

# EXPOSURE DRAFT



EXPOSURE DRAFT (09/09/2022)

## Superannuation Auditor Registration Imposition Regulations 2022

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2022

David Hurley  
Governor-General

By His Excellency's Command

Stephen Jones [DRAFT ONLY—NOT FOR SIGNATURE]  
Assistant Treasurer  
Minister for Financial Services

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## Part 1—Preliminary

### 1 Name

This instrument is the *Superannuation Auditor Registration Imposition Regulations 2022*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Superannuation Auditor Registration Imposition Act 2012*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

In this instrument:

*Act* means the *Superannuation Auditor Registration Imposition Act 2012*.

*CPI number* means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

*SIS Act* means the *Superannuation Industry (Supervision) Act 1993*.

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## Part 2 Prescribed fees

### Section 6

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## Part 2—Prescribed fees

### 6 ASIC fees

For the purposes of section 4 of the Act, the fee mentioned in column 2 of an item of the following table is prescribed for the matter mentioned in column 1 of the item.

ASIC fees		
Item	Column 1 Fee payable for ...	Column 2 Fee
1	applying for registration as an approved SMSF auditor	\$2,191
2	applying for conditions imposed on registration as an approved SMSF auditor to be varied or revoked under section 128D of the SIS Act	\$678
3	applying for registration as an approved SMSF auditor to be cancelled under section 128E of the SIS Act	\$193
4	undertaking a competency examination in accordance with section 128C of the SIS Act	\$107
5	giving to the Regulator a statement under section 128G of the SIS Act	nil
6	giving to the Regulator a statement under section 128G of the SIS Act within 1 month after it fell due (in addition to the fee payable because of item 5)	nil
7	giving to the Regulator a statement under section 128G of the SIS Act more than 1 month after it fell due (in addition to the fee payable because of item 5)	nil
8	giving to the Regulator particulars under section 128H of the SIS Act within 1 month after they fell due	nil
9	giving to the Regulator particulars under section 128H of the SIS Act more than 1 month after they fell due	nil

### 7 Registry fees

For the purposes of section 4 of the Act, the fee mentioned in column 2 of an item of the following table is prescribed for the matter mentioned in column 1 of the item.

Registry fees		
Item	Column 1 Fee payable for ...	Column 2 Fee
1	inspecting or searching a register that the Regulator keeps under Division 1A of Part 16 of the SIS Act for a current extract	nil
2	inspecting or searching a register that the Regulator keeps under Division 1A of Part 16 of the SIS Act for a historical extract, except if the request to inspect or search is made by a journalist	\$20
3	inspecting or searching a register that the Regulator keeps under Division 1A of Part 16 of the SIS Act for a historical extract, if the request to inspect or search is made by a journalist	nil

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**Registry fees**

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<b>Item</b>	<b>Column 1 Fee payable for ...</b>	<b>Column 2 Fee</b>
4	inspecting or searching an extract given to or issued by the Regulator under Division 1A of Part 16 of the SIS Act (other than an order made under subsection 130F(2) of that Act), except if the request to inspect or search is made by a journalist	\$20
5	inspecting or searching an extract given to or issued by the Regulator under Division 1A of Part 16 of the SIS Act (other than an order made under subsection 130F(2) of that Act), if the request to inspect or search is made by a journalist	nil

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## 8 Method for calculating registry fees in subsequent financial years

- (1) For the purposes of paragraph 4(2)(b) of the Act, in the financial year starting on 1 July 2023, or a subsequent 1 July, if the latest CPI number is greater than the earlier CPI number, the amount of a fee mentioned in an item of the table in section 7 that is not nil is the amount worked out using the formula:

$$\frac{\text{Previous fee} \times \text{Latest CPI number}}{\text{Earlier CPI number}}$$

where:

**earlier CPI number** is the CPI number for the March quarter 2 financial years before the relevant financial year begins.

**latest CPI number** is the CPI number for the last March quarter before the relevant financial year begins.

**previous fee** is the amount of the fee that was applicable immediately before that 1 July.

- (2) If the latest CPI number is not greater than the earlier CPI number, the amount of a fee mentioned in an item of the table is the amount of the fee that was applicable immediately before that 1 July.
- (3) If, apart from this subsection, the amount worked out under subsection (1):
- would be greater than \$3,000—the amount is taken to be \$3,000; or
  - would be an amount of dollars and cents—the amount is to be rounded to the nearest whole dollar and, if the amount to be rounded is 50 cents, rounded down.
- (4) For this section:
- if the Australian Statistician publishes a CPI number for a March quarter in substitution for a CPI number previously published by the Australian Statistician for that quarter, the publication of the later CPI number must be disregarded; and
  - if the Australian Statistician changes the index reference period for the Consumer Price Index, then, after the change is made, regard must be had

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## Part 2 Prescribed fees

### Section 8

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only to the CPI numbers published in terms of the new index reference period.



## **Schedule 1—Repeals**

### *Superannuation Auditor Registration Imposition Regulation 2012*

#### **1 The whole of the instrument**

Repeal the instrument.