



Commonwealth Consolidated Regulations

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SUPERANNUATION INDUSTRY (SUPERVISION) REGULATIONS 1994 - REG 6.22

Limitation on cashing of benefits in regulated superannuation funds in favour of persons other than members or their legal personal representatives

(1) Subject to subregulation (6) and regulations 6.22B, 7A.13, 7A.17 and 7A.18, a member's benefits in a regulated superannuation fund must not be cashed in favour of a person other than the member or the member's legal personal representative:

(a) unless:

(i) the member has died; and

(ii) the conditions of subregulation (2) or (3) are satisfied; or

(b) unless the conditions of subregulation (4) or (5) are satisfied.

(2) The conditions of this subregulation are satisfied if the benefits are cashed in favour of either or both of the following:

(a) the member's legal personal representative;

(b) one or more of the member's dependants.

(3) The conditions of this subregulation are satisfied if:

(a) the trustee has not, after making reasonable enquiries, found either a legal personal representative, or a dependant, of the member; and

(b) the person in whose favour benefits are cashed is an individual.

(4) The conditions of this subregulation are satisfied if:

(a) the superannuation provider has been issued a release authority in respect of the member under section 131-15 or 135-40 in Schedule 1 to the [Taxation Administration Act 1953](#) ; and

(b) the benefits are cashed in favour of the Commissioner of Taxation in accordance with the authority.

(5) The conditions of this subregulation are satisfied if the member's benefits are cashed in favour of the Commissioner of Taxation to pay an amount to the Commissioner of Taxation under the [Superannuation \(Unclaimed Money and Lost Members\) Act 1999](#) .

(6) This regulation does not apply if, under a law of the Commonwealth, a State or a Territory mentioned in the table, a court makes a forfeiture order (however called) forfeiting part or all of the member's benefits in the fund to the Commonwealth, a State or a Territory.

Item	Law	Provision(s)
<i>Commonwealth</i>		
1.1	Proceeds of Crime Act 2002	Section 47
		Section 48
		Section 49
		Section 92
<i>New South Wales</i>		
2.1	Confiscation of Proceeds of Crime Act 1989	Subsection 18(1)
2.2	Criminal Assets Recovery Act 1990	Section 22
<i>Victoria</i>		
3.1	Confiscation Act 1997	Division 1 of Part 3
		Section 35
		Part 4
		Subsection 157(6)
<i>Queensland</i>		
4.1	<i>Criminal Proceeds Confiscation Act 2002</i>	Section 58
		Section 58A
		Section 151
		Part 5 of Chapter 3
<i>Western Australia</i>		
5.1	<i>Criminal Property Confiscation Act 2000</i>	Section 30, to the extent that it applies to confiscation under section 6 in satisfaction of a person's liability under section 20
		Section 30, to the extent that it applies to confiscation under section 7
<i>South Australia</i>		
6.1	<i>Criminal Assets Confiscation Act 2005</i>	Section 47
<i>Tasmania</i>		
7.1	<i>Crime (Confiscation of Profits) Act 1993</i>	Section 16
<i>Australian Capital Territory</i>		

Item	Law	Provision(s)
8.1	<i>Confiscation of Criminal Assets Act 2003</i>	Section 54
		Section 58
		Section 62
		Section 67

Northern Territory

9.1	<i>Criminal Property Forfeiture Act 2002</i>	Section 75
		Section 76
		Section 80
		Section 96
		Section 97
		Section 99

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