



CR 2005/109 - Income tax: treatment of payments under the Great Barrier Reef Marine Park Structural Adjustment Package 2004: Employee Assistance

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Class Ruling

Income tax: treatment of payments under the Great Barrier Reef Marine Park Structural Adjustment Package 2004:

- Employee Assistance

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Preamble

*The number, subject heading, **What this Class Ruling is about** (including **Tax law(s)**, **Class of persons** and **Qualifications** sections), **Date of effect**, **Withdrawal**, **Arrangement** and **Ruling** parts of this document are a 'public ruling' in terms of Part IVAAA of the **Taxation Administration Act 1953**. CR 2001/1 explains Class Rulings and Taxation Rulings TR 92/1 and TR 97/16 together explain when a Ruling is a 'public ruling' and how it is binding on the Commissioner.*

What this Class Ruling is about

1. This Ruling sets out the Commissioner's opinion on the way in which the 'tax laws' identified below apply to the defined class of persons who take part in the arrangement to which this Ruling relates.

Tax law(s)

2. The tax laws dealt with in this Ruling are:

- section 6-5 of the *Income Tax Assessment Act 1997* (ITAA 1997);
- subsection 6-25(1) of the ITAA 1997;
- subsection 6-25(2) of the ITAA 1997;
- section 15-10 of the ITAA 1997;
- Part 3-1 of the ITAA 1997;
- section 104-25 of the ITAA 1997;
- Division 110 of the ITAA 1997;
- Division 112 of the ITAA 1997;
- section 118-20 of the ITAA 1997;
- Part 3-3 of the ITAA 1997;
- Division 152 of the ITAA 1997;
- subsection 27A(1) of the *Income Tax Assessment Act 1936* (ITAA 1936);

- section 27B of the ITAA 1936; and
- section 27CB of the ITAA 1936.

Class of persons

3. The class of persons to which this Ruling applies is applicants who applied for and received payments under the Employee Assistance components of the Great Barrier Reef Marine Park Structural Adjustment Package 2004 (the Package).

Qualifications

4. The Commissioner makes this Ruling based on the precise arrangement identified in this Ruling.

5. The class of persons defined in this Ruling may rely on its contents provided the arrangement actually carried out is carried out in accordance with the arrangement described in paragraphs 10 to 20.

6. If the arrangement actually carried out is materially different from the arrangement that is described in this Ruling, then:

- this Ruling has no binding effect on the Commissioner because the arrangement entered into is not the arrangement on which the Commissioner has ruled; and
- this Ruling may be withdrawn or modified.

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Date of effect

8. This Ruling applies from 1 July 2004. However, the Ruling does not apply to taxpayers to the extent that it conflicts with the terms of settlement of a dispute agreed to before the date of issue of the Ruling (see paragraphs 21 and 22 of Taxation Ruling TR92/20).

Withdrawal

9. This Ruling is withdrawn from 1 July 2006.

Arrangement

10. The arrangement that is the subject of the Ruling is described below. This description is based on the following documents. These documents, or relevant parts of them as the case may be, form part of and are to be read with this description. The relevant documents or parts of documents incorporated into this description are:

- Application for Class Ruling from the Department of the Environment and Heritage dated 7 October 2004; and
- Great Barrier Reef Marine Park Structural Adjustment Package 2004 – amended information package and request for offer –October 2004.

11. Rezoning of the Great Barrier Reef Marine Park (the GBRMP) came into effect from 1 July 2004. In accordance with the Australian Government's *Marine Protected Areas and Displaced Fishing* policy, the Government is providing a structural adjustment package to ensure the fair and equitable treatment of those fishers, fishery related businesses, employees and communities that can demonstrate they have experienced, or will experience, negative impacts due to the rezoning.

12. The overall objectives of the Package are:

- to assist fishers, fishery related businesses, employees and communities adversely affected by the rezoning; and
- to manage in the most cost effective manner any displaced fishing effort that has unsustainable ecological or economic impacts.

