

APPENDIX E : GOVERNMENT AMENDMENTS AS MOVED IN THE HOUSE OF REPRESENTATIVES

(1) Clause 6, page 3, subclause (1), definition of 'defined benefit superannuation scheme', line 32, omit 'superannuation' (where last occurring).

(2) Clause 6, page 4, subclause (1), definition of 'ordinary time earnings', lines 34 to 38, omit the definition, substitute the following definition:

'ordinary time earnings', in relation to an employee, means:

(a) the total of:

(i) earnings in respect of ordinary hours of work; and

(ii) earnings consisting of over-award payments, shift-loading or commission; or

(b) if the total ascertained in accordance with paragraph (a) would be greater than the maximum contribution base for the contribution period – the maximum contribution base.

(3) Clause 6, page 5, subclause (1), definition of 'public sector scheme', line 1, omit 'superannuation scheme', substitute 'scheme of superannuation'.

(4) Clause 6, page 5, subclause (1), definition of 'superannuation scheme', lines 22 to 24, omit paragraphs (a) and (b), substitute the following paragraphs:

'(a) a defined benefit superannuation scheme whether or not embodied in the governing rules of a superannuation fund; or

(b) any other scheme embodied in the governing rules of a superannuation fund.'

(5) Clause 6, page 6, at the end of the clause add the following subclause:

'(3) For the purposes of this Act, a reference to salary or wages paid by an employer to an employee includes a reference to a payment made on behalf of the employer.'

(6) Clause 13, page 10, subclause (3), lines 8 to 11, omit the subclause, substitute the following subclause:

'(3) If an employee's notional earnings base ascertained in accordance with subsection (2) in relation to a contribution period would be an amount

greater than the maximum contribution base for that period, the employee's notional earnings base is the maximum contribution base.'

- (7) Clause 14, page 11, subclause (4), lines 8 to 11, omit the subclause, substitute the following subclause:

'(4) If an employee's notional earnings base ascertained in accordance with subsection (2) in relation to a contribution period would be an amount greater than the maximum contribution base for that period, the employee's notional earnings base is the maximum contribution base.'

- (8) Clause 23, page 18, subclause (6), line 29, omit 'Subject to subsection (8), a contribution to a', substitute 'A contribution to a complying'.

- (9) Clause 23, page 18, lines 35 to 43 and page 19, lines 1 and 2, omit subclauses (7) and (8), insert the following subclauses:

'(7) A contribution to a complying superannuation fund made by an employer for the benefit of an employee may be taken into account under this section as if it had been made during a particular contribution period commencing after 30 June 1993 if the contribution is made:

(a) not more than 12 months before the beginning of the contribution period; or

(b) not more than 28 days after the end of the contribution period.

(8) A contribution to a superannuation fund made by an employer for the benefit of an employee that is taken into account under this section in relation to a contribution period is not to be taken into account under this section in relation to any other contribution period.'

- (10) Clause 24, page 19, at the end of subclause (1) add the following paragraph:

'(d) salary or wages paid to an employee who is a prescribed employee for the purposes of this paragraph.'

- (11) After clause 62, page 37, insert the following new clause:

Payment not subject to taxation

'62A. An amount paid under section 61 or 62 is not subject to taxation under a law of the Commonwealth.'