

# Revenue Ruling

Ruling Number	:	PTA030
Title	:	Penalty Charges under Superannuation Guarantee Charge
Tax Line	:	Payroll Tax
Legislative Reference	:	<i>Payroll Tax Act 2008</i>
Previous Ruling	:	-
Date of Ruling	:	1 July 2008
Attachments	:	-

## Preamble

The *Payroll Tax Act 2008* (the Act), which commenced on 1 July 2008, rewrote the *Pay-roll Tax Act 1971* and harmonised payroll tax legislation in Tasmania with Victoria and New South Wales. A summary of the jurisdictions that have adopted this Revenue Ruling is available at: <http://payrolltax.gov.au/revenue>.

Under Section 17(1) of 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.

One of the items listed in the definition of superannuation contributions in section 17 of the Act is a superannuation guarantee charge within the meaning of the *Superannuation Guarantee (Administration) Act 1992* (Cth) (SGA Act).

The purpose of this Revenue Ruling is to clarify which components of a superannuation guarantee charge are subject to payroll tax.

## Ruling

Superannuation guarantee charge is made up of:

- (i) the total of the employer's individual superannuation guarantee charge shortfalls for the year;
- (ii) the employer's nominal interest component for the year; and
- (iii) the employer's administration component for the year.

The sum of these three components is subject to payroll tax.

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.

**Please note that rulings do not have the force of law. Each decision made by the State Revenue Office is made on the merits of each individual case having regard to any relevant ruling.**

### **More Information**

Enquiries about this Revenue Ruling should be directed to the Legislation, Communication and Review Section on telephone (03) 6166 4400 or e-mail at [revenueview@treasury.tas.gov.au](mailto:revenueview@treasury.tas.gov.au).

All rulings must be read in conjunction with the 'Explanation and Status of Revenue Rulings' available on the SRO website, <https://www.sro.tas.gov.au/resources/rulings>.



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**COMMISSIONER OF STATE REVENUE**