



Superannuation Industry (Supervision) Regulations 1994

Statutory Rules 1994 No. 57 as amended

made under the

Superannuation Industry (Supervision) Act 1993

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This document has been split into two volumes
Volume 1 contains Parts 1–13, and
Volume 2 contains the Schedules and the Notes
Each volume has its own Table of Contents

Prepared by the Office of Legislative Drafting and Publishing,
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Schedule 1AAA Approved auditors — professional organisations

(subregulation 1.04 (2))

| Item | Professional Organisation | Manner of Association |
|------|--|-------------------------|
| 1. | CPA Australia Limited | Member |
| 2. | The Institute of Chartered Accountants in Australia | Member |
| 3. | National Institute of Accountants | Member |
| 4. | Association of Taxation and Management Accountants | Member or Fellow |
| 5. | National Tax and Accountants Association Ltd | Fellow |
| 6. | SMSF Professionals' Association of Australia Limited | SMSF Specialist Auditor |

Schedule 1AA

(subregulation 1.04 (4A))

Part 1 Exempt public sector superannuation schemes (1994-95 and 1995-96 years of income)

Commonwealth

Schemes established by or operated under:

Defence Act 1903

Defence Force Retirement and Death Benefits Act 1973

Governor-General Act 1974

Judges' Pensions Act 1968

Parliamentary Contributory Superannuation Act 1948

New South Wales

Schemes established by or operated under:

First State Superannuation Act 1992

Judges' Pensions Act 1953

Local Government and other Authorities (Superannuation) Act 1927

New South Wales Retirement Benefits Act 1972

Parliamentary Contributory Superannuation Act 1971

Police Regulation (Superannuation) Act 1906

Public Authorities Superannuation Act 1985

Public Sector Executives Superannuation Act 1989

State Authorities Non-contributory Superannuation Act 1987

State Authorities Superannuation Act 1987

State Public Service Superannuation Act 1985

Superannuation Act 1916

Superannuation Administration Act 1991

Transport Employees Retirement Benefits Act 1967

Victoria

Schemes established by or operated under:

Attorney-General and Solicitor General Act 1972
Coal Mines (Pensions) Act 1958
Constitution Act 1975
County Court Act 1958
Judicial Remuneration Tribunal Act 1995
Justices Act 1958
Magistrates Courts Act 1989
Magistrates (Summary Proceedings) Act 1975
Mint Act 1958
Ombudsman Act 1973
Public Prosecutions Act 1994
Supreme Court Act 1986

Schemes established under trust deeds:

City of Melbourne Superannuation Fund
County Court Associates Superannuation Scheme
Emergency Services Superannuation Scheme
Gas and Fuel Superannuation Fund
Holmesglen Construction Superannuation Plan
Hospitals Superannuation Fund
Local Authorities Superannuation Fund
Melbourne Water Corporation Employees' Superannuation Fund
Parliamentary Contributory Superannuation Fund
Pharmaceutical Organisations Superannuation Fund
Port of Geelong Authority Superannuation Fund
Port of Melbourne Authority Superannuation Scheme
State Casual Employees Superannuation Fund
State Employees Retirement Benefits Fund
State Superannuation Fund
Supreme Court Associates Superannuation Scheme
Transport Superannuation Fund
Victorian Electricity Industry Superannuation Fund
Victorian Superannuation Fund
Zoological Board of Victoria Superannuation Fund

Queensland

Schemes established by or operated under:

Fire Service Act 1990

Governors' Pensions Act 1977

Judges (Pensions and Long Leave) Act 1957

Parliamentary Contributory Superannuation Act 1970

Police Superannuation Act 1974

State Service Superannuation Act 1972

Superannuation (Government and Other Employees) Act 1988

Superannuation (State Public Sector) Act 1990

South Australia

Schemes established by or operated under:

Electricity Corporations Act 1994

Governors' Pensions Act 1976

Judges' Pensions Act 1971

Parliamentary Superannuation Act 1974

Police Superannuation Act 1990

Southern State Superannuation Act 1994

Superannuation Act 1988

Superannuation (Benefit Scheme) Act 1992

Schemes established under trust deeds

Lyell McEwen Health Service Incorporated
Superannuation Fund

Police Occupational Superannuation Scheme

Western Australia

Schemes established by or operated under:

Government Employees Superannuation Act 1987
Judges' Salaries and Pensions Act 1950
Parliamentary Superannuation Act 1970
Superannuation and Family Benefits Act 1938

Tasmania

Schemes established by or operated under:

Judges' Contributory Pensions Act 1968
Parliamentary Retiring Benefits Act 1985
Parliamentary Superannuation Act 1973
Retirement Benefits Act 1993
Solicitor-General Act 1983

Australian Capital Territory

Schemes established by or operated under:

Superannuation (Legislative Assembly Members) Act 1991

Northern Territory

Schemes established by or operated under:

Administrators Pension Act 1981
Legislative Assembly Members' Superannuation Act 1979
Superannuation Act 1986
Supreme Court (Judges Pensions) Act 1980

Schemes established under trust deeds or other means

Northern Territory Police Supplementary Benefit Scheme
Northern Territory Supplementary Superannuation Scheme

Part 2 Exempt public sector superannuation schemes (1996-97 year of income)

Commonwealth

Schemes established by or operated under:

Defence Act 1903

Defence Force Retirement and Death Benefits Act 1973

Governor-General Act 1974

Judges' Pensions Act 1968

Parliamentary Contributory Superannuation Act 1948

New South Wales

Schemes established by or operated under:

First State Superannuation Act 1992

Judges' Pensions Act 1953

*Local Government and Other Authorities
(Superannuation) Act 1927*

New South Wales Retirement Benefits Act 1972

Parliamentary Contributory Superannuation Act 1971

Police Regulation (Superannuation) Act 1906

Public Authorities Superannuation Act 1985

Public Sector Executives Superannuation Act 1989

*State Authorities Non-contributory Superannuation Act
1987*

State Authorities Superannuation Act 1987

State Public Service Superannuation Act 1985

Superannuation Act 1916

Superannuation Administration Act 1996

Transport Employees Retirement Benefits Act 1967

Victoria

Schemes established by or operated under:

