods and services tax: financial assistance payments	02.11.11
GSTR 2011/D5	Goods and services tax: GST treatment of care services and accommodation in retirement villages and privately funded nursing homes and hostels	14.12.11

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## Draft Goods and Services Tax Rulings – notices of withdrawal

Ruling	Title	Issue date
GSTR 2009/D1	Goods and services tax: application of subsection 11-15(5) of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> to acquisitions relating to the provision of accounts by Australian authorised deposit taking institutions	14.09.11

## Goods and Services Tax Rulings

Ruling	Title	Issue date
GSTR 2011/1	Goods and services tax: development, lease and disposal of a retirement village tenanted under a 'loan-lease' arrangement	27.04.11
GSTR 2011/2	Goods and services tax: appropriations	06.07.11

## Goods and Services Tax Rulings – notices of withdrawal

Ruling	Title	Issue date
GSTR 2008/2	Goods and services tax: development lease arrangements with government agencies	11.05.11
GSTR 2000/17	Goods and services tax: tax invoices	25.05.11
GSTR 2006/11DA	Goods and services tax: appropriations	13.07.11
GSTR 2006/11	Goods and services tax: appropriations	13.07.11

## Goods and Services Tax Rulings – notices of draft addendum

Ruling	Title	Issue date
GSTR 2006/9	Goods and services tax: supplies	10.08.11
GSTR 2006/10	Goods and services tax: insurance settlements and entitlement to input tax credits	10.08.11
GSTR 2003/8	Goods and services tax: supply of rights for use outside Australia – subsection 38-190(1), item 4, paragraph (a) and subsection 38-190(2)	31.08.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
GSTR 2001/8	Goods and services tax: apportioning the consideration for a supply that includes taxable and non-taxable parts	26.10.11
GSTR 2002/2	Goods and services tax: GST treatment of financial supplies and related supplies and acquisitions	21.12.11

## **Goods and Services Tax Rulings – notices of addendum**

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
GSTR 2004/9	Goods and services tax: GST consequences of the assumption of vendor liabilities by the purchaser of an enterprise	27.04.11
GSTR 2002/6	Goods and services tax: exports of goods, items 1 to 4 of the table in subsection 38-185(1) of the A New Tax System (Goods and Services Tax) Act 1999	11.05.11
GSTR 2009/4	Goods and services tax: new residential premises and adjustments for changes in extent of creditable purpose	18.05.11
GSTR 2009/4	Goods and services tax: new residential premises and adjustments for changes in extent of creditable purpose	25.05.11
GSTR 2000/21	Goods and services tax: the margin scheme for supplies of real property held prior to 1 July 2000	22.06.11
GSTR 2006/7	Goods and services tax: how the margin scheme applies to a supply of real property made on or after 1 December 2005 that was acquired or held before 1 July 2000	22.06.11
GSTR 2006/8	Goods and services tax: the margin scheme for supplies of real property acquired on or after 1 July 2000	22.06.11
GSTR 2000/19	Goods and services tax: making adjustments under Division 19 for adjustment events	21.09.11
GSTR 2011/2	Goods and services tax: appropriations	16.11.11
GSTR 2000/19	Goods and services tax: making adjustments under Division 19 for adjustment events	07.12.11
GSTR 2000/1	Goods and services tax: adjustment notes	07.12.11

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<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
GSTR 2001/2	Goods and services tax: foreign exchange conversions	07.12.11
GSTR 2006/9	Goods and services tax: supplies	14.12.11
GSTR 2006/10	Goods and services tax: insurance settlements and entitlement to input tax credits	14.12.11
GSTR 2003/8	Goods and services tax: supply of rights for use outside Australia - subsection 38-190(1), item 4, paragraph (a) and subsection 38-190(2)	21.12.11

## Goods and Services Tax Rulings – notices of erratum

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
GSTR 2011/1	Goods and services tax: development, lease and disposal of a retirement village tenanted under a 'loan-lease' arrangement	25.05.11
GSTR 2004/9A	Goods and services tax: GST consequences of the assumption of vendor liabilities by the purchaser of an enterprise	25.05.11

## Draft Goods and Services Tax Determinations

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
GSTD 2011/D1	Goods and services tax: can a 'farming business' be carried on, for the purposes of paragraph 38-480(a) of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> where there has been a cessation of routine farming activities for a period of time as a consequence to sell the land?	17.08.11
GSTD 2011/D2	Goods and services tax: do the acquisitions of the services provided under the arrangement described in Taxpayer Alert TA 2010/1 form part of a reduced credit acquisition made by the financial supply provider under item 9 of the table in subregulation 70-5.02(2) of the <i>A New Tax System (Goods and Services Tax) Regulations 1999</i> ?	24.08.11

Ruling	Title	Issue date
GSTD 2011/D3	Goods and services tax: does an adjustment for a change in extent of creditable purpose necessarily arise for services acquired in relation to a proposed merger and acquisition transaction that does not eventuate, or that does not proceed in the manner contemplated at the time the services were acquired?	28.09.11
GSTD 2011/D4	Goods and services tax: what is 'hospital treatment' for the purposes of section 38-20 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> ?	14.12.11
GSTD 2011/D5	Goods and services tax: are acquisitions related to an entity's retail foreign currency exchange transactions with customers in Australia made solely for a creditable purpose under section 11-15 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (GST Act)?	21.12.11

