



# **Superannuation Guarantee (Administration) Amendment Act 2015**

**No. 71, 2015**

**An Act to amend the *Superannuation Guarantee  
(Administration) Act 1992*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**An Act to amend the *Superannuation Guarantee  
(Administration) Act 1992*, and for related purposes**

[Assented to 25 June 2015]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Superannuation Guarantee  
(Administration) Amendment Act 2015*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	1 July 2015.	1 July 2015

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Temporary residents**

### ***Superannuation Guarantee (Administration) Act 1992***

#### **1 After subsection 32C(2A)**

Insert:

- (2AA) Paragraph (2)(ba) does not apply if the employee is, within the meaning of the *Migration Act 1958*, the holder of a temporary visa.

#### **2 At the end of section 32NA**

Add:

- (11) An employer is not required under section 32N to give an employee a standard choice form if the employee is, within the meaning of the *Migration Act 1958*, the holder of a temporary visa.

#### **3 Application of amendments**

If:

- (a) an employee commences employment before the commencement of this Schedule; but
- (b) the 28 day period referred to in subsection 32N(2) of the *Superannuation Guarantee (Administration) Act 1992* ends after that commencement;

the amendments made by this Schedule are taken to have applied, in relation to that employee, from the commencement of that employment.

## Schedule 2—Transfers to successor funds

### *Superannuation Guarantee (Administration) Act 1992*

#### **1 Paragraph 32C(2)(ba)**

Omit “either”.

#### **2 Subparagraph 32C(2)(ba)(ii)**

Omit “and” (last occurring), substitute “or”.

#### **3 At the end of paragraph 32C(2)(ba)**

Add:

- (iii) meets the requirements to be a successor default fund under subsection (2AB) of this section; and

#### **4 Before subsection 32C(2B) (before the heading)**

Insert:

(2AB) For the purposes of subparagraph (2)(ba)(iii), a fund (the *new fund*) meets the requirements to be a successor default fund if:

- (a) the employee’s interest in a fund (the *original fund*) is transferred to the new fund without the consent of the member; and
- (b) the original fund is a fund:
  - (i) to which subparagraph (2)(ba)(i) applies; or
  - (ii) to which subparagraph (2)(ba)(ii) applies, or would have applied if the transfer had not occurred; and
- (c) the new fund is a successor fund (within the meaning of the *Income Tax Assessment Act 1997*) in relation to the transfer.

#### **5 At the end of Division 4 of Part 3A**

Add:

#### **32J A successor fund may become a chosen fund**

For the purposes of this Act, if:



- (a) an employee's interest in a superannuation fund (the *original fund*) is transferred to another superannuation fund without the consent of the member; and
  - (b) the other fund is a successor fund (within the meaning of the *Income Tax Assessment Act 1997*) in relation to the transfer; and
  - (c) immediately before the transfer takes effect, the original fund was a chosen fund for the employee; and
  - (d) at the time the transfer takes effect, the other fund:
    - (i) is an eligible choice fund; and
    - (ii) is a fund to which the employer can make contributions for the benefit of the employee;
- from the time the transfer takes effect, the other fund is taken to be a chosen fund for the employee, and the original fund is taken no longer to be a chosen fund for the employee.

## **6 After subsection 32NA(1)**

Insert:

- (1A) An employer is not required under section 32N to give an employee a standard choice form if:
  - (a) the employer is making contributions of a kind mentioned in subsection 32C(2) for the benefit of the employee; and
  - (b) the fund to which the contributions are made meets the requirements to be a successor default fund under subsection 32C(2AB).

## **7 Application of amendments**

The amendments made by this Schedule apply in relation to transfers of interests in superannuation funds that occur on or after 1 July 2015.

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[*Minister's second reading speech made in—  
House of Representatives on 28 May 2015  
Senate on 16 June 2015*]

(81/15)

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