



REVENUE CIRCULAR PTA030
Penalty Charges Under Superannuation Guarantee Charge – <i>Payroll Tax Act 2011</i>
Issue Date: 25 February 2016
Status: Current – Effective 29 February 2016
Previous Circular: -

Preamble

1. Under section 17 (1) of the *Payroll Tax Act 2011* (the Act), **wages** include superannuation contributions that employers pay, or are liable to pay, in respect of their employees, deemed employees and directors. Therefore, superannuation contributions are subject to payroll tax.
2. One of the items listed in the definition of **superannuation contributions** in section 17 (2) of the Act is superannuation guarantee charge under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth) (SGA Act).
3. The purpose of this Revenue Circular is to clarify which components of a superannuation guarantee charge are subject to payroll tax.
4. As at the date of issue, this circular is harmonised with NSW Revenue Ruling PTA030 (effective 1 July 2007) and Victorian Revenue Ruling PTA030 (effective 1 July 2007).

Circular

Superannuation guarantee charge

5. Superannuation guarantee charge is made up of:
 - a. the total of the employer's individual superannuation guarantee charge shortfalls for the year;
 - b. the employer's nominal interest component for the year; and
 - c. the employer's administration component for the year.
6. The sum of these three components is subject to payroll tax.
7. An employer's superannuation guarantee charge may also include a penalty component. Any penalty component of a superannuation guarantee charge imposed under sections 49 or 59 of the SGA Act is not subject to payroll tax.

SIGNED

Kim Salisbury
Commissioner for ACT Revenue
25 February 2016