## Goods and Services Tax Determinations

Ruling	Title	Issue date
GSTD 2011/1	Goods and services tax: is an ex gratia payment by an insurer in response to a claim under an insurance policy a payment made 'in settlement of a claim'?	29.06.11
GSTD 2011/2	Goods and services tax: can a 'farming business' be carried on, for the purposes of paragraph 38-480(a) of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> , where there has been a cessation of routine farming activities by the supplier for a period of time as a consequence of a decision to sell the land?	16.11.11
GSTD 2011/3	Goods and services tax: do the acquisitions of the services provided under the arrangement described in Taxpayer Alert TA 2010/1 form part of a reduced credit acquisition made by the financial supply provider under item 9 of the table in subregulation 70-5.02(2) of the <i>A New Tax System (Goods and Services Tax) Regulations 1999</i> ?	30.11.11



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Ruling	Title	Issue date
GSTD 2011/4	Goods and services tax: are accommodation bond retention amounts or accommodation charges paid, by residents of an aged care facility covered by the <i>Aged Care Act 1997</i> , that is supplying GST-free services under subsection 38-25(1), consideration for a GST-free supply?	14.12.11

## GST Industry Issue Lists – notices of addendum

Ruling	Title	Issue date
GST Industry Issue Detailed Food List	Detailed food list	31.08.11
GST Industry Issue Charities Consultative Committee	GST: Non-commercial activities of charities, cost of supply and market value tests	02.11.11

## Goods and Services Tax Advice – notices of withdrawal

Ruling	Title	Issue date
GSTA TPP 025	Goods and services tax: what are the registration requirements for resident agents acting for non-residents?	30.03.11
GSTA TPP 028	Goods and services tax: what should be the content of a tax invoice issued by or on behalf of an entity that adopts a simplified accounting method?	30.03.11
GSTA TPP 029	Goods and services tax: what amount should appear in a tax invoice that relates to a contract subject to a retention?	30.03.11
GSTA TPP 035	Goods and services tax: can an agent issue a tax invoice on behalf of a principal?	30.03.11
GSTA TPP 040	Goods and services tax: can an agent for a partnership of trusts use its own name and the partnership's ABN on valid tax invoices?	30.03.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
GSTA TPP 048	Goods and services tax: which name and ABN should appear on a tax invoice when a trustee makes a taxable supply in its capacity as trustee?	30.03.11
GSTA TPP 086	Goods and services tax: is a partnership entitled to an input tax credit for an acquisition if the relevant tax invoice contains the name of only one partner?	30.03.11
GSTA TPP 087	Goods and services tax: is a partnership entitled to an input tax credit for an acquisition if the relevant tax invoice contains the name of only one partner, and that partner is reimbursed by the partnership for the cost of the acquisition?	30.03.11
GSTA TPP 096	Goods and services tax: is there an increasing adjustment under Division 138 of the GST Act if an entity carrying on a farming business undertakes improvements to its farm land and subsequently cancels its GST registration?	06.07.11

## **Goods and Services Tax Advice – erratum**

GSTA TPP 025W	Goods and services tax: what are the registration requirements for resident agents acting for non-residents?	22.06.11
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## **Luxury Car Tax Determinations**

4. During the 2011 calendar year the Commissioner of Taxation issued:

### **Luxury Car Tax Determinations**

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
LCTD 2011/1	Luxury car tax: what are the luxury car tax threshold and the fuel-efficient car limit for the 2011-12 financial year?	29.06.11

## Self Managed Superannuation Funds Rulings and Determinations

5. During the 2011 calendar year the Commissioner of Taxation issued:

### Draft Self Managed Superannuation Funds Rulings

Ruling	Title	Issue date
SMSFR 2011/D1	Self managed superannuation funds: limited recourse borrowing arrangements – application of key concepts	14.09.11

### Self Managed Superannuation Funds Determinations

Ruling	Title	Issue date
SMSFD 2011/1	Self managed superannuation funds: for the purposes of the Superannuation Industry (Supervision) Regulations 1994, is a benefit payable with a cheque or promissory note 'cashed' at the time the cheque or note is received by the member or beneficiary?	19.01.11

## Fuel Tax Rulings and Determinations

6. During the 2011 calendar year the Commissioner of Taxation issued:

### Fuel Tax Rulings – notices of addendum

Ruling	Title	Issue date
FTR 2006/1	Fuel tax: fuel tax credits for taxable fuel acquired or manufactured in, or imported into Australia for use in carrying on an enterprise involving 'agriculture' as defined in section 22 of the <i>Energy Grants (Credit) Scheme Act 2003</i>	19.10.11
FTR 2009/1	Fuel tax: entitlement to a fuel tax credit under section 41-5 of the <i>Fuel Tax Act 2006</i> in a vehicle or equipment hire arrangement	19.10.11

