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The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Superannuation Legislation Amendment (Choice of Fund) Bill 2016**

**No.     , 2016**

*(Treasury)*

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



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1     **A Bill for an Act to amend the *Superannuation***  
2     ***Guarantee (Administration) Act 1992, and for***  
3     **related purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *Superannuation Legislation*  
7                     *Amendment (Choice of Fund) Act 2016.*

8     **2 Commencement**

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

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**Schedule 1—Extending superannuation  
choice to workplace determinations  
and enterprise agreements**

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

**1 Paragraph 19(2B)(c)**

Omit “(which deals with certain cases where no contributions are required)”, substitute “(which deals with certain cases where defined benefit members cannot choose another fund)”.

**2 Section 20 (heading)**

Repeal the heading, substitute:

**20 Defined benefit schemes—certain cases where members cannot  
choose another fund**

**3 Subsection 20(1)**

Omit “either subsection (2) or (3) is satisfied”, substitute  
“subsection (2), (3) or (3A) is satisfied”.

**4 After subsection 20(3)**

Insert:

*Member’s benefit not affected*

(3A) This subsection is satisfied if the employee would be entitled, on the employee’s retirement, resignation or retrenchment, to the same amount of benefit from the defined benefit superannuation scheme, whether or not the employee had contributions:

(a) for the quarter; and

(b) made by the employer for the benefit of the employee;  
to a fund (within the meaning of Part 3A) other than the defined  
benefit superannuation scheme.

**5 Paragraph 32C(6)(g)**

After “determination”, insert “made before 1 July 2016”.

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**6 Paragraph 32C(6)(h)**

After “agreement”, insert “made before 1 July 2016”.

**7 After subsection 32C(6)**

Insert:

*Contributions previously covered by paragraphs (6)(g) and (h)*

(6AA) A contribution to a fund by an employer for the benefit of an employee is also made in compliance with the choice of fund requirements if:

(a) at the time the contribution is made, there is no chosen fund for the employee; and

(b) the fund is a fund to which the employer has previously made contributions, in compliance with the choice of fund requirements under paragraph (6)(g) or (h), for the benefit of the employee.