

EXPOSURE DRAFT EXPLANATORY MATERIALS

Issued by authority of the Assistant Treasurer and Minister for Financial Services

Corporations Act 2001

Corporations Regulations 2001

Corporations Amendment (Ban on Advertising Superannuation Funds During Onboarding) Regulations 2026

Section 1364 of the *Corporations Act 2001* (the Corporations Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Corporations Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Corporations Act.

Paragraph 992AB(4)(f) of the Corporations Act provides that the Governor-General may prescribe conditions in the Regulations for the advertising of a MySuper superannuation product during employee onboarding.

Paragraph 992AB(4)(g) of the Corporations Act provides that the Governor-General may prescribe requirements in the regulations for the purpose of the clear and unambiguous disclosures that must accompany the advertising of a MySuper product.

The purpose of the *Corporations Amendment (Ban on Advertising Superannuation Funds During Onboarding) Regulations 2026* (Regulations) is to amend the *Corporations Regulations 2001* to support the amendments to the Corporations Act made by the *Treasury Laws Amendment (Supporting Choice in Superannuation and Other Measures) Act 2026* (the Amending Act). Schedule 2 to the Amending Act bans the advertising of certain superannuation products to new employees as part of the onboarding process, with certain exceptions.

In 2022 to 2023 a Treasury review of the *Treasury Laws Amendment (Your Future, Your Super) Act 2021* found evidence of practices by software providers that were undermining superannuation stapling by directing employees towards products they were being paid to advertise. This behaviour risks undermining the policy objectives of the choice of fund and stapling provisions of the *Superannuation Guarantee (Administration) Act 1992*.

As part of a suite of reforms to address this, the Amending Act introduces a ban into the Corporations Act on advertising certain superannuation products to an employee during the employee onboarding process. Employee onboarding is a key time when employees engage with their superannuation and they should be able to do so in an informed way, without being influenced to make uninformed decisions, open inappropriate products and unintentionally create duplicate accounts. These amendments made to the Corporations Act and to the Corporations Regulations will help empower employees to make better-informed choices by making it easier to see, consider and select their existing superannuation fund when they commence employment.

The Amending Act provides that the prohibition on advertising during employee onboarding does not apply to a person when advertising a superannuation product if:

- the superannuation product is the employee's stapled fund;
- the superannuation product is the employer's default fund; or
- the statement or advertisement refers only to a MySuper product (the MySuper product exception) that meets the following conditions:
 - the MySuper product has passed the most recent annual superannuation performance test;
 - the person advertising the MySuper product is not a connected entity of the RSE licensee that is offering the product;
 - the person advertising the MySuper product has requested an employee's stapled fund and provided those details to the employee, if available;
 - the conditions prescribed by the regulations are met; and
 - the advertisement is accompanied by clear and unambiguous disclosures as prescribe by the regulations; or
- the advertising or statement occurs in the ordinary course of distributing content or enabling distributions, and the person did not know and had no reason to suspect that advertisement or statement could be a contravention of the prohibition.

The MySuper product exception will allow a person to advertise a MySuper product only, and not any broader features or Choice product options, even if these are available to a MySuper product holder within the fund.

These Regulations prescribe the conditions and the clear and unambiguous disclosures that must accompany the advertising of MySuper products.

Details of the Regulations are set out in [Attachment A](#).

Details of the Corporations Amendment (Ban on Advertising Superannuation Funds During Onboarding) Regulations 2026

Section 1 – Name

This section provides that the name of the regulations is the *Corporations Amendment (Ban on Advertising Superannuation Funds During Onboarding) Regulations 2026* (the Regulations).

Section 2 – Commencement

Schedule 1 to the Regulations commence on the day at the end of the period of 6 months starting on the day after the Schedule 2 to the *Treasury Laws Amendment (Supporting Choice in Superannuation and Other Measures) Act 2026* commences.

Section 3 – Authority

The Regulations are made under the *Corporations Act 2001*.

Section 4 – Schedule

This section provides that each instrument that is specified in the Schedules to this instrument are amended or repealed as set out in the applicable items in the Schedules, and any other item in the Schedules to this instrument has effect according to its terms.

Schedule 1 – Conditions and disclosure requirements for certain MySuper products during onboarding

Part 1 - Main amendments

Amendments to the Corporations Regulations

The Regulations insert a new section 7.8.26 in Division 8 of Part 7.8 of the *Corporations Regulations 2001*, which sets out the conditions and disclosure requirements that must be met for a person to advertise a MySuper product during the employee onboarding process.