13. All employed skippers and crew assessed by the Queensland Rural Adjustment Authority (QRAA) to be eligible will be entitled to a one-off lump sum payment (\$5,000 for skippers and \$3,000 for individual crew members) to assist in offsetting any costs that may be incurred by them in seeking alternate employment.

14. All employees of fishery related businesses who are assessed by the QRAA to be eligible for this measure will be entitled to a one-off lump sum payment of \$3,000 to assist in retraining and offsetting any costs that may be incurred by them in seeking alternate employment.

15. These payments are referred to as the Employee Assistance component of the Package.

16. To be eligible for assistance under this component of the Package, the applicants will be required to demonstrate, through appropriate and relevant taxation records that:

- they were full time employees or a lessee in a licensed fishing operation that ceased to exist with the acceptance of an offer and the associated transfer and surrender of the commercial fishing boat licence under this Package. Termination of their employment or lease must be directly or substantially related to the voluntary surrender of the primary commercial fishing boat licence under this Package; or
- they were full time employees in a licensed fishing operation that no longer requires their services as the operation has substantially changed its fishing practices as a direct result of the rezoning; or
- they were full time employees in a fishery related business with direct and significant linkages to the commercial fishing industry that no longer requires their services due to the business either exiting or restructuring its operation as a direct result of the rezoning; or
- they were employed by the licence holder, other licence holders, or held the temporary transfer/lease on a licence during the last financial year 2003/2004 for a total period of at least six months. This includes intermittent employment (eg. one month on, one month off) so long as the employment over the last financial year equals a total period of at least six months.

17. Employees of those licence holders who are successful in the Licence Buy Out process will be contacted by the QRAA with advice that they may apply for employee assistance under the Package. Employees may also contact the QRAA direct.

18. Temporary transferees/lessees of licences successful in the Licence Buy Out process will also be contacted in the same way.

19. A person who receives Employee Assistance is not eligible for assistance under other components of the Package.

20. Payments made under the Employee Assistance component of the package may be made to both employees and non-employees (such as temporary transferees or lessees of licences). The tax treatment of payments to employees and non-employees must be considered separately.

Ruling

Employees

Eligible termination payment

21. The Employee Assistance component of the Package is an eligible termination payment (ETP) and hence assessable under section 27B of the ITAA 1936 when paid to former employees from one of the categories in paragraph 16.

22. The payments satisfy the definition of an ETP in subsection 27A(1) of the ITAA 1936.

23. Subsection 6-25(1) of the ITAA 1997 provides that sometimes more than one rule includes an amount in a taxpayer's assessable income. However, in such a case, the amount is included only once in the taxpayer's assessable income. Subsection 6-25(2) provides that unless the contrary intention appears, the provisions of the Act prevail over the rules about ordinary income. Accordingly, it is not necessary to consider whether the employee assistance is assessable under section 6-5 of the ITAA 1997.

24. However, this does not apply to temporary transferees or lessees who receive the Employee Assistance component.

Capital gains tax

25. Any capital gain made when a payment is received by an eligible employee under the Employee Assistance component of the Package is reduced to nil under sections 118-20 and 118-22 of the ITAA 1997 where any part of the amount is assessable under section 27B of the ITAA 1936.

Temporary transferees/lessees of licences successful in the Licence Buy Out process

Section 6-5 of the ITAA 1997 – income according to ordinary concepts

26. A payment received by an eligible temporary transferee/lessee of a licence/s under the Employee Assistance component of the Package is not income according to ordinary concepts. The receipt is not assessable income under section 6-5 of the ITAA 1997.

Section 15-10 of the ITAA 1997 – bounty or subsidy

27. A payment received by an eligible temporary transferee/lessee of a licence/s under the Employee Assistance component of the Package is not a bounty or subsidy that is received in relation to carrying on a business. The receipt is not assessable income under section 15-10 of the ITAA 1997.