Ruling	Title	Issue date
FTR 2006/2	Fuel tax: fuel tax credits for taxable fuel acquired or manufactured in, or imported into Australia for use in carrying on an enterprise involving 'mining operations as defined in section 11 of the <i>Energy Grants (Credit) Scheme Act 2003</i>	02.11.11
FTR 2006/3	Fuel tax: fuel tax credits for taxable fuel acquired or manufactured in, or imported into Australia for use in carrying on an enterprise involving 'forestry' as defined in section 35 of the <i>Energy Grants (Credit) Scheme Act 2003</i>	02.11.11
FTR 2006/4	Fuel tax: fuel tax credits for taxable fuel acquired or manufactured in, or imported into Australia for use in carrying on an enterprise involving 'fishing operations as defined in section 34 of the <i>Energy Grants (Credit) Scheme Act 2003</i>	16.11.11
FTD 2006/2	Fuel tax: what records are required to be kept by taxpayers to substantiate a claim for a fuel tax credit?	07.12.11

## Fuel Tax Determinations – notices of addendum

Ruling	Title	Issue date
FTD 2006/3	Fuel tax: what is an 'enterprise' for the purposes of the <i>Fuel Tax Act 2006</i> ?	02.03.11

## Product Grants and Benefits Rulings

7. During the 2011 calendar year the Commissioner of Taxation issued:

## Product Grants and Benefits Ruling - notices of addendum

Ruling	Title	Issue date
PGBR 2005/2	Energy grants: off-road credits for mining operations	19.10.11

## Wine Equalisation Tax Rulings

8. During the 2011 calendar year the Commissioner of Taxation issued:

### Wine Equalisation Tax Rulings – notices of addendum

Ruling	Title	Issue date
WETR 2006/1	Wine equalisation tax: the operation of the producer rebate for producers of wine in New Zealand	06.07.11
WETR 2009/1	Wine equalisation tax: the operation of the wine equalisation tax system	06.07.11
WETR 2009/2	Wine equalisation tax: operation of the producer rebate for other than New Zealand participants	06.07.11

### Wine Equalisation Tax Determinations

Ruling	Title	Issue date
WETD 2011/1	Wine equalisation tax: what are the results for entities that are engaged in an arrangement described in Taxpayer Alert TA 2009/7?	06.04.11

## Miscellaneous Taxation Rulings

9. During the 2011 calendar year the Commissioner of Taxation issued:

### Draft Miscellaneous Taxation Rulings

Ruling	Title	Issue date
MT 2011/D1	Miscellaneous tax: application of the income tax and GST laws to immediate transfer farm-out arrangements	27.07.11
MT 2011/D2	Miscellaneous tax: application of the income tax and GST laws to deferred transfer farm-out arrangements	24.08.11
MT 2011/D3	Administrative penalties: voluntary disclosures	07.09.11

## Miscellaneous Taxation Rulings

Ruling	Title	Issue date
MT 2011/1	Miscellaneous taxes: application of penalties and interest charges to the Commonwealth, States, Northern Territory and Australian Capital Territory	29.06.11

## Miscellaneous Taxation Rulings - notices of addendum

Ruling	Title	Issue date
MT 2008/1	Penalty relating to statements: meaning of reasonable care, recklessness and intentional disregard	01.06.11
MT 2008/2	Shortfall penalties: administrative penalty for taking a position that is not reasonably arguable	01.06.11
MT 2009/1	Miscellaneous taxes: notification requirements for an entity under section 105-55 of Schedule 1 to the <i>Taxation Administration Act 1953</i>	01.06.11

## Miscellaneous Taxation Rulings - notices of withdrawal

Ruling	Title	Issue date
MT 2008/3	Administrative penalties: voluntary disclosures	07.09.11

## Class Rulings

10. During the 2011 calendar year the Commissioner of Taxation issued:

### Class Rulings

Ruling	Title	Issue date
CR 2011/1	Income tax: early retirement scheme – Queensland Government Department of Education and Training	12.01.11
CR 2011/2	Income tax: demerger of Austgrowth Property Syndicate No.20 Unit Trust	19.01.11

