



# Superannuation Fact Sheet

## What is superannuation?

Superannuation is a contribution made to an employee's retirement savings by the employer. It is paid directly into the employee's personal superannuation account. An employer's obligation to pay super is set out in the *Superannuation Guarantee (Administration) Act 1992*.

The current minimum compulsory contribution is 10% on ordinary time earnings (not overtime), where the employee earns \$450 or more from the employer in a calendar month. This can be improved in an agreement, for example, in the *Motion Picture Production Agreement*, superannuation is paid on all contracted hours, and the \$450 threshold does not apply.

## Am I entitled to super?

**If you are an employee then you are entitled to super.** PAYG employees are entitled to super. If you are a sole trader or ABN worker you may be entitled to super depending on whether you are considered an employee or a contractor. If you are working as a Pty Ltd company or trust, you cannot be considered an employee and are not entitled to super.

## When is a non-PAYG worker entitled to super?

If you are paid wholly or principally for your labour, you're considered an employee and are entitled to super. Generally, to determine if there is an employment relationship, you would weigh factors such as:

- whether you are paid by the hour, and if someone else sets your hours;
- whether you must perform the work yourself;
- whether you are paid principally for your skills and labour; and
- whether you are paid for hours worked, rather than to achieve a particular result.

In addition to the general rules, the Act further specifies that the following workers in the entertainment, artistic and sporting fields are always considered employees when it comes to super:

1. a person who is paid to:
  - a. perform or present, or
  - b. participate in the performance or presentation, or
  - c. provide services in connection with: any music, play, dance, entertainment, sport, display or promotional activity or any similar activity involving the exercise of intellectual, artistic, musical, physical or other personal skills (section 12(8)(a));
2. a person who is paid to perform services in, or in connection with, the making of any film, tape or disc of any television or radio broadcast (section 12(8)(c)).

## What can I do to make sure my super is paid?

If you are working under a PAYG contract you should give your super fund details to your employer. They must supply you with a payslip that includes records of super.

If you are working as an ABN or sole trader, be clear with the employer that your negotiated rate does not include super, and that you expect super to be paid on top. Confirm this in writing (even if it is just a text message). Include super and your fund details on your invoice.

Keep track of whether your super has been paid. Some funds, such as Australian Super, have an app that helps you monitor your account, and notifies you when payments are made.

**Questions?** Need help getting your entitlements? Contact your MEAA organiser.

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