



Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures No. 1) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 March 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Michael Sukkar
Assistant Minister to the Treasurer
Parliamentary Secretary to the Treasurer

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
Schedule 1—Withholding amounts for FHSS released amounts		2
	<i>Taxation Administration Regulations 2017</i>	2
Schedule 2—Contributing the proceeds of downsizing to superannuation		3
	<i>Retirement Savings Accounts Regulations 1997</i>	3
	<i>Superannuation Industry (Supervision) Regulations 1994</i>	3

1 Name

This instrument is the *Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures No. 1) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	8 March 2018
2. Schedule 1	At the same time as Schedule 1 to the <i>Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures No. 1) Act 2017</i> commences.	1 July 2018
3. Schedule 2	The day after this instrument is registered.	8 March 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Retirement Savings Accounts Act 1997*;
- (b) the *Superannuation Industry (Supervision) Act 1993*;
- (c) the *Taxation Administration Act 1953*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Withholding amounts for FHSS released amounts

Taxation Administration Regulations 2017

1 Section 5

Insert:

assessable FHSS released amount has the meaning given by subsection 995-1(1) of the *Income Tax Assessment Act 1997*.

2 After Subdivision E of Division 3 of Part 3

Insert:

Subdivision EA—Withholding amounts for Subdivision 12-J

53A FHSS released amounts

- (1) The amount to be withheld under section 12-460 in Schedule 1 to the Act from the FHSS released amounts paid in respect of an individual is:
 - (a) the amount of tax that the Commissioner estimates will be payable by the individual in relation to the individual's assessable FHSS released amount for an income year; or
 - (b) if the Commissioner is unable to make an estimate under paragraph (a)—17% of the individual's assessable FHSS released amount for an income year.
- (2) For the purposes of this section, the Commissioner may have regard to any information that the Commissioner considers relevant.

Schedule 2—Contributing the proceeds of downsizing to superannuation

Retirement Savings Accounts Regulations 1997

1 Subregulation 5.03(1) (table items 2 and 3, column headed “the RSA institution may accept ...”, after paragraph (b))

Insert:

; or (c) downsizer contributions

2 Subregulation 5.03(1) (table item 4)

After “mandated employer contributions”, insert “or downsizer contributions”.

3 Subregulation 5.03(7)

Insert:

downsizer contribution means a contribution covered under section 292-102 of the 1997 Tax Act.

Superannuation Industry (Supervision) Regulations 1994

4 Subregulation 7.04(1) (table items 2 and 3, column headed “the fund may accept ...”, after paragraph (b))

Insert:

; or (c) downsizer contributions

5 Subregulation 7.04(1) (table item 4)

After “mandated employer contributions”, insert “or downsizer contributions”.

6 Subregulation 7.04(7)

Insert:

downsizer contribution means a contribution covered under section 292-102 of the 1997 Tax Act.