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<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2011/3	Income tax: demerger of Burwood Property Syndicate Unit Trust	19.01.11
CR 2011/4	Income tax: demerger of Brisbane Property Syndicate Unit Trust	19.01.11
CR 2011/5	Income tax: demerger of Canberra Property Syndicate Unit Trust	19.01.11
CR 2011/6	Income tax: demerger of Melbourne Property Syndicate Unit Trust	19.01.11
CR 2011/7	Income tax: off-market share buy-back: Collins Foods Holding Pty Ltd	19.01.11
CR 2011/8	Income tax: proposed return of capital: Burwood Property Syndicate	02.02.11
CR 2011/9	Income tax: proposed return of capital: Brisbane Property Syndicate	02.02.11
CR 2011/10	Income tax: proposed return of capital: Canberra Property Syndicate	02.02.11
CR 2011/11	Income tax: proposed return of capital: Melbourne Property Syndicate	02.02.11
CR 2011/12	Income tax: proposed return of capital: Austgrowth Property Syndicate No. 18	02.02.11
CR 2011/13	Income tax: proposed return of capital: Austgrowth Property Syndicate No. 20	02.02.11
CR 2011/14	Income tax: proposed return of capital: Austgrowth Property Syndicate No. 21	02.02.11
CR 2011/15	Income tax: proposed return of capital: APGF Diversified Property Fund	02.02.11
CR 2011/16	Income tax: scrip for scrip roll over: acquisition of Aluminex Resources Limited by Iron Mountain Mining Limited	02.02.11
CR 2011/17	Income tax: early retirement scheme – South Australia Department of Education and Children's Services	02.02.11
CR 2011/18	Income tax: bonus share plan: Cedar Woods Properties Limited	02.02.11
CR 2011/19	Income tax: Barclays PLC Share Award Schemes	09.02.11
CR 2011/20	Income tax: CSR Limited - return of capital	16.02.11
CR 2011/21	Income tax: QR National Limited Loyalty Bonus Share Scheme	02.03.11
CR 2011/22	Income tax: assessable income: payments received by former residents in State care in South Australia	02.03.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2011/23	Income tax: Shell Group – Performance Share Plan Award	02.03.11
CR 2011/24	Income tax: proposed return of capital: APGF Property Syndicate No. 4	02.03.11
CR 2011/25	Income tax: proposed return of capital: APGF Property Syndicate No. 5	02.03.11
CR 2011/26	Income tax: proposed return of capital: APGF Property Syndicate No. 7	02.03.11
CR 2011/27	Income tax: restructure of Spark Infrastructure	09.03.11
CR 2011/28	Income tax: demerger of Straits Metals Limited by Straits Resources Limited	09.03.11
CR 2011/29	Income tax: Suncorp-Metway Group restructure – employee share scheme – treatment of shares or rights	09.03.11
CR 2011/30	Income tax: proposed return of capital: OZ Minerals Limited	16.03.11
CR 2011/31	Income tax: scrip for scrip roll-over: exchange of shares in Mosaic Oil N.L. for shares in AGL Energy Limited.	16.03.11
CR 2011/32	Income tax: demerger of Elementos Limited by Orocobre Limited	16.03.11
CR 2011/33	Income tax: redemption of units: LinQ Resources Fund	23.03.11
CR 2011/34	Income tax: off market takeover of Ammttec Limited	30.03.11
CR 2011/35	Income tax: Suncorp-Metway Limited – allotment of Converting Preference Shares	06.04.11
CR 2011/36	Income tax: scrip for scrip: exchange of shares in AXA Asia Pacific Holdings Limited for shares in AMP Limited	06.04.11
CR 2011/37	Income tax: Indigenous Training and Recruitment Initiatives Scholarships	13.04.11
CR 2011/38	Income tax: CPI Group Limited Scheme of Arrangement and Proposed Special Dividend	13.04.11
CR 2011/39	Income tax: AXA Asia Pacific Holdings Limited – proposed AMP Limited Acquisition – Employee Share Scheme – Tax Deferred Plan	13.04.11



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<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2011/40	Income tax: AXA Asia Pacific Holdings Limited – proposed AMP Acquisition – Employee Share Scheme – Tax Exempt Plan	13.04.11
CR 2011/41	Fringe benefits tax: health services provided by BUPA Wellness Pty Ltd	20.04.11
CR 2011/42	Income tax: scrip for scrip rollover: exchange of shares and options in Sensear Pty Ltd for shares and options in Sensear Holdings Pty Ltd	20.04.11
CR 2011/43	Income tax: off market share buy back: BHP Billiton Limited	04.05.11
CR 2011/44	Income tax: voluntary separation program: Queensland Government employees'	04.05.11
CR 2011/45	Income tax: sale of Ricegrowers Limited shares and Proposed Dividend	11.05.11
CR 2011/46	Income tax: early retirement scheme - Lloyd's Register Quality Assurance Limited	18.05.11
CR 2011/47	Income tax: early retirement scheme – BlueScope Steel Limited	18.05.11
CR 2011/48	Income tax: early retirement scheme – Alcoa of Australia Limited	18.05.11
CR 2011/49	Income tax: RP Data Limited Scheme of Arrangement and Special Dividend	25.05.11
CR 2011/50	Income tax: early retirement scheme – Loy Yang Power Management Pty Ltd	25.05.11
CR 2011/51	Income tax: scrip for scrip: merger of Sylvastate Limited and Whitefield Limited	25.05.11
CR 2011/52	Income tax: early retirement scheme - East Wimmera Health Service	01.06.11
CR 2011/53	Income tax: capital gains: compensation receipts – Indigenous Wages and Savings Reparations Process (Queensland) – reopened process	08.06.11
CR 2011/54	Income tax: off-market share buy-back: JB Hi-Fi Limited	15.06.11
CR 2011/55	Income tax: proposed return of capital by Village Roadshow Limited	15.06.11
CR 2011/56	Income tax: return of capital - nib holdings limited	15.06.11
CR 2011/57	Income tax: demerger of Treasury Wine Estates Limited by Foster's Group Limited	15.06.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2011/58	Goods and services tax: goods and services supplied by dental prosthetists and technicians (of the Oral Health Professionals Association)	15.06.11
CR 2011/59	Income tax: off-market takeover of Crane Group Limited and Special Dividend	15.06.11
CR 2011/60	Income tax: return of capital – Australian Pipeline Trust	22.06.11
CR 2011/61	Income tax: scrip for scrip: exchange of shares in Goldman Sachs & Partners Australia Group Holdings Pty Ltd	22.06.11
CR 2011/62	Income tax: National Awards for Outstanding Teaching and School Leadership	22.06.11
CR 2011/63	Income tax: scrip for scrip roll-over: acquisition of South Australian Coal Limited by White Energy Mining Pty Limited	29.06.11
CR 2011/64	Income tax: capital gains: personal-use assets: transfer of health insurance policies from Manchester Unity Australia Limited to The Hospitals Contribution Fund of Australia Limited	29.06.11
CR 2011/65	Income tax: assessable income: football umpires: Essendon District Football League Inc	29.06.11
CR 2011/66	Income tax: demerger of Echo Entertainment Group Limited by Tabcorp Holdings Limited	29.06.11
CR 2011/67	Income tax: proposed return of capital: eServGlobal Limited	06.07.11
CR 2011/68	Income tax: proposed return of capital: Wild Child (WA) Pty Ltd	13.07.11
CR 2011/69	Income tax: Aged Care Education and Training Incentive Program payments	20.07.11
CR 2011/70	Income tax: demerger of Members Equity Bank Pty Limited by Industry Super Holdings Pty Limited	20.07.11
CR 2011/71	Fringe benefits tax: NSW State Owned Electricity Corporations that reimburse their employee's domestic electricity expenses	20.07.11