Capital gains tax

28. A payment received by an eligible temporary transferee/lessee of a licence/s under the Employee Assistance (lessee) component of the Package is subject to the capital gains tax (CGT) provisions in Parts 3-1 and 3-3 of the ITAA 1997. CGT event C2 under section 104-25 of the ITAA 1997 happens when the entitlement to receive the assistance is satisfied.

Explanation

Employees***Eligible termination payment***

29. An eligible termination payment (ETP) is exhaustively defined in subsection 27A(1) of the ITAA 1936. There are a number of different payments that qualify as an ETP. One such payment is that made in consequence of termination of employment. Paragraph (a) of the definition of an ETP in subsection 27A(1) of the ITAA 1936 states in part:

eligible termination payment, in relation to a taxpayer, means:

- (a) any payment made in respect of the taxpayer in consequence of the termination of any employment of the taxpayer other than a payment...

30. The phrase 'in consequence of' is not defined in the ITAA 1936. However, the words have been interpreted by the courts in several cases. The Commissioner has also issued Taxation Ruling TR 2003/13 (TR 2003/13) which discusses the meaning of the phrase.

31. The Full High Court considered the expression 'in consequence of' in *Reseck v. Federal Commissioner of Taxation*¹ (*Reseck*). Justice Gibbs stated:

Within the ordinary meaning of the words a lump sum is paid in consequence of the termination of employment when the payment follows as an effect or result of the termination... It is not in my opinion necessary that the termination of the services should be the dominant cause of the payment.

While Justice Jacobs stated:

It was submitted that the words 'in consequence of' import a concept that the termination of the employment was the dominant cause of the payment. This cannot be so. A consequence in this context is not the same as a result. It does not import causation but rather a 'following on'.

¹ (1975) 133 CLR 45; 6 ALR 642; 49 ALJR 370; 5 ATR 538; 75 ATC 4213.

32. In looking at the phrase 'in consequence of', the Full Federal Court in *McIntosh v. Federal Commissioner of Taxation*² (*McIntosh*) considered the decision in *Reseck*. Justice Brennan stated:

Though Jacobs J. speaks in different terms, his meaning may not be significantly different from the meaning of Gibbs J... His Honour denies the necessity to show that retirement is the dominant cause, but he does not allow a temporal sequence alone to suffice as the nexus. Though the language of causation often contains the seeds of confusion, I apprehend his Honour to hold the required nexus to be (at least) that the payment would not have been made but for the retirement.

33. The Commissioner in TR 2003/13 considered the phrase 'in consequence of' as interpreted by the Courts. Paragraph 5 of TR 2003/13 states:

...the Commissioner considers that a payment is made in respect of a taxpayer in consequence of the termination of the employment of the taxpayer if the payment 'follows as an effect or result of' the termination. In other words, but for the termination of employment, the payment would not have been made to the taxpayer.

34. The question of whether a payment is made in consequence of the termination of employment will be determined by the relevant facts and circumstances of each case.

35. In this case, an employee receiving the Employee Assistance component of the Great Barrier Reef Marine Park Structural Adjustment Package 2004 must satisfy one of the following criteria:

- they were full time employees in a licensed fishing operation that ceased to exist with the acceptance of an offer and the associated transfer and surrender of the commercial fishing boat licence under the Package. Termination of their employment must be directly or substantially related to the voluntary surrender of the primary commercial fishing boat licence under the Package;
- they were full time employees in a licensed fishing operation that no longer requires their services as the operation has substantially changed its fishing practices as a direct result of the rezoning of the Great Barrier Reef Marine Park (GBRMP);
- they were full time employees in a fishery related business with direct and significant linkages to the commercial fishing industry that no longer requires their services due to the business either exiting or restructuring its operation as a direct result of the rezoning of the GBRMP; or

² (1979) 25 ALR 557; 10 ATR 13; 45 FLR 279; 79 ATC 4325.

