



# APRA fund reporting and administration

Key reporting and administrative obligations for your APRA-regulated super fund.

## Reporting and lodgment



Reporting obligations and lodgment dates for APRA funds.

## Administration obligations



Administrative information for APRA funds.

QC 105081

## Reporting and lodgment

Reporting obligations and lodgment dates for APRA funds.

**Last updated** 12 September 2024

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## Reporting member data

Funds are required to report different types of member data to us within specific timeframes.

Where a due date falls on a weekend or public holiday, the lodgment or payment may be made on the first business day after the due date without incurring a penalty or general interest charge.

### Member contributions

These must be reported within **10 business days** of the event or allocation to a member's account by using the **Member Account Transaction Service (MATS)**.

### Member account phases and member details

You are required to report the following using the **Member Account Attribute Service (MAAS)** within **5 business days** of:

- opening new accounts
- any updates
- closures.

### Member contribution balance amounts

These must be reported annually. The member contribution amounts as at the 30 June must be reported no later than 31 October following the end of the financial year they relate to.

### Lost members and unclaimed super

Reporting is required twice each year, please see the following dates for full details.

## Important member reporting dates

**14 August**

Departing Australia superannuation payment (DASP) payment summaries issued in the last financial year can be:

- included in the funds PAYG payment summary annual report for payments not reported and finalised through Single Touch Payroll (STP), see **Annual reporting**.
- reported separately by 31 October, see further information at **Withholding and reporting**.

## **31 October**

Annual balances:

- you are required to report the 30 June balance of your member accounts no later than 31 October each year or you may choose to report member account balances more frequently
- PAYG withholding payment summary – annual report for DASP data records if you didn't report these by 14 August with other payment summaries you issued for the last financial year
- last date to assess and report a change in Lost member's, lost status account attribute on or after 30 June but before 31 October
- last date to report and pay Unclaimed super money statement for the period 1 January – 30 June including for
  - small or insoluble lost member accounts
  - inactive low-balance accounts.

Due date for:

- lodgment and payment of Unclaimed super money statement for former temporary residents unclaimed super to us.

## **30 April**

Last date to:

- assess and report a change in Lost member's, lost status account attribute on or after 31 December but before 30 April
- report and pay Unclaimed super money statement for the period 1 July – 31 December including for
  - small or insoluble lost member accounts

- inactive low-balance accounts.

Due date for:

- lodgment and payment of Unclaimed super money statements that relate to unclaimed super for former temporary residents.

## **Fund business reporting requirements**

### **Income tax**

You must lodge an annual income tax return each year. The general date for lodgment is 31 October. In practice, most fund's returns are lodged in accordance with their tax agent's lodgment program which will dictate the date required. Please see **Companies and super funds** for information on lodgment and payment due dates.

### **Pay as you go (PAYG)**

PAYG instalments are notified on your activity statements and payment of any net amount must be made on or before the activity statement lodgment due date.

### **14 August**

Due date for PAYG payment summary annual report for payments not reported and finalised through Single Touch Payroll (STP), see further information at **Annual reporting**.

Please note that DASP summaries issued in the last financial year can be included in this report. For full details of DASP reporting options see [Important member reporting dates](#).

## **Employer reporting to funds**

Employers must pay employees super contributions to funds by the **super payment due dates**. When a super due date falls on a weekend or public holiday, contributions must be received by the fund on or before the next business day.

If employers have missed the quarterly payment due date or made late super payments, they will need to lodge a SGC statement and pay the SGC to us. These member contributions are then paid by us to the funds which then have [reporting obligations for member data](#).

## **Payment variation advice**



How to complete the super payment variation advice if you can't accept certain payments or requests.

## **Unclaimed super**



Unclaimed super money are reported and paid to us.

## **Transfer balance cap – Commissioner's commutation authority**



Find out about the Commissioner 's commutation authority when a member exceeds their transfer balance cap.

## **KiwiSaver Scheme**



Rules for super providers who accept New Zealand-sourced amounts when reporting USM.

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What funds need to know when a First home super saver (FHSS) released amount is returned.

QC 24759

## **Payment variation advice**

How to complete the super payment variation advice if you can't accept certain payments or requests.

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Returning payments

You should complete the super payment variation advice (PVA) to notify us that you cannot accept:


- credit payments we have provided on a remittance advice for one or more super provider members
- debit requests we have provided on a recovery notice for one or more super provider members.

You can use the PVA to vary your:

- super guarantee (SG) remittance or recovery notice
- super co-contribution remittance or recovery notice
- superannuation holding accounts (SHA) special account employer contributions remittance
- SHA special account super co-contribution remittance
- unclaimed super remittance or recovery notice (including for former temporary residents).

## How to lodge

If you're reporting for a super provider with 100 or more members, or lodging more than 20 paper forms, we recommend you lodge the information electronically. Information can be lodged electronically for super co-contributions, SG allocation, SHA special account allocation and FHSA government contributions only.

The approved format for electronic reporting is set out in the [Payment variation advice – electronic reporting specification](#) .

Alternatively you can report using the paper form Superannuation payment variation advice.

Do not include information on a PVA if you have already reported it to us on an earlier PVA and we have processed the changes.

## When to lodge

Variation type	Due date
Co-contribution recovery of overpayments	28 days after the recovery notice is given
Co-contribution remittance advice	35 days from the day after it was received from us
SG recovery	30 days after the recovery notice is given
SG remittance advice	30 days from becoming aware of inability to accept amount
SHA special account co-contribution remittance	35 days from the day after it was received from us
SHA special account employer contribution remittance	30 days from becoming aware of inability to accept amount
Unclaimed super remittance	28 days after the notice is given
Unclaimed super recovery	28 days after the recovery notice is given
FHSA government contribution recovery of overpayments	28 days after the issue date shown on a recovery notice
FHSA government contribution remittance advice	35 days from the day the amount was paid to you

## Returning payments

If your advice is for a remittance, you must return the total of all members' credit amounts reported that you are not accepting. If your advice is for a recovery notice you don't make a payment, as you are notifying us that you cannot repay some or all of an amount we have asked you to repay.

