


TD 2003/28A1 - Addendum - Income tax: capital gains: does CGT event E4 in section 104-70 of the Income Tax Assessment Act 1997 happen if the trustee of a discretionary trust makes a non-assessable payment to:(a) a mere object; or (b) a default beneficiary?

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Addendum

Taxation Determination

Income tax: capital gains: does CGT event E4 in section 104-70 of the *Income Tax Assessment Act 1997* happen if the trustee of a discretionary trust makes a non-assessable payment to:

- (a) a mere object; or
- (b) a default beneficiary?

This Addendum amends Taxation Determination TD 2003/28 so that references are to the current capital gains tax provisions in Parts 3-1 and 3-3 of the *Income Tax Assessment Act 1997*.

This addendum applies from 14 September 2006, the date of effect of the repeal of the former capital gains tax provisions in Part IIIA of the *Income Tax Assessment Act 1936*, by *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006*.

TD 2003/28 is amended as follows:

1. Paragraph 6

Omit the paragraph.

2. Legislative references

Omit:

ITAA 1936 160ZM

This Addendum applies on and after 14 September 2006.

TD 2003/28

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ATO references

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ATOlaw topic: Income Tax ~~ Capital Gains Tax ~~ CGT events E1 to E9 – trusts