- they were employed by the licence holder, or other licence holders, during the year ended 30 June 2004 for a total period of at least six months. This includes intermittent employment (for example one month on, one month off) so long as the employment over the last financial year equals a total period of at least six months.

36. Eligibility under these criteria will be assessed by the QRAA who, after consultation with the Department of Environment and Heritage, will issue the employee assistance payments to the eligible employees.

37. The payments are not simply reimbursements of expenditure because there is no requirement for employees receiving the payments to substantiate their expenses in respect of retraining and seeking alternate employment.

38. The payments have been made in consequence of the termination of employment. The payments are only available to employees whose positions have been terminated directly or substantially as a result of the rezoning of the GBRMP. It is clear, therefore, that the payment would not have been made but for the termination of the employee's employment.

39. The fact that the payment is not being made by the employer of the employee receiving the payment does not affect the nature of the payment as an ETP, as the paragraph (a) definition of ETP in subsection 27A(1) of the ITAA 1936 does not limit an ETP to payments made by a person's employer.

Bona fide redundancy

40. The Employee Assistance component payments may qualify for concessional treatment as bona fide redundancy payments in accordance with sections 27CB and 27F of the ITAA 1936.

41. A payment made to an employee is a bona fide redundancy payment if it satisfies all the criteria in section 27F of the ITAA 1936, which states:

27F(1) Where:

- (a) an eligible termination payment is made in relation to a taxpayer in consequence of the dismissal of the taxpayer from any employment at any time (in this section referred to as the 'termination time') by reason of the bona fide redundancy of the taxpayer;
- (aa) if the eligible termination payment is made on or after 1 July 1994 – the payment was not made to the taxpayer from an eligible superannuation fund;

- (b) the termination time was before:
 - (i) if there was a date before the sixty-fifth anniversary of the birth of the taxpayer on which the termination of the employment of the taxpayer would necessarily have occurred by reason of the taxpayer attaining a particular age or completing a particular period of service – that date; or
 - (ii) in any other case – the sixty-fifth anniversary of the birth of the taxpayer;
- (c) if the Commissioner, having regard to any connection between the employer and the taxpayer and to any other relevant circumstances, is satisfied that the employer and the taxpayer were not dealing with each other at arm's length in relation to the termination of the employment of the taxpayer – the amount of the eligible termination payment does not exceed the amount of an eligible termination payment that could reasonably be expected to have been made in relation to the taxpayer if the employer and the taxpayer had been dealing with each other at arm's length in relation to the termination of the employment of the taxpayer; and
- (d) there was, at the termination time, no agreement between the taxpayer and the employer, or the employer and another person, to employ the taxpayer after the termination time,

so much of the eligible termination payment as exceeds the amount (in this section referred to as the 'termination amount') of an eligible termination payment that could reasonably be expected to have been made in relation to the taxpayer had he voluntarily retired from that employment at the termination time is a bona fide redundancy payment in relation to the taxpayer.

42. The Commissioner has stated his view on the meaning of 'redundancy' in paragraphs 41 to 42 of Taxation Ruling TR 94/12, where it states:

41. Redundancy can be described as the situation where an employer no longer requires employees to carry out work of a particular kind or to carry out work of a particular kind at the same location. Bray CJ in *R v. The Industrial Commission of South Australia; ex parte Adelaide Milk Supply Co-operative Ltd & Ors* (1977) 44 SAIR 1202 at page 1205; (1977) 16 SASR 6 at page 8 defined redundancy as follows:

'... a job becomes redundant when an employer no longer desires to have it performed by anyone. A dismissal for redundancy seems to be a dismissal, not on account of any act or default of the employee dismissed or any consideration peculiar to him, but because the employer no longer wishes the job the employee has been doing to be done by anyone.'