Attorney General and Solicitor General Act 1972
Coal Mines (Pensions) Act 1958
Constitution Act 1975
County Court Act 1958
County Court (Jurisdictions) Act 1968
Emergency Services Superannuation Act 1986
Hospitals Superannuation Act 1988
Justices Act 1958
Local Authorities Superannuation Act 1988
Magistrates (Summary Proceedings) Act 1975
Mint Act 1958
Ombudsman Act 1973
Parliamentary Salaries and Superannuation Act 1968
Port of Geelong Authority Act 1958
Port of Melbourne Authority Act 1958
Public Prosecutions Act 1994
Public Sector Superannuation (Administration) Act 1993
State Superannuation Act 1988
Supreme Court Act 1986

Queensland

Government Officers' Superannuation Scheme (GoSuper)
Governors' Pension Scheme
Judges Pension Scheme
Parliamentary Contributory Superannuation Fund
Police Superannuation Fund (Police Super)
Queensland Fire Service Superannuation Plan
State Service Superannuation Fund (State Super)

South Australia

Schemes established by or operated under:

Electricity Corporations Act 1994
Governors' Pensions Act 1976
Judges' Pensions Act 1971
Parliamentary Superannuation Act 1974
Police Superannuation Act 1990
Southern State Superannuation Act 1994
Superannuation Act 1988
Superannuation (Benefit Scheme) Act 1992

Schemes established by or under trust deeds

Lyell McEwen Health Service Incorporated
Superannuation Fund
Police Occupational Superannuation Scheme

Western Australia

Schemes established by or operated under:

Government Employees Superannuation Act 1987
Judges' Salaries and Pensions Act 1950
Parliamentary Superannuation Act 1970
Superannuation and Family Benefits Act 1938

Tasmania

Schemes established by or operated under:

Governor of Tasmania Act 1982
Judges' Contributory Pensions Act 1968
Parliamentary Retiring Benefits Act 1985
Parliamentary Superannuation Act 1973
Retirement Benefits Act 1993
Solicitor-General Act 1983

Australian Capital Territory

Schemes established by or operated under:

Superannuation (Legislative Assembly Members) Act 1991

Northern Territory

Schemes established by or operated under:

Administrators Pension Act 1981

Legislative Assembly Members' Superannuation Act 1979

Superannuation Act 1986

Supreme Court (Judges Pensions) Act 1980

Other schemes

Northern Territory Police Supplementary Benefit Scheme

Northern Territory Supplementary Superannuation
Scheme

Part 3 Exempt public sector superannuation schemes (1997-98 year of income and subsequent years of income)

Commonwealth

Schemes established by or operated under:

Defence Act 1903

Defence Force Retirement and Death Benefits Act 1973

Defence Forces Retirement Benefits Act 1948

Governor-General Act 1974

Judges' Pensions Act 1968

Papua New Guinea (Staffing Assistance) Act 1973

Parliamentary Contributory Superannuation Act 1948

Superannuation Act 1922

New South Wales

Schemes established by or operated under:

First State Superannuation Act 1992
Judges' Pensions Act 1953
Local Government and Other Authorities (Superannuation) Act 1927
New South Wales Retirement Benefits Act 1972
Parliamentary Contributory Superannuation Act 1971
Police Regulation (Superannuation) Act 1906
Public Authorities Superannuation Act 1985
Public Sector Executives Superannuation Act 1989
State Authorities Non-contributory Superannuation Act 1987
State Authorities Superannuation Act 1987
State Public Service Superannuation Act 1985
Superannuation Act 1916
Superannuation Administration Act 1996
Transport Employees Retirement Benefits Act 1967

Victoria

Schemes established by or operated under:

Attorney General and Solicitor General Act 1972
Coal Mines (Pensions) Act 1958
Constitution Act 1975
County Court Act 1958
County Court (Jurisdictions) Act 1968
Emergency Services Superannuation Act 1986
Hospitals Superannuation Act 1988
Justices Act 1958
Local Authorities Superannuation Act 1988
Magistrates (Summary Proceedings) Act 1975
Mint Act 1958
Ombudsman Act 1973
Parliamentary Salaries and Superannuation Act 1968

Public Prosecutions Act 1994
Public Sector Superannuation (Administration) Act 1993
State Superannuation Act 1988
Supreme Court Act 1986

Queensland

Governors' Pension Scheme
Judges Pension Scheme
Parliamentary Contributory Superannuation Fund

South Australia

Schemes established by or operated under:

Electricity Corporations Act 1994
Governors' Pensions Act 1976
Judges' Pensions Act 1971
Parliamentary Superannuation Act 1974
Police Superannuation Act 1990
Southern State Superannuation Act 1994
Superannuation Act 1988

Western Australia

Schemes established by or operated under:

Government Employees Superannuation Act 1987
Judges' Salaries and Pensions Act 1950
Parliamentary Superannuation Act 1970
State Superannuation Act 2000
Superannuation and Family Benefits Act 1938

Tasmania

Schemes established by or operated under:

Governor of Tasmania Act 1982
Judges' Contributory Pensions Act 1968
Parliamentary Retiring Benefits Act 1985
Parliamentary Superannuation Act 1973
Retirement Benefits Act 1993
Solicitor-General Act 1983

Australian Capital Territory

Schemes established by or operated under:

Superannuation (Legislative Assembly Members) Act 1991
Supreme Court Act 1933

Northern Territory

Schemes established by or operated under:

Administrators Pension Act 1981
Legislative Assembly Members' Superannuation Act 1979
Superannuation Act 1986
Supreme Court (Judges Pensions) Act 1980

Other schemes

Northern Territory Police Supplementary Benefit Scheme
Northern Territory Supplementary Superannuation Scheme

Schedule 1A Payment limits for annuities and pensions with a commencement day before 1 January 2006

(subregulations 1.05 (4) and 1.06 (4))

1. Subject to clauses 3, 4 and 5, the maximum limits mentioned in paragraph 1.05 (4) (f) or 1.06 (4) (e) are determined under the formula:

$$\frac{AB}{PVF}$$

where:

AB means the amount of the annuity account balance, or pension account balance, as the case requires:

- (a) on 1 July in the financial year in which the payments are made; or
- (b) if that year is the year in which the annuity payments, or pension payments, commence — on the commencement day; and

PVF means the maximum pension valuation factor set out in Column 3 in the Table in this Schedule in relation to the item in the Table that represents the age of the beneficiary on:

- (a) 1 July in the financial year in which the payments are made; or
- (b) if that is the year in which the annuity payments, or pension payments, commence — the commencement day.

