

Legislation update table as 19 November 2020

Awaiting passage			
Bill	Description	Status	Proposed start date
Financial sector reform (Hayne royal commission response) bill 2020 <i>Corporations (fees) amendment (Hayne royal commission response) Bill 2020</i>	Bill addresses a range of Royal Commission recommendations	Introduced to the House of Representatives on 12 November 2020	A range of start dates from 1 January 2021
Treasury Laws Amendment (2020 Measures No. 5) Bill 2020	The Bill will improve the operation of the Trans-Tasman retirement savings portability arrangement established between Australia and New Zealand by allowing the ATO to transfer the unclaimed super of New Zealand residents directly to KiwiSaver funds	Second reading in House of Representatives on 11 November 2020	TBC
Treasury Laws Amendment (2020 Measures No. 4) Bill 2020	The Bill amends the AFCA Act to assist in the closure of the SCT and to facilitate any transitional arrangements associated with the transfer of superannuation complaints to AFCA.	Second reading moved 28 October 2020	Day of Royal Assent
Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Bill 2020	<p>Courts in Western Australia are required to assess other assets that may be split between the parties and make adjustments in favour of the party with less superannuation.'</p> <p>The law will also allow de facto couples with family law and bankruptcy proceedings to have both matters heard concurrently in a single court. Previously, they</p>	Before the Senate 11 November	A single day to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the day section 4 of the <i>Commonwealth Powers (De Facto Relationships)</i>

	would have to be heard in two different courts		Act 2006 (WA) commences.
Treasury Laws Amendment (Reuniting More Superannuation) Bill 2020	<p>Amends the SIS Act, RSA Act and SUMLM Act, to facilitate the closure of eligible rollover funds by 30 June 2022 and allow the Commissioner to reunite amounts he or she receives from eligible rollover funds with a member's active account. In the 2020-21 Budget Treasury announced that the date by which ERFs are required to transfer accounts below \$6,000 to the ATO to 30 June 2021. The government also announced the transfer date of remaining accounts will be 31 January 2022.</p> <p>The Bill also permits trustees to transfer any account to the ATO where it is in the member's best interest.</p>	<p>Agreed in House of Representative 11/02/2020</p> <p>Introduced and read in Senate 12/02/2020</p>	<p>Cessation of transfers to ERF (1 May 2021)</p> <p>ERF transfer of accounts below \$6,000 to ATO (30 June 2021)</p> <p>ERF transfer of remaining accounts to ATO (31 January 2022)</p>
Treasury Laws Amendment (More Flexible Superannuation) Bill 2020	<p>The Bill partially implements the <i>improved flexibility for older Australians</i> measures announced in the 2019-2020 Budget. Specifically, the Bill extends the bring forward rule by enabling individuals aged 65 and 66 to make up to three years of non-concessional contributions under the bring forward rule.</p>	<p>Introduced and read in House of Representatives 13/05/2020</p> <p>Second reading 25/08/2020</p> <p>Senate – second reading moved 31/8/2020</p>	1 July 2020
Treasury Laws Amendment (Self Managed Superannuation Funds) Bill 2020	<p>Will increase the maximum number of members that Self-managed superannuation funds (SMSF) and Small APRA funds (SAF) can have from four to six.</p>	<p>Introduced and read in Senate 2/9/2020</p>	<p>Proposed that the law will take effect (start) from the first day of the quarter after it receives royal assent.</p>
Consultation			
Exposure draft	Description	Status	Proposed start date

