

# EXPOSURE DRAFT

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Inserts for  
**Superannuation Legislation Amendment  
(Governance) Bill 2015: Extending  
superannuation choice to enterprise  
agreements**

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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. Schedule #— Extending superannuation choice to enterprise agreements made from 1 July 2016	1 July 2016.	1 July 2016

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## Schedule #—Extending superannuation choice to enterprise agreements made from 1 July 2016

### *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 for the quarter made by the employer for his or her benefit 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”.

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

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

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1 **7 After subsection 32C(6)**

2           Insert:

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

4           (6AA) A contribution to a fund by an employer for the benefit of an  
5           employee is also made in compliance with the choice of fund  
6           requirements if:

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

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