Conditions

Distinguishable from other information about superannuation products

The MySuper product being advertised must be clearly distinguished from other funds shown to the employee, particularly the stapled fund or default fund. Providing information about stapled funds or default funds supports compliance with the choice of fund requirements in Part 3A of the *Superannuation Guarantee (Administration) Act 1992*.
[Schedule 1, item 1, paragraph 7.8.26(1)(a)]

‘Default fund’ (for an employer and their employee) means the superannuation fund that the employer lists on the standard choice form as required under section 32P of the *Superannuation Guarantee (Administration) Act 1992*. It is the fund the employer will pay superannuation into if the employee does not choose their own fund under Part 3A of that Act and the Commissioner has not identified a stapled fund for the employee in response to a request.

[Schedule 1, item 1, subsection 7.8.26(3) of the Regulations]

Prominence

When a MySuper product is advertised, it must not be displayed to the employee with greater prominence than any stapled fund for the employee or default fund for the employer and employee that is shown to the employee at the time of onboarding. This applies regardless of whether the funds appear at the same time (such as on the same page or screen, or across multiple pages or screens). This requirement is intended to mitigate the risk of the person advertising using prominence to influence an employee’s decision. For example, by displaying the advertised MySuper product more prominently at the top of the page or screen (or in bright colours), and the stapled or default fund at the bottom of the page or screen (or in non-bright colours), or in a generally less noticeable or impressionable format.

[Schedule 1, item 1, paragraph 7.8.26(1)(b) of the Regulations]

Disclosure requirements

Clear labelling

The advertising or statement that refers to a MySuper product made to an employee at the time of onboarding must be clearly labelled as an advertisement. This will ensure that employees are made aware that information presented to them is an advertisement.

[Schedule 1, item 1, subparagraph 7.8.26(2)(b)(i) of the Regulations]

If the employee has a stapled fund (as advised by the ATO), the person advertising must explain to the employee that the stapled fund is the employee’s existing fund, based on information that has been advised by the ATO, as a way to help consumers better understand the information provided. This requirement is not intended to require a person to imply that the employee has no other superannuation funds.

[Schedule 1, item 1, subparagraph 7.8.26(2)(b)(ii) of the Regulations]

Advertising arrangements

A person that shows advertising or makes a statement referring to a MySuper product during onboarding must disclose any consideration or benefit they receive for advertising that MySuper product. This includes any fee, payment, profit or advantage (financial or otherwise) received from the trustee of the advertised MySuper product under an arrangement. This disclosure must be shown to the employee immediately prior to or during the time the advertisement or statement is shown. This applies to the person that is making the advertisement or statement, or the person causing the advertisement or statement to be shown (if any). If either or both parties are receiving consideration or benefit, either or both must disclose the arrangements.

[Schedule 1, item 1, subparagraphs 7.8.26(2)(a) and 7.8.26(2)(b)(iii) of the Regulations]

General disclosures

A person advertising or making a statement referring to a MySuper product must disclose the following information to the employee, immediately before or during the advertisement:

- Explain that the employee can search for their existing superannuation funds (if any) and consolidate their superannuation funds online through the myGov online services portal, and that this can help them to save on fees from holding duplicate superannuation accounts. In doing so, the person advertising must provide a link to myGov. By providing employees with the resources to search and consolidate their superannuation funds, employees are more likely to save fees on unintended duplicate accounts.

[Schedule 1, item 1, subparagraph 7.8.26(2)(b)(iv) of the Regulations]

- Explain that the employee can compare superannuation products using the ATO's YourSuper comparison tool. In doing so, the person advertising must provide a link to the ATO's YourSuper comparison tool. By encouraging employees to compare superannuation products online, employees will be able to make more informed choices when selecting or continuing with superannuation products at the time of onboarding.

[Schedule 1, item 1, subparagraph 7.8.26(2)(b)(v) of the Regulations]

- A statement that employees should consider their personal financial situation and investment strategy, alongside fund performance, fund fees and costs, and associated insurance coverage when selecting or changing superannuation products. This is similar to general advice warnings that are required to be provided under financial services law.

[Schedule 1, item 1, subparagraph 7.8.26(2)(b)(vi) of the Regulations]

By providing the above general disclosures to employees prior to or during any advertisement, employees will be given an appropriate opportunity to consider the above information to support them to make an informed decision. The disclosures and timing provide flexibility for employers and digital service providers to innovate and design an appropriate onboarding procedure.