Miscellaneous amendments to Treasury portfolio laws 2020	<p>The amendments propose a change to the MySuper charging rules under section 29VA of the SIS Act for Lifecycle products, allowing different investment fees to be charged to each subclass of members that a fund is permitted to stream different gains and losses to. MySuper legislation currently limits the number of investment fee levels that funds can charge differing age cohorts of MySuper lifecycle members to four. This is because MySuper products were introduced under the principle of having simple and comparable fee structures. The proposed legislation also includes amendments that recognise that an account is not an 'inactive low balance account' if the member has elected to maintain insurance on that account.</p>	<p>Consultation expired 17 November.</p>	<p>After the day of Royal accent</p>
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Passed			
Bill	Description	Status	Start date
<u>Payment Times Reporting Bill 2020</u>	<p>Requires businesses and government enterprises with an annual total income of over \$100 million to biannually report on their payment terms and practices for their small business suppliers.</p> <p>Super funds are covered by the definition of constitutionally covered entity (for example, a constitutional corporation, a foreign entity, a body corporate in a Territory, a corporate Commonwealth) and fit the criteria of a reporting entity (section 7 of the Bill).</p>	<p>Agreed in House of Representative 11/06/2020</p> <p>Passed by Senate on 3/9/2020 with amendments. Will return to House of Reps, expected to occur as part of the Budget sittings</p> <p>Passed both Houses 7/10/2020</p> <p>Royal Assent 14/10/2020</p>	1 January 2021
<u>Treasury Laws Amendment (Your Superannuation, Your Choice) Bill 2019</u>	Amends the Superannuation Guarantee (Administration) Act 1992 to: provide that employees under workplace determinations or enterprise agreements made on or after 1 July 2018 have the right to choose their superannuation fund	<p>Passed both houses 25/08/2020 with amendments</p> <p>Royal assent – 3/9/2020</p>	1 January 2021
<u>Treasury Laws Amendment (2020 Measures No. 2) Bill 2020</u>	There are Six Schedules to this Bill making amendments to a number of Acts. This includes the hybrid mismatch rules, broaden the amounts that employers can voluntarily report under the Single Touch Payroll rules, ensures that if employers choose to report under Single Touch Payroll to the Commissioner of Taxation, they do not also have to report the amounts to the Child Support Registrar & allows additional entities to be deductible gift recipients under income tax law,	<p>Passed both houses 25/08/2020</p> <p>Royal assent – 3/9/2020</p>	Majority of amendments due to commence from 1 July 2020

	including Superannuation Consumers' Centre Ltd.		
Levy Imposition Amendment Bills & APRA Industry Funding Bill	Makes amendments to respective Levy Imposition Acts to increase the statutory upper limit on the amount of levies APRA can collect from the entities it prudentially regulates. Also make amendments to indexation factor and amendments to cover a wider range of activities that are recoverable through levy framework.	Passed both houses 18/06/2020 Royal Assent – 19/06/2020	Upper limit to increase from 1 July 2020, other amendments to commence on the day after the Bills receive Royal Assent.
Treasury Laws Amendment (2020 Measures No. 1) Bill 2020	Provides permanent capital gains tax rollover relief for merging super funds.	Passed both Houses 14/05/2020 Royal Assent – 25/5/2020	1 July 2020
Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020	Requires all directors to verify their identity in order to be issued a permanent director identification number (DIN) which will act as a unique identifier that traces each director's professional profile, official positions and corporate relationships over time.	Passed both Houses 12/06/2020 Royal Assent – 22/6/2020	This Schedule commences 22 June 2022 or on such earlier date as may be proclaimed by the Governor-General. Commencement date can be set when administrative arrangements supporting the new regime are in place.
Treasury Laws Amendment (2019 Measures No. 3) Act 2020	- Deferral of education and training standards for existing financial advisers - Reintroduces section 17 of the SIS Act that clarifies when a person is involved in a contravention	Passed both Houses 17/06/2020 Royal Assent – 22/6/2020	- The transitional timeframe for the approved degree or equivalent qualification will be deferred by two years to 1 January 2026. -

	<ul style="list-style-type: none">- Amends the ATO notification requirements in respect of lost, unclaimed and inactive low balance accounts- Introduces the requirement that trustees pay fee rebates to exiting members, under section 99G of the SIS Act (the Protecting Your Superannuation Package Act omitted this requirement), but does not require exiting members to be paid out within three months after exit.		<p>The transitional timeframe for the approved exam will be deferred by one year to 1 January 2022.</p>
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