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Offer employees a choice of super fund

Employers must offer eligible employees a choice of super fund and a standard super choice form.

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Identify eligible employees

Your employee **is eligible** to choose their super fund if they are:

- employed under a federal award
- employed under a notional agreement preserving state award (NAPSA)
- employed under an award or industrial agreement that does not need super contributions
- employed under an enterprise agreement or workplace determination made on or after 1 January 2021
- not employed under any state award or industrial agreement – this includes contractors that are eligible employees for super purposes.

Existing eligible employees can change their choice of fund as often as they like. However, you only have to accept a new choice from them once in any 12-month period.

Your employee is **not eligible** to choose their super fund if:

- their super fund undergoes a merger or acquisition

- they're on a temporary working visa.

However, your employee has the right to ask you for a Standard choice form.

If you're not sure what award or industrial agreement covers your employee:

- visit the [Fair Work website \(https://www.fairwork.gov.au/\)](https://www.fairwork.gov.au/).
- phone the workplace relations department in your state or territory
- check with your employer association.

Provide a Standard choice form

You must provide eligible employees a [Superannuation standard choice form \(/Forms/Superannuation-%28super%29-standard-choice-form/\)](/Forms/Superannuation-%28super%29-standard-choice-form/), within 28 days of their start date.

You must also provide one if:

- your employee asks for one
- you can't contribute to their chosen fund or it's no longer a complying fund
- you change the employer-nominated fund into which you pay the employee's contributions.

You must provide your employee with details of your [nominated default super fund \(/business/super-for-employers/setting-up-super-for-your-business/select-your-default-super-fund/\)](/business/super-for-employers/setting-up-super-for-your-business/select-your-default-super-fund/). On the Standard choice form, this information goes in section B.

You don't have to use the form, but any alternative document must cover the same information.

Employees can complete pre-filled standard choice forms through [ATO online services \(/General/Online-services/\)](/General/Online-services/) linked to [myGov \(https://my.gov.au/LoginServices/main/login?execution=e1s1\)](https://my.gov.au/LoginServices/main/login?execution=e1s1). They will need to print out the summary of their choice and give it you.

Giving your employees information and advice

You can give your employees information about choosing a fund, such as:

- why they need to choose a super fund
- the process of choosing a super fund
- your obligations to pay super guarantee and provide a default fund
- how they nominate their chosen fund.

You **cannot** provide recommendations or advice about super to your employees, unless you are licensed by the Australian Securities & Investments Commission (ASIC) to provide financial advice.

Examples of recommendations or advice include:

- which super fund employees should choose
- their level of super contributions
- consolidating their super.

For more information on how you can communicate to your employees about superannuation choices without breaking the law, visit ASIC's [Communicating with employees about choice of superannuation fund: What you can and cannot do](https://asic.gov.au/regulatory-resources/superannuation-funds/superannuation-guidance-relief-and-legislative-instruments/communicating-with-employees-about-choice-of-superannuation-fund-what-you-can-and-cannot-do/) (<https://asic.gov.au/regulatory-resources/superannuation-funds/superannuation-guidance-relief-and-legislative-instruments/communicating-with-employees-about-choice-of-superannuation-fund-what-you-can-and-cannot-do/>).

If your employee would like further information about how they can find their super fund details and complete the choice form, encourage them to visit [Getting your super started](/individuals/super/getting-your-super-started) (</individuals/super/getting-your-super-started>).

Record keeping

You must keep a copy of the completed form or ATO online printed summary for 5 years.

Your records must show:

- how much super guarantee (SG) you paid for each employee and how it was calculated
- that you offered each eligible employee a choice of super fund
- details of employees who are not eligible for choice.

You do not need to send a copy of these records to us or to your employee's chosen super fund.

Act on your employee's choice

Once an employee tells you their [choice of super fund](/business/super-for-employers/setting-up-super-for-your-business/provide-employees--tfns-to-their-super-funds/) (</business/super-for-employers/setting-up-super-for-your-business/provide-employees--tfns-to-their-super-funds/>), you have 2 months to start paying contributions into that fund. If you have received a choice of form from a new employee from 1 November 2021, and you must contribute before this time, if you don't pay to the employee's choice fund, you should pay into their stapled super fund or your employer nominated account if the ATO advises you that they do not have a stapled super fund.

You may be penalised if you don't:

- offer your eligible employees a choice of fund
- pay their super to their chosen fund.

Employee has not provided fund details

For employees who start before 1 November 2021, you must pay super to your employer-nominated fund (default fund) or another fund that meets the choice of fund rules by the due date, if your employees have not:

- or cannot choose their own fund
- provided information about their choice of fund by the time their super guarantee contributions are due.

From 1 November 2021, if you have new employees start you may have an extra step to take if they don't choose a super fund. You may now need to request their 'stapled super fund' details from us.

A stapled super fund is an existing super account which is linked, or 'stapled', to an individual employee so that it follows them as they change jobs.

You will also need to request stapled super fund details for employees who aren't eligible to choose their own fund, including:

- temporary residents
- those covered by an enterprise agreement or workplace determination made before 1 January 2021.

You can pay into your [default fund \(/Business/Super-for-employers/Setting-up-super-for-your-business/Select-your-default-super-fund/\)](#), or another fund that meets the choice of fund rules if:

- your employee doesn't choose a super fund
- for new employees from 1 November 2021, we have advised you that they don't have a stapled super fund.

Help and support

- Ask [ATO Community \(https://community.ato.gov.au/\)](https://community.ato.gov.au/) – our online community-driven forum
- [Contact us \(/About-ATO/Contact-us/\)](#).

Our commitment to you

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations.

If you follow our information and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we will take that into account when determining what action, if any, we should take.

Some of the information on this website applies to a specific financial year. This is clearly marked. Make sure you have the information for the right year before making decisions based on that information.

If you feel that our information does not fully cover your circumstances, or you are unsure how it applies to you, contact us or seek professional advice.

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