**See also:**

- [Super payment variation form and instructions](#)

QC 24744

## Unclaimed super

Unclaimed super money are reported and paid to us.

**Last updated** 2 March 2022

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## Legislative changes

### New Zealand-sourced amounts

Super providers who accept KiwiSaver accounts will need to report New Zealand-sourced amounts separately when reporting unclaimed super money (USM). You must use the paper statement and report New Zealand-sourced amounts in the New Zealand-sourced amount field.

The New Zealand-sourced amount does not include any returning Australian-sourced amount which is generally an amount that was previously received by a participating KiwiSaver scheme from an Australian super provider and was originally accrued in an Australian complying super fund.



### **Find out about**

- KiwiSaver Scheme
- Unclaimed super money statement

## **Current obligations**

Twice a year, you report and pay to us:

- unclaimed super of members aged 65 years or older, non-member spouses and deceased members
- unclaimed super of former temporary residents
- small lost member accounts and inactive accounts of unidentifiable members
- inactive low-balance accounts.

All accounts held in eligible rollover funds (ERF) have now been transferred to the ATO and all ERF were wound up by 31 January 2022.

You can make voluntary payments of other amounts to the ATO for a member, former member or non-member spouse if you believe it would be in the best interest of these individuals. These amounts must not be required to be paid to us under another provision of the Superannuation (Unclaimed Money and Lost Members) Act 1999 (SURLMA).

We use this information to update the USM register (viewable in ATO online services) through which these amounts can be claimed.

Members can see all USM amounts online where we can match these accounts to their tax file number (TFN). By showing their USM on our online services, they can find their super more easily and make an informed decision about consolidating their super money.

### **Find out about**

- Your reporting obligations
- How to pay USM
- Adjusting unclaimed super
- Unclaimed super money protocol
- Lost members register – protocol

## Your reporting obligations



You may need to report, pay or provide a non-lodgment advice for unclaimed superannuation money twice a year.

## How to pay USM



How to pay unclaimed super.

## Adjusting unclaimed super



How to lodge an adjustment to correct a mistake on your unclaimed superannuation money (USM) statement with us.

QC 24734

# Your reporting obligations

You may need to report, pay or provide a non-lodgment advice for unclaimed superannuation money twice a year.

Last updated 28 June 2022

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## When to determine and report unclaimed super

For your unclaimed super, lost member, inactive low-balance accounts and former temporary residents you must report to us twice a year, on 31 October and 30 April.

You determine your unclaimed super, lost member and inactive low-balance accounts as at the end of the unclaimed money day. You report and make the payment by the scheduled statement day.

If your unclaimed money day is 30 June, your scheduled statement date is 31 October of the same year.

If your unclaimed money day is 31 December, your scheduled statement date is 30 April of the following year.

You should determine if a member is lost before you consider whether their account needs to be reported to us as a lost member account. Any accounts reported and paid to us as unclaimed money should be updated as closed status in the relevant service. This makes sure that these members accounts aren't displayed on ATO online services as both lost and unclaimed (ATO-held).

Former temporary resident unclaimed super reported in response to a section 20C notice must also be reported and paid by the scheduled statement day. However, if we give you the notice less than 28 days before the scheduled statement day, the due date will generally be the following scheduled statement day.

You may need to report unclaimed superannuation money (USM), or lodge a non-lodgment advice (NLA), or do both.

You report and pay USM by the scheduled statement day if any of the following apply:

- You have received a section 20C notice for the super of a former temporary resident.
- At the end of the unclaimed money day you have accounts with a balance greater than zero that are
  - unclaimed super of members aged 65 years or older, non-member spouses or deceased members
  - small lost member accounts or inactive accounts of unidentifiable members
  - inactive low-balance accounts.

For more information, see [Unclaimed superannuation money protocol](#).

## Eligible rollover funds

Trustees of eligible rollover funds (ERF) should have reported and paid all accounts to the ATO and wound up by 31 January 2022.

## Trustee voluntary payment

You can make a voluntary payment to the ATO of certain amounts you hold for a member, former member or non-member spouse if you believe it would be in the best interest of these individuals. Payment of voluntary amounts must not meet any other category of USM under any other provisions of the *Superannuation (Unclaimed Money and Lost Members) Act 1999* (SURLMA).

## New Zealand-sourced amounts

Super providers who accept KiwiSaver accounts need to report New Zealand-sourced amounts separately when reporting USM. You must use the paper statement and report New Zealand-sourced amounts in the New Zealand-sourced amount field.

The New Zealand-sourced amount does not include any returning Australian-sourced amount which is generally an amount that was previously received by a participating KiwiSaver scheme from an Australian super provider and was originally accrued in an Australian complying super fund.

## How to report

### SuperStream

When you identify an account as USM for a reporting period, you can use the SuperStream data standard rollover USM data message and transfer the money using the USM rollover payment message.

In response we will send a rollover outcome response message to you.

This does not apply to USM that includes a New Zealand-sourced amount. USM that includes a New Zealand-sourced amount must be reported using the **Unclaimed superannuation money (USM) statement**.

## Paper lodgment

The Unclaimed superannuation money (USM) statement paper form is for super providers with reporting and payment obligations under the *Superannuation (Unclaimed Money and Lost Members) Act 1999* (SUMLMA) and for funds reporting New Zealand sourced USM amounts.

If you're a fund reporting for no more than 6 members, you can either:

- report electronically
- use the approved **Unclaimed superannuation money (USM) statement** paper form.