2. Subject to clauses 3, 3A and 4, the minimum limits mentioned in paragraph 1.05 (4) (f) or 1.06 (4) (e) are determined under the formula:

$$\frac{AB}{PVF}$$

where:

AB means the amount of the annuity account balance, or pension account balance, as the case requires:

- (a) on 1 July in the financial year in which the payments are made; or
- (b) if that year is the year in which the annuity payments, or pension payments, commence — on the commencement day; and

PVF means the minimum pension valuation factor set out in Column 4 in the Table to this Schedule in relation to the item in the Table that represents the age of the beneficiary on:

- (a) 1 July in the financial year in which the payments are made; or
- (b) if that is the year in which the annuity payments, or pension payments, commence — the commencement day.

- 3. For a calculation of the maximum or minimum limit in the year in which the commencement day of the pension or annuity occurs if that day is a day other than 1 July, the appropriate value set out in Column 3 or Column 4 must be applied proportionally to the number of days in the financial year that include and follow the commencement day.
- 3A. For the financial years commencing on 1 July 2008, 1 July 2009 and 1 July 2010, the minimum limit is half of the amount determined under the formula in clause 2.
- 4. An amount determined under the formula in clause 1 or clause 2, is rounded to the nearest 10 whole dollars.

Table

| Column 1 Item | Column 2 Age of Beneficiary | Column 3 Maximum Pension Valuation Factor | Column 4 Minimum Pension Valuation Factor |
|------------------|-----------------------------------|---|---|
| 1 | 20 or less | 10 | 28.6 |
| 2 | 21 | 10 | 28.5 |
| 3 | 22 | 10 | 28.3 |
| 4 | 23 | 10 | 28.1 |
| 5 | 24 | 10 | 28.0 |
| 6 | 25 | 10 | 27.8 |

| Column 1 Item | Column 2 Age of Beneficiary | Column 3 Maximum Pension Valuation Factor | Column 4 Minimum Pension Valuation Factor |
|--------------------------|--|--|--|
| 7 | 26 | 10 | 27.6 |
| 8 | 27 | 10 | 27.5 |
| 9 | 28 | 10 | 27.3 |
| 10 | 29 | 10 | 27.1 |
| 11 | 30 | 10 | 26.9 |
| 12 | 31 | 10 | 26.7 |
| 13 | 32 | 10 | 26.5 |
| 14 | 33 | 10 | 26.3 |
| 15 | 34 | 10 | 26.0 |
| 16 | 35 | 10 | 25.8 |
| 17 | 36 | 10 | 25.6 |
| 18 | 37 | 10 | 25.3 |
| 19 | 38 | 10 | 25.1 |
| 20 | 39 | 10 | 24.8 |
| 21 | 40 | 10 | 24.6 |
| 22 | 41 | 10 | 24.3 |
| 23 | 42 | 10 | 24.0 |
| 24 | 43 | 10 | 23.7 |
| 25 | 44 | 10 | 23.4 |
| 26 | 45 | 10 | 23.1 |
| 27 | 46 | 10 | 22.8 |
| 28 | 47 | 10 | 22.5 |
| 29 | 48 | 10 | 22.2 |
| 30 | 49 | 10 | 21.9 |
| 31 | 50 | 9.9 | 21.5 |
| 32 | 51 | 9.9 | 21.2 |
| 33 | 52 | 9.8 | 20.9 |
| 34 | 53 | 9.7 | 20.5 |
| 35 | 54 | 9.7 | 20.1 |
| 36 | 55 | 9.6 | 19.8 |
| 37 | 56 | 9.5 | 19.4 |
| 38 | 57 | 9.4 | 19.0 |
| 39 | 58 | 9.3 | 18.6 |
| 40 | 59 | 9.1 | 18.2 |
| 41 | 60 | 9.0 | 17.8 |
| 42 | 61 | 8.9 | 17.4 |
| 43 | 62 | 8.7 | 17.0 |
| 44 | 63 | 8.5 | 16.6 |

| Column 1 Item | Column 2 Age of Beneficiary | Column 3 Maximum Pension Valuation Factor | Column 4 Minimum Pension Valuation Factor |
|--------------------------|--|--|--|
| 45 | 64 | 8.3 | 16.2 |
| 46 | 65 | 8.1 | 15.7 |
| 47 | 66 | 7.9 | 15.3 |
| 48 | 67 | 7.6 | 14.9 |
| 49 | 68 | 7.3 | 14.4 |
| 50 | 69 | 7.0 | 14.0 |
| 51 | 70 | 6.6 | 13.5 |
| 52 | 71 | 6.2 | 13.1 |
| 53 | 72 | 5.8 | 12.6 |
| 54 | 73 | 5.4 | 12.2 |
| 55 | 74 | 4.8 | 11.7 |
| 56 | 75 | 4.3 | 11.3 |
| 57 | 76 | 3.7 | 10.8 |
| 58 | 77 | 3.0 | 10.4 |
| 59 | 78 | 2.2 | 10.0 |
| 60 | 79 | 1.4 | 9.5 |
| 61 | 80 | 1 | 9.1 |
| 62 | 81 | 1 | 8.7 |
| 63 | 82 | 1 | 8.3 |
| 64 | 83 | 1 | 7.9 |
| 65 | 84 | 1 | 7.5 |
| 66 | 85 | 1 | 7.1 |
| 67 | 86 | 1 | 6.8 |
| 68 | 87 | 1 | 6.4 |
| 69 | 88 | 1 | 6.1 |
| 70 | 89 | 1 | 5.8 |
| 71 | 90 | 1 | 5.5 |
| 72 | 91 | 1 | 5.3 |
| 73 | 92 | 1 | 5.0 |
| 74 | 93 | 1 | 4.8 |
| 75 | 94 | 1 | 4.6 |
| 76 | 95 | 1 | 4.4 |
| 77 | 96 | 1 | 4.2 |
| 78 | 97 | 1 | 4.0 |
| 79 | 98 | 1 | 3.8 |
| 80 | 99 | 1 | 3.7 |
| 81 | 100 or more | 1 | 3.5 |

Example

Iva Fortune, who turns 60 on 5 September 1994, invests \$100,000 in an allocated pension fund on 1 October 1994. The date of the first payment to Ms Fortune is 1 January 1995.

