



TD 95/43W - Income tax: capital gains: is a sum obtained by a taxpayer under a trauma insurance policy an exempt capital gain under subsection 160ZB(1) of the Income Tax Assessment Act 1936 ?

 This cover sheet is provided for information only. It does not form part of *TD 95/43W - Income tax: capital gains: is a sum obtained by a taxpayer under a trauma insurance policy an exempt capital gain under subsection 160ZB(1) of the Income Tax Assessment Act 1936 ?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *10 March 2010*



Notice of Withdrawal

Taxation Determination

Income tax: capital gains: is a sum obtained by a taxpayer under a trauma insurance policy an exempt capital gain under subsection 160ZB(1) of the *Income Tax Assessment Act 1936*?

Taxation Determination TD 95/43 is withdrawn with effect from today.

1. Taxation Determination TD 95/43 explains that certain payments received in respect of an illness suffered by an individual or their spouse are treated as exempt capital gains under subsection 160ZB(1) of the *Income Tax Assessment Act 1936* (ITAA 1936). Subsection 160ZB(1) was ultimately rewritten as paragraphs 118-37(1)(a) and 118-37(1)(b) of the *Income Tax Assessment Act 1997* (ITAA 1997).
2. When the law was rewritten, amendments were made so that the exemption in paragraph 118-37(1)(b)) of the ITAA 1997 is broader than the administrative practice and clearly applies to:
 - payments in respect of illness; and
 - payments in respect of injury or illness suffered by a relative of the recipient personally.
3. As the law in respect of these matters is now clear, the Determination is no longer required and is withdrawn.

Commissioner of Taxation

10 March 2010

ATO references

NO: 2006/20258

ISSN: 1038-8982

ATOlaw topic: Income Tax ~~ Capital Gains Tax ~~ miscellaneous