42. Redundancy refers to a job becoming redundant and not to an employee becoming redundant (*Short v F W Hercus Pty Ltd* (1993) 40 FCR 511; (1993) 46 IR 128; (1993) 35 AILR 151). An employee's job is considered to be redundant if:

- an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by any one;
- that decision is not due to the ordinary and customary turnover of labour;
- that decision led to the termination of the employee's employment; and
- that termination of employment is not on account of any personal act or default of the employee.

43. It is not possible to rule on this issue in respect of each employee who will receive an Employee Assistance component payment because the circumstances of the termination of each employee are different, in particular in respect of paragraphs 27F(1)(b) and (d). However, where an employee who receives a payment under the Package believes that they have met all the criteria of section 27F of the ITAA 1936, they should apply to the Commissioner for a private ruling, outlining their circumstances as they relate to each of the criteria outlined above.

PAYG and other matters

44. The QRAA will need to ensure that all Employee Assistance component payments it makes to eligible employees are subject to the required level of PAYG withholding. As the payment will be the untaxed element of a post-June 83 component, the following rates apply for the year ending 30 June 2005:

Age of the Person	Tax File Number (TFN) Provided	TFN Not Provided
55 years or older	16.5%	48.5%
under 55 years	31.5%	48.5%

These rates include the Medicare levy. The QRAA is also required to prepare an ETP Payment Summary for each employee.

45. Except for any amount determined to be a tax-free amount of a bona fide redundancy payment in accordance with subsection 27F(1) of the ITAA 1936, the ETP may also be subject to termination payments surcharge.

46. The payment will not have to be reported for Reasonable Benefit Limits purposes, as the amount paid by the QRAA to an eligible employee will not exceed \$5,000 (subsection 140M(1) of the ITAA 1936).

47. The above comments relate only to employees receiving the Employee Assistance component, and not to lessees or temporary transferees who are eligible to receive this payment.

Capital gains tax

48. CGT event C2 under section 104-25 of the ITAA 1997 happens when an employee's entitlement to receive employee assistance is satisfied.

49. However, any capital gain made when this CGT event happens is reduced to nil under sections 118-20 and 118-22 of the ITAA 1997 where any part of the amount is assessable as an eligible termination payment under section 27B of the ITAA 1936.

Temporary transferees/lessees of licences successful in the Licence Buy Out process

Section 6-5 of the ITAA 1997 – income according to ordinary concepts

50. Subsection 6-5(1) of the ITAA 1997 provides that an amount is included in assessable income if it is income according to ordinary concepts (ordinary income). However, as there is no definition of 'ordinary income' in income tax legislation it is necessary to turn to the decisions of the courts.

51. Whether or not a particular receipt is ordinary income depends on its character in the hands of the recipient.³

52. In *G P International Pipecoaters Pty Ltd v. Federal Commissioner of Taxation*⁴ (*G P International Pipecoaters*), the Full High Court stated:

To determine whether a receipt is of an income or of a capital nature, various factors may be relevant. Sometimes the character of receipts will be revealed most clearly by their periodicity, regularity or recurrence; sometimes, by the character of a right or thing disposed of in exchange for the receipt; sometimes, by the scope of the transaction, venture or business in or by reason of which money is received and by the recipient's purpose in engaging in the transaction, venture or business.

³ *Scott v. FCT* (1966) 117 CLR 514 at 526; *Hayes v. FCT* (1956) 96 CLR 47 at 55; *Federal Coke Co Pty Ltd v. FCT* (1977) 7 ATR 519 at 539; 34 FLR 375 at 402.

⁴ (1990) 170 CLR 124; 90 ATC 4413; (1990) 21 ATR 1.

