



Notice of Withdrawal

Taxation Determination

Income tax: will the Commissioner exercise his discretion under subsection 27H(3) of the *Income Tax Assessment Act 1936* in determining the deductible amount in relation to a superannuation pension or 'eligible annuity' split pursuant to an agreement or court order on marriage breakdown?

Taxation Determination TD 2006/34 is withdrawn with effect from today.

1. TD 2006/34 explains that the Commissioner will exercise his discretion under subsection 27H(3) of the *Income Tax Assessment Act 1936* (ITAA1936) in determining the deductible amount where a superannuation pension or annuity is split between a member and non-member spouse pursuant to an agreement or court order on marriage breakdown.
2. Subsection 27H of the ITAA 1936 was amended by the *Superannuation Legislation Amendment (Simplification) Act 2007* and no longer applies to superannuation income streams.
3. TD 2006/34 has no ongoing relevance and is therefore withdrawn without replacement.

Commissioner of Taxation

20 December 2016

ATO references

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