TR 95/30W - Income tax: sale and leasebacks

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This document has changed over time. This is a consolidated version of the ruling which was published on *1 November 2006*

Notice of Withdrawal

Taxation Ruling

Income tax: sale and leasebacks

Taxation Ruling TR 95/30 is withdrawn with effect from today.

1. Taxation Ruling TR 95/30 deals with the tax consequences arising in respect of a sale and leaseback arrangement, according to the depreciation provisions contained in the *Income Tax Assessment Act 1936*.

2. These provisions were rewritten in 1997 as part of the Tax Law Improvement Project. The depreciation provisions were replaced by Division 42 of the *Income Tax Assessment Act 1997* (ITAA 1997). From 1 July 2001, Division 42 was replaced by Division 40 of the ITAA 1997.

3. In addition, tax practitioner bodies thought the content of TR 95/30 needed to be updated, following judgments handed down in two Full Federal Court cases in 2001.[1] The Tax Office undertook to review the content of the Ruling.

4. The Tax Office's publication of TR 2006/13 and the accompanying withdrawal of TR 95/30 represent the culmination of that review.

Commissioner of Taxation
1 November 2006

ATO references

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[1] See *Eastern Nitrogen Ltd v. Commissioner of Taxation* (2001) 188 ALR 415; (2001) 2001 ATC 4164; (2001) 46 ATR 474 and *Commissioner of Taxation v. Metal Manufactures Ltd* (2001) 182 ALR 98; (2001) 2001 ATC 4152; (2001) 46 ATR 497.