

## TD 14

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FOI status: may be released

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### CGT Determination Number 14

#### **Capital Gains: Will payments made under Accident & Health Assurance policies be exempt from CGT?**

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Payments made to the holders of such policies in respect of personal injuries to themselves are regarded as "compensation" and will not give rise to either capital gains or losses (subsection 160ZB(1)).

2. This treatment will also apply to payments made to a *trustee for a taxpayer* who has been injured.

**Note:**

***Workers Compensation payments may be taxed as ordinary income.***

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### **Commissioner of Taxation**

10 September 1991

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**ATO references:**

NO N.O. 12.86/9579-2

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**Subject References:**

Exemption;  
Accident & Health Assurance policies;  
Compensation payments

**Legislative References:**

[160ZB\(1\)](#)