

# ***SMSFR 2009/1A1 - Addendum - Self Managed Superannuation Funds: business real property for the purposes of the Superannuation Industry (Supervision) Act 1993***

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## Addendum

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### Self Managed Superannuation Funds Ruling

### Self Managed Superannuation Funds: business real property for the purposes of the *Superannuation Industry (Supervision) Act 1993*

This Addendum amends SMSFR 2009/1 to incorporate law change.

SMSFR 2009/1 is amended as follows:

**1. Paragraph 40**

(a) Omit the wording of the paragraph (excluding footnotes 14 and 15); substitute:

This Ruling applies to SMSFs<sup>14</sup> and former SMSFs<sup>15</sup>. References in the Ruling to SMSFs extend to former SMSFs unless otherwise indicated. However, it should be noted that concessions provided in relation to business real property in paragraphs 66(2)(b) and 71(1)(g) of the SISA and Division 13.3A of the SISR only apply to funds with no more than the maximum number of allowable members<sup>15A</sup>. Accordingly, these concessions will not apply to a former SMSF with more than the maximum number of allowable members.

(b) At the end of the second sentence, insert new footnote 15A:

<sup>15A</sup> *Treasury Laws Amendment (Self Managed Superannuation Funds) Act 2021* increased the maximum number of allowable members from 4 to 6 from 1 July 2021.

This Addendum applies from 1 July 2021.

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**Commissioner of Taxation**

15 November 2023

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ATO references

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