

South Australia



ANNO QUINQUAGESIMO  
ELIZABETHAE II REGINAE  
A.D. 2001

**UNCLAIMED SUPERANNUATION BENEFITS (MISCELLANEOUS)  
AMENDMENT ACT 2001**

No. 56 of 2001

[Assented to 8 November 2001]

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An Act to amend the Unclaimed Superannuation Benefits Act 1997.

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**SUMMARY OF PROVISIONS**

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**The Parliament of South Australia enacts as follows:**

**Short title**

1. (1) This Act may be cited as the *Unclaimed Superannuation Benefits (Miscellaneous) Amendment Act 2001*.

(2) The *Unclaimed Superannuation Benefits Act 1997* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 3—Interpretation**

3. Section 3 of the principal Act is amended—

(a) by striking out the definition of "**Commonwealth Act**" and substituting the following definition:

**"Commonwealth Act"** means the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth as amended from time to time;;

(b) by striking out "Part 22 of" from paragraph (a) of the definition of "**fund**";

(c) by inserting the following definitions after the definition of "**half-year**":

**"superannuation provider"** or "**provider**" means a superannuation provider as defined in the Commonwealth Act;;

(d) by striking out "Part 22" from the definition of "**unclaimed superannuation benefit**" and substituting "Part 3".

**Amendment of s. 4—Application of Act**

4. Section 4 of the principal Act is amended—

(a) by striking out "This Act applies to a fund and the trustee of a fund" and substituting "This Act applies to a fund and the superannuation provider of a fund";

(b) by striking out from paragraph (a) "trustee" and substituting "provider";

(c) by striking out from paragraph (b) "trustee" first occurring and substituting "superannuation provider";

(d) by striking out from paragraph (b) "trustee" second and third occurring and substituting, in each case, "provider";

(e) by striking out from paragraph (d) "trustees" first occurring and substituting "superannuation providers";

(f) by striking out from paragraph (d) "trustees" second occurring and substituting "providers".

**Amendment of s. 5—Statement of unclaimed superannuation benefits**

5. Section 5 of the principal Act is amended—

- (a) by striking out "trustee" from subsection (1) and substituting "superannuation provider";
- (b) by striking out from subsection (2) "trustee" (twice occurring) and substituting, in each case, "provider";
- (c) by striking out from subsection (3) "trustee" first occurring and substituting "superannuation provider";
- (d) by striking out from subsection (3) "trustee" second occurring and substituting "provider";
- (e) by striking out from subsection (5) "trustee" first occurring and substituting "superannuation provider";
- (f) by striking out from subsection (5) "trustee" second occurring and substituting "provider".

**Amendment of s. 6—Payment of unclaimed superannuation benefits**

6. Section 6 of the principal Act is amended—

- (a) by striking out "trustee" first occurring and substituting "superannuation provider";
- (b) by striking out "trustee" second occurring and substituting "provider".

**Amendment of s. 7—Treasurer to refund certain amounts**

7. Section 7 of the principal Act is amended—

- (a) by striking out from subsection (1)(b) "Part 22 of";
- (b) by inserting after "the Commonwealth Act" in subsection (1)(b) "and Part 22 of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth";
- (c) by striking out from subsection (1)(b) "trustee" and substituting "superannuation provider";
- (d) by striking out from subsection (2) "trustee," first occurring and substituting "superannuation provider,";
- (e) by striking out from subsection (2) "trustee" second and third occurring and substituting, in each case, "provider".

**Amendment of s. 9—Discharge of liability**

8. Section 9 of the principal Act is amended—

- (a) by striking out "trustee" first occurring and substituting "superannuation provider";
- (b) by striking out "trustee" second occurring and substituting "provider".

**Amendment of s. 10—Superannuation provider not in breach of trust**

**9. Section 10 of the principal Act is amended—**

- (a)* by striking out "trustee" first occurring and substituting "superannuation provider";
- (b)* by striking out "trustee" second occurring and substituting "provider".