

TR 2006/4W - Income tax: capital gains: meaning of the words 'the beneficiaries and terms of both trusts are the same' in paragraphs 104-55(5)(b) and 104-60(5)(b) of the Income Tax Assessment Act 1997

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⚠ This document has changed over time. This is a consolidated version of the ruling which was published on *21 July 2010*



Notice of Withdrawal

Taxation Ruling

Income tax: capital gains: meaning of the words 'the beneficiaries and terms of both trusts are the same' in paragraphs 104-55(5)(b) and 104-60(5)(b) of the *Income Tax Assessment Act 1997*

Taxation Ruling TR 2006/4 is withdrawn with effect from today.

1. Taxation Ruling TR 2006/4 explains the circumstances in which the beneficiaries and terms of two trusts are the same for the purpose of the exceptions in paragraphs 104-55(5)(b) and 104-60(5)(b) of the *Income Tax Assessment Act 1997*. These paragraphs provide an exception to CGT event E1 and E2 respectively. Essentially, those events do not happen if an asset is transferred between two trusts with the same beneficiaries and terms. They are commonly referred to as the 'trust cloning' exceptions.
2. However, those exceptions have been repealed by *Tax Laws Amendment (2009 Measures No. 6) Act 2010*. As a result, they are no longer available for CGT events happening on or after 1 November 2008.
3. As TR 2006/4 is no longer current, it is withdrawn.

Commissioner of Taxation

21 July 2010

ATO references

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