

TD 2006/68A2 - Addendum - Income tax: capital gains: small business concessions: can trustees or members of a complying superannuation fund 'control' the superannuation fund in the way described in section 328-125 of the Income Tax Assessment Act 1997 ?

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Addendum

Taxation Determination

Income tax: capital gains: small business concessions: can trustees or members of a complying superannuation fund ‘control’ the superannuation fund in the way described in section 328-125 of the *Income Tax Assessment Act 1997*?

This Addendum is a public ruling for the purposes of the *Taxation Administration Act 1953*. It amends Taxation Determination TD 2006/68 to remove a reference to a withdrawn public ruling.

TD 2006/68 is amended as follows:

1. Preamble

Omit the wording of the preamble; substitute:

❶ Relying on this Determination

This publication (excluding appendix) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

If this Determination applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Determination. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Determination.

2. Table of Contents

Insert Table of Contents:

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Explanation	8
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3. Paragraph 1

Omit 'No.'.

4. Paragraph 7

Omit 'However, the Determination does not apply to taxpayers to the extent that it conflicts with the terms of settlement of a dispute agreed to before the date of issue of the Determination (see paragraphs 75 and 76 of Taxation Ruling TR 2006/10).'

5. Paragraph 12

Omit '(see Taxation Determination TD 2006/79)'; substitute '. The relationship in these situations is considered to be dictated more by obligations imposed by law, formal agreements, fiduciary obligations and the like.'

6. Paragraph 15

(a) Omit heading.

(b) Omit 'As noted', insert 'Note: as noted'.

(c) After 'Treasurer's Press Release No. 38 of 2006', insert footnote 1:

¹ Costello, P (Treasurer) 2006, *Capital Gains Tax (CGT): Government response to the Board of Taxations report on the Post-implementation Review of the Small Business CGT concessions and other improvements*, media release, Canberra, 9 May.

(d) Omit '(9 May 2006)'.

This Addendum applies both before and after date of issue.

Commissioner of Taxation

14 October 2026

ATO references

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