If you're a fund reporting USM that includes a New Zealand-sourced amount

- use the approved **Unclaimed superannuation money (USM) statement** paper form.

Do not use this USM statement if you are lodging for seven or more members - unless you are reporting a New Zealand sourced amount. A USM statement with seven or more members, not including NZ sourced amounts, must be lodged electronically.

For payment instructions see, [How to pay USM](#).

## Non-lodgment advice

You must submit a non-lodgment advice by the scheduled statement day if, at the end of the unclaimed money day, you are not required to report and pay any of the following:

- unclaimed super of members aged 65 years or older, non-member spouses or deceased members
- small accounts or inactive accounts of unidentifiable members
- inactive low-balance accounts

If you have no unclaimed super, lost member or inactive low-balance accounts to report, you can submit one NLA for all.

If you meet one of the criteria for reporting USM and one of the criteria for submitting an NLA, you must lodge both a reporting statement and an NLA.

Complete the [NLA template \(XLSX, 35KB\)](#)  and lodge it through [Online services for business](#).

You don't have to submit an NLA if:

- your fund is a regulated super fund with no more than 6 members
- your fund is a state or territory public sector super scheme that reports and pays, by law, unclaimed super to its relevant state or territory authority.

Penalties may apply if you:

- don't report your USM or lodge your NLA correctly and pay any amount outstanding to us by the due date
- provide statements that are false or misleading
- fail to keep records or you keep records incorrectly.

Prescribed state and territory public sector super schemes are permitted to transfer unclaimed super to us. If you're a state or territory government fund, contact your state or territory authority to confirm whether you can transfer unclaimed super to us.

## Requesting a deferral

If you are unable to meet your obligations within the required timeframe, lodge a request using the [Super Enquiry Service](#).

For more information, see [Requesting a deferral of your member reporting obligations](#).

QC 24736

## How to pay unclaimed superannuation money

How to pay unclaimed super.

**Last updated** 19 November 2021

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Payment method for SuperStream

Payment method for paper

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## **Payment method for SuperStream**

To comply with the SuperStream payment standards you must make payment by electronic transfer to our SuperStream bank account:

- The details are:
  - Bank – Reserve Bank of Australia
  - BSB – 092-009
  - Account 121781
  - Title – Australian Taxation Office Official Administered Receipts SuperStream Account.
- The data and money must be linked by a unique payment reference number (PRN). If there is no unique identifier, we can't match the payment to your reported USM.
- The PRN in the data message and payment must be identical (case and space sensitive). If they are not identical, we can't allocate the payment.

You cannot pay by cheque.

## **Payment method for paper**

Payment of unclaimed super must be made with your USM statement. Refer to [How to pay](#).

## **If you don't meet payment obligations**

The general interest charge (GIC) may apply when you don't pay unclaimed super (including small or insoluble lost member accounts) owing to us by the due date.

You may also be found guilty of an offence and need to pay an administrative penalty if you don't give us the statement by the due date.

QC 24738

## Adjusting unclaimed superannuation

How to lodge an adjustment to correct a mistake on your unclaimed superannuation money (USM) statement with us.

**Last updated** 11 November 2024

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## When we must make a refund

The *Superannuation (Unclaimed Money and Lost Members) Act 1999* (SUMLMA) states that where the Commissioner is satisfied that an amount paid by a reporting fund exceeded the amount payable (if any) under the relevant subsection with respect to an individual, the Commissioner must refund the excess to the reporting fund. If the reporting fund no longer exists, the Commissioner must refund the excess to an equivalent fund.



The Commissioner will be satisfied that an amount paid exceeded the amount (if any) that was payable under the relevant subsection, once the Commissioner has processed an adjusted USM statement and this results in a material decrease in the amount payable with respect to a person.

## When to lodge USM adjustments

You have 30 days from when you find a mistake or omission on your reported USM statement to lodge an adjustment. You can request a [deferral for your USM adjustment](#) if you can't meet this deadline. Interest and penalties may apply. To help minimise these you should lodge as soon as possible.

The adjustment request should be because of a genuine fund reporting error, not a change of mind by fund or member. When processing an adjustment request, we may seek evidence to support your request.

For example, you can request an adjustment if you:

- incorrectly reported an amount
- forgot to include a member
- incorrectly reported a member.

## Making a reasonable adjustment request

The following are some examples of:

- [valid adjustment requests](#)
- [invalid adjustment requests](#).

### Valid adjustment requests

#### Example: incorrect member's account

Member Sarah Black with DOB 17/02/1946 is identified as a member who has reached eligibility age (generally 65 years old) and the trustee has lost contact with her.

The account for a different member, Sarah Black with date of birth 03/10/1976, is reported and paid to the ATO in error.

The super provider becomes aware of the reporting error and requests an adjustment as soon as possible to have the incorrect lodgment for the member cancelled and the payment refunded.

### **Example: system issue needing a full adjustment**

A lodgment is made for 417 members that have been identified as meeting the unclaimed money criteria.

The super provider identifies that due to a system error only 400 members should have been reported and payment was made for the 400 members.

The super provider must lodge an adjustment template to request a cancellation of the entire lodgment. The super provider then re-reports for only the correct members using the same payment reference number (PRN) as the payment.

### **Example: system issue needing a partial adjustment**

A lodgment is received for 32 members that have been identified as meeting the unclaimed money criteria. A matching payment is received for the lodgment.

The super provider identifies that 2 of the members have been reported incorrectly due to a technical system error.

The super provider lodges a partial adjustment template to request a cancellation of the 2 incorrectly reported members. The ATO cancels the lodgment for the 2 identified members and issues a refund to the super provider.

### **Example: claim by beneficiary in progress**

The super provider was processing a claim by the beneficiary for the deceased member's interest.

In the meantime, the money was picked up in error through the funds automatic processing and paid to the ATO as deceased USM.

