

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

2017 - 2018

Division/Agency: Australian Taxation Office

Question No: 146

Topic: Superannuation

Reference: Written

Senator: Roberts, Malcolm

Question:

Is it the case that Superannuation doesn't actually belong to the people contributing but to the government ... given that the primary agency with responsibility in this area is the Australian Tax Office (ATO)?

Answer:

Superannuation contributions made to a member's superannuation fund account belong to that member.

The role of the ATO in relation to superannuation contributions is governed by *Superannuation Guarantee (Administration) Act 1992 (SGAA)*.

The ATO responsibilities under the SGAA include:

- educating employers and employees about their responsibilities for superannuation guarantee
- monitoring employer compliance with superannuation guarantee obligations
- receipt and redistribution of the superannuation guarantee charge
- taking action against those employers who fail to comply with the superannuation guarantee legislation.