



# Application for reclassification or refund of contributions



If you're an employer, member or clearing house and have classified a contribution incorrectly or made a contribution in error, you can apply for a reclassification or refund of that contribution.

## What this fact sheet does



This fact sheet explains when and how to apply for the reclassification or refund of a contribution made in error.

## Who is it for?

Employers, members or clearing houses seeking a contribution reclassification or refund.

## What to know before you apply

Under superannuation legislation, UniSuper's trustee can only provide a reclassification or refund where it's satisfied the payment was allocated in error, and UniSuper still holds the contribution.

## What constitutes an error?

Examples that may constitute an error include, but are not limited to:

- clerical, administrative or computer error
- the contribution is paid to the wrong employee or the wrong fund on behalf of an employee
- the employee receives a contribution but is not entitled to Superannuation Guarantee contributions
- the employee is overpaid their entitlements.

Other errors may occur and similarly, in some cases, the examples above may not be deemed to be errors. Each application is individually assessed.

## What does not constitute an error?

A change of mind or a request for reversal does not constitute an error. Examples of non-errors:

- contributions made by a member in excess of the relevant contributions cap cannot be reversed so the member can avoid paying extra tax.
- an employer cannot request a refund to recover debts owed by an employee.

In some circumstances it may not be possible to process a reclassification or refund request. For example, if the member is no longer with UniSuper, or there are insufficient funds in the member's account, the request will be declined.

## How do I apply?

An application for a refund or reclassification of contributions can only be considered when the following steps are completed:

1. Complete the *Application for reclassification or refund of contributions* form.

If member acknowledgement is required, ensure the member has completed Section 3 of the application form (see next section for more information).

2. Attach supporting documentation to your application (see below for more information).
3. Return your application to UniSuper at:  
UniSuper  
Level 1, 385 Bourke Street  
Melbourne, Vic 3000

If a request is being made for more than one member, a separate form is required for each member.

## Do I need the member's acknowledgement to seek a reclassification or refund?

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No – if the request is for a reclassification.

No – if the request for refund is less than \$2,000.

Yes – if the request for refund is \$2,000 or more.

If you can't obtain the member's acknowledgement, we will write to the member and notify them of your request. The member will have 14 days to reply, before the request is processed.

## What supporting documentation do I need to provide?

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Evidence demonstrating that each payment has been made in error must be included with your application. This could include:

- a termination letter with the correct date.
- leave application forms.
- payroll records.

If you cannot provide supporting documentation, you will need to complete Section 4 of the form—Statutory declaration.

## What happens after I submit an application?

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If your application for reclassification is approved, the contribution will be reclassified as necessary, and you'll be notified in writing once complete.

If your application for a refund is approved, the overpayment will be refunded to you by cheque or EFT, if we have your EFT details. The final refunded amount may be adjusted to take into account any negative investment earnings, tax, or out-of-pocket expenses incurred by the fund.

If your application isn't approved, you'll be notified in writing, and no further action will be required.

## Need more information?

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If you have any further queries about this process, please contact UniSuper on 1800 331 685, or email [enquiry@unisuper.com.au](mailto:enquiry@unisuper.com.au).

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This information is of a general nature only and includes general advice. It has been prepared without taking into account your individual objectives, financial situation or needs. Before making any decision in relation to your UniSuper membership, you should consider your personal circumstances, the relevant product disclosure statement for your membership category and whether to consult a licensed financial adviser.

This information is current as at March 2017 and is based on our understanding of legislation at that date. Information is subject to change. To the extent that this flyer contains information which is inconsistent with the UniSuper Trust Deed and Regulations (together the Trust Deed), the Trust Deed will prevail. UniSuper Advice is operated by UniSuper Management Pty Ltd. For information about the services offered by UniSuper Advice and the fees for those services, refer to the Financial Services Guide found at [unisuper.com.au/financial-advice](http://unisuper.com.au/financial-advice).

Issued by: UniSuper Management Pty Ltd ABN 91 006 961 799, AFSL No. 235907 on behalf of UniSuper Limited the trustee of UniSuper, Level 1, 385 Bourke Street, Melbourne Vic 3000.

Fund: UniSuper, ABN 91 385 943 850

Trustee: UniSuper Limited, ABN 54 006 027 121

Date: May 2018 UNISEMP005 0518

# Application for reclassification or refund of contributions form



## How to use this form

Please use BLACK or BLUE BALL POINT PEN and print in CAPITAL LETTERS. Cross where required X

If you're:

- a UniSuper member, complete sections 1b, 1c, 2, 3 and 4 (if applicable)
- an employer, complete sections 1a, 1b, 1c, 2, 3 and 4 (if applicable)
- a clearing house, complete sections 1a, 1b, 1c, 2 and 4 (if applicable)



## AVOID PROCESSING DELAYS

We make important changes to our forms at times. Check you're using the latest version by comparing the issue date at the bottom of this page with the version at [unisuper.com.au/forms](http://unisuper.com.au/forms).