The super provider lodges an adjustment template to request a cancellation of the incorrectly reported member. The ATO cancels the lodgment for the identified member and issues a refund to the super provider.

## Invalid adjustment requests

You can't make an adjustment if a member is correctly identified as unclaimed and the member later makes contact.

### **Example: adjustment not required**

A super provider identifies member Simon Kent as a member who has turned 65 years old and, after reasonable attempts, has not been able to contact him.

The super provider reports and pays Simon's account to the ATO in October 2020 in accordance with the law. In December 2020, Mr Kent contacts the super provider after receiving delayed mail that had been forwarded to a new address.

In this instance the amount was not reported in error and an adjustment is not valid. Simon's account was correctly identified as unclaimed at the time the unclaimed money was reported and paid to the ATO.

The member should be directed to ATO Online Services where they may then request a direct payment of unclaimed money if eligible or may opt to rollover any ATO-held super to their chosen fund destination.

### **Example: member declaration form received after lodgment**

A super provider has reported and paid USM as per their reporting obligations. The member then sends a declaration form declaring they are not a member of an inactive low-balance account.

If, at the time the reporting and payment was completed by the fund, the declaration had not been received by the super provider; then the account was correctly reported and paid as an inactive low-balance account.

The fund should explain to the member that the reporting and payment has already concluded, and their account has been sent to the ATO in accordance with legislative requirements.

If account has not already been proactively consolidated to an active account of the member, the member should be directed to ATO Online Services where they may then request a direct payment of unclaimed money if eligible or may opt to rollover any ATO-held super to their chosen fund destination.

### **Example: member makes contact after a valid USM lodgment**

A super provider determines their USM on the unclaimed money day, and reports and pays by the scheduled statement day. Six months after the money has been transferred to the ATO, the member contacts the fund claiming financial hardship. The account has been reported correctly and there is no valid reason for the money to be returned.


If account has not already been proactively consolidated to an active account of the member, the member should be directed to ATO Online services where they may then request a direct payment of unclaimed money if eligible or may opt to rollover any ATO-held super to their chosen fund destination.

### **Example: member wants to access insurance**

A super provider accurately reported and paid a member's USM to the ATO. Four months later the member contacts the fund to gain access to their insurance. As this is not a reporting error it is not required to be returned to the fund.

The fund should explain to the member that the reporting and payment has already concluded and their account has been sent to the ATO in accordance with legislative requirements.

## **How to lodge USM adjustments**

For all USM adjustment requests, you will need to download the [USM adjustment template \(XLSX 45KB\)](#) .

### **Increase adjustments**

If your adjustment involves an increased USM amount, report this to us by sending a new USM lodgment for the additional amount via SuperStream.

### **Decrease adjustments**

If your adjustment involves a decreased USM amount for a member a partial adjustment request will need to be lodged. We will cancel the lodgment and you can then send a new USM lodgment to report the correct entitlement for the member via SuperStream.

Ensure the USM adjustment template is completed as per the data specifications and complete and accurate information is provided. Failure to do so may require you to resubmit a corrected template.

### **How to lodge your template**

Lodge your completed USM adjustment template through Super Enquiry Service or Online services for business.

#### **Super Enquiry Service**

To lodge your template through the Super Enquiry Service:

1. Select **Fund enquiries**, then **USM reporting**

2. For the request type, select **USM – adjustments**
3. Complete the required information
4. Attach your file, then **submit**.

### **Online services for business**

To lodge your template through Online services for business:

1. Select **Communication, Secure mail**, then **New**
2. Select **Superannuation** as topic
3. Select **Lodge USM adjustment templates / Non-lodgment advice**
4. Attach your file, then complete the declaration and **send**.

## **Why we can't automatically refund USM**

Lodging and paying your USM to us is a tax obligation under section 17(1) of the *Superannuation (Unclaimed Money and Lost Members) Act 1999* (SUMLMA).

Under section 17(1) of SUMLMA, the obligation to pay USM to the ATO is a tax-related liability. This means that any payment received in respect of a current or anticipated debt must be allocated in accordance with our legislation and can't be automatically refunded.

The reporting and payment of USM occurs in accordance with the SuperStream rollover standard, however the associated obligations are contained in the SUMLMA.

The obligations to report and pay USM are 2 separate obligations and if a message is rejected the obligation to pay still stands.

If the reporting period relating to the adjustment request is not balanced to zero or the fund is still lodging and paying, we are unable to refund as there are current reporting obligations to be met.

Where an adjustment request is granted, we will process the refund and provide you with the refund details via the same channel the adjustment was requested.

## **Requesting a deferral for your USM adjustment**

It is in the best interest of members and funds to ensure the original lodgment is accurate. If necessary, **request a deferral of your member reporting obligation** to ensure the information you submit to us is accurate and complete.

We have discretion to grant a deferral of your reporting obligations if it is fair and reasonable to do so. This includes a deferral of the time to advise of a material change to, or omission in, information you have already given to us.

Lodgment deferrals extend the due date for lodgment of a document, giving additional time to lodge without incurring a failure to lodge on time (FTL) penalty.

## **Show reasonable care**

You have a responsibility to submit accurate and complete USM reporting. You should ensure that you have appropriate processes in place to meet your legislative obligations. Your assessment of whether an account meets the appropriate definitions under the *Superannuation (Unclaimed Money and Lost Members) Act 1999* should be complete at the time of lodging your statement.

Where adjustments are later lodged, we will review them to check if they are the result of a lack of reasonable care. If they are, we may consider penalties for false and misleading statements.

QC 53866

## **Transfer balance cap – Commissioner's commutation authority**

Find out about the Commissioner's commutation authority when a member exceeds their transfer balance cap.

