

EXPOSURE DRAFT



EXPOSURE DRAFT

Treasury Laws Amendment (Fair and Sustainable Superannuation) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Scott Morrison [DRAFT ONLY—NOT FOR SIGNATURE]
Treasurer

EXPOSURE DRAFT

EXPOSURE DRAFT

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
	Schedule 1—Amendments relating to harmonising contribution restrictions	2
	<i>Retirement Savings Accounts Regulations 1997</i>	2
	<i>Superannuation Industry (Supervision) Regulations 1994</i>	2

EXPOSURE DRAFT

1 Name

This is the *Treasury Laws Amendment (Fair and Sustainable Superannuation) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1	The first 1 January, 1 April, 1 July or 1 October to occur after the day this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the following:

- (a) the *Retirement Savings Accounts Act 1997*;
- (b) the *Superannuation Industry (Supervision) Act 1993*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

EXPOSURE DRAFT

Schedule 1 Amendments relating to harmonising contribution restrictions

Schedule 1—Amendments relating to harmonising contribution restrictions

Retirement Savings Accounts Regulations 1997

1 Subregulation 5.03(1) (table)

Repeal the table, substitute:

Age restrictions affecting contributions that may be accepted		
Item	If the RSA holder is ...	the RSA institution may accept ...
1	under 75	contributions that are made in respect of the RSA holder
2	75 or older	contributions that are made in respect of the RSA holder that are: (a) mandated employer contributions; or (b) contributions received on or before the day that is 28 days after the end of the month in which the RSA holder turns 75

2 Subregulation 5.03(7) (definition of *employer contribution*)

Repeal the definition.

3 At the end of Part 7

Add:

7.5 Amendments made by the *Treasury Laws Amendment (Fair and Sustainable Superannuation) Regulation 2016*

- (1) The amendments of these Regulations made by items 1 and 2 of Schedule 1 to the *Treasury Laws Amendment (Fair and Sustainable Superannuation) Regulation 2016* apply in relation to contributions made on or after 1 July 2017.
- (2) The amendment of these Regulations made by item 4 of that Schedule applies on and after 1 July 2017.

4 Schedule 2 (table item 106)

Omit “Attaining age 65”, substitute “Attaining, or have attained, age 65”.

Superannuation Industry (Supervision) Regulations 1994

5 Subregulation 7.01(3)

Repeal the subregulation (including the note).

6 Subregulation 7.04(1) (table)

Repeal the table (not including the note), substitute:

EXPOSURE DRAFT

Amendments relating to harmonising contribution restrictions **Schedule 1**

Age restrictions affecting contributions that may be accepted

Item	If the member is ...	the fund may accept ...
1	under 75	contributions that are made in respect of the member
2	75 or older	contributions that are made in respect of the member that are: (a) mandated employer contributions; or (b) contributions received on or before the day that is 28 days after the end of the month in which the member turns 75

7 Subregulation 7.04(7) (definition of *employer contributions*)

Repeal the definition.

8 Subregulation 7.05(1)

Omit “65”, substitute “75”.

9 Subregulations 7.05(2) and (3)

Repeal the subregulations.

10 Subregulation 7.05(5)

Omit “, (2), (3)”.

11 At the end of Division 14.12

Add:

14.14 Arrangements relating to harmonising contribution rules based on age

- (1) The amendments of these Regulations made by items 6 and 7 of Schedule 1 to the *Treasury Laws Amendment (Fair and Sustainable Superannuation) Regulation 2016* apply in relation to contributions made on or after 1 July 2017.
- (2) The amendments of these Regulations made by items 8 to 10 of that Schedule apply to an accrual on or after 1 July 2017.
- (3) The amendments of these Regulations made by items 5, 12 and 13 of that Schedule apply on and after 1 July 2017.

12 Part 1 of Schedule 1 (table item 106)

Omit “Attaining age 65”, substitute “Attaining, or have attained, age 65”.

13 Part 2 of Schedule 1 (table item 206)

Omit “Attaining age 65”, substitute “Attaining, or have attained, age 65”.