

TD 92/101 - Income tax: capital gains: how may shareholders be notified of a liquidator's written declaration under section 160WA?

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! This ruling contains references to repealed provisions, some of which may have been rewritten. The ruling still has effect. Paragraph 32 in [TR 2006/10](#) provides further guidance on the status and binding effect of public rulings where the law has been repealed or repealed and rewritten. The legislative references at the end of the ruling indicate the repealed provisions and, where applicable, the rewritten provisions.

! This document has changed over time. This is a consolidated version of the ruling which was published on *29 November 2006*

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part IVAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, the Determination applies to transactions entered into both before and after its date of issue.

Taxation Determination

Income tax : capital gains: how may shareholders be notified of a liquidator's written declaration under section 160WA?

1. In order to make an election under section 160WA of the *Income Tax Assessment Act 1936*, a shareholder must know that the liquidator has made the required written declaration after 11 November 1991. There is no requirement in section 160WA for shareholders to be notified by the liquidator individually or collectively. It is the responsibility of each shareholder to obtain this information from the liquidator.
2. Liquidators may notify shareholders that they have made such a written declaration by public meeting, media release, public notice in newspapers, letter, or any other means that they may choose.

Commissioner of Taxation
01/07/92

FOI INDEX DETAIL: Reference No. I 1212675

Related Determinations: TD 21; TD 92/102 Related Rulings:

Subject Ref: Winding up of a company; liquidator's written declaration

Legislative Ref: ITAA 160WA

Case Ref: ATO Ref: ADVG CHERM

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