



# Treasury Laws Amendment (Miscellaneous and Technical Amendments No. 2) Regulations 2024

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated

5 December 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Dr Andrew Leigh  
Assistant Minister for Competition, Charities and Treasury  
Parliamentary Secretary to the Treasurer

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## 1 Name

This instrument is the *Treasury Laws Amendment (Miscellaneous and Technical Amendments No. 2) Regulations 2024*.

## 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.	10 December 2024
2. Schedule 1, Part 1	The day after this instrument is registered.	10 December 2024
3. Schedule 1, Part 2	The first 1 January, 1 April, 1 July or 1 October to occur after the day this instrument is registered.	1 January 2025
4. Schedule 1, Part 3	At the same time as Part 3 of Schedule 5 to the <i>Treasury Laws Amendment (Delivering Better Financial Outcomes and Other Measures) Act 2024</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made.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 *Corporations Act 2001*;
- (b) the *Superannuation Industry (Supervision) Act 1993*;
- (c) the *Taxation Administration Act 1953*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.



## **Division 14.36—Transitional arrangements arising out of the Treasury Laws Amendment (Miscellaneous and Technical Amendments No. 2) Regulations 2024**

### **14.38 Amendments made by the *Treasury Laws Amendment (Miscellaneous and Technical Amendments No. 2) Regulations 2024***

The amendments of regulation 13.18A made by the *Treasury Laws Amendment (Miscellaneous and Technical Amendments No. 2) Regulations 2024* apply if any of the following occur on or after the commencement of this regulation:

- (a) a trustee of a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund:
  - (i) supplies, or offers to supply, a business loan to a person, or a relative or associate of a person; or
  - (ii) supplies, or offers to supply, a business loan to a person, or a relative or associate of a person, at a particular price; or
  - (iii) gives or allows, or offers to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of a business loan to a person, or a relative or associate of a person;
- (b) a trustee of a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund, refuses to:
  - (i) supply, or offer to supply, a business loan to a person, or a relative or associate of a person; or
  - (ii) supply, or offer to supply, a business loan to a person, or a relative or associate of a person, at a particular price; or
  - (iii) give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of a business loan to a person, or a relative or associate of a person.

## **Division 3—Trustee-directed products**

### ***Superannuation Industry (Supervision) Regulations 1994***

#### **9 Paragraph 9AB.2(2)(a)**

Repeal the paragraph, substitute:

- (a) at least one of the beneficial interests in the class is *not* a superannuation interest (within the meaning of the 1997 Tax Act) that supports any of the following:
  - (i) a superannuation income stream that is in the retirement phase;
  - (ii) a superannuation income stream that is a transition to retirement income stream (within the meaning of Part 6 of these Regulations);and

## **Division 4—Payment splits**

### ***Superannuation Industry (Supervision) Regulations 1994***

#### **10 Regulation 2.36D**

Repeal the regulation.

**11 Paragraph 7A.11(10)(c)**

Repeal the paragraph, substitute:

- (c) if the payment split is a base amount payment split—the amount of any adjustment that has been made to the base amount since the operative time.

**12 Paragraph 7A.12(5)(c)**

Repeal the paragraph, substitute:

- (c) if the payment split is a base amount payment split—the amount of any adjustment that has been made to the base amount since the operative time.

**13 Paragraph 7A.13(8)(c)**

Repeal the paragraph, substitute:

- (c) if the payment split is a base amount payment split—the amount of any adjustment that has been made to the base amount since the operative time.

**Division 5—Actuaries and auditors of superannuation entities**

*Superannuation Industry (Supervision) Regulations 1994*

**14 Regulation 9.03 (heading)**

Repeal the heading, substitute:

**9.03 Whether the financial position of a defined benefit fund may be about to become unsatisfactory—matters to consider**

**15 Subregulation 9.03(1)**

Omit “In forming an opinion for the purposes of paragraph 130(1)(a) of the Act or subregulation 9.31(3)”, substitute “For the purposes of subsection 130(6) or 130AA(11A) of the Act or subregulation 9.31(3) of these Regulations, in forming an opinion”.

**16 Paragraph 9.03(2)(b)**

After “superannuation auditor”, insert “or lead auditor”.

**17 Subregulation 9.03(3)**

After “paragraph 130(1)(a)”, insert “or 130AA(1)(a), (2)(a) or (4)(b)”.

**18 Subregulations 9.03(4) and (5)**

Repeal the subregulations.

**Division 6—Financial reporting for superannuation entities**

*Superannuation Industry (Supervision) Regulations 1994*

**19 Regulation 11.03**

Repeal the regulation.



**20 Regulation 11.04 (heading)**

Omit “(subsection 254(1))”.

**21 Regulation 11.04**

Omit “subsection 254(1)”, substitute “paragraph 254(2A)(b)”.

**22 Regulation 11.04**

Omit “the trustee of” (first occurring).

**23 Regulation 11.05 (heading)**

Omit “(subsection 254(1))”.

**24 Regulation 11.05**

Omit “subsection 254(1)”, substitute “paragraph 254(2A)(b)”.

**25 Regulation 11.05**

Omit “the trustee of”.

**26 Regulation 11.06 (heading)**

Omit “(subsection 254(1))”.

**27 Regulation 11.06**

Omit “subsection 254(1)”, substitute “paragraph 254(2A)(b)”.

**28 Regulation 11.06A**

Repeal the regulation.

**Part 2—Amendments commencing first day of next quarter:  
Shadow Economy Taskforce**

*Taxation Administration Regulations 2017*

**29 Section 67 (table item 8)**

Omit “Standing”.

**Part 3—Amendments commencing at other times: duty of  
superannuation trustees to notify the Regulator of  
significant adverse events**

*Superannuation Industry (Supervision) Regulations 1994*

**30 After Part 9AB**

Insert:

**Part 9AC—Duties of trustees and investment managers of  
superannuation entities**

**9AC.01 Fund information**

For the purposes of subsection 106(1A) of the Act, *fund information* means fund information required to be provided under regulation 7.9.32 of the *Corporations Regulations 2001*.

**31 Paragraphs 11.04(c) and 11.05(c)**

Omit “fund information”, substitute “information about the fund”.