## Important information

Please note that, in some cases, it may not be possible to fulfil your request to reclassify or refund a contribution made for a member. For example, if a member's circumstances change after making a pre-tax contribution, it's not possible to retrospectively reclassify that contribution to post-tax.

## Do we have your EFT details for refunds?

If you haven't previously advised us of your EFT details for refunds via our form, why not advise us now? Once we have your details, we'll use them for all refunds. Simply download the form 'Nomination of EFT details for refunds' from our website.

## When to use this form

Use this form if you've provided the incorrect contribution classification type to us for a member and wish to reclassify the contribution type, or a contribution was paid in error and you're requesting all or part of that contribution to be refunded.

It's important to note that under Commonwealth Superannuation legislation, the Trustee of UniSuper can only reclassify or refund a contribution for a member where it's satisfied the original details provided for the contribution were incorrect at the time the contribution was paid or in certain circumstances, where the payment was made due to a mistake. For the Trustee to consider reclassifying or refunding the contribution, section 2 of this form must be completed providing full details of the circumstances of the error. Supporting evidence must also be attached. If you can't provide supporting evidence, you must also complete section 4 - Statutory declaration.

An application for a refund of a member's contribution requires the member's acknowledgement if the contribution made is \$2,000 or more. Where member acknowledgement is required, section 3 of this form must be completed by the member prior to submitting the form to us.

If a request is being made for more than one member, a separate form is required for each individual member's request.

## Circumstances when the Trustee considers requests for reclassification or refunds

The Trustee only considers applications for reclassification or refunds of contributions when:

- in receipt of a fully completed and signed form, providing sufficient details explaining the error, including the member's acknowledgement (where applicable)
- the contribution was made either in the current or last financial year (unless exceptional circumstances exist)
- the contribution was genuinely processed incorrectly in the first instance OR the contribution was not processed in accordance with the member's original instructions at the time the contribution was made.

## Privacy statement

We recognise the importance of protecting your personal information and are committed to complying with our privacy law obligations.

We collect your personal information to administer your account, ensure you're eligible for insurance cover, provide you with UniSuper membership benefits, services and products, verify your identity and improve our products and services. You consent to our collecting sensitive information about you, where collecting that information is reasonably necessary for us to perform one or more of our functions or activities. We usually collect personal and sensitive information directly from you, however, it may also be collected from third parties, such as your employer.

We may also collect this information from you because we're required or authorised by or under an Australian law or a court/tribunal order to collect that information. If you don't provide this information, we may not be able to administer your account, provide you with a product or service or you may be disadvantaged in some other way.

We may disclose your information to any service provider we engage (for example mail-houses, auditors, insurers, actuaries, lawyers and research consultants) to carry out or help us provide your membership benefits, services and products. This includes overseas entities. The countries we may disclose personal information to are Japan, Canada and the United States of America. Where information is transferred overseas, we'll seek to ensure the recipient of the data has security systems to prevent misuse, loss or unauthorised disclosure in line with Australian laws and standards. Our Privacy Policy contains information about how you can access any personal information we hold, how to correct your information and how to make a complaint about a breach of the Privacy Act. It's available at [unisuper.com.au](http://unisuper.com.au) or by calling us on **1800 331 685**.







## SECTION 4 — Continued

I acknowledge and agree that I am responsible for any matters arising out of this application and shall indemnify the Trustee against all costs, expenses and other liabilities incurred in connection with or arising out of this application and/or in respect of the reclassification or refund of the contribution above.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

**Surname**

**Given name**

**Signature of person making this declaration**

**Declared at** (*place*)

**Date** (*DDMMYYYY*)

**Before me,** (*insert full name of person before whom the declaration is made*)

**Signature**

(*signature of person before whom the declaration is made*)

**Full name, qualifications and address** (*of person before whom the declaration is made - in printed letters*)

Note 1: A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years.

Note 2: Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* - see section 5A of the *Statutory Declarations Act 1959*

## Persons authorised to sign statutory declarations

- Chiropractor
- Dentist
- Justice of the Peace
- Legal practitioner
- Medical practitioner
- Nurse
- Optometrist
- Pharmacist
- Police officer
- Physiotherapist
- Psychologist
- Teacher
- Veterinary surgeon
- Government authority with two or more years continuous service

For a full list of persons authorised to sign a statutory declaration, visit the Attorney-General's Department website at [www.ag.gov.au](http://www.ag.gov.au).

### Member residing overseas

For members residing overseas, people authorised to certify personal documents are listed below:

- An employee of the Commonwealth who is:
  - In a country or place outside of Australia; and
  - Authorised under paragraph 3(c) of the Consular Fees Act 1955; and
  - Exercising his or her function in that place



### HOW TO RETURN THIS FORM

Please return this completed form and statutory declaration (if applicable), together with supporting evidence to [enquiry@unisuper.com.au](mailto:enquiry@unisuper.com.au).

If you'd prefer to submit a paper application, please return the completed form together with supporting evidence to:

UniSuper  
Level 1, 385 Bourke Street  
Melbourne Vic 3000



### NEED HELP?

For more information:

- email [enquiry@unisuper.com.au](mailto:enquiry@unisuper.com.au), or
- call 1800 331 685.