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Can temporary residents who permanently leave Australia access their superannuation?

Yes, from 1 July 2002 people who entered Australia on an eligible temporary resident visa and who later permanently leave Australia can claim any superannuation they have accumulated. The payment will be subject to withholding tax. The eligible classes of visa are specified in the Superannuation Industry (Supervision) Regulations.

Why is this initiative only available to departing temporary residents?

The measure applies to temporary residents who have left Australia permanently and who will not retire here or have access to the age pension.

It does not apply to permanent residents of Australia or other individuals who have an option of retiring in Australia and have access to the age pension. Australian citizens, permanent residents and some other individuals who retain these rights will still be subject to normal superannuation provisions and taxation provisions.

Are New Zealand or Australian citizens able to access their superannuation if they have permanently departed Australia?

New Zealand and Australian citizens will not be eligible for a departing Australia superannuation payment, even if they were the holder of an eligible temporary resident visa. This is because New Zealand and Australian citizens may still have retiring rights in Australia, regardless of whether or not they exercise that right.

Which visas are eligible?

For a list of eligible visas refer to www.ato.gov.au or call the Tax Office on 13 10 20.

How will my payment be taxed?

Where a payment is made to you in accordance with the regulations, it will be taxed in most cases at 30%. In a limited number of cases parts of your payment may be taxed at up to 40%. For further information call the Australian Taxation Office on 13 10 20 or refer to www.ato.gov.au

STEP 1: Ensure you have the relevant documentation

Benefits under \$5,000

- a copy, or other evidence, of an eligible visa, showing that you were the holder and that the visa has expired or been cancelled; AND
- a copy of your passport showing you have departed Australia.

OR

Benefits \$5,000 and over

- written statement from the Department of Immigration and Multicultural and Indigenous Affairs that you were a holder of an eligible visa which has expired or been cancelled and that you have permanently departed Australia.

To obtain this, you will need to complete a 'Confirmation of Immigration Status' form. This is available from the Department of Immigration and Multicultural and Indigenous Affairs and Australian Taxation Office web sites, and can only be sent to Department of Immigration and Multicultural and Indigenous Affairs once you have left Australia.

Step 2: Request an application

Call or email Intrust Super on 132 467 or info@intrust.com.au and request a Departing Australia Superannuation Payment application form.

Step 3: Complete forms and return them to Intrust Super

- send these documents with your completed Departing Australia Superannuation Payment application form to Intrust Super.

Alternatively, you may apply online at www.ato.gov.au. The Tax Office will notify you if you are eligible and they will send notification to Intrust Super of your application.

Intrust Super will then send you a Benefit Payment Application form for you to complete.

Changes to superannuation for temporary residents

From 18 December 2008, the following changes apply to unclaimed super for temporary residents.

What these changes include:

- the requirement for certain temporary residents' super to be paid to the Government as unclaimed super.
- an increase in the tax rates for departing Australia superannuation payments (DASP) from 1 April 2009.

These changes mean that if you're a temporary resident, six months after you depart Australia your unclaimed super may be paid to the ATO. You're still able to claim your super from the ATO by applying for a departing Australia superannuation payment (DASP).

What are the changes?

The two changes that affect you are:

- that after you have left Australia for more than six months and your visa has expired or been cancelled, the ATO will notify Intrust Super that it needs to transfer your unclaimed super to them
- there are new withholding tax rates that will be applied to DASPs.

What are the new withholding tax rates?

From 1 April 2009, there will also be new withholding tax rates for DASPs where the application for payment is made on or after 1 April 2009. The new withholding tax rates for DASPs will be:

- 35% for a taxed element of a taxable component
- 45% for an untaxed element of a taxable component

Who is exempt from the changes?

These changes do not apply if you are at the relevant time:

- an Australian citizen
- a New Zealand citizen
- a holder of a permanent or temporary visa
- a temporary resident who has left Australia and receives an income stream
- a holder of a retirement visa (subclasses 405 and 410).

For more information please visit; <http://www.ato.gov.au/super/content.asp?doc=/Content/32703.htm>

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