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<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2011/72	Income tax: early retirement scheme – Toyota Motor Corporation Australia Limited	20.07.11
CR 2011/73	Income tax: early retirement scheme – Aurora Energy Pty Ltd	20.07.11
CR 2011/74	Income tax: conversion of shares and variations in rights – Bega Cheese Limited	27.07.11
CR 2011/75	Income tax: return of capital: Guinness Peat Group PLC	03.08.11
CR 2011/76	Income tax: demerger of TNT Mines Limited by Minemakers Limited	10.08.11
CR 2011/77	Income tax: demutualisation of NobleOak Life Limited	10.08.11
CR 2011/78	Income tax: scrip for scrip: exchange of shares in Shadforth Financial Group Holdings Limited for shares in Snowball Group Limited	10.08.11
CR 2011/79	Income tax: BHP Billiton Limited – Employee Long Term Incentive Plan	24.08.11
CR 2011/80	Income tax: employment termination payment – PCH Group Pty Ltd	31.08.11
CR 2011/81	Income tax: capital gains tax: exchange of units in Villa World Trust for ordinary shares in Villa World Limited	14.09.11
CR 2011/82	Income tax: Australand Holdings Limited Capital Reallocation	14.09.11
CR 2011/83	Income tax: demerger of iiNet Limited by Amcom Telecommunications Limited	21.09.11
CR 2011/84	Income tax: Australia and New Zealand Banking Group Limited – allotment of convertible preference shares (CPS3)	21.09.11
CR 2011/85	Income tax: self-purchasing of attendant care services in the NSW Lifetime Care and Support Scheme	21.09.11
CR 2011/86	Income tax: early retirement scheme – OneSteel Limited	28.09.11
CR 2011/87	Income tax: Cellestis Limited Scheme of Arrangement and Special Dividend	5.10.11
CR 2011/88	Income tax: demerger of shares in Cordlife Pte Ltd by Cordlife Limited	5.10.11
CR 2011/89	Income tax: scheme of arrangement – Centrebet International Limited	12.10.11

Ruling	Title	Issue date
CR 2011/90	Income tax: return of capital: Multiplex Development and Opportunity Fund	12.10.11
CR 2011/91	Income tax: Education and Training Grant, and Computer Grant payments provided by the Australian Football League Players' Association	12.10.11
CR 2011/92	Income tax: Mike Fitzpatrick Scholarship payments provided by the Australian Football League Players' Association	12.10.11
CR 2011/93	Income tax: Citigroup Inc reverse stock split – effect on employee share schemes	19.10.11
CR 2011/94	Income tax: demerger of BlackWall Funds Management Limited by Pelorus Private Equity Limited	19.10.11
CR 2011/95	Income tax: assessable income: payments made by John Holland Group Worker Entitlement Fund to members	19.10.11
CR 2011/96	Income tax: in specie return of capital: Navigator Resources Limited	02.11.11
CR 2011/97	Fringe benefits tax: employer clients of Wakefield Technologies Pty Ltd who are subject to the provisions of section 57A or section 65J of the <i>Fringe Benefits Tax Assessment Act 1986</i> that make use of a Wakefield - Citi Meal Entertainment Prepaid Charge Card facility	16.11.11
CR 2011/98	Fringe benefits tax: employer clients of Wakefield Technologies Pty Ltd who are subject to the provisions of section 57A or section 65J of the <i>Fringe Benefits Tax Assessment Act 1986</i> that make use of a Wakefield - Citi Leisure Venue & Accommodation Prepaid Charge Card facility	16.11.11
CR 2011/99	Fringe benefits tax: employer clients of Wakefield Technologies Pty Ltd who are subject to the provisions of section 57A or section 65J of the <i>Fringe Benefits Tax Assessment Act 1986</i> that make use of a Wakefield - Citi Living Expenses Prepaid Charge Card facility	16.11.11
CR 2011/100	Income tax: scrip for scrip: exchange of shares in MAp Airports International Limited for units in MAp Airports Trust 2 and cash consideration	23.11.11