Assume a fund earning rate of 7%.

1994/95: The maximum and minimum payments for 1994/95 are based on:

- (a) the account balance on the day of purchase; and
- (b) the beneficiary's age of 60 on the day of purchase:

Assume that total payments to Ms Fortune at 30 June 1995 are \$6,000.

1995/96: The maximum and minimum payments for the year 1995/96 are based on:

- (a) the account balance on 1 July 1995 which is \$99,145 (residue \$94,000 + interest of \$5,145); and
- (b) the beneficiary's age of 60 on 1 July 1995:

- 5. In a year in which a PVF of 1 is used in calculating the maximum limit under clause 1, payment of the full account balance may be made at any time during the year.

Schedule 1AAB Payment limits for annuities and pensions with a commencement day on and after 1 January 2006

(subregulations 1.05 (4) and 1.06 (4))

1. Subject to clauses 3, 4 and 5, the maximum limits mentioned in paragraph 1.05 (4) (f) or 1.06 (4) (e) are determined under the formula:

$$\frac{AB}{PVF}$$

where:

AB means the amount of the annuity account balance, or pension account balance, as the case requires:

- (a) on 1 July in the financial year in which the payments are made; or
- (b) if that year is the year in which the annuity payments, or pension payments, commence — on the commencement day.

PVF means the maximum pension valuation factor set out in Column 3 of the Table in this Schedule in relation to the item in the Table that represents the age of the beneficiary on:

- (a) 1 July in the financial year in which the payments are made; or
- (b) if that is the year in which the annuity payments, or pension payments, commence — the commencement day.

2. Subject to clauses 3, 3A and 4, the minimum limits mentioned in paragraph 1.05 (4) (f) or 1.06 (4) (e) are determined under the formula:

$$\frac{AB}{PVF}$$

where:

AB means the amount of the annuity account balance, or pension account balance, as the case requires:

- (a) on 1 July in the financial year in which the payments are made; or
- (b) if that year is the year in which the annuity payments, or pension payments, commence — on the commencement day.

PVF means the minimum pension valuation factor set out in Column 4 of the Table in this Schedule in relation to the item in the Table that represents the age of the beneficiary on:

- (a) 1 July in the financial year in which the payments are made; or
- (b) if that is the year in which the annuity payments, or pension payments, commence — the commencement day.

- 3. For a calculation of the maximum or minimum limit in the year in which the commencement day of the pension or annuity occurs if that day is a day other than 1 July, the appropriate value set out in Column 3 or Column 4 of the Table in this Schedule as the case requires, must be applied proportionally to the number of days in the financial year that include and follow the commencement day.
- 3A. For the financial years commencing on 1 July 2008, 1 July 2009 and 1 July 2010, the minimum limit is half of the amount determined under the formula in clause 2.
- 4. An amount determined under the formula in clause 1 or clause 2, is rounded to the nearest 10 whole dollars.
- 5. In a year in which a PVF of 1 is used in calculating the maximum limit under clause 1, payment of the full account balance may be made at any time during the year.

Table

| Column 1 Item | Column 2 Age of Beneficiary | Column 3 Maximum Pension Valuation Factor | Column 4 Minimum Pension Valuation Factor |
|--------------------------|--|--|--|
| 1 | 20 or less | 12.0 | 29.2 |
| 2 | 21 | 12.0 | 29.0 |
| 3 | 22 | 12.0 | 28.9 |
| 4 | 23 | 12.0 | 28.7 |
| 5 | 24 | 12.0 | 28.6 |
| 6 | 25 | 12.0 | 28.4 |
| 7 | 26 | 12.0 | 28.3 |
| 8 | 27 | 12.0 | 28.1 |
| 9 | 28 | 12.0 | 27.9 |
| 10 | 29 | 12.0 | 27.8 |
| 11 | 30 | 12.0 | 27.6 |
| 12 | 31 | 12.0 | 27.4 |
| 13 | 32 | 12.0 | 27.2 |
| 14 | 33 | 12.0 | 27.0 |
| 15 | 34 | 12.0 | 26.8 |
| 16 | 35 | 12.0 | 26.6 |
| 17 | 36 | 12.0 | 26.4 |
| 18 | 37 | 12.0 | 26.2 |
| 19 | 38 | 12.0 | 26.0 |
| 20 | 39 | 12.0 | 25.8 |
| 21 | 40 | 12.0 | 25.5 |
| 22 | 41 | 12.0 | 25.3 |
| 23 | 42 | 12.0 | 25.0 |
| 24 | 43 | 12.0 | 24.8 |
| 25 | 44 | 12.0 | 24.5 |

| Column 1 Item | Column 2 Age of Beneficiary | Column 3 Maximum Pension Valuation Factor | Column 4 Minimum Pension Valuation Factor |
|--------------------------|--|--|--|
| 26 | 45 | 12.0 | 24.2 |
| 27 | 46 | 12.0 | 24.0 |
| 28 | 47 | 12.0 | 23.7 |
| 29 | 48 | 12.0 | 23.4 |
| 30 | 49 | 12.0 | 23.1 |
| 31 | 50 | 12.0 | 22.8 |
| 32 | 51 | 11.9 | 22.5 |
| 33 | 52 | 11.8 | 22.2 |
| 34 | 53 | 11.8 | 21.8 |
| 35 | 54 | 11.7 | 21.5 |
| 36 | 55 | 11.5 | 21.1 |
| 37 | 56 | 11.4 | 20.8 |
| 38 | 57 | 11.3 | 20.4 |
| 39 | 58 | 11.2 | 20.1 |
| 40 | 59 | 11.0 | 19.7 |
| 41 | 60 | 10.9 | 19.3 |
| 42 | 61 | 10.7 | 18.9 |
| 43 | 62 | 10.5 | 18.5 |
| 44 | 63 | 10.3 | 18.1 |
| 45 | 64 | 10.1 | 17.7 |
| 46 | 65 | 9.9 | 17.3 |
| 47 | 66 | 9.6 | 16.8 |
| 48 | 67 | 9.3 | 16.4 |
| 49 | 68 | 9.1 | 16.0 |
| 50 | 69 | 8.7 | 15.5 |
| 51 | 70 | 8.4 | 15.1 |