53. In addition, the following points made in the following High Court cases on voluntary payments are also relevant:

- In *FCT v. Dixon*,⁵ the High Court considered the form of the receipt, that is, whether it is received as a lump sum or periodically, to be a relevant factor for consideration. The High Court found that the fact that the patriotic top up payments was regular and periodic payment was important, though not decisive, in concluding that those payments were assessable income.
- In *Scott v. FCT*,⁶ the High Court said that while the motives of the donor in that case do not determine the answer, they are a relevant circumstance for consideration. In that case, the High Court held that the payment was given to the taxpayer by the donor as a gift and was not assessable income of the taxpayer.
- In *Hayes v. FCT*,⁷ the High Court held that shares given to an accountant by a former employer was not assessable as income because 'it was impossible to point to any employment of personal exertion of which the receipt of the shares was in any real sense an incident, or which can fairly be said to have produced the receipt'.

54. The Employee Assistance is not a periodic payment. The motive of the Australian government in providing the payment is to offset any costs that the taxpayer may incur in seeking alternate employment rather than to remunerate or recompense the taxpayer for any services rendered. It cannot be said that the employee assistance is made in relation to an income producing activity of the taxpayer. Accordingly, the employee assistance is not income accordingly to ordinary concepts and is not assessable under subsection 6-5(1) of the ITAA 1997.

Section 15-10 of the ITAA 1997 – bounty or subsidy

55. Section 15-10 of the ITAA 1997 provides that the assessable income of a taxpayer includes bounties and subsidies that are received in relation to carrying on a business and that are otherwise not assessable as ordinary income.

56. The basic tests contained in section 15-10 of the ITAA 1997 are that an amount is included in assessable income if it is:

- a bounty or subsidy;
- received in relation to carrying on a business; and

⁵ (1952) 86 CLR 540; (1952) 10 ATD 82.

⁶ (1966) 117 CLR 514; 14 ATD 286.

⁷ (1956) 96 CLR 47; (1956) 11 TAD 68.

- not assessable as ordinary income under section 6-5 of the ITAA 1997.

Bounty or subsidy

57. The terms 'bounty' and 'subsidy' are not defined in income tax legislation. The word 'subsidy', as noted by Windeyer J in *Placer Development Ltd v. Commonwealth of Australia*,⁸ derives from the Latin 'subsidiū' meaning 'an aid or help'. The Macquarie Dictionary, 2001, rev. 3rd edn, defines subsidy as including 'a grant or contribution of money'.

58. Following the decisions in *Squatting Investments Co Ltd v. Federal Commissioner of Taxation*,⁹ *Reckitt and Colman Pty Ltd v. FC of T*¹⁰ and *First Provincial Building Society Ltd v. Federal Commissioner of Taxation*¹¹ (*First Provincial*), it is now well accepted that a 'subsidy' or 'bounty' include a financial grant made by a government. A payment received under the Employee Assistance component of the package would be a 'subsidy' or 'bounty'.

Received in relation to carrying on a business

59. The meaning of the expression 'in relation to carrying on a business' was considered in *First Provincial* by Hill J who noted that a bounty or subsidy received 'in relation to' has a less direct relationship with the carrying on of the business than if it had been received 'in carrying on a business'. However, the relationship must still be a real one and a merely remote connection between the payment and the carrying on of the business is not sufficient. Hill J said that the expression makes it clear that a bounty received merely in relation to the commencement of a business or the cessation of the business would not be caught.

60. The Employee Assistance received by a licence lessee or a temporary transferee is not received in relation to carrying on the taxpayer's business as it is received in relation to the cessation of the taxpayer's business. Accordingly, the Employee Assistance is not assessable under section 15-10 of the ITAA 1997.

Capital gains tax

61. CGT event C2 under section 104-25 of the ITAA 1997 happens when the temporary transferee's/lessee's entitlement to receive the Employee Assistance (lessee) component of the package is satisfied.

⁸ (1969) 121 CLR 353.

⁹ (1953) 86 CLR 570; 10 ATD 126; (1953) 5 AITR 496.

¹⁰ 74 ATC 4185; (1974) 4 ATR 501.

