



Superannuation (Excess Transfer Balance Tax) Imposition Act 2016

No. 80, 2016

**An Act to impose excess transfer balance tax, and
for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Superannuation (Excess Transfer Balance Tax) Imposition Act 2016

No. 80, 2016

An Act to impose excess transfer balance tax, and for related purposes

[Assented to 29 November 2016]

The Parliament of Australia enacts:

1 Short title

This Act is the *Superannuation (Excess Transfer Balance Tax) Imposition Act 2016*.

Section 2

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	At the same time as Schedule 1 to the <i>Treasury Laws Amendment (Fair and Sustainable Superannuation) Act 2016</i> commences. However, the provisions do not commence at all if that Schedule does not commence.	1 January 2017

Note: This table relates only to the provisions of this Act as originally enacted.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 Definitions

In this Act:

excess transfer balance period has the same meaning as in the *Income Tax Assessment Act 1997*.

notional earnings means the sum worked out under subsection 294-230(3) of the *Income Tax Assessment Act 1997* for the excess transfer balance period.

4 Imposition of tax

Excess transfer balance tax payable under section 294-230 of the *Income Tax Assessment Act 1997* is imposed.

5 Amount of tax

- (1) The amount of the excess transfer balance tax is:
 - (a) if the circumstances mentioned in subsection (2) apply—30% of the person's notional earnings for the excess transfer balance period; or
 - (b) in any other case—15% of the person's notional earnings for the excess transfer balance period.
- (2) For the purposes of paragraph (1)(a), the circumstances are:
 - (a) the excess transfer balance period starts on or after 1 July 2018; and
 - (b) the person has previously been liable to pay excess transfer balance tax for an excess transfer balance period starting on or after 1 July 2018.

6 Severability

If, apart from this section, section 4 would impose, in relation to a person, a tax the imposition of which in relation to the person would exceed the legislative power of the Commonwealth, section 4 has effect as if it did not impose that tax in relation to the person.

*[Minister's second reading speech made in—
House of Representatives on 9 November 2016
Senate on 23 November 2016]*

(172/16)