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<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2011/101	Income tax: Bostik Australia Pty Ltd: Total S.A. Free Share Plan	30.11.11
CR 2011/102	Income tax: off-market share buy-back: Perpetual Limited	30.11.11
CR 2011/103	Income tax: assessable income: tennis officials: Tennis Officials Australia Inc	30.11.11
CR 2011/104	Income tax: demerger of BQF unit trust by Pelorus Private Equity Limited	07.12.11
CR 2011/105	Fringe benefits tax: Pinpoint Pty Ltd employee benefit program: laptop computers	07.12.11
CR 2011/106	Income tax: DEXUS Property Group – Capital Reallocation	07.12.11
CR 2011/107	Income tax: return of capital Multiplex Acumen Vale Syndicate Limited	14.12.11
CR 2011/108	Income tax: Coal & Allied Industries Limited Scheme of Arrangement and payment of Interim Dividend and Special Dividend	21.12.11
CR 2011/109	Income tax: CSR Limited – CSR Universal Share Ownership Plan – Sale of Sucrogen Ltd and Return of Capital	21.12.11

## **Class Rulings – notices of withdrawal**

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2008/57	Income tax: Suncorp Metway Limited – allotment of Converting Preference Shares	06.04.11
CR 2007/81	Fringe benefits tax: health services provided by Peak Health Management	20.04.11
CR 2008/55	Fringe benefits tax: employer clients of Auto-Ad Pty Limited whose employees hire cars from Smart Car Rentals Pty Limited	06.07.11
CR 2011/73	Income tax: early retirement scheme – Aurora Energy Pty Ltd	14.09.11

## **Class Rulings – notices of addendum**

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2001/1	Class Rulings system	06.04.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2003/35	Income tax: capital gains: compensation receipts – Indigenous Wages and Savings Reparations Process	08.06.11
CR 2010/27	Income tax: employment termination payment: Monadelphous Engineering Associates Pty Ltd	29.06.11
CR 2011/42	Income tax: scrip for scrip rollover: exchange of shares and options in Sensear Pty Ltd for shares and options in Sensear Holdings Pty Ltd	29.06.11
CR 2011/59	Income tax: off-market takeover of Crane Group Limited and Special Dividend	13.07.11
CR 2010/46	Income tax: capital gains tax: conversion of Abalone Fisherman's Co-operative Limited to a company registered under the Corporations Act 2001	10.08.11
CR 2011/72	Income tax: approved early retirement scheme – Toyota Motor Corporation Australia Limited	02.11.11

## Class Rulings – notices of erratum

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
CR 2011/1	Income tax: early retirement scheme – Queensland Government Department of Education and Training	07.12.11

## Product Rulings

11. During the 2011 calendar year the Commissioner of Taxation issued:

### Product Rulings

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
PR 2011/1	Income tax: 2004 Swan Hill Almond Grower Project (2004 Growers)	12.01.11
PR 2011/2	Income tax: Macquarie Eucalypt Project 2011	19.01.11
PR 2011/3	Income tax: Arafura Pearl Project 2011	16.02.11

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<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
PR 2011/4	Income tax: West Coast Hardwood – Resale Offer	09.03.11
PR 2011/5	Income tax: tax consequences of investing in equities using the Macquarie Geared Equities Investment plus (2011 Product Brochure)	09.03.11
PR 2011/6	Income tax: WA Blue Gum Project 2011	23.03.11
PR 2011/7	Income tax: Macquarie Almond Investment 2011 - Early Growers	30.03.11
PR 2011/8	Income tax: 2011 Grain Co-Production Project	06.04.11
PR 2011/9	Income tax: TFS Sandalwood Project 2011	06.04.11
PR 2011/10	Income tax: AIL Almond Grower Project - 2010 (2011 Growers) (on or before 15 June 2011)	06.04.11
PR 2011/11	Income tax: Questus Residential Investment Fund	04.05.11
PR 2011/12	Income tax: AgriWealth 2011 Softwood Timber Project	11.05.11
PR 2011/13	Income tax: Forest Rewards Sandalwood Project 2000 – Revised Arrangement	18.05.11
PR 2011/14	Income tax: Choice Forestry Project 2011	08.06.11
PR 2011/15	Income tax: deductibility of interest in relation to investment in a Property Investor Trust	27.06.11
PR 2011/16	Income tax: 2006 Swan Hill Almond Grower Project – 2006 Growers	31.08.11
PR 2011/17	Income tax: Australian Oak Project – 2012 Growers	19.10.11
PR 2011/18	Income tax: tax consequences for a Nominee Investor in the Australian Securities Property Fund	02.11.11
PR 2011/19	Income tax: deductibility of interest in relation to investment in units in the Macquarie Flexi 100 Trust issued on or before 30 June 2014 – limited recourse borrowings	16.11.11
PR 2011/19	Income tax: deductibility of interest in relation to investment in units in the Macquarie Flexi 100 Trust issued on or before 30 June 2014 – limited recourse borrowings	16.11.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
PR 2011/20	Income tax: Cool Climate Apricot Project 2006 – 2006 Growers	07.12.11
PR 2011/21	Income tax: tax consequences of investing in Commonwealth Bank Vantage+ (Deferred Purchase Agreements)	07.12.11
PR 2011/22	Income tax: Cool Climate Apricot Project – 2008 Growers	07.12.11
PR 2011/23	Income tax: Cool Climate Apricot Project 2006 – Late Growers	07.12.11
PR 2011/24	Income tax: Cool Climate Apricot Project – 2007 Growers	07.12.11
PR 2011/25	Income tax: deductibility of interest in relation to investment in units in the Macquarie Flexi 100 Trust issued on or before 30 June 2014 – full recourse borrowings	21.12.11