¹¹ (1995) 56 FCR 320; 95 ATC 4145; (1995) 30 ATR 207.

62. A capital gain is made if the capital proceeds exceed the cost base of the entitlement, and a capital loss is made if the capital proceeds are less than the reduced cost base.

63. The capital proceeds from the CGT event C2 is the amount received under the Employee Assistance (lessee) component of the Package.

64. The cost base of the entitlement is calculated under Divisions 110 and 112 of the ITAA 1997. It includes the costs of applying for and complying with the requirements to receive the assistance. These costs include the applicant's expenditure in undertaking retraining that the assistance is intended to fund. The market value of the entitlement is not included as part of the cost base because the market valuation rules do not apply to the acquisition of the entitlement from the QRAA. The cost base is reduced by any amount that is a deductible expense (for example subsection 110-45(1B) of the ITAA 1997).

65. A capital gain cannot be reduced by the general CGT discount as the capital gain does not result from a CGT event happening to a CGT asset that was acquired by the temporary transferee/lessee at least 12 months before the CGT event happened.

Detailed contents list

66. Below is a detailed contents list for this Class Ruling:

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Commissioner of Taxation

7 December 2005

<i>Previous draft:</i>	- ITAA 1997 118-22
Not previously issued as a draft	- ITAA 1997 Div 152
	- ITAA 1997 Pt 3-3
<i>Related Rulings/Determinations:</i>	- ITAA 1936 27A
CR 2001/1; TR 92/1; TR 92/20;	- ITAA 1936 27A(1)
TR 94/12; TR 97/16; TR 2003/13	- ITAA 1936 27B
	- ITAA 1936 27CB
<i>Subject references:</i>	- ITAA 1936 27F
- ordinary income	- ITAA 1936 27F(1)
- bounties and subsidies	- ITAA 1936 27F(1)(a)
- capital gains tax	- ITAA 1936 27F(1)(aa)
	- ITAA 1936 27F(1)(b)
	- ITAA 1936 27F(1)(b)(i)
<i>Legislative references:</i>	- ITAA 1936 27F(1)(b)(ii)
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- ITAA 1997 15-10	- TAA 1953 Pt IVA
- ITAA 1997 Pt 3-1	- Copyright Act 1968
- ITAA 1997 104-25	
- ITAA 1997 Div 110	
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- ITAA 1997 118-20	

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- Dickenson v. Federal Commissioner of Taxation (1958) 98 CLR 460
- FCT v. Dixon (1952) 86 CLR 540; (1952) 10 ATD 82
- Federal Coke Company Pty Ltd v. Federal Commissioner of Taxation (1977) 7 ATR 176; 77 ATC 4035
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- Hayes v. Federal Commissioner of Taxation (1956) 96 CLR 47
- McIntosh v. Federal Commissioner of Taxation (1979) 25 ALR 557; 10 ATR 13; 45 FLR 279; 79 ATC 4325
- Placer Development Ltd v. Commonwealth of Australia (1969) 121 CLR 353
- Reckitt & Colman Pty Ltd v. Federal Commissioner of Taxation (1974) 4 ATR 501; 74 ATC 4185
- Reseck v. Federal Commissioner of Taxation (1975) 133 CLR 45; 6 ALR 642; 49 ALJR 370; 5 ATR 538; 75 ATC 4213
- R v. The Industrial Commission of South Australia; ex parte Adelaide Milk Supply Co-operative Ltd & Ors (1977) 44 SAIR 1202 at 1205; (1977) 16 SASR 6
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- Short v. F W Hercus Pty Ltd (1993) 40 FCR 511; (1993) 46 IR 128; (1993) 35 AILR 151
- The Squatting Investment Co. Ltd. v. Federal Commissioner of Taxation (1953) 86 CLR 570

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Income Tax ~~ Capital Gains Tax ~~ CGT events C1 to C3 - end of a CGT asset