



Taxation Administration Act

Notice exempting entities from giving a payment summary to certain terminally ill recipients of lump sum superannuation member benefits

I, Erin Kathleen Holland, Deputy Commissioner of Taxation, make this instrument under section 16-180 of Schedule 1 to the *Taxation Administration Act 1953*.

Dated: 3 October 2007

Signed Erin Holland

Deputy Commissioner of Taxation

1 Name of instrument

This instrument is the *Taxation Administration Act - Notice exempting entities from giving a payment summary to certain terminally ill recipients of lump sum superannuation member benefits*.

2 Commencement

This instrument commences on 12 September 2007 and ceases to have effect on 1 July 2008.

3 Purpose

This instrument removes the requirement to issue a payment summary to the recipient of a withholding payment under paragraph 12-85(a) of Schedule 1 to the *Taxation Administration Act 1953*, where the payee is classified as terminally ill.

This instrument compliments the previously registered variation (F2007L03872) which provides that withholding is not required from payments made to terminally ill recipients of lump sum superannuation member benefits in circumstances where the

payment will not be subject to income tax as a result of law changes which were announced on 11 September 2007 but not yet enacted.

4 Types of payments

This instrument removes the requirement to issue a payment summary for a withholding payment which is:

- paid to a member in accordance with the payment standards prescribed in:
 - o in the case of a benefit paid from a complying superannuation fund – subsection 31(1) of the *Superannuation Industry (Supervision) Act 1993*, or
 - o in the case of a benefit paid from an approved deposit fund – subsection 32(1) of that Act, or
 - o in the case of a benefit paid from a retirement savings account – subsection 38(2) of the *Retirement Savings Accounts Act 1997*

in circumstances where the member is terminally ill.

A payee will be taken to be terminally ill if it is certified by two medical practitioners (at least one of these a specialist) that they are suffering from an illness which in the normal course would result in death within a period of 12 months.