## Product Rulings – notices of withdrawal

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
PR 2010/5	Income tax: Gunns Plantations Limited Woodlot Project 2010	19.01.11
PR 2009/38	Income tax: tax consequences of investing in equities using the Macquarie Geared Equities Investment plus	09.03.11
PR 2010/12	Income tax: TFS Spicatum Project 2010	27.04.11
PR 2009/58	Income tax: FEA Plantations Project 2010 – EcoAsh Woodlot option	04.05.11
PR 2009/59	Income tax: FEA Plantations Project 2010 - EcoAshclear Woodlot option	04.05.11
PR 2009/60	Income tax: FEA Plantations Project 2010 - Blended Woodlot (Upfront contribution option)	04.05.11
PR 2009/61	Income tax: FEA Plantations Project 2010 - Blended Woodlot (Annual contribution option)	04.05.11
PR 2008/60	Income tax: 2009 Willmott Forests Premium Forestry Blend Project	25.05.11
PR 2011/3	Income tax: Arafura Pearl Project 2011	22.06.11
PR 2008/73	Income tax: Rewards Group Premium Timber Project 2009	19.10.11



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Ruling	Title	Issue date
PR 2009/50	Income tax: Rewards Group Premium Timber Project 2009 – Late Growers	19.10.11

## Product Rulings – notices of addendum

Ruling	Title	Issue date
PR 1999/29W	Income tax: Margaret River Wine Business	12.01.11
PR 2000/114W	Income tax: Palandri Wine Project	12.01.11
PR 2000/93W	Income tax: Margaret River Wine Business (Project No.2)	12.01.11
PR 2001/11W	Income tax: Palandri 2000 Project - Second Offering	12.01.11
PR 2001/130W	Income tax: Palandri 2000 Project - Second Offering	12.01.11
PR 2002/120W	Income tax: Palandri America Wine Business (Revised Arrangement)	12.01.11
PR 2002/13W	Income tax: Palandri America Wine Business	12.01.11
PR 2002/144W	Income tax: Palandri America Wine Business - 2003	12.01.11
PR 2004/47W	Income tax: Palandri America Wine Business - 2004	12.01.11
PR 2005/107W	Income tax: Palandri Winegrape Project 2005 - Late Members	12.01.11
PR 2005/109W	Income tax: Palandri Winegrape Project 2005 – 2006 Growers	12.01.11
PR 2005/83W	Income tax: Palandri Winegrape Project 2005	12.01.11
PR 2006/124W	Income tax: Palandri Winegrape Project 2005/2006 – Late Growers	12.01.11
PR 2006/3W	Income tax: Palandri Winegrape Project 2005 – 2006 Growers (using finance from Palandri Finance Ltd)	12.01.11
PR 2009/21	Income tax: tax consequences of investing in ANZ Protected Equity Leveraged Solutions II	12.01.11
PR 2000/30W	Income tax: Forest Rewards Sandalwood Project 2000	18.01.11
PR 2010/29	Income tax: 2005 Swan Hill Almond Grower Project (2005 Growers)	19.01.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
PR 2010/30	Income tax: 2005 Swan Hill Almond Grower Project (2006 Growers)	19.01.11
PR 2007/71	The Product Rulings system	06.04.11
PR 2011/9	Income tax: TFS Sandalwood Project 2011	15.06.11
PR 2006/165	Income tax: ITC Diversified Forestry Project Stage 1 (2007)	20.07.11
PR 2007/15	Income tax: ITC Pulpwood Project 2007	20.07.11
PR 2010/3	Income tax: ALL Almond Grower Project – 2010 (on or before 15 June 2010)	03.08.11
PR 2008/55	Income tax: deductibility of interest incurred on borrowings related to the Merrill Lynch Structured Equity Loan	07.09.11
PR 2009/21	Income tax: tax consequences of investing in ANZ Protected Equity Leveraged Solutions II	21.09.11
PR 2008/50	Income tax: tax consequences of investing in ANZ Protected Equity Leveraged Solutions	21.09.11
PR 2011/5	Income tax: tax consequences of investing in equities using the Macquarie Geared Equities Investment plus (2011 Product Brochure)	05.10.11
PR 2007/101	Income tax: deductibility of interest incurred on borrowings under the Leveraged Equities Share Protection Plan	12.10.11
PR 2007/67	Income tax: tax consequences of investing in the Commonwealth Bank Protected Portfolio Loan	02.11.11
PR 2010/11	Income tax: Elders Diversified Forestry Project 2010 – Single Contribution Investors	23.11.11
PR 2010/25	Income tax: deductibility of interest in relation to investment in units in the Macquarie Flexi 100 Trust offered under the PDS dated 13 September 2010 and issued on or before 30 June 2011 – limited recourse borrowings	30.11.11