**Last updated** 29 June 2022

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What to do if you or your member disagree with the commutation authority

## Overview

A commutation authority is a notice we issue to a super fund when a member has exceeded their transfer balance cap and we have sent the member an excess transfer balance determination. The member has either:

- not commuted the excess amount in the determination in full by the due date
- made an election for us to send a commutation authority to their fund to have the excess amount commuted.

The commutation authority details the amount that must be commuted from the specified income stream for that member.

## What you need to do if you receive a commutation authority

If we issue a commutation authority you must respond so that we can determine whether you have complied with your obligations. When you respond you must tell us whether:

- you have complied with a commutation authority, including when you have
  - complied with the commutation authority in full by commuting the full amount required, including cents, from the income stream stated in the notice



- complied with the commutation authority in part by commuting the maximum available release amount where this amount is less than the full amount required from the income stream stated in the notice
- the income stream account stated in the notice was closed before we issued a commutation authority
- you have chosen not to comply with a commutation authority because
  - the member is deceased
  - it was issued in relation to a capped defined benefit income stream (CDBIS).

**Note:** You must also notify the member in writing (within 60 days of the issue date of the commutation authority) when you comply or chose not to comply with a commutation authority.

## When you need to report

You must lodge the transfer balance account report (TBAR) within 60 days of the date of issue on your commutation authority. Refer to your commutation authority for the lodgment due date.

If you do not comply with the commutation authority by the due date, (that is, within 60 days of the issue date on the commutation authority) or tell us why you have not done so (using a TBAR), your member's income stream will stop being in the retirement phase from the due date on the commutation authority. This will affect your entitlement to exempt current pension income. You may also be liable for penalties or subject to compliance action.

There is an administrative penalty if you don't notify your member of your response to the commutation authority within 60 days of the issue of the commutation authority.

## What you need to tell the member

You must notify the member in writing (within 60 days of the issue date of the commutation authority) when you comply with a commutation authority and include the following information:

- the member's name and address
- fund name and ABN
- income stream account number stated in the commutation authority, plus if applicable, the unique superannuation identifier (USI) and member client identifier
- the issue date and due date of the commutation authority
- the amount you were required to commute.

If you have commuted an amount in response to the commutation authority you must also include

- the amount you commuted
- the date of the commutation.

If you have chosen not to comply with the commutation authority because it was in relation to a CDBIS, you must also include a statement to this effect.

**Note:** You must declare on the correspondence that the information it contains is 'true and correct', followed by your signature.

There is no specific ATO form. You can use your own business processes to comply, and you will meet approved form requirements, so long as you include the above details in the correspondence you send to the member.

## Consequences of not responding by the due date

If you do not comply with the commutation authority by the due date, (that is, within 60 days of the issue date on the commutation authority) or tell us why you have not done so (using a TBAR), your member's income stream will stop being in the retirement phase. This will affect their entitlement to exempt current pension income. You may also be liable for penalties or subject to compliance action.

There is an administrative penalty if you don't notify your member of your response to the commutation authority within 60 days of the issue of the commutation authority.

**Note:** Don't action a commutation authority if the due date has passed. To discuss your options, send an email to **Super CRT**.

## **Responding to a commutation authority**

When you can commute an amount, you should make reasonable efforts to contact the member and discuss their options. For example, whether to retain the commuted amount in an accumulation account or take it as a lump sum. If you cannot contact the member, you should commute the amount in a way that you judge to be in the member's best interests.

Unless the commutation authority relates to a death benefit income stream, the member can choose to keep the commuted amount in an accumulation phase account or cash the amount out of the superannuation system.

If the commutation authority relates to a death benefit income stream the commuted amount must be cashed out of the superannuation system.

You don't have authority from us to commute the member's income stream after the due date on the commutation authority and the Commissioner of Taxation doesn't have the discretion to grant you an extension of time to respond to the commutation authority.

## **Commuting the full amount**

You must commute the full amount, including cents, by the due date stated in the commutation authority, from the income stream stated in the notice. If you don't allow cents to be commuted, you must round up.

You must lodge a TBAR by the due date to tell us you have complied in full.

## **Commuting a partial amount**

If you can't commute the full amount stated on the commutation authority because:

- the amount is higher than the value of the interest supporting the income stream, you must commute the value of the interest and close the account – as part of calculating the value of the interest that can be commuted, you should take into account any pro-rata minimum pension payments that need to be met
- the income stream account stated in the notice was closed before we issued a commutation authority.

You must also lodge a TBAR by the due date to tell us you have complied in part.

#### Example: commuting a partial amount

A member is receiving an income stream valued at \$70,000 on 1 July 2018.

On 1 October 2018 we issue you with a commutation authority for \$100,000. You are required to commute the amount by 30 November 2018 (within 60 days of issue date).

The member is receiving monthly payments of \$525 so they have already received \$1,575 to date. You decide to commute on 15 October 2018 therefore you will need to pay the minimum pension amount before you make the commutation. The minimum annual amount is \$6,300 (the member is 86 so their minimum pension payment is 9% of the balance on 1 July 2018).

The pro-rata amount is calculated by multiplying the annual amount by the number of days in the period, then dividing by the number of days in the financial year.

In this example:

$$\$6,300 \times 107 \div 360 = \$1,850.$$

You make another minimum pension payment amount of \$275 to ensure that the minimum pension payment standards will be met up to the date of the commutation.

The remaining \$68,150 is commuted and retained in an accumulation account in the fund.

You lodge a TBAR reporting that you have complied with the commutation authority in part and report a commutation value of \$68,150 and that the account is closed.

## Commuting – deceased

If you have chosen not to comply with a commutation authority notice because the member is deceased, you must also lodge a TBAR by the due date to tell us this.

**Note:** You don't need to report the death of a member on the TBAR for any other reason.

## Commuting – defined benefit

If you have chosen not to comply with a commutation authority notice because it was issued in relation to a CDBIS, you must also lodge a TBAR by the due date to tell us this.