| Column 1 Item | Column 2 Age of Beneficiary | Column 3 Maximum Pension Valuation Factor | Column 4 Minimum Pension Valuation Factor |
|--------------------------|--|--|--|
| 52 | 71 | 8.0 | 14.6 |
| 53 | 72 | 7.6 | 14.2 |
| 54 | 73 | 7.2 | 13.7 |
| 55 | 74 | 6.7 | 13.3 |
| 56 | 75 | 6.2 | 12.8 |
| 57 | 76 | 5.7 | 12.3 |
| 58 | 77 | 5.1 | 11.9 |
| 59 | 78 | 4.5 | 11.4 |
| 60 | 79 | 3.8 | 10.9 |
| 61 | 80 | 3.1 | 10.5 |
| 62 | 81 | 2.3 | 10.0 |
| 63 | 82 | 1.4 | 9.6 |
| 64 | 83 | 1 | 9.1 |
| 65 | 84 | 1 | 8.7 |
| 66 | 85 | 1 | 8.3 |
| 67 | 86 | 1 | 7.9 |
| 68 | 87 | 1 | 7.5 |
| 69 | 88 | 1 | 7.2 |
| 70 | 89 | 1 | 6.9 |
| 71 | 90 | 1 | 6.6 |
| 72 | 91 | 1 | 6.3 |
| 73 | 92 | 1 | 6.0 |
| 74 | 93 | 1 | 5.8 |
| 75 | 94 | 1 | 5.5 |
| 76 | 95 | 1 | 5.3 |
| 77 | 96 | 1 | 5.1 |

| Column 1 Item | Column 2 Age of Beneficiary | Column 3 Maximum Pension Valuation Factor | Column 4 Minimum Pension Valuation Factor |
|------------------|-----------------------------------|---|---|
| 78 | 97 | 1 | 4.9 |
| 79 | 98 | 1 | 4.7 |
| 80 | 99 | 1 | 4.5 |
| 81 | 100 or more | 1 | 4.4 |

Example

Clive Long, who turns 65 on 8 February 2006, invests \$100,000 in an allocated pension fund on 1 March 2006. The date of the first payment to Mr Long is 1 April 2006.

2005/06: The maximum and minimum payments for 2005/06 are based on:

- (a) the account balance on the day of purchase; and
- (b) the beneficiary's age of 65 on the day of purchase:

$$\frac{\$100,000}{9.9} \times \frac{122}{365} = \$3,376.23 \text{ (maximum limit, rounded to } \$3,380)$$

$$\frac{\$100,000}{17.3} \times \frac{122}{365} = \$1,932.06 \text{ (minimum limit, rounded to } \$1,930)$$

Assume that total payments to Mr Long at 30 June 2006 are \$3,000.

2006/07: The maximum and minimum payments for 2006/07 are based on:

- (a) the account balance on 1 July 2006 which is \$99,300 (residue \$97,000 + earnings of \$2,300); and
- (b) the beneficiary's age of 65 on 1 July 2006:

$$\frac{\$99,300}{9.9} = \$10,030.30 \text{ (maximum limit, rounded to } \$10,030)$$

$$\frac{\$99,300}{17.3} = \$5,739.88 \text{ (minimum limit, rounded to } \$5,740)$$

Schedule 1B Pension valuation factors

(paragraph 1.06 (6) (g) and subregulation 1.08 (1))

1. The pension valuation factor for:
 - (a) a pension that is to be indexed at a rate greater than 8% each year; or
 - (b) a pension that is included in a class of pensions that are to be indexed at a rate that is greater than 8% each year;is the factor determined in writing by the Regulator, on a case-by-case basis, in relation to that pension or class of pensions.
2. The pension valuation factor for any other pension is the factor applicable to the pension under the following tables.
3. A reference in the tables to *Age* is a reference to the age of the recipient on the commencement day of the relevant pension. If the age of a person on that day falls between 2 of the ages specified in a table, the pension valuation factor is to be determined by reference to the factors specified under the next greater age group in the table.
4. If a pension has no reversion, the pension valuation factor for the pension is to be the relevant factor specified in the relevant table in the *Below 50%* group.
5. If the rules of a superannuation fund provide that a pension is indexed to movements in salary, the pension valuation factor for the pension is the relevant factor specified in the table relating to an indexation rate of 8%.
6. If a pension is indexed by reference to movements in a price index published by the Australian Statistician, the pension valuation factor for the pension is the relevant factor applicable under the table into which the standard indexation rate falls.
7. Subject to clause 8, if the governing rules of a superannuation fund provide for a pension to be indexed at the discretion of the trustees of the fund, the pension valuation factor is to be determined as if the indexation rate were a rate worked out by:

- (a) adding together the indexation rates determined by the trustees for pensions of same kind as that pension in respect of each year in the period of 5 years of which the year of income in which the pension commences to be paid is the last year; and
- (b) dividing the result by 5.
8. If a superannuation fund to which clause 7 applies has been in existence, or making pension payments, for less than a continuous period of 5 years, the pension valuation factor is to be the relevant factor specified in the table that relates to the standard indexation rate.

