



COMMISSIONER OF TAXATION

The Commissioner of Taxation, Chris Jordan, gives notice of the following Rulings, copies of which can be obtained from Branches of the Australian Taxation Office or at <http://law.ato.gov.au>.

NOTICE OF RULINGS		
Ruling Number	Subject	Brief Description
GSTR 2014/2	Goods and services tax: treatment of ATM service fees, credit card surcharges and debit card surcharges	<p>The Ruling sets out the Commissioner's position on goods and services tax treatment of a fee payable for ATM services.</p> <p>The Ruling applies both before and after its date of issue.</p>
GSTR 2014/3	Goods and services tax: the GST implications of transactions involving bitcoin	<p>The Ruling sets out the Commissioner's position on the goods and services tax consequences of transactions involving the use of bitcoin.</p> <p>The Ruling applies both before and after its date of issue.</p>
TR 2014/8	Income tax: transfer pricing documentation and Subdivision 284-E	<p>The Ruling sets out the Commissioner's position relating to transfer pricing documentation.</p> <p>The Ruling applies to income years commencing on or after 29 June 2013 in relation to income tax.</p>
TR 2014/9	Petroleum resource rent tax: what does 'involved in or in connection with exploration for petroleum' mean?	<p>The Ruling sets out the Commissioner's position relating to exploration for petroleum.</p> <p>The Ruling applies to expenditure incurred from 21 August 2013.</p>
TD 2014/22	Income tax: consolidation: if the conditions in paragraph 50(3)(a) of Part 4 of Schedule 3 to the <i>Tax Laws Amendment (2012 Measures No. 2) Act 2012</i> are satisfied and the interim rules apply to an assessment and, on or after 29 June 2012, that assessment was amended to alter a claim made under the original 2010 law, do the interim rules apply to the altered claim?	<p>The Determination sets out the Commissioner's position on interim rules that apply to altered claims.</p> <p>The Determination applies to years of income commencing both before and after its date of issue.</p>

TD 2014/23	Income tax: consolidation: if the conditions in subitem 50(5) of Part 4 of Schedule 3 to the <i>Tax Laws Amendment (2012 Measures No. 2) Act 2012</i> are satisfied and the original 2002 law applies to an assessment, will a subsequent request by the head company to amend that assessment result in the pre rules applying, by virtue of subitem 50(6), to the entire assessment or only to the subsequent amendment request?	The Determination sets out the Commissioner's position for consolidated companies that request an amendment to their assessment. Application: The Determination applies to years of income commencing both before and after its date of issue.
TD 2014/24	Income tax: consolidation: if the conditions in paragraph 50(3)(a) of Part 4 of Schedule 3 to the <i>Tax Laws Amendment (2012 Measures No. 2) Act 2012</i> are satisfied and the interim rules apply to an assessment and, on or after 29 June 2012, that assessment is amended to include a new claim which was not previously made in the assessment, do the interim rules apply to the new claim?	The Determination sets out the Commissioner's position for consolidated companies that request an amendment to an assessment to include a new claim. The Determination applies to years of income commencing both before and after its date of issue.
TD 2014/25	Income tax: is bitcoin a 'foreign currency' for the purposes of Division 775 of the <i>Income Tax Assessment Act 1997</i> ?	The Determination sets out the Commissioner's position on treating bitcoin as a foreign currency. The Determination applies to years of income commencing both before and after its date of issue.
TD 2014/26	Income tax: is bitcoin a 'CGT asset' for the purposes of subsection 108-5(1) of the <i>Income Tax Assessment Act 1997</i> ?	The Determination sets out the Commissioner's position on treating bitcoin as a CGT asset. The Determination applies to years of income commencing both before and after its date of issue.
TD 2014/27	Income tax: is bitcoin trading stock for the purposes of subsection 70-10(1) of the <i>Income Tax Assessment Act 1997</i> ?	The Determination sets out the Commissioner's position on treating bitcoin as trading stock. The Determination applies to years of income commencing both before and after its date of issue.
TD 2014/28	Fringe benefits tax: is the provision of bitcoin by an employer to an employee in respect of their employment a property fringe benefit for the purposes of subsection 136(1) of the <i>Fringe Benefits Tax Assessment Act 1986</i> ?	The Determination sets out the Commissioner's position on treating bitcoin as a fringe benefit. The Determination applies to years of income commencing both before and after its date of issue.
CR 2014/102	Income tax: Murdoch University ATO Approved Voluntary Retirement Scheme	The Ruling sets out the Commissioner's position for employees of Murdoch University. The Ruling applies from 17 December 2014 to 30 September 2015.

