



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

16 January 2020

Mr Mark Fitt  
Committee Secretary  
Senate Standing Committees on Economics  
PO Box 6100  
Parliament House  
Canberra ACT 2600

*By email:* economics.sen@aph.gov.au

*Mark*  
Dear Mr Fitt

**Inquiry into Treasury Laws Amendment (Your Superannuation, Your Choice) Bill 2019 (The Bill)**

We support the Government's intention to implement positive changes in response to the 2014 Financial System Inquiry. While we acknowledge the importance of individual employees being empowered to make key decisions around their retirement savings, this must not be at the expense of small businesses and family enterprises suffering under an additional administrative burden to comply with the "Choice of fund" obligations for compulsory superannuation guarantee contributions.

An Enterprise Agreement (EA) or Workplace Determination (WD) remains in force past its nominal expiry date. Small businesses whose EAs and WDs were made before 1 July 2020 will continue on 'as is' until the agreements and determinations are terminated or replaced, or there are no remaining employees subject to them. This "grandfathering" will effectively exempt these small business employers from the "Choice of Fund" regulations until some future date.

It is therefore imperative that strong education and publicity mechanisms should be implemented as a matter of urgency to inform small business owners about the amendments. Additionally, relevant agencies such as the Australian Taxation Office (ATO) and Fair Work Commission (FWC) should provide assistance to small business employers on and how to implement this change. The FWC has the primary role through the EA approval process; and the ATO should provide comprehensive plain language resources to small business taxpayers and further assist through review and advice before audit and penalties.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact [REDACTED]

Yours sincerely  
[REDACTED]

**Kate Carnell AO**  
Australian Small Business and Family Enterprise Ombudsman

