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| **EXPOSURE DRAFT** |

Inserts for

Treasury Laws Amendment (Measures For Consultation) Bill 2021: Providing choice for trustees calculating exempt current pension income

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Schedule XX | The first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent. |  |
| 2. |  |  |
| 3. |  |  |

Schedule XX—Segregated current pension assets

Income Tax Assessment Act 1997

1 At the end of section 295‑385

Add:

Meaning of **segregated current pension assets**—trustee choice

(8) Despite subsections (3) to (6), an asset of a \*complying superannuation fund:

(a) is a ***segregated current pension asset*** of the fund at a particular time in an income year if:

(i) the trustee of the fund chooses under subsection (9) to treat the asset as being a segregated current pension asset at that time; and

(ii) at that time all assets of the fund are supporting \*RP superannuation income stream benefits of the fund that are prescribed by the regulations for the purposes of paragraph (4)(b); or

(b) is not a ***segregated current pension asset*** of the fund at a particular time in an income year if the trustee of the fund chooses under subsection (9) to treat the asset as not being a segregated current pension asset at that time.

(9) The trustee of a \*complying superannuation fund may choose to treat an asset of the fund as being, or not being, a \*segregated current pension asset of the fund at a particular time in an income year if, at that time, all \*superannuation interests in the fund are in the \*retirement phase.

(10) Subsections (8) and (9) do not apply if:

(a) at all times during the year, all \*superannuation interests in the fund are in the \*retirement phase; or

(b) the assets of the fund are \*disregarded small fund assets at all times in the year.

2 Application of amendments

The amendment made by this Schedule applies in relation to the 2021‑22 income year and later income years.