### Example: commuting a defined benefit

You reported a member has an account-based pension with a value of \$2.0 million

You receive a commutation authority requiring you to commute an amount from this pension.

You review your records and identify that this is a capped defined benefit income stream.

You lodge three TBARs to:

- cancel the original incorrect information
- correctly report the original pension as a capped defined benefit income stream
- report that you're choosing not to comply with the commutation authority because it relates to a capped defined benefit income stream.

## Commuting – specific pensions

Regulations commenced on 5 April 2022 to allow the commutation of specific legacy and market-linked pensions in order to comply with a commutation authority. This is where:

- a lifetime pension that commenced before and after 1 July 2017, or
- a market linked or life expectancy pension or annuity that commenced prior to 1 July 2017, and
- this CDBIS is commuted, and a new market linked, or life expectancy pension or annuity is commenced (no longer a CDBIS).

When the transfer balance account events are reported, and if the member has an excess transfer balance account, then the excess can be commuted from these income streams (market linked, or life expectancy pension or annuity).

A commutation can only occur after a Commissioner's commutation authority is issued to the fund. This occurs 60 days after the member has been issued with an excess transfer balance determination if the member is still in excess.

You are able to action a commutation authority received in these circumstances.

Example: commuting a pre-2017 market linked pension to start a new pension

When the transfer balance cap was introduced, Francine held a CDBIS market-linked pension with her fund. The original credit for the pension was valued on 1 July 2017 at \$2.4 million and reported by her fund (the original credit). There was no excess as it was a CDBIS.

On 1 July 2018, Francine commuted her CDBIS (the debit) and purchased a market linked pension (the new credit) directly from the underlying account balance of the lump sum of her CDBIS market linked pension. As the new market-linked pension commenced after 1 July 2017, it is no longer a CDBIS for transfer balance cap purposes.

Under the regulations, the debit for this commutation and credit for the commencement of the new pension should be reported in Francine's transfer balance account. The reported effective date of these transfer balance account events is 5 April 2022.

A special value \$2.1 million is attributed to commutation of the old CDBIS, being the original credit value less the total pension payments made before the commutation of the old product since 1 July 2017. The underlying account balance of the lump sum when the old CDBIS was commuted was \$1.8 million (the new credit).

Francine will have an excess transfer balance amount of \$500,000 that she would have been unable to resolve before the commencement of the regulation.

She will receive a determination of her excess transfer balance amount which will include the excess and the associated earnings that accrue from 5 April 2022. There will be no transfer balance credits for deemed earnings between 1 July 2018 to 5 April 2022.

A commutation authority will enable the fund to commute the excess from the market-linked pension.

## What to do if the pension account number has changed

In some instances, the pension account number reference you use to identify an income stream may have changed since the income stream was reported to us. For example, the income stream reported to us as account 123 is now referred to as account 123A.

In these instances, we may send a commutation authority identifying the income stream that needs to be commuted, which uses the account number you initially reported to us.

You're still required to commute the identified income stream, even though the reference you use has changed.

## Reporting methods and lodgment

Most APRA funds are transitioning to the member account attribution service (MAAS) and member account transaction service (MATS), however reporting a response to a commutation authority is still required to be reported on the TBAR.

Lodge a TBAR by either:

- completing an online form in **Reports and forms** under the **Lodgments** menu in Online services for business
- lodging a paper report
- lodging a data file using **File transfer** under the **Lodgments** menu in **Online services for business** (multiple member data records can be lodged in each file or data set).

You must have a current Australian business number (ABN) to use an electronic reporting channel. Our electronic reporting channels are the

most efficient method of TBAR lodgment and will automatically send reports to the correct processing area, see [Reporting methods and lodgment](#).

For information on developing software for electronic TBAR lodgment, visit [Electronic reporting specifications](#) [↗](#) and the [Software developers website](#) [↗](#).

## Amending or cancelling an incorrect report

If you have made an error in your reporting, you will need to cancel the original event. To cancel the original event, you will need to lodge a new form exactly how you originally reported it (including the incorrectly reported information), but you will also use an additional field to indicate the form is being lodged as a cancellation of a previous form. This enables us to match your cancellation request to the original lodgment.

If you want to amend information reported previously you will need to send us 2 reports. The first report must be lodged to cancel the previous form and a new report must be lodged to provide the correct information.

If you previously cancelled a report and want to undo the effect of the cancellation, do not try to cancel the cancellation request. In this case send us a new report to provide the original information.

**Note:** If you need to re-report you must ensure that you lodge the cancellation first before sending the correction to avoid duplication.

## What to do if you or your member disagree with the commutation authority

If either you or your member disagree with the commutation authority:

- you can't object to the commutation authority
- your member can't direct you not to comply.

The commutation authority only authorises you to commute the specified income stream.

If you commute another income stream, you have not complied with the commutation authority. The member is now at significant risk of having their assets removed from retirement phase twice, given this



commutation does not remove your obligation to comply with the commutation authority.

To minimise the impacts on your member you should report the member initiated commutation to us as soon as possible. We may be able to revoke the commutation authority we have sent you.

If the member has sufficient funds in their preferred account to commute the full amount set out in the commutation authority and you consider you have time to commute that income stream and report it to us as a member commutation in time for us to revoke the commutation authority, we have sent you, you may consider choosing to do so.

If you follow the member's request you need to report this to us as soon as possible, no later than the due date stated in the commutation authority, to allow us to revoke the commutation authority. If you don't report this to us in time for us to do this, you will still need to comply with the commutation authority we have issued to you. The consequences of not complying with the commutation authority will still apply, with adverse consequences for your member.

