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CBUS Super submission – Consultation on Draft Superannuation Guarantee Ruling SGR 2026/D1

Introduction

CBUS welcomes the opportunity to provide feedback on Draft Superannuation Guarantee Ruling SGR 2026/D1.

CBUS supports the objective of ensuring workers receive the superannuation they are entitled to and welcomes efforts by the Australian Taxation Office (ATO) to provide greater clarity regarding superannuation guarantee obligations in arrangements involving workers, intermediaries and end-users. The draft ruling is an important contribution to helping employers, workers and intermediaries understand who bears responsibility for superannuation obligations in increasingly complex working arrangements.

CBUS members are predominantly from the building and construction, energy and related sectors and following its merger with Media Super in 2022, the Fund also serves members working across the print, media, entertainment, arts and broader creative industries. These industries are characterised by a high proportion of project-based, casual, contract and short-term employment arrangements, often involving multiple parties and intermediary engagement models. These arrangements can create uncertainty regarding superannuation obligations, particularly where intermediaries sit between the worker and the ultimate recipient of the services being provided.

While CBUS broadly supports the approach taken in the draft ruling, we believe the final ruling would benefit from additional practical guidance and examples that help participants confidently apply the principles in real-world situations.

Greater certainty supports better compliance

The most important outcome of this ruling should be ensuring workers, employers and intermediaries can identify with confidence who is responsible for paying superannuation.

In our view, uncertainty about responsibility creates risks for all parties. Workers may not know who should be making contributions on their behalf. Organisations may incorrectly assume another party bears responsibility. Intermediaries may be unclear about their obligations in arrangements involving multiple contracts.

Greater certainty benefits everyone. It improves compliance, reduces the likelihood of unpaid superannuation and provides confidence that obligations are being met correctly from the outset.

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The principles contained in the draft ruling are comprehensive. However, practical examples are the most effective way of helping businesses and workers understand how those principles apply in practice.

Additional practical examples would strengthen the ruling

CBUS recommends the ATO consider expanding the examples in the final ruling to reflect contemporary engagement models and industries where intermediary arrangements are commonplace.

While the existing examples provide useful guidance, additional industry-specific examples would improve clarity and increase confidence in applying the principles.

Examples that may be particularly valuable include:

Performers engaged through festivals or event organisers
An example involving:

- a performer;
- a festival or event organiser;
- an intermediary or booking agency; and
- different contractual arrangements between the parties.

This would assist organisations operating in the live music, arts and events sectors to understand who bears responsibility for superannuation obligations in arrangements involving multiple entities.

Venues engaging performers through booking agents
An example involving:

- a venue requiring entertainment services;
- a booking agent sourcing performers; and
- payment and contractual responsibility flowing through different entities.

This would provide practical guidance regarding common arrangements used across the live music industry.

Community and volunteer-led festivals
An example involving:

- a volunteer-led or community organisation;
- limited administrative capability;
- engagement of performers or contractors for a short-term event; and
- uncertainty regarding superannuation obligations.

These organisations often rely on volunteers and may not have specialist employment or payroll expertise. Clear guidance would support compliance and reduce the likelihood of inadvertent errors.

Performers operating through incorporated entities
An example demonstrating how the principles apply where:

- a performer provides services through a company, trust or other interposed entity; and
- services are ultimately provided to a venue, festival or promoter.

Practical guidance in this area would help participants understand how the ruling applies to common commercial arrangements used throughout the creative industries.

Recommendations

CBUS recommends that the final ruling:

1. Retain the principles-based approach contained in the draft ruling.
2. Expand the practical examples accompanying the ruling.
3. Include examples reflecting contemporary performer, intermediary and event-based engagement arrangements.
4. Provide guidance that enables workers, employers and intermediaries to confidently identify who bears responsibility for superannuation contributions.
5. Ensure examples are written in a way that is accessible to small organisations and community groups without specialist legal expertise.

Conclusion

CBUS supports the objective of Draft Superannuation Guarantee Ruling SGR 2026/D1 and welcomes the ATO's efforts to improve certainty regarding superannuation guarantee obligations in intermediary arrangements.

In our view, the greatest opportunity to strengthen the final ruling lies in providing additional practical guidance that helps organisations confidently apply the principles in real-world situations.

Clearer examples, particularly for sectors that regularly engage workers through agents, promoters, labour providers and other intermediaries, would improve understanding of obligations, support compliance and help ensure workers receive the superannuation entitlements they have earned.