# TR 2011/List

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<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
PR 2010/26	Income tax: deductibility of interest in relation to investment in units in the Macquarie Flexi 100 Trust offered under the PDS dated 13 September 2010 and issued on or before 30 June 2011 – full recourse borrowings	30.11.11

## Product Rulings – notices of erratum

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
PR 2009/49	Income tax: Macquarie Almond Investment 2009 – Late Growers	09.02.11

## Old Series Rulings

12. During the 2011 calendar year the Commissioner of Taxation issued:

## Income Tax (IT) Rulings – notices of withdrawal

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
IT 81	Income tax: trading stock: hire and rental business	30.03.11
IT 2645	Income tax: relief from substantiation requirements	25.05.11
IT 232	Income tax: compulsory destruction of livestock	17.08.11
IT 328	Income tax: trusts: interpretation of section 101 in relation to sections 99 and 99A under 1964 amending legislation	24.08.11
IT 329	Income tax: discretionary trusts: section 101 – resolution of trustee	24.08.11
IT 2617	Income tax: approved form of actuarial certificates in relation to the taxation of complying superannuation funds	31.08.11
IT 2190	Income tax: processed gas re-injected into a natural underground reservoir	12.10.11
IT 2355	Income tax: donation of moneys “blocked” in developing countries to an Australian overseas aid fund	19.10.11

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
IT 289	Income Tax: orchid growing: whether primary production	16.11.11
IT 2177	Income tax: educational allowances paid by employers (or associated entities) in respect of the children of employees	16.11.11
IT 2049	Income tax liability of trustee in respect of distributions to non-resident beneficiaries	23.11.11
IT 2446	Income tax: foreign tax credit system: allowable deductions referable to foreign income	07.12.11

## **Income Tax (IT) Rulings – notices of addendum**

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
IT 2680	Income tax: withholding tax liability of non-resident beneficiaries of Australian trusts	24.08.11

## **CGT Determinations – notices of erratum**

TD 50W	Capital gains: where post-CGT land has been held for more than 12 months, is indexation available in relation to the cost of a house built for investment purposes on the land and sold within 12 months of construction?	16.02.11
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## **TaxPack 2011**

13. During the 2011 calendar year the Commissioner of Taxation issued:

### **TaxPack 2011**

<b>Ruling</b>	<b>Title</b>	<b>Issue date</b>
NAT 0976–6.2011	For individuals who use the Special Circumstances and Glossary section of TaxPack 2011 reasonably and in good faith to complete their 2011 personal income tax return.	29.06.11

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Ruling	Title	Issue date
	<p>For individuals who use the advice contained within the following parts of e-tax:</p> <ul style="list-style-type: none"><li>• the question and help file for item 4;</li><li>• the definitions of 'Death benefits dependant', 'Interdependency relationship', 'Terminal medical condition', 'Low rate cap for taxable components' and 'Untaxed-plan cap for untaxed elements' contained in the help file for item 8;</li><li>• the question and help file for item 11;</li><li>• the question and help file for item D9;</li><li>• the question and help file for item T4;</li><li>• the definition of 'spouse' in the help files for items M1, M2, Spouse details, T1, T2, T3, T7, T9, and T10;</li><li>• the list of 'tax-free government pensions or benefits' in the help file for item IT3;</li></ul> <p>reasonably and in good faith to complete their 2011 personal income tax return online.</p>	29.06.11
NAT 72573-6.2011	For individuals who use the Special Circumstances and Glossary section of TaxDisk 2011 reasonably and in good faith to complete their 2011 personal income tax return.	29.06.11
NAT 72821-6.2011	For individuals who use the Special Circumstances and Glossary section of TaxCD 2011 reasonably and in good faith to complete their 2011 personal income tax return.	29.06.11
NAT 72572-6.2011	For individuals who use the Special Circumstances and Glossary section of TaxDAISY CD 2011 reasonably and in good faith to complete their 2011 personal income tax return.	29.06.11

14. No more Taxation Rulings will be issued in the 2011 calendar year.

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**Commissioner of Taxation**

21 December 2011

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# TR 2011/LIST

## References

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<i>Previous draft:</i>	TR 2002/List; TR 2003/List;
Not previously issued as a draft	TR 2004/List; TR 2005/List;
	TR 2006/List; TR 2007/List;
<i>Related Rulings/Determinations:</i>	TR 2008/List; TR 2009/List;
TR 2006/10; GSTR 1999/1	TR 2010/List

<i>Previous List of Taxation Rulings</i>	<i>Subject references:</i>
TR 96/List; TR 97/List;	- public rulings
TR 98/List; TR 99/List;	
TR 2000/List; TR 2001/List;	

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### ATO references

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