If you think the amount on the commutation authority doesn't take into account a prior commutation this may be because the member commuted their income stream after the due date on the ETB determination or there was a delay in reporting the commutation to us. You will need to report this member commutation event to us as soon as possible; no later than the due date stated in the commutation authority, to allow us to vary or revoke the commutation authority. If you don't report this to us in time for us to do this, you will still need to comply with the commutation authority as well as report the member commutation.

If the member disagrees with the way we calculated their excess, then they can seek an extension of time to lodge an objection to the ETB determination. However, this doesn't remove your obligation to comply with the commutation authority by the due date, once it's issued.

If an objection is lodged to the ETB determination and we allow the objection in full, then we will revoke or amend the commutation authority, if we are able to do this, by the due date. Otherwise, you'll still need to action the commutation authority by the due date.

## **Instances when we may be able to vary or revoke a commutation authority**

In limited circumstances we may be able to vary or revoke a commutation authority once we receive and process any outstanding information. For example, if you think the amount on the commutation authority doesn't take into account a commutation by the member then this may be because the member commuted their income stream after the due date on the ETB determination or there was a delay in reporting the commutation to us.

However, varying your commutation authority won't give you more time to comply.

For example, if we issued a commutation authority with a due date of 30 November and we receive information that allows us to vary it on 1 November, you will still only have until 30 November to action the varied commutation authority.

## What happens after you have complied with the commutation authority

The table below provides information on what we will do next after you have responded to the commutation authority, based on your situation.

**Table 1: Our action on commutation response**

Your situation	Our action
You comply with the commutation authority in full	After you lodge a TBAR, we will send the member an ETB tax notice of assessment.
You tell us the member is deceased	After you lodge a TBAR, we will send the member's estate an ETB tax notice of assessment.
You comply with the commutation authority in part and the account is closed, or if you didn't comply because the income stream is a capped defined benefit income stream	After you lodge a TBAR we will consider whether the member has other retirement phase income streams that are not capped defined benefit income streams. If they do, then we will send commutation authorities to the providers of those income streams until the excess is resolved. If they don't resolve the excess, we will send the member a Notice of

	non-commutable excess transfer balance. If we send the member this notice, they will receive a debit in their transfer balance account to resolve their excess transfer balance. Once the member is no longer in excess, we will send them an ETB tax notice of assessment.
You comply with the commutation authority in part and report the maximum available release amount is nil, but the account is still open (for example, because it's a market linked pension)	We won't send the member a Notice of non-commutable excess transfer balance after we have determined that they have no other retirement phase income streams that are not capped defined benefit income streams. In these circumstances the member will potentially be perpetually in excess and we may send an ETB tax notice of assessment periodically.

More resources on the transfer balance cap can be found by visiting:

- [Transfer balance cap](#)
- [Super transfer balance account report instructions](#)
- [Super](#)
- [LCR 2016/9 Superannuation reform: transfer balance cap](#)

QC 54147

## KiwiSaver Scheme

Rules for super providers who accept New Zealand-sourced amounts when reporting USM.

**Last updated** 14 January 2025

## On this page

Trans-Tasman super portability

Reporting New Zealand-sourced amounts

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## Trans-Tasman super portability


The Trans-Tasman superannuation portability arrangement helps Australian and New Zealand citizens – who emigrate between the 2 countries and intend to stay indefinitely or permanently – to take their retirement savings with them when they move across the Tasman.

### The law

*Treasury Laws Amendment (2021 Measures No. 5) Act 2021* was enacted to improve the operation of the Trans-Tasman retirement savings portability arrangement between Australia and New Zealand. The law allows the ATO to directly transfer unclaimed superannuation money (USM) of New Zealand (NZ) residents to the [KiwiSaver provider](#)  (KSP).

## Reporting New Zealand-sourced amounts

When reporting USM or trustee voluntary payments (TVP) to us, the New Zealand-sourced amounts must be reported separately from the Australian sourced amount. This is only required for Australian super providers who receive New Zealand-sourced amounts and have identified the New Zealand component when reporting USM.

The New Zealand-sourced amount does not include any returning Australian-sourced amount. This is generally an amount that was previously received by a participating [KiwiSaver](#)  scheme from an

Australian super provider and was originally accrued in an Australian complying super fund.

When reporting any accounts with New Zealand-sourced amounts, these need to be reported by completing the **Unclaimed superannuation money statement paper form** (NAT 71864). If not reported separately, members may not receive their full entitlements.

## Conditions of release

Generally, rollovers to other super funds don't require the member to satisfy a condition of release, subject to the governing rules of your fund. For information on the Kiwi Saver scheme, see **Trans-Tasman retirement savings transfers**.

## Defined benefits


Australian sourced retirement savings from an Australian untaxed source, or a defined benefit interest in an Australian defined benefit scheme, cannot be transferred to a New Zealand KiwiSaver scheme.

## Payment statement

Use this statement to provide information about the member's super interest to be transferred from a complying Australian Prudential Regulation Authority (APRA)-regulated super fund to a KiwiSaver scheme under the Trans-Tasman portability arrangement.

If you are a complying Australian super fund (other than a defined benefit fund, unfunded public sector scheme or self-managed super fund), complete the **KiwiSaver scheme payment statement** (NAT 74638) when you pay a member's superannuation benefits to a KiwiSaver scheme in New Zealand. You must pay the full super interest held by the member (other than defined benefit amounts).

You don't have to use this form – you can use a similar paper form that collects the same information.

A completed statement provides information about the member's super benefits, including the interest to be transferred from a complying APRA-regulated super fund to a [KiwiSaver](#)  scheme under the Trans-Tasman portability arrangement.


## Completing the statement

The Australian super fund must complete all sections in the [payment statement](#).

### Section A: Receiving KiwiSaver scheme details

You can't make payment to a KiwiSaver scheme without this information.

