

Superannuation Guarantee (Administration) Amendment Regulations 2001 (No. 2) 2001 No. 210

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 210

Issued by authority of the Assistant Treasurer

Superannuation Guarantee (Administration) Act 1992

Superannuation Guarantee (Administration) Amendment Regulations 2001 (No. 2)

Section 80 of the *Superannuation Guarantee (Administration) Act 1992* (the Act) provides that the Governor-General may make regulations prescribing all matters required to give effect to the Act.

The *Superannuation Guarantee Charge Act 1992* (the Charge Act) imposes a charge on an employer who has not provided the prescribed minimum level of superannuation support for its employees in a financial year. Section 3 of the Charge Act provides that the Act is incorporated and is to be read as one with the Charge Act.

The Regulations ensure that prescribed salary or wages paid to non-residents of Australia who are employed solely for, and in connection with, the Brisbane 2001 Goodwill Games are excluded from the Superannuation Guarantee. The exclusion extends to payments made to athletes and their support crews, as well as those employed to provide a range of other services, including administrative, organisational, catering, medical and media coverage.

The exclusion for the Brisbane 2001 Goodwill Games is provided in the same way as the exclusion for the Sydney 2000 Olympic and Paralympic Games.

The amendments to the Superannuation Guarantee (Administration) Regulations do not impact on business or the revenue. There is no requirement for a regulation impact statement.

Details of the Regulations are set out in the attachment.

The amended Regulations commence on gazettal.

ATTACHMENT

Superannuation Guarantee (Administration) Amendment Regulations 2001 (No. 2)

Explanation of the amendments

Regulation 1 - specifies the name of the regulations as the Superannuation Guarantee (Administration) Amendment Regulations 2001 (No. 2).

Regulation 2 - provides that the Regulations commence on gazettal.

Regulation 3 - provides that the Schedule 1 amends the Superannuation Guarantee (Administration) Regulations 1993.

Schedule 1 amendments

Item 1 inserts a new Regulation - Regulation 7AB provides that prescribed salary or wages for the purposes of paragraph 27(1)(e) of the Act includes salary or wages paid to non-residents who are employed to:

- provide administrative and organisational support for the Brisbane 2001 Goodwill Games;
- compete in the Brisbane 2001 Goodwill Games;
- provide administrative, organisational, training, coaching, medical or other support for an athlete who is in Australia for the Brisbane 2001 Goodwill Games; or
- provide media coverage of the Brisbane 2001 Goodwill Games.

The exclusion applies in respect of salary or wages paid for employment performed between 16 August to 30 September 2001 and will only apply if the employer reasonably believes that the employee has not undertaken, and does not intend to undertake, any employment that is not Goodwill Games employment during this period.