


TD 92/135A - Addendum - Income tax: capital gains: is the principal residence exemption relevant when the proceeds of sale of a dwelling are treated as income under ordinary concepts?

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Addendum

Taxation Determination

Income tax: capital gains: is the principal residence exemption relevant when the proceeds of sale of a dwelling are treated as income under ordinary concepts?

This Addendum amends Taxation Determination TD 92/135 to reflect the rewritten provisions of the *Income Tax Assessment Act 1997*.

Taxation Determination TD 92/135 is amended as follows:

1. Title

Omit the title; substitute:

Income tax: capital gains: is the main residence exemption relevant when the proceeds of sale of a dwelling are treated as income under ordinary concepts?

2. Paragraph 1

(a) Omit 'subsection 25(1) of the *Income Tax Assessment Act 1936, e.g.*'; substitute 'section 6-5 of the *Income Tax Assessment Act 1997* (ITAA 1997), for example'.

(b) Omit 'principal'; substitute 'main'.

3. Paragraph 2

Omit 'principal residence exemption'; substitute 'main residence exemption in Subdivision 118-B of the ITAA 1997'.

4. Example

Omit 'principal'; substitute 'main'.

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5. Related Rulings

Omit 'TR92/3'; substitute 'TR 92/3'.

6. Subject references

Omit 'Principal'; substitute 'main'.

7. Legislative references

Omit 'ITAA 160ZZQ'; substitute 'ITAA 1997 6-5; ITAA 1997 Subdiv 118-B'.

This Addendum applies from 14 September 2006, the date of effect of the repeal of inoperative provisions in the *Income Tax Assessment Act 1936* by *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006*.

Commissioner of Taxation

12 May 2010

ATO references

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