

2016

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Superannuation (Excess Transfer
Balance Tax) Imposition Bill 2016**

No. , 2016

(Treasury)

**A Bill for an Act to impose excess transfer balance
tax, and for related purposes**

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1 **A Bill for an Act to impose excess transfer balance**
2 **tax, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

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

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.

Section 3

1

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.	

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Note: This table relates only to the provisions of this Act as originally enacted.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

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(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.

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3 Definitions

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In this Act:

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

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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.

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4 Imposition of tax

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

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5 Amount of tax

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(1) The amount of the excess transfer balance tax is:

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- 1 (a) if the circumstances mentioned in subsection (2) apply—30%
2 of the person’s notional earnings for the excess transfer
3 balance period; or
4 (b) in any other case—15% of the person’s notional earnings for
5 the excess transfer balance period.
- 6 (2) For the purposes of paragraph (1)(a), the circumstances are:
7 (a) the excess transfer balance period starts on or after 1 July
8 2018; and
9 (b) the person has previously been liable to pay excess transfer
10 balance tax for an excess transfer balance period starting on
11 or after 1 July 2018.

12 **6 Severability**

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