CR 2014/103	Income tax: return of capital: Altona Mining Limited	The Ruling sets out the Commissioner's position for the holders of ordinary shares in Altona Mining Limited. The Ruling applies from 1 July 2014 to 30 June 2015.
CR 2014/104	Income tax: transfer of assets from Caledonia Australia Trust to Caledonia Australia No. 2 Trust	The Ruling sets out the Commissioner's position for the holders of the units in Caledonia Australia Trust and the Caledonia Australia No. 2 Trust. The Ruling applies from 1 July 2014 to 30 June 2015.
CR 2014/105	Income tax: transfer of assets from Caledonia Global Investment Trust to Caledonia Global Investment No. 2 Trust	The Ruling sets out the Commissioner's position for the holders of the units in Caledonia Global Investment Trust and the Caledonia Global Investment No. 2 Trust. The Ruling applies from 1 July 2014 to 30 June 2015.
CR 2014/106	Income tax: transfer of assets from Caledonia (Private) Investment Trust to Caledonia (Private) Investment No. 2 Trust	The Ruling sets out the Commissioner's position for the holders of the units in Caledonia (Private) Investment Trust and the Caledonia (Private) Investment No. 2 Trust. The Ruling applies from 1 July 2014 to 30 June 2015.
CR 2014/107	Income tax: transfer of assets from Caledonia Small Caps Trust to Caledonia Small Caps No. 2 Trust	The Ruling sets out the Commissioner's position for the holders of the units in Caledonia Small Caps Trust and the Caledonia Small Caps No. 2 Trust. The Ruling applies from 1 July 2014 to 30 June 2015.
CR 2014/108	Income tax: Asset Resolution Limited - Return of Share Capital	The Ruling sets out the Commissioner's position for shareholders of Asset Resolution Limited. The Ruling applies from 1 July 2014 to 30 June 2015.

NOTICE OF ADDENDA

Ruling Number	Subject	Brief Description
TR 2001/14	Income tax: Division 35 - non-commercial losses	<p>The Addendum amends Taxation Ruling TR 2001/14 to clarify the meaning of 'cars, motorcycles and similar vehicles' for the purposes of the Other assets test, the revocation of a reasonable estimate for the purposes of the Assessable income test, partnership assets for the purposes of Real property test, the consequences of a change in ownership for the purposes of the Profits test and the consequences of a Farm Management Deposit withdrawal for the Assessable income test and the loss deferral rule.</p> <p>The Addendum applies on and both before and after its date of issue.</p>
FTR 2008/1	Fuel tax: vehicle's travel on a public road that is incidental to the vehicle's main use and the road user charge	<p>The Addendum amends Fuel Tax Ruling FTR 2008/1 to reflect the Commissioner's view on the meaning of a public road.</p> <p>The Addendum applies on and from 17 December 2014.</p>
GSTR 2002/2	Goods and services tax: GST treatment of financial supplies and related supplies and acquisitions	<p>The Addendum amends Goods and Services Tax Ruling GSTR 2002/2 to reflect the change in the glossary for the term Automatic Teller Machine (ATM).</p> <p>The Addendum applies both before and after its date of issue.</p>

NOTICE OF ADDENDA

Ruling Number	Subject	Brief Description
MT 2008/2	Shortfall penalties: administrative penalty for taking a position that is not reasonably arguable	<p>The Addendum amends Miscellaneous Taxation Ruling MT 2008/2 to reflect amendments to the TAA contained in the <i>Tax Laws Amendment (Countering Tax Avoidance and Multinational Profit Shifting) Act 2013</i> (Amendment Act). Under the Amendment Act an entity will be liable to a scheme penalty under subsection 284-145(2B) of the TAA where the transfer pricing provisions in Subdivisions 815-B or 815-C of the <i>Income Tax Assessment Act 1997</i> apply. Where this penalty applies, the Amendment Act inserts Subdivision 284-E that states that an entity <i>will not</i> be eligible to argue a reasonably arguable position for a matter if the entity has not met specific documentation requirements for that matter. It also updates references to:</p> <ul style="list-style-type: none">• Draft Taxation Ruling TR 2014/D4 being finalised as Taxation Ruling TR 2014/8, and• Draft Law Administration Practice Statement PS LA 3672 being finalised as Law Administration Practice Statement PS LA 2014/2. <p>The Addendum applies on and from 17 December 2014.</p>

NOTICE OF WITHDRAWAL

Ruling Number	Subject	Brief Description
GSTII	Financial Services Questions and Answers Credit card surcharge – part of consideration for supply	Withdrawn with effect from 17 December 2014.