



SUPERANNUATION INDUSTRY (SUPERVISION) ACT 1993

PART 16 - ACTUARIES AND AUDITORS OF SUPERANNUATION ENTITIES

Division 4 - Offences and failure to carry out duties etc.

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SECTION 131C DISQUALIFIED PERSONS NOT TO BE AUDITOR OR ACTUARY OF SUPERANNUATION ENTITIES

131C(1) [Offence resulting in imprisonment]

A person commits an offence if:

(a) the person is, or acts as, an auditor or actuary of a superannuation entity for the purposes of this Act; and

(b) either:

(i) for a person who is disqualified under section 130D - the person is disqualified from being or acting as an auditor or actuary (as the case requires) of that superannuation entity; or

(ii) the person is disqualified or suspended under section 130F from being an approved SMSF auditor; or

(iii) the person is disqualified under section 131 from being an actuary; and

(c) the person knows that he or she is so disqualified or suspended.

Penalty: Imprisonment for 2 years.

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131C(2) [Offence of strict liability]

A person commits an offence if:

(a) the person is, or acts as, an auditor or actuary of a superannuation entity for the purposes of this Act; and

(b) either:

(i) for a person who is disqualified under section 130D - the person is disqualified from being or acting as an auditor or actuary (as the case requires) of that superannuation entity; or

(ii) the person is disqualified or suspended under section 130F from being an approved SMSF auditor; or

(iii) the person is disqualified under section 131 from being an actuary; and

(c) the person knows that he or she is so disqualified or suspended.

Penalty: 60 penalty units.

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131C(3) [Strict liability]

Subsection (2) is an offence of strict liability.

Note:

For **strict liability**, see section 6.1 of the *Criminal Code*.

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