

TD 20 - Capital Gains: Is there a disposal where assets are transferred on the merger or de-merger of superannuation funds?

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 This ruling contains references to repealed provisions, some of which may have been rewritten.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32 in TR 2006/10 provides further guidance on the status and binding effect of public rulings where the law has been repealed or repealed and rewritten. The legislative references at the end of the ruling indicate the repealed provisions and, where applicable, the rewritten provisions.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

CGT Cell Determinations do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.

CGT Determination Number 20

Capital Gains: Is there a disposal where assets are transferred on the merger or de-merger of superannuation funds?

Determination

1. Where businesses amalgamate or a business is divided into two or more businesses, members of one superannuation fund may be transferred to another superannuation fund. In these cases, assets can also be transferred to the other superannuation fund.

2. Because there is a change in ownership of the assets transferred from one superannuation fund to the other superannuation fund, there is a disposal for CGT purposes.

Note: Where there is only a change in the trustee of the superannuation fund, there is no disposal for CGT purposes as there is no change in ownership of the assets (IT2328).

COMMISSIONER OF TAXATION

31 October 1991

FOI INDEX DETAIL: Reference No. CGT 20

Subject Ref: Transfer of assets

Superannuation fund mergers & de-mergers

Legislative Ref: 160M

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