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## Superannuation (Unclaimed Money and Lost Members) Regulations 1999

Statutory Rules 1999 No. 4

318

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Superannuation (Unclaimed Money and Lost Members) Act 1999*.

Dated 8 DEC 1999 1999.

**WILLIAM DEANE**  
Governor-General

By His Excellency's Command,

C. R. KEMP  
Assistant Treasurer



# Superannuation (Unclaimed Money and Lost Members) Regulations 1999

Statutory Rules 1999 No. 1

318

made under the

*Superannuation (Unclaimed Money and Lost Members)  
Act 1999*

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## Contents

	Page
1 Name of Regulations	2
2 Commencement	2
3 Purpose	2
4 Interpretation	2
5 Information to be given to Commissioner (Act s 23)	2
6 When information must be given to Commissioner	2
7 Commissioner may grant extensions	3
8 Offence (Act s 23)	3
9 Register of Lost Members (Act s 23)	3
10 Expenses for persons attending before the Commissioner (Act s 47)	4
<b>Schedule 1 Scale of expenses</b>	<b>5</b>

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1999, 1	<i>Superannuation (Unclaimed Money and Lost Members) Regulations 1999</i>	1
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318

**1 Name of Regulations**

These Regulations are the *Superannuation (Unclaimed Money and Lost Members) Regulations 1999*.

**2 Commencement**

These Regulations commence on gazettal.

**3 Purpose**

The purpose of these Regulations is to establish a scheme under which superannuation providers are to give statements about lost members of funds to the Commissioner.

**4 Interpretation**

In these Regulations, unless the contrary intention appears: *Act* means the *Superannuation (Unclaimed Money and Lost Members) Act 1999*.

**5 Information to be given to Commissioner (Act s 23)**

For subsection 23 (1) of the Act, a superannuation provider must, on or before the relevant date mentioned in regulation 6, give to the Commissioner information mentioned in paragraphs 23 (1) (a) to (e) and subsection 25 (3) of the Act that is:

- (a) within the knowledge of the superannuation provider; and
- (b) specified in the approved form.

**6 When information must be given to Commissioner**

Information must be given to the Commissioner under regulation 5:

- (a) for the half year ending on 30 June in a year — on or before 31 October in that year; and
- (b) for the half year ending on 31 December in a year — on or before 30 April in the following year; and

- (c) if the Commissioner has granted an extension to the superannuation provider under regulation 7 — on or before the extension date.

**7 Commissioner may grant extensions**

- (1) The Commissioner may grant to a superannuation provider an extension of the date by which information must be given by the superannuation provider to the Commissioner under regulation 5.
- (2) The grant of an extension must be in writing.
- (3) The Commissioner may grant an extension before or after the date mentioned in subregulation (1).

**8 Offence (Act s 23)**

Subsection 23 (5) of the Act applies to regulation 5.

*Note* Subsection 23 (5) of the Act provides that a superannuation provider is guilty of an offence if the superannuation provider fails to comply with a provision of the regulations made for subs 23 (1) of the Act, and the regulations declare that subs 23 (5) applies to the provision.

**9 Register of Lost Members (Act s 23)**

- (1) For subsection 23 (2) of the Act, the Commissioner must keep a Register of Lost Members.
- (2) The Register must contain the information given to the Commissioner by a superannuation provider under regulation 5.
- (3) The Register may also contain:
  - (a) information given to the Commissioner (except information mentioned in subregulation (2)) that is of the type contained in the Register; and
  - (b) information relating to lost members of regulated exempt public sector superannuation schemes, including:
    - (i) particulars that, if the scheme were a fund, would be particulars of lost members in respect of the scheme; and

- (ii) information given to the Commissioner by the superannuation provider of the scheme.

**10 Expenses for persons attending before the Commissioner (Act s 47)**

The scale of expenses set out in Schedule 1 is prescribed for expenses to be allowed to a person (except a person who is a superannuation provider or a lost member, or a person who represents a superannuation provider or a lost member) required to attend before the Commissioner.

## Schedule 1 Scale of expenses

(regulation 10)

1. The person attending before the Commissioner because of the person's professional, scientific or other special skill or knowledge — for each day on which the person attends, the amount provided for in the *High Court Rules 1952* for the expenses of a witness possessing that skill or knowledge.
2. The person, except a person referred to in item 1, attending:
  - (a) if the person is remunerated by wages, salary or fees — the amount provided for in the *High Court Rules 1952* for the expenses of a witness remunerated in that way; or
  - (b) in any other case — the amount provided for in the *High Court Rules 1952* for the expenses of witnesses generally.
3. The person attending as an expert — in addition to any other amount payable to the person under item 1 or 2, a reasonable amount for qualifying to answer questions as an expert.
4. Any person attending to give evidence — a reasonable amount:
  - (a) for the person's travel to and from the place at which the person attends before the Commissioner; and
  - (b) if the person must be absent overnight from his or her usual place of residence — for meals and accommodation during the absence.

### Note

1. Made by the Governor-General on *Commonwealth of Australia Gazette* on *1999*, and notified in the *1999*.

8 December  
15 December