

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 30 October 2006**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(146) Output 1.1: Migration and Temporary Entry**

Senator Sherry asked:

I have received a letter from a Ms Jeanette Shopland who is seeking answers in relation to a temporary resident who has left the country but cannot claim her superannuation monies. I believe that the problem lies with the list of “eligible visas” provided by the Department of Immigration to the Australia Tax Office and this list is then forwarded to superannuation funds.

The “eligible visa list doesn’t include the applicable visa classification for this constituent. I request that you review the attached letter and in turn inform me where the error occurred and what avenues are available for adding classifications to the “eligible visa list”.

According to the superannuation laws and the ATO web site I was under the impression that any person permanently leaving Australia is entitled to claim their superannuation savings.

*Answer:*

Individuals who have worked in Australia as a temporary resident, and have been paid \$450 or more in a calendar month, are entitled to claim their superannuation savings when they leave Australia permanently.

To be eligible, individuals must have held an eligible temporary resident visa. The list of eligible visas is found in the Superannuation Industry (Supervision) Regulations 1994.

This list is also replicated on the website of the Australian Taxation Office (ATO) at <http://www.ato.gov.au/super/content.asp?doc=/content/22055.htm&pc=001/007/126/001/001&mnu=&mfp=&st=&cy=1>.

The Department of Immigration and Multicultural Affairs (DIMA) is currently liaising with the ATO, which is responsible for the Superannuation Industry (Supervision) Regulations 1994 to ensure that the “eligible visa list” includes all current visas which allow temporary entrants to work in Australia.

With regard to Ms Shopland, DIMA is advised that subject to verification of the information provided, it is likely she should be eligible to claim the superannuation monies on behalf of the former temporary resident referred to. Further information on this case has been forwarded to your office by DIMA.