Tables

Indexation rate of 8%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 33 | 31 | 29 | 27 | 25 | 23 | 21 | 18 | 16 | 14 | 12 | 10 | 9 | 9 |
| 50%-75% | 34 | 33 | 31 | 29 | 27 | 25 | 22 | 20 | 18 | 15 | 13 | 11 | 10 | 9 |
| Above 75% | 35 | 34 | 32 | 30 | 28 | 26 | 24 | 21 | 19 | 16 | 14 | 12 | 10 | 10 |

Indexation rate of at least 7% but less than 8%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 26 | 25 | 24 | 23 | 21 | 20 | 18 | 16 | 14 | 13 | 11 | 10 | 9 | 8 |
| 50%-75% | 27 | 26 | 25 | 24 | 23 | 21 | 19 | 18 | 16 | 14 | 12 | 10 | 9 | 9 |
| Above 75% | 28 | 27 | 26 | 25 | 24 | 22 | 20 | 19 | 17 | 15 | 13 | 11 | 10 | 9 |

Indexation rate of least 6% but less than 7%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 4 | 13 | 12 | 10 | 9 | 8 | 8 |
| 50%-75% | 22 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 14 | 13 | 11 | 10 | 9 | 8 |
| Above 75% | 23 | 22 | 22 | 21 | 20 | 19 | 18 | 6 | 15 | 13 | 12 | 10 | 9 | 8 |

Indexation rate of at least 5% but less than 6%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 18 | 18 | 17 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 8 |
| 50%-75% | 19 | 18 | 18 | 17 | 17 | 16 | 15 | 14 | 13 | 12 | 10 | 9 | 8 | 8 |
| Above 75% | 19 | 19 | 18 | 18 | 17 | 17 | 16 | 15 | 13 | 12 | 11 | 9 | 8 | 8 |

Indexation rate of at least 4% but less than 5%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 16 | 15 | 15 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9 | 8 | 8 | 7 |
| 50%-75% | 16 | 16 | 15 | 15 | 15 | 14 | 13 | 13 | 12 | 11 | 10 | 9 | 8 | 7 |
| Above 75% | 16 | 16 | 16 | 15 | 15 | 15 | 14 | 3 | 12 | 11 | 10 | 9 | 8 | 7 |

 Indexation rate of at least 3% but less than 4%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|---------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 1 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 14 | 14 | 13 | 13 | 13 | 12 | 11 | 11 | 10 | 9 | 8 | 8 | 7 | 7 |
| 50%-75% | 14 | 14 | 14 | 13 | 13 | 13 | 12 | 11 | 11 | 10 | 9 | 8 | 7 | 7 |
| Above 75% | 14 | 14 | 14 | 14 | 13 | 13 | 12 | 12 | 11 | 10 | 9 | 8 | 8 | 7 |

Indexation rate of at least 2% but less than 3%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 12 | 12 | 12 | 12 | 11 | 11 | 10 | 0 | 9 | 9 | 8 | 7 | 7 | 7 |
| 50%-75% | 12 | 12 | 12 | 12 | 12 | 11 | 11 | 10 | 10 | 9 | 8 | 8 | 7 | 7 |
| Above 75% | 12 | 12 | 12 | 12 | 12 | 12 | 11 | 1 | 10 | 9 | 9 | 8 | 7 | 7 |

Indexation rate of at least 1% but less than 2%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 11 | 11 | 11 | 11 | 10 | 10 | 10 | 10 | 9 | 8 | 7 | 7 | 7 | 6 |
| 50%-75% | 11 | 11 | 11 | 11 | 11 | 10 | 10 | 10 | 9 | 8 | 8 | 7 | 7 | 6 |
| Above 75% | 11 | 11 | 11 | 11 | 11 | 10 | 10 | 10 | 9 | 9 | 8 | 7 | 7 | 6 |

Indexation rate less than 1%

| Reversion | Age next birthday of recipient on commencement day of pension | | | | | | | | | | | | | |
|-----------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | 20 or less | 21 to 25 | 26 to 30 | 31 to 35 | 36 to 40 | 41 to 45 | 46 to 50 | 51 to 55 | 56 to 60 | 61 to 65 | 66 to 70 | 71 to 75 | 76 to 80 | 81 or more |
| Below 50% | 10 | 10 | 10 | 10 | 9 | 9 | 9 | 8 | 8 | 8 | 7 | 7 | 6 | 6 |
| 50%-75% | 10 | 10 | 10 | 10 | 10 | 9 | 9 | 9 | 8 | 8 | 7 | 7 | 6 | 6 |
| Above 75% | 10 | 10 | 10 | 10 | 10 | 10 | 9 | 9 | 9 | 8 | 8 | 7 | 7 | 6 |

Schedule 1 Conditions of release of benefits

(Subregulations 1.03AB (2) and 6.01 (2), regulation 6.01A, paragraphs 6.15A (1) (a) and (b), (2) (b), (3) (b), (4) (c) and (5) (c), subparagraph 6.16 (3) (b) (ii) and paragraphs 6.18 (3) (a), 6.19 (3) (a), 6.23 (3) (a) and 7A.01A (a) and (c))

Part 1 Regulated superannuation funds

| Column 1 Item | Column 2 Conditions of release | Column 3 Cashing restrictions |
|------------------|---|---|
| 101 | Retirement | Nil |
| 102 | Death | Nil |
| 102A | Terminal medical condition | Nil |
| 103 | Permanent incapacity | Nil |
| 103A | Former temporary resident to whom regulation 6.20A or 6.20B applies, requesting in writing the release of his or her benefits | <p>Amount that is at least the amount of the temporary resident's withdrawal benefit in the fund, paid:</p> <ul style="list-style-type: none"> (a) as a single lump sum; or (b) if the fund receives any combination of contributions, transfers and rollovers after cashing the benefits — in a way that ensures that the amount is cashed |

| Column 1 Item | Column 2 Conditions of release | Column 3 Cashing restrictions |
|--------------------------|--|---|
| 103B | The trustee is required to pay an amount to the Commissioner of Taxation under the <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> for the person's superannuation interest in the fund | Amount that the trustee is required to pay to the Commissioner of Taxation under the <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> for the person's superannuation interest in the fund, paid as a lump sum to the Commissioner |
| 104 | Termination of gainful employment with a standard employer-sponsor of the regulated superannuation fund on or after 1 July 1997 (where the member's preserved benefits in the fund at the time of the termination are less than \$200) | Nil |
| 105 | Severe financial hardship | For a person taken to be in severe financial hardship under paragraph 6.01 (5) (a) — in each 12 month period (beginning on the date of first payment), a single lump sum not less than \$1,000 (except if the amount of the person's preserved benefits and restricted non-preserved benefits is less than that amount) and not more than \$10,000 For a person taken to be in severe financial hardship under paragraph 6.01 (5) (b) — Nil. |
| 106 | Attaining age 65 | Nil |

