





# Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 8)<sup>1</sup>

**Statutory Rules 2004 No. 155<sup>2</sup>**

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I, PHILIP MICHAEL JEFFERY, 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 24 June 2004

P. M. JEFFERY  
Governor-General

By His Excellency's Command

HELEN COONAN  
Minister for Revenue and Assistant Treasurer

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**1 Name of Regulations**

These Regulations are the *Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 8)*.

**2 Commencement**

These Regulations commence on the date of their notification in the *Gazette*.

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

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

**Schedule 1 Amendments**

(regulation 3)

**[1] Subregulation 9.04I (1)**

*omit*

A regulated superannuation fund

*insert*

Subject to subregulation (3), a regulated superannuation fund

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**[2] After subregulation 9.04I (2)**

*insert*

- (3) A regulated superannuation fund that has less than 50 members may provide a defined benefit pension only:
- (a) to a person:
- (i) who, on 11 May 2004, was a member of the fund; and
  - (ii) who, before 1 July 2005:
    - (A) retires (within the meaning of subregulation 6.01 (7)) on or after attaining age 55; or
    - (B) attains age 65; and
  - (iii) who, after 11 May 2004 and before 1 July 2005, becomes entitled to be paid a defined benefit pension; and
- (b) if the first pension payment is made within 12 months after the day when the person became entitled to the pension.

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**Notes**

1. These Regulations amend Statutory Rules 1994 No. 57, as amended by 1994 Nos. 189 and 432; 1995 Nos. 47, 64, 142, 158, 159, 240, 293, 384 and 430; 1996 Nos. 44, 57, 122 and 344; 1997 Nos. 69, 117, 152, 153, 221, 243, 293, 309, 343 and 415; 1998 Nos. 76, 83, 108, 175, 177, 193, 240 and 312; 1999 Nos. 14, 31, 115, 239, 317 and 356; 2000 Nos. 119, 151, 185, 280 and 281; 2001 Nos. 37, 352 and 353; 2002 Nos. 21, 91, 150, 171, 200 and 353; 2003 Nos. 42, 170, 171, 196 (disallowed by the Senate on 18 September 2003) and 251; 2004 Nos. 12, 84, 113, 148, 152, 153 and 154.
2. Notified in the *Commonwealth of Australia Gazette* on 25 June 2004.