#### 3a KiwiSaver registration number

The KiwiSaver registration number can be confirmed by checking the New Zealand Financial Markets Authority website at [KiwiSaver for scheme provider](#) s.

### Section B: Member details

Provide the member details for the super interest you are paying to the KiwiSaver scheme.

### Section C: Payment details

Record amounts in Australian dollars.

#### 10 Source component

##### Australian sourced amount

You need to include the Australian-sourced amounts at labels A and B.

You must identify any restricted non-preserved amount and unrestricted non-preserved amount held by the member on this statement.

If the member later returns to Australia, any returning non-preserved Australian amounts that are not identified here will be treated as preserved benefits.

##### Returning New Zealand sourced amount

Where applicable, you will need to include any returning New Zealand sourced amount at label **C**.

The sum of components **A + B + C** must be equal to the total payment at label **11**. The amount of the total payment must be equal to the amount being paid to the KiwiSaver scheme.

## **Section D: Australian superannuation fund**

As the payer of a super interest to a KiwiSaver scheme, provide your fund details.

## **Section E: Declaration**

Complete the declaration that applies to you. Print your full name, and sign and date the declaration.

## **Record keeping**

You are required to keep a copy of this statement in your records for 5 years.

You must send a copy of the completed statement to the member. Your member should:

- keep their copy of this completed statement indefinitely for their records
- provide copies of their super records, including this statement, to their chosen APRA-regulated fund in the event they decide to return to Australia in the future and bring their super savings with them.

## **Where to send the completed statement**

Do not send the completed statement to us. You must:

- send this statement to the receiving KiwiSaver scheme in section A within 7 days of paying the benefit amount
- provide a copy of this statement to the member identified in section B within 30 days of paying the benefits to their KiwiSaver scheme
- keep a copy in your records for 5 years.

If you do not send the statement to the KiwiSaver scheme or to your member within the required number of days, we may charge you an administrative penalty. Penalties range from 1 to 25 penalty units depending on the size of your fund and how long the statement is overdue.

# Return of FHSS released amounts for APRA funds

What funds need to know when a First home super saver (FHSS) released amount is returned.

**Published** 17 July 2024

## On this page

Conditions of a repayment

How we notify about a repayment

How we make a repayment

When a fund cannot accept a repayment

How to repay money to the ATO

Communicate with us

From 15 September 2024, in limited circumstances the ATO may return FHSS released amounts to super funds.

This is one of several changes to the FHSS scheme.

## Conditions of a repayment

A fund will be able to accept a FHSS repayment from us when a release authority:

- has been issued to the fund.
- is revoked after the fund has sent the amount to us.

The repaid FHSS amount is treated as a rollover. This should not be recorded as a reversal of a transaction on the fund's registry.

Before making a repayment, we will check:



- the member's account is not closed.
- the member's account is in the accumulation phase.
- the fund is not a defined benefit fund or constitutionally protected fund and can accept contributions, where the FHSS amount is not being returned to the original super fund.

**Note:** Members can make a new FHSS release request with us. This may result in another release authority from us for the member. The member can do this as soon as their original request is processed.

## How we notify about a repayment

We will issue a refund notification letter to the relevant fund through **Online services for business**. The letter will include the:

- member's name
- fund's name
- Australian business number (ABN)
- unique super identifier (USI)
- member account number
- amount being returned
- date of original release authority issued to original super fund.

We will advise the member that their FHSS repayment will happen.

## How we make a repayment

Where a member still holds a **super interest** in a fund, we will make the repayment to the fund's relevant bank account on the fund detail register.

The amount can be credited to any super interest the member holds with the fund, provided:

- the super interest is held by the member
- the repayment can be paid out under a later FHSS release authority.

## When a fund cannot accept a repayment

If the fund that originally released the FHSS amount is unable to accept the repayment, it should contact us through the **Super Enquiry Service**. Use the FHSS classification with 'FHSS returning monies' in the subject heading and provide:

- the FHSS released amount
- the service period start date
- component information
  - tax-free component
  - KiwiSaver tax-free component
  - taxable component – taxed element
  - taxable component – untaxed element
- preservation amounts
  - preserved amount
  - KiwiSaver preserved amount
  - restricted non-preserved amount
  - unrestricted non-preserved amount.

The fund can [return the FHSS amount](#) to us once we have responded through the Super Enquiry Service.

We will then:

- pay the returned FHSS amount to an alternate fund held by the member
- issue a refund notification letter to the alternate fund, including the relevant component information provided by the originating fund.

## **How to repay money to the ATO**

A fund can return money to us after advising us, through the Super Enquiry Service, that it is [unable to accept repayment](#) of the FHSS amount.

Funds must pay by electronic transfer to our SuperStream bank account. The details are:

Bank – Reserve Bank of Australia

BSB – 092-009

Account – 121781

Title – Australian Taxation Office Official Administered Receipts  
SuperStream Account.

The data and money must be linked by a unique payment reference number (PRN). This PRN needs to match the original release authority.

The PRN and payment must be identical (case and space sensitive).  
Where they are not, we can't allocate the payment.

Funds cannot pay by cheque.

## **Communicate with us**

Funds communicating with us regarding repaid FHSS amounts should do so through the Super Enquiry Service. Use the FHSS classification and include 'FHSS returning monies' in the subject heading.

FHSS repayment correspondence in Online services for business has the same permission level as compassionate release of super correspondence. A dedicated FHSS prefix label allows funds to identify and manage this correspondence.

QC 102782

## **Our commitment to you**

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations.

If you follow our information and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we will take that into account when determining what action, if any, we should take.

Some of the information on this website applies to a specific financial year. This is clearly marked. Make sure you have the information for the right year before making decisions based on that information.

If you feel that our information does not fully cover your circumstances, or you are unsure how it applies to you, contact us or seek professional advice.

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