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Superannuation guarantee amnesty

Applications for the super guarantee (SG) amnesty closed on 7 September 2020.

If you have any unpaid or late-paid super to disclose after this date, you'll need to lodge a *Superannuation guarantee charge statement* and pay the super guarantee charge (SGC).

Super guarantee amnesty application forms received after 11.59pm local time 7 September 2020 will be treated as a standard lodgment of a Superannuation guarantee charge statement.

If you qualified for the amnesty, you need to pay the amount of SGC you owe or set up a payment plan and meet each ongoing instalment to avoid being disqualified and losing the benefits of the amnesty.

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Pay in full or set up a payment plan

If you have been advised that your disclosure was eligible for the amnesty, to remain eligible, you must either:

- pay the SGC amount in full
- enter into a payment plan to pay the SGC amount owing and meet each ongoing instalment amount.

Do not pay the amount owing to your employees' super funds or through a clearing house. The SGC amount payable disclosed in amnesty application forms must be paid to us.

If you are unable to pay in full, we will work with you to establish a payment plan to help you to continue making payments. These arrangements include flexible payment terms and amounts which we'll adjust if your circumstances change.

If you are a small or medium business and you need further assistance managing your tax and super obligations:

- contact our Emergency Support Infoline on **1800 806 218**
- speak with a trusted tax adviser.

See also:

- [COVID-19 \(/General/COVID-19/\)](#).
- [Help with paying \(/General/Paying-the-ATO/Help-with-paying/\)](#).

Amnesty disqualifications

If you're unable to maintain payments after we work with you, the law requires us to disqualify you from the amnesty and remove the amnesty benefits for any unpaid quarters.

If your disclosure is disqualified from the amnesty, we will:

- notify you in writing of the quarters you are disqualified for
- charge you the administration component of \$20 per employee included in the disqualified quarter
- consider your circumstances when deciding whether the Part 7 penalty should be remitted
- issue a notice of amended assessment with the increased amount owing
- work with you through our debt processes to collect the amount outstanding.

Any payments you make for a disqualified quarter will not be tax deductible, even if you made payments before 7 September 2020.

Since January 2021, we've been taking firmer action to disqualify employers who still haven't paid the amount they owe in full and don't have an active payment plan. We are:

- writing to and phoning employers who haven't paid the total amount they disclosed under the amnesty and don't have a payment plan in place

- advising the date by which they must pay or set up a payment plan to retain the benefits of the amnesty
- disqualifying unpaid quarters from the amnesty and removing the benefits if employers fail to pay or setup a payment plan by the due date.

We understand people are facing a unique and ongoing set of challenges. We are committed to understanding your situation and want to work with you so you can retain the benefits of the amnesty and avoid disqualification.

If you can't pay in full, you may be able to set up a payment plan to pay in instalments. You need to consider how much you can pay so you can meet each ongoing payment amount and future obligations.

Example: SG amnesty payment plan

Lucia applies for the SG amnesty for five quarters from 1 January 2016 to 31 March 2017. The ATO advises her she is eligible for the amnesty for all of the quarters. The amount of SG shortfall and nominal interest she owes is \$500 per quarter – a total of \$2,500.

Lucia sets up a payment plan to pay \$500 a month for five months.

She pays two instalments of \$500 each (\$1,000 in total) which cover the amounts owing for the quarters 1 January 2016 to 30 June 2016.

Lucia fails to pay the next three instalments in her payment plan and doesn't renegotiate her payment plan with the ATO.

As a result of the disclosures and instalments Lucia has paid, the quarters 1 January 2016 to 30 June 2016 remain eligible for the amnesty. However, the disclosures for 1 July 2016 to 31 March 2017 are disqualified from the amnesty.

The ATO advises Lucia which quarters are disqualified for the amnesty and amends the assessments to add the administration component and Part 7 penalties to those quarters.

Because Lucia made the disclosure of unpaid SGC before the end of the amnesty period without the ATO prompting her, the Part 7 penalties may be remitted below 100% of the SGC.

The ATO continues to work with Lucia through its debt collection processes to collect the remaining amount of SGC she owes to her employees. This is \$1,500 unpaid SG plus the administrative component and general interest charge.

Deductible amnesty payments

You can only claim a tax deduction for eligible amnesty payments you made from 24 May 2018 to 7 September 2020.

Payments made after 7 September 2020 are not deductible.

