



Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 3)¹

Select Legislative Instrument 2009 No. 71

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Superannuation Industry (Supervision) Act 1993*.

Dated 30 April 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

NICK SHERRY
Minister for Superannuation and Corporate Law

1 Name of Regulations

These Regulations are the *Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 3)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Superannuation Industry (Supervision) Regulations 1994*

Schedule 1 amends the *Superannuation Industry (Supervision) Regulations 1994*.

Schedule 1 Amendment

(regulation 3)

[1] Subregulation 1.03 (1), definition of *reviewable decision*

substitute

reviewable decision means:

- (a) a decision of APRA under paragraph 1.05 (2) (c) refusing to approve a sum payable as benefit; or
- (b) a decision of the Regulator under paragraph 1.06 (2) (c) refusing to approve a sum payable as benefit; or
- (c) a decision of the Regulator refusing to approve the use of a factor under subregulation 1.08 (2); or
- (d) a decision of APRA under paragraph 4.08A (2) (e) refusing to approve an arrangement for management and control of a fund; or
- (e) a decision of the Regulator under paragraph 4.12 (2) (b), 6.27B (b) or 7A.16 (8) (b) to not determine the form of consent; or

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- (f) a decision of APRA to refuse to suspend or vary an obligation of a trustee under subregulation 6.37 (6); or
 - (g) a decision of the Regulator under subparagraph 7A.03J (2) (a) (ii) refusing to allow a longer period for a rollover or transfer of a non-member spouse's interest; or
 - (h) a decision of the Regulator under paragraph 7A.03K (2) (b) or 7A.13 (7) (b) refusing to allow a longer period to pay a lump sum; or
 - (i) a decision of the Regulator under subparagraph 7A.12 (4) (a) (ii) refusing to allow a longer period for rolling over or transferring transferable benefits; or
 - (j) a decision of the Regulator under paragraph 7A.16 (3) (b) refusing to allow a longer period to allocate, rollover or transfer non-member spouse entitlements; or
 - (k) a decision of the Regulator to give a direction to a trustee to obtain a new or a replacement funding and solvency certificate under subregulation 9.09 (1A); or
 - (l) a decision of the Regulator under subregulation 9.24 (2) refusing to approve an actuary's recommendation for a defined benefit fund; or
 - (m) a decision of the Regulator under subregulation 9.44 (2) refusing to approve an actuary's recommendation for an accumulation fund; or
 - (n) a decision of APRA refusing to approve a proposed element of an actuarial basis for calculation of value A under subregulation 12.05 (5) or (6); or
 - (o) a decision of APRA refusing to approve a proposed assumption or element of an actuarial basis for calculation of value B under subregulation 12.06 (5); or
 - (p) a decision of APRA under regulation 12.08 to specify a day on or before which an application is to be made; or
 - (q) a decision of APRA refusing to approve an application to transfer a PJFC under subregulation 12.12 (2) or 12.13 (2); or
 - (r) a decision of APRA under regulation 12.14 to revoke an approval of an application to transfer a PJFC; or

- (s) a decision of the Regulator refusing to consent to an alteration of accrued benefits under subparagraph 13.16 (2) (a) (ii) or (d) (ii); or
- (t) a decision of the Regulator to confirm or vary a reviewable decision under regulation 13.25.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.