| Column 1 Item | Column 2 Conditions of release | Column 3 Cashing restrictions |
|------------------|---|---|
| 107 | Compassionate ground | <p>A single lump sum, not exceeding an amount determined, in writing, by the Regulator, being an amount that:</p> <ul style="list-style-type: none"> (a) taking account of the ground and of the person's financial capacity, is reasonably required; and (b) in the case of the ground mentioned in paragraph 6.19A (1) (b) — in each 12 month period (beginning on the date of first payment), does not exceed an amount equal to the sum of: <ul style="list-style-type: none"> (i) 3 months' repayments; and (ii) 12 months' interest on the outstanding balance of the loan |
| 108 | Termination of gainful employment with an employer who had, or any of whose associates had, at any time, contributed to the regulated superannuation fund in relation to the member | <ol style="list-style-type: none"> 1. Preserved benefits: Non-commutable life pension or non-commutable life annuity 2. Restricted non-preserved benefits: Nil |

| Column 1 Item | Column 2 Conditions of release | Column 3 Cashing restrictions |
|--------------------------|---|--|
| 109 | Temporary incapacity | <p>A non-commutable income stream cashed from the regulated superannuation fund for:</p> <ul style="list-style-type: none"> (a) the purpose of continuing (in whole or part) the gain or reward which the member was receiving before the temporary incapacity; and (b) a period not exceeding the period of incapacity from employment of the kind engaged in immediately before the temporary incapacity |
| 110 | Attaining preservation age | <p>Any of the following:</p> <ul style="list-style-type: none"> (a) a transition to retirement income stream; (b) a non-commutable allocated annuity; (c) a non-commutable allocated pension; (d) a non-commutable annuity; (e) a non-commutable pension |
| 111 | Being a lost member who is found, and the value of whose benefit in the fund, when released, is less than \$200 | Nil |

| Column 1 Item | Column 2 Conditions of release | Column 3 Cashing restrictions |
|--------------------------|---|---|
| 112 | <p>Either:</p> <p>(a) a person gives a release authority to a superannuation provider under subsection 292-410 (1) of the <i>Income Tax Assessment Act 1997</i>;</p> <p>or</p> <p>(b) the Commissioner of Taxation gives a release authority to a superannuation provider under subsection 292-410 (4) of the <i>Income Tax Assessment Act 1997</i></p> | Restrictions contained in subsections 292-415 (1) and (2) of the <i>Income Tax Assessment Act 1997</i> |
| 113 | A person gives a transitional release authority to a superannuation provider under section 292-80B of the <i>Income Tax (Transitional Provisions) Act 1997</i> | Restrictions contained in subsections 292-80C (1) and (2) of the <i>Income Tax (Transitional Provisions) Act 1997</i> |
| 114 | Any other condition, if expressed to be a condition of release, in an approval under subparagraph 62 (1) (b) (v) of the Act | Restrictions expressed in the approval to be cashing restrictions applying to the condition of release |

Part 2 Approved deposit funds

| Column 1 Item no. | Column 2 Conditions of release | Column 3 Cashing restrictions |
|------------------------------|---|--|
| 201 | Retirement | Nil |
| 202 | Death | Nil |
| 202A | Terminal medical condition | Nil |
| 203 | Permanent incapacity | Nil |

| Column 1 | Column 2 | Column 3 |
|-----------------|---|--|
| Item no. | Conditions of release | Cashing restrictions |
| 204 | Former temporary resident to whom regulation 6.24A applies, requesting in writing the release of his or her benefits | Amount that is at least the amount of the temporary resident's withdrawal benefit in the fund, paid: <ul style="list-style-type: none"> (a) as a single lump sum; or (b) if the fund receives any combination of contributions, transfers and rollovers after cashing the benefits — in a way that ensures that the amount is cashed |
| 204A | The trustee is required to pay an amount to the Commissioner of Taxation under the <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> for the person's superannuation interest in the fund | Amount that the trustee is required to pay to the Commissioner of Taxation under the <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> for the person's superannuation interest in the fund, paid as a lump sum to the Commissioner |
| 205 | Severe financial hardship | For a person taken to be in severe financial hardship under paragraph 6.01 (5) (a) — in each 12 month period (beginning on the date of first payment), a single lump sum not less than \$1,000 (except if the amount of the person's preserved benefits and restricted non-preserved benefits is less than that amount) and not more than \$10,000 |

| Column 1 | Column 2 | Column 3 |
|-----------------|------------------------------|--|
| Item no. | Conditions of release | Cashing restrictions |
| | | For a person taken to be in severe financial hardship under paragraph 6.01 (5) (b) — Nil |
| 206 | Attaining age 65 | Nil |
| 207 | Compassionate ground | <p>A single lump sum, not exceeding an amount determined, in writing, by APRA, being an amount that:</p> <ul style="list-style-type: none"> (a) taking account of the ground and of the person's financial capacity, is reasonably required; and (b) in the case of the ground mentioned in paragraph 6.19A (1) (b) — in each 12 month period (beginning on the date of first payment), does not exceed an amount equal to the sum of: <ul style="list-style-type: none"> (i) 3 months' repayments; and (ii) 12 months' interest on the outstanding balance of the loan |
| 208 | Attaining preservation age | <p>Any of the following:</p> <ul style="list-style-type: none"> (a) a transition to retirement income stream; |

| Column 1 | Column 2 | Column 3 |
|----------|---|---|
| Item no. | Conditions of release | Cashing restrictions |
| | | (b) a non-commutable allocated annuity; (c) a non-commutable allocated pension; (d) a non-commutable annuity; (e) a non-commutable pension |
| 209 | Either: (a) a person gives a release authority to a superannuation provider under subsection 292-410 (1) of the <i>Income Tax Assessment Act 1997</i> ; or (b) the Commissioner of Taxation gives a release authority to a superannuation provider under subsection 292-410 (4) of the <i>Income Tax Assessment Act 1997</i> | Restrictions contained in subsections 292-415 (1) and (2) of the <i>Income Tax Assessment Act 1997</i> |
| 210 | A person gives a transitional release authority to a superannuation provider under section 292-80B of the <i>Income Tax (Transitional Provisions) Act 1997</i> | Restrictions contained in subsections 292-80C (1) and (2) of the <i>Income Tax (Transitional Provisions) Act 1997</i> |
| 211 | Being a lost member who is found, and the value of whose benefit in the fund, when released, is less than \$200 | Nil |

Note The definitions set out in subregulation 6.01 (2) apply, unless they are in material or expressed not to apply, to Schedule 1; *see* that subregulation.

