



Superannuation Guarantee (Administration) Amendment Act 2015

No. 71, 2015

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

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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*.

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.

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

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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.

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

(81/15)