Example: Payments eligible for a tax deduction

Bob lodged SG amnesty forms for four quarters after 6 March 2020. The ATO advised Bob the super guarantee charge owed was eligible for the SG amnesty. Bob's total shortfall for all quarters is \$30,000.

Bob is unable to pay the full \$30,000 at the time of lodging the SG amnesty forms. Bob goes to the ATO website to set up a payment plan which extends beyond 7 September 2020 to make equal monthly payments to pay the SGC amounts due.

Bob only made one monthly payment of \$7,500 by 7 September 2020 (the end of the amnesty period).

After 7 September 2020, Bob continues to make all the required monthly payments under the conditions of the payment plan which total \$22,500 and he remains eligible for the benefits of the amnesty.

Bob can only claim a tax deduction for the \$7,500 he paid before 7 September 2020.

Disclosing late, unpaid or underpaid super

If you identify late, unpaid or underpaid SG amounts for a quarter that was covered by the amnesty (1 July 1992 to 31 March 2018) and did not disclose by 7 September 2020, then the following applies:

- You must lodge a *Superannuation guarantee charge statement* as soon as you are aware of the shortfall and before we start an audit of your obligations for us to consider if any Part 7 penalty applied can be remitted below 100% of the SGC.

- If you don't lodge an SGC statement voluntarily and we commence an audit on your SGC obligations for a quarter covered by the amnesty, the Commissioner's ability to remit the Part 7 penalty is restricted by law to a minimum penalty of 100% of the SGC.

See also:

- [Missed and late payments \(/business/super-for-employers/missed-and-late-super-guarantee-payments/\)](/business/super-for-employers/missed-and-late-super-guarantee-payments/).
- [Our compliance approach \(/business/super-for-employers/missed-and-late-super-guarantee-payments/\)](/business/super-for-employers/missed-and-late-super-guarantee-payments/).
- [Penalties, amendments and objections \(/business/super-for-employers/missed-and-late-super-guarantee-payments/the-super-guarantee-charge/super-guarantee-charge-amendments-or-objections/\)](/business/super-for-employers/missed-and-late-super-guarantee-payments/the-super-guarantee-charge/super-guarantee-charge-amendments-or-objections/).

Refunds – overpayment and tax deductions

We recognise that for some employers, their participation in the SG amnesty will result in them receiving a refund.

This may occur where we removed the administration component on SGC statements eligible for the amnesty received between 24 May 2018 and 6 March 2020, and employers have paid the total amount owing, including the administration component.

If you have made payments of SGC or contributions to employee super funds in 2017–18 or 2018–19 that are eligible for income tax deductions, you should include this deduction in your tax return for the relevant year. When we have amended your tax return, we will pay any refund due as soon as possible. Generally this will be within 14 days.

To allow us to issue your refunds in a timely manner, make sure that your financial institution account details are updated and correct. You can do this using the Business Portal or by phoning us on **13 10 20**.

Outcomes of the superannuation guarantee amnesty

The superannuation guarantee (SG) amnesty which closed on 7 September 2020 provided employers who had fallen behind with their SG obligations to catch up with these payments for their workers without having to pay the administrative component or the Part 7 penalties of the SG charge.

We have now processed all disclosures made under the SG amnesty and around 90% of employers have paid or entered into a payment plan.

This page provides data as at 30 April 2021 about the outcomes of the SG amnesty.

On this page:

- [Amounts disclosed](#)
- [Businesses that disclosed](#)

See also:

- [Superannuation guarantee amnesty \(/Business/Super-for-employers/Missed-and-late-super-guarantee-payments/The-super-guarantee-charge/Superannuation-guarantee-amnesty/\)](#).

Amounts disclosed

Around 28,300 employers qualified for the amnesty, disclosing around \$911.5 million and covering around 195,600 quarters.

The amnesty will result in a total of over \$850 million flowing to super funds, benefiting the retirement savings of more than 692,200 employees. Of this:

- \$796.1 million has been paid
- \$62.3 million are under agreed payment plans.

Businesses that disclosed

Over 70% of the employers who qualified for the amnesty were small businesses with an annual turnover less than \$2 million. Businesses with a turnover greater than \$250 million accounted for 3% of eligible employers.

The top five industries, accounting for around 55% of employers who qualified for the amnesty and 45% of the amounts disclosed were:

- construction
- retail trade
- professional scientific and technical services
- accommodation and Food Services
- other services.

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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