





# **Superannuation Laws Amendment (2004 Measures No. 2) Act 2004**

**No. 93, 2004**

**An Act to amend the law relating to  
superannuation, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## **An Act to amend the law relating to superannuation, and for related purposes**

[Assented to 29 June 2004]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Superannuation Laws Amendment  
(2004 Measures No. 2) Act 2004*.

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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>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	29 June 2004
2. Schedule 1, items 1 to 4	The day on which this Act receives the Royal Assent.	29 June 2004
3. Schedule 1, items 5 to 7	1 July 2008.	1 July 2008
4. Schedule 1, item 8	Immediately after the commencement of item 29 of Schedule 1 to the <i>Superannuation Safety Amendment Act 2004</i> .	1 July 2004

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Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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#### **4 Application of amendments**

- (1) The amendment made by item 3 of Schedule 1 applies to assessments for the 2004-2005 income year and for subsequent income years.
- (2) The amendment made by item 4 of Schedule 1 applies to transfer requests made on or after the later of the following days:
  - (a) the 28th day after the day on which this Act receives the Royal Assent;
  - (b) 1 July 2004.
- (3) The amendments made by items 5, 6 and 7 of Schedule 1 apply to the quarter commencing on 1 July 2008 and to all subsequent quarters.

## Schedule 1—Amendments

### *Income Tax Assessment Act 1936*

#### **1 At the end of section 273A**

Add:

- (2) Assets of a complying superannuation fund are also segregated current pension assets of the fund at a particular time in a year of income for the purposes of this Part if the assets are invested, held in reserve or otherwise being dealt with at that time by the fund for the sole purpose of enabling the fund to discharge the whole or part of the current pension liabilities, as they become due, in respect of pensions that are prescribed by the regulations for the purposes of this subsection.
- (3) Subsection (2) does not apply unless, at all times during the year of income, the current pension liabilities of the fund were liabilities in respect of pensions that are prescribed by the regulations for the purposes of this subsection.

#### **2 After subsection 283(2)**

Insert:

- (2A) If, at all times during the year of income, the current pension liabilities of the fund were liabilities in respect of pensions that are prescribed by the regulations for the purposes of this subsection, then subsections (3) and (4) do not apply in determining the amounts to be used in the formula in subsection (2).

### *Income Tax Assessment Act 1997*

#### **3 After paragraph 26-80(3)(a)**

Insert:

- (aa) if you were under the age of 18 at the end of the income year—you derived:

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- (i) income from the carrying on of a business (where *business* has the meaning given by subsection 6(1) of the *Income Tax Assessment Act 1936*); or
  - (ii) income from eligible employment (where *eligible employment* has the meaning given by subsection 82AAS(1) of the *Income Tax Assessment Act 1936*); and

### ***Retirement Savings Accounts Act 1997***

#### **4 Subsection 50(2)**

Omit “12 months”, substitute “90 days”.

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

#### **5 Sections 13, 13A, 13B and 14**

Repeal the sections.

#### **6 Subsections 23(2) to (5)**

Repeal the subsections, substitute:

*Reduction of charge percentage where contributions are made by employer*

- (2) If, in a quarter, an employer contributes for the benefit of an employee to a complying superannuation fund or an RSA, then the charge percentage for the employer (as specified in subsection 19(2)) for the employee for the quarter is reduced by the number worked out using the formula:

$$\frac{\text{Contribution}}{\text{Ordinary time earnings}} \times 100$$

where:

*contribution* is the number of dollars in the amount of the contribution.

*ordinary time earnings* is the number of dollars in the ordinary time earnings of the employee for the quarter in respect of the employer.

## Schedule 1 Amendments

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Example: If the contribution is \$60 and the ordinary time earnings are \$1,000 then the charge percentage is reduced by 6. If there are no other contributions, and no reduction under section 22, then the charge percentage will be 3 (instead of 9).

- (3) A reduction under subsection (2) in respect of a contribution is in addition to:
- (a) any other reduction under that subsection in respect of any other contribution; and
  - (b) any reduction under section 22.

### **7 Subsection 23(9)**

Repeal the subsection.

## ***Superannuation Industry (Supervision) Act 1993***

### **8 Subsection 29G(1)**

Omit “subsection (2)”, substitute “subsection (3)”.

Note: This item fixes an incorrect cross-reference.

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*[Minister’s second reading speech made in—  
House of Representatives on 27 May 2004  
Senate on 15 June 2004]*