



# Corporations Amendment Regulations 2009 (No. 3)

**Select Legislative Instrument 2009 No. 52**

---

I, PROFESSOR MARIE BASHIR, AC, CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Corporations Act 2001*.

Dated 27 March 2009

MARIE BASHIR  
Administrator

By Her Excellency's Command

NICK SHERRY  
Minister for Superannuation and Corporate Law

---

**1 Name of Regulations**

These Regulations are the *Corporations Amendment Regulations 2009 (No. 3)*.

**2 Commencement**

These Regulations commence on 1 July 2009.

**3 Amendment of *Corporations Regulations 2001***

Schedule 1 amends the *Corporations Regulations 2001*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Paragraph 7.9.20 (1) (m)**

*omit*

reporting period.

*insert*

reporting period;

**[2] After paragraph 7.9.20 (1) (m)**

*insert*

(n) for a regulated superannuation fund — a statement of long-term returns of:

(i) the investment option in which a member is invested; or

(ii) the sub-plan, or, if none, the fund in which the member holds an interest;

in accordance with regulation 7.9.20AA.

---

**[3] After regulation 7.9.20**

*insert*

**7.9.20AA Specific requirements for certain periodic statements: superannuation funds (other than self managed superannuation funds) — long-term returns**

- (1) For paragraph 7.9.20 (1) (n), this regulation sets out requirements that apply to a trustee of a regulated superannuation fund (other than a self managed fund).

*Requirements from 1 July 2009 until 30 June 2010*

- (2) The trustee must provide to each member of the regulated superannuation fund, in or with the periodic statement for a reporting period that is provided during the period starting on 1 July 2009 and ending at the end of 30 June 2010:
- (a) a statement of the long-term returns of the investment option in which the member is invested at the end of the reporting period, if the member is invested in an investment option; or
  - (b) a statement of the long-term returns of the sub-plan, or, if none, the fund in which the member holds an interest at the end of the reporting period.
- (3) For paragraph (2) (a), the long-term returns must be stated as the compound average effective rate of net earnings of the investment option for the period of 5 years ending at the end of the last financial year or reporting period before the provision of the periodic statement.
- (4) For paragraph (2) (b), the long-term returns must be stated as the compound average effective rate of net earnings of the sub-plan or fund for the period of 5 years ending at the end of the last financial year or reporting period before the provision of the periodic statement.
- (5) If:
- (a) the trustee provides the statement of long-term returns on an insert to the periodic statement; and

- (b) the insert includes the long-term returns of investment options in which the member is not invested, as well as the long term returns of the investment option in which the member is invested;

the periodic statement must include a statement of which investment option the member is invested in.

- (6) If the trustee provides the long-term returns in the periodic statement, the trustee must include in the periodic statement, near to the statement of long-term returns, a statement to the effect that the returns are not the returns of the member's investment in the investment option, sub-plan or fund.
- (7) If the trustee provides the long-term returns on an insert to the periodic statement, the trustee must include in the periodic statement, and on the insert near to the statement of long-term returns, a statement to the effect that the returns are not the returns of the member's investment in the investment option, sub-plan or fund.

*Requirements from 1 July 2010*

- (8) The trustee must provide the following, in the periodic statement for a reporting period that is provided from 1 July 2010, to each member of the regulated superannuation fund:
- (a) if the member is invested in an investment option at the end of the reporting period — a statement of the long-term returns of the investment option;
- (b) if the member is not invested in an investment option at the end of the reporting period — a statement of the long term returns of the sub-plan, or, if none, the fund in which the member holds an interest at the end of the reporting period.
- (9) For paragraph (8) (a), the long-term returns must be stated as:
- (a) the compound average effective rate of net earnings of the investment option for the period of 5 years ending at the end of the last financial year or reporting period before the provision of the periodic statement; and

- (b) the compound average effective rate of net earnings of the investment option for the period of 10 years ending at the end of that financial year or reporting period.
- (10) For paragraph (8) (b), the long-term returns must be stated as:
    - (a) the compound average effective rate of net earnings of the sub-plan or fund for the period of 5 years ending at the end of the last financial year or reporting period before the provision of the periodic statement; and
    - (b) the compound average effective rate of net earnings of the sub-plan or fund for the period of 10 years ending at the end of that financial year or reporting period.
  - (11) The trustee must include in the periodic statement, near to the statement of long-term returns, a statement to the effect that the returns are not the returns of the member's investment in the investment option, sub-plan or fund.

#### *General requirements*

- (12) For subregulations (3), (4), (9) and (10), if the investment option, sub-plan or fund has been in operation for less than the 5-year or 10-year period to be reported on, the trustee must provide:
  - (a) the long-term return for the period in which the investment option, sub-plan or fund has been in operation; and
  - (b) the date on which the investment option, sub-plan or fund came into operation.
- (13) If the long-term returns are provided in the periodic statement, they must be positioned near to the statement of the rate of any allotment of earnings during the reporting period.
- (14) The long-term returns must be presented in a clear, concise and effective manner.

**[4] Paragraph 7.9.37 (1) (j), including the note**

*omit*

**[5] Subregulation 7.9.37 (4)**

*omit*

**[6] After regulation 7.9.75B**

*insert*

**7.9.75BA Fund information made available on a website**

- (1) For paragraph 1017DA (1) (a) of the Act, the trustee of a regulated superannuation fund (other than a self managed superannuation fund) may provide fund information for the fund, mentioned in Subdivision 5.6 of this Part, to a holder by making it available on a website that is maintained by or on behalf of the trustee.
- (2) The trustee must ensure that the fund information is readily accessible from the website.
- (3) For the first financial year or reporting period in which the trustee makes the fund information available on the website under this regulation, the trustee must:
  - (a) notify each holder that the fund information is available on the website; and
  - (b) explain how to access the website; and
  - (c) notify the holder that the holder may elect to have a hard copy, or electronic copy if it is available, of the fund information sent to him or her free of charge.
- (4) The information in subregulation (3) must be provided to the holder in one document.

- (5) If a holder elects to have a hard copy or electronic copy of the fund information sent to him or her, the trustee must, for each subsequent financial year or reporting period, send the fund information for the financial year or reporting period to the holder, in that form, until the holder notifies the trustee that a hard copy is no longer required.
- (6) If a holder does not elect to have a hard copy or electronic copy sent to him or her, the trustee must comply with paragraphs (3) (a) and (b) each year.
- (7) The notification mentioned in subregulations (3) and (6) may be included in other information or materials sent to the holder.