


TD 92/169 - Income tax: insurance: are all premiums received by a life assurance company in respect of deferred annuity policies 'superannuation premiums' for the purposes of section 111A of the Income Tax Assessment Act 1936 ?

 This cover sheet is provided for information only. It does not form part of *TD 92/169 - Income tax: insurance: are all premiums received by a life assurance company in respect of deferred annuity policies 'superannuation premiums' for the purposes of section 111A of the Income Tax Assessment Act 1936 ?*

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part IVAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, the Determination applies to transactions entered into both before and after its date of issue.

Taxation Determination

Income tax: insurance: are all premiums received by a life assurance company in respect of deferred annuity policies 'superannuation premiums' for the purposes of section 111A of the *Income Tax Assessment Act 1936*?

1. No. Only premiums in respect of deferred annuity policies that are vested in the trustee of a superannuation fund, approved deposit fund or pooled superannuation trust can be 'superannuation premiums' for the purposes of section 111A of the *Income Tax Assessment Act 1936*. Premiums in respect of all other deferred annuity policies, including a 'RA policy' as defined in subsection 110 (1), are not 'superannuation premiums' for section 111A purposes.
2. The effect of the decision contained in paragraph one is that section 111A does not provide for expenses relating to premiums for deferred annuity policies which are not 'superannuation premiums' to be allowable deductions. Section 111A applies from the year of income in which 1 July 1988 occurs.
3. However, section 111AA generally applies to the relevant expenses incurred by a life assurance company on or after 1 January 1990. Consequently, this Determination has practical effect for expenditure incurred from the year of income in which 1 July 1988 occurs and until 31 December 1989 only.

Commissioner of Taxation
08/10/92

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