

CATEGORY: Round 5 Superannuation  
REASONS: Superannuation account closed unlawfully

### History

1. From 6 November 1979 to 11 January 1985 my superannuation was paid to the [REDACTED] Membership no. [REDACTED] in my then married name.
2. After making enquiries on 6 December 2011 about accessing my superannuation, [REDACTED] advised me my superannuation account was **closed**.
3. I questioned why was it closed, and they said they posted a cheque to me on 25 February 1985 to my Perth address for \$4,821.13 being my lump sum benefit on **retirement** (including **interest**).
4. I responded to [REDACTED] in an email dated 6 December 2011 saying I did not receive the cheque because I was not living in Perth where the cheque was posted to.
5. [REDACTED] confirmed in an email, if a cheque was un-presented, then they try to follow up with the Member, and if this is unsuccessful, the amount is put back into a '**trust account**' which earns interest. [REDACTED] made no attempt to contact me.
6. In a letter to me dated 10 February 2012, [REDACTED] said -  
*"The [REDACTED] was controlling [REDACTED] bank accounts and issuing cheques until around the 1998 financial year. [REDACTED] would manage un-presented cheques from data provided by the [REDACTED]"*
7. In an email to me dated 30 March 2012, [REDACTED] advised me -  
*"If there is no record of this un-presented cheque in the Special Account it means the cheque has either been presented or cancelled".*
8. [REDACTED] and [REDACTED] failed to produce evidence if the cheque was presented.
9. **Superannuation Complaints Tribunal** failed to settle my dispute, after receiving my complaint on 24 April 2012 against [REDACTED] Ref. no. [REDACTED] I was claiming accumulated contributions to my superannuation and interest totalling more than \$30,000.
10. [REDACTED] submission was unsigned, which included large duplication of the same documents in an attempt to confuse me.

11. [REDACTED] argued I elected to be paid the accumulated contributions AFTER I resigned in January 2011, but this is UNTRUE.
12. [REDACTED] failed to provide evidence -
  - 12.1. the cheque was signed and presented by me; and
  - 12.2. I authorised in writing - accumulated contributions be paid to me.
13. [REDACTED] agreed they had no records of my new address after I resigned in January 1985.

**General:**

14. Lump sum benefit of superannuation is payable under -
  - 14.1. *age retirement pension* (age 65 years old)<sup>1</sup>;
  - 14.2. *standard age retirement pension* (age 60 – 65 years)<sup>2</sup>; OR
  - 14.3. *early retirement pension* requires strict medical reports<sup>3</sup>.
15. My age at 25 February 1985 was [REDACTED], and therefore I was ineligible for retirement age pension of 65 years<sup>4</sup>. Early retirement age must have a medical report<sup>5</sup>.
16. A person must not engage in the *disposal, destruction, transfer, damage or alteration* of Commonwealth records without authorisation<sup>6</sup>.
17. Unclaimed funds are put in the Trust Funds and Other Trust Money Special Account and are responsible for keeping proper accounts and records<sup>7</sup>.
18. [REDACTED] failed to put my unclaimed Superannuation in the Trust Account.
19. It appears [REDACTED] closed my superannuation account unlawfully.

[REDACTED]  
 \_\_\_\_\_  
 Signature of [REDACTED]

Date: 19 September 2018

<sup>1</sup> *Superannuation Act 1979* [Div 1 of Part IV].

<sup>2</sup> *Ibid* [s55(2)].

<sup>3</sup> *Ibid* [s73 and s74].

<sup>4</sup> *Ibid* [s55]

<sup>5</sup> *Ibid* [s74]

<sup>6</sup> *Archives Act 1983* [s24(1)].

<sup>7</sup> *Superannuation Act 1979* [s44].