



## ***Variation to the rate of withholding for certain terminally ill recipients of lump sum superannuation member benefits.***

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**as amended**

made under section 15-15 of Schedule 1 to the *Taxation Administration Act 1953*.

This compilation was prepared on **4 October 2007** taking into account amendments up to *Variation to the rate of withholding for certain terminally ill recipients of lump sum superannuation member benefits Amendment (No. 1) 2007*

This instrument does not revoke or vary any previous instruments made by the Commissioner.

Prepared by the PAYG Withholding Administration unit of the Australian Taxation Office.

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**Citation (see Note 1)**

1. This instrument is the *Taxation Administration Act - Variation to the rate of withholding for certain terminally ill recipients of lump sum superannuation member benefits*.

**Commencement (see Note 1)**

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

**Application of instrument**

3. This variation ensures 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.

**Variation to the rate of withholding**

4. This instrument varies to nil the amount required to be withheld from a withholding payment which is:
  - a superannuation member benefit within the meaning of subsection 307-5(2) of the *Income Tax Assessment Act 1997*, and
  - a superannuation lump sum within the meaning of section 307-65 of the *Income Tax Assessment Act 1997*, and
  - paid to a member in accordance with the payment standards prescribed in:
    - in the case of a benefit paid from a complying superannuation fund – subsection 31(1) of the *Superannuation Industry (Supervision) Act 1993*, or
    - in the case of a benefit paid from an approved deposit fund – subsection 32(1) of that Act, or
    - 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.

## Notes to the Variation to the rate of withholding for certain terminally ill recipients of lump sum superannuation member benefits

### Note 1

The variation to the rate of withholding for certain terminally ill recipients of lump sum superannuation member benefits (in force under subsection 15-15 of Schedule 1 to the *Taxation Administration Act 1953*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

Title	Date of FRLI registration	Date of commencement
Variation to the rate of withholding for certain terminally ill recipients of lump sum superannuation member benefits	25 September 2007 (see F2007L03872)	12 September 2007
Variation to the rate of withholding for certain terminally ill recipients of lump sum superannuation member benefits Amendment (No. 1) 2007	4 October 2007 (see F2007L03955)	12 September 2007

## Table of Amendments

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### Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
The third sub paragraph of paragraph 4 of the relevant instrument.	am. (F2007L03872)