



***SMSFD 2014/1W - Self Managed Superannuation Funds: does a payment made as a result of a commutation of an account based pension that is a transition to retirement income stream count towards the minimum and maximum annual payment amounts set out in the SIS Regulations for such a pension?***

 This cover sheet is provided for information only. It does not form part of *SMSFD 2014/1W - Self Managed Superannuation Funds: does a payment made as a result of a commutation of an account based pension that is a transition to retirement income stream count towards the minimum and maximum annual payment amounts set out in the SIS Regulations for such a pension?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *30 May 2018*



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## Notice of Withdrawal

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### **Self Managed Superannuation Funds Determination**

Self Managed Superannuation Funds: does a payment made as a result of a commutation of an account based pension that is a transition to retirement income stream count towards the minimum and maximum annual payment amounts set out in the SIS Regulations for such a pension?

Self Managed Superannuation Funds Determination SMSFD 2014/1 (the Determination) is withdrawn with effect from 1 July 2017.

1. The Determination sets out the Commissioner's view that a payment made as a result of a partial commutation of an account based pension that is a transition to retirement income stream (TRIS):
  - counts towards the minimum annual amount required to be paid from the pension account under paragraph 1.06(9A)(a) of the *Superannuation Industry (Supervision) Regulations 1994* (SISR 1994), except for amounts rolled over within the superannuation system on or after 6 June 2009
  - does not count towards the maximum annual amount allowed to be paid from the pension account under subparagraph (b)(ii) of the definition of 'transition to retirement income stream' in subregulation 6.01(2) of the SISR 1994 where the payment was made on or after 16 February 2008.

The Determination also sets out the Commissioner's view that a payment made as a result of a full commutation of an account based pension that is a TRIS cannot count towards the minimum annual amount or the maximum annual amount as that pension ceases before the payment is made.

2. As a result of amendments made in Schedule 1 to the *Treasury Laws Amendment (Fair and Sustainable Superannuation) Regulations 2017* the view expressed in the Determination is no longer current.
3. The amendments to the SISR 1994 have the following effect:
  - Paragraph 1.06(9A)(a) of the SISR 1994 specifically excludes payments by way of commutation from being counted towards the minimum annual payment amount required to be paid from a TRIS

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- Subparagraph (b)(ii) of the definition of 'transition to retirement income stream' in subregulation 6.01(2) of the SISR 1994 specifically excludes payments by way of commutation from being counted towards the maximum annual amount allowed to be paid from the TRIS.
4. The Determination continues to apply to payments before 1 July 2017.

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**Commissioner of Taxation**

30 May 2018

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ATO references

NO: 1-DJ74SKG  
ISSN: 2205-6149

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