



TD 20 - Capital Gains: Is there a disposal where assets are transferred on the merger or de-merger of superannuation funds?

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 This document has changed over time. This is a consolidated version of the ruling which was published on *31 October 1991*

CGT Cell Determinations do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.

CGT Determination Number 20

Capital Gains: Is there a disposal where assets are transferred on the merger or de-merger of superannuation funds?

Determination

1. Where businesses amalgamate or a business is divided into two or more businesses, members of one superannuation fund may be transferred to another superannuation fund. In these cases, assets can also be transferred to the other superannuation fund.
2. Because there is a change in ownership of the assets transferred from one superannuation fund to the other superannuation fund, there is a disposal for CGT purposes.

Note: Where there is only a change in the trustee of the superannuation fund, there is no disposal for CGT purposes as there is no change in ownership of the assets (IT2328).

COMMISSIONER OF TAXATION

31 October 1991

FOI INDEX DETAIL: Reference No. CGT 20

Subject Ref: Transfer of assets

Superannuation fund mergers & de-mergers

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