Schedule 2 Modifications of the OSS laws in relation to preserved benefits in regulated superannuation funds

(subregulation 6.02 (2))

Part 1 Modifications of the *Occupational Superannuation Standards Act 1987*

101. Section 7 (Operating standards for superannuation funds)

101.1 After subsection 7 (3), insert:

- ‘(4) Despite any other provision of this Act, superannuation funds must comply with the standards prescribed for the purposes of this section.’

Part 2 Modifications of the Occupational Superannuation Standards Regulations

201. Regulation 3 (Interpretation)

201.1 Paragraph 3 (2) (a):

Omit the paragraph.

201A. Regulation 8 (Vesting standards)

201A.1 After subregulation 8 (1A), insert:

- ‘(1B) Paragraph (1A) (a) does not apply in relation to contributions made in accordance with a prescribed agreement or award’

202. Regulation 9 (Preservation standards)

201.1A Subparagraph 9 (1) (a) (i):

Omit 'subject to regulation 10,'.

202.1 Paragraph 9 (1) (b):

After 'the fund', insert 'before the commencement day'.

202.2 Paragraph 9 (1) (c):

Omit the paragraph, substitute:

- '(c) member-financed benefits must be preserved if they arise from contributions made by a member to a superannuation fund during any period during which the member did not have employer support in the fund, being a period that:
 - (i) commenced on or after 13 March 1989 (in the case of a private sector fund) or 1 July 1990 (in the case of a public sector fund); and
 - (ii) ended before the commencement day;
- '(d) member-financed benefits must be preserved if they arise from contributions (other than undeducted contributions) made to a superannuation fund in relation to the member on or after the commencement day;
- '(e) benefits must be preserved if they arise from payments from the Superannuation Holding Accounts Special Account;
- '(f) benefits must be preserved if they arise from eligible spouse contributions within the meaning of section 159TC of the Tax Act;
- '(g) benefits must be preserved if they arise from a capital gains tax exempt component rolled over to the fund because of subsection 160ZZPZF (1), 160ZZPZH (7) or 160ZZPZI (5) of the Tax Act.'

202.3 Subregulation 9 (3):

After ‘arising’, insert ‘before the commencement day.’

202.4 Add at the end:

‘(5) In paragraphs (1) (b), (c) and (d) and subregulation (3):

commencement day has the same meaning as in Part 6 of the Superannuation Industry (Supervision) Regulations.

undeducted contributions has the same meaning as in Part 6 of the Superannuation Industry (Supervision) Regulations.’

202A. New regulation 10A

202A.1 After regulation 10, insert:

10A. Preservation standard — interaction of subparagraph 9 (1) (a) (i) and regulation 10

‘Where, apart from this regulations, a fund must preserve, in respect of a member:

(a) the amount of benefits in compliance with subparagraph 9 (1) (a) (i); and

(b) an amount of benefits in compliance with regulation 10; it is sufficient compliance with those provisions if the fund preserves the greater of those amounts.’

203. Regulation 11 (Preservation and portability standards)


203.1 Omit the regulation.

204. Regulation 12 (Preservation standards not to apply in certain cases)

204.1 Omit the regulation.

Schedule 2A Request to transfer whole balance of superannuation benefits between funds form

(regulation 6.34)




Completing the request to transfer whole balance of superannuation benefits between funds form

By completing this form, you will request the transfer of the **WHOLE** balance of your superannuation benefits between funds. This form can **NOT** be used to transfer part of the balance of your superannuation benefits. This form will **NOT** change the fund to which your employer pays your contributions. The Standard Choice Form must be used by you to change funds.

BEFORE COMPLETING THIS FORM

- Read the important information below.
- Check that the fund you are transferring your benefits **TO** can accept this transfer.


WHEN COMPLETING THIS FORM

- Refer to these instructions where a question shows a message like this: 
- Print clearly in **BLOCK LETTERS**.

AFTER COMPLETING THIS FORM

- Sign the authorisation.
- Attach the appropriately certified proof of identity documents.
- Review the checklist below.
- Send the request form to your fund.

IMPORTANT INFORMATION

 This transfer may close your account (you will need to check this with your **FROM** fund).

This form can NOT be used to:

- transfer part of the balance of your superannuation benefits
- transfer benefits if you don't know where your superannuation is
- transfer benefits from multiple funds on this one form – a separate form must be completed for each fund you wish to transfer superannuation from
- change the fund to which your employer pays contributions on your behalf
- open a superannuation account, or
- transfer benefits under certain conditions or circumstances, for example if there is a superannuation agreement under the *Family Law Act 1975* in place.

CHECKLIST

- Have you read the important information?
- Have you considered where your future employer contributions will be paid?
- Have you checked your **TO** fund can accept the transfer?
- Have you completed all of the mandatory fields on the form?
- Have you signed and dated the form?
- Have you attached the certified documentation including any linking documents if applicable?

WHAT HAPPENS TO MY FUTURE EMPLOYER CONTRIBUTIONS?

Using this form to transfer your benefits will not change the fund to which your employer pays your contributions and may close the account you are transferring your benefits **FROM**.

If you wish to change the fund into which your contributions are being paid, you will need to speak to your employer about Choice. For the appropriate forms and information about whether you are eligible to choose the fund to which your employer contributions are made, visit www.superchoice.gov.au or call the Australian Taxation Office on 13 10 20.

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THINGS YOU NEED TO CONSIDER WHEN TRANSFERRING YOUR SUPERANNUATION

When you transfer your superannuation, your entitlements under that fund may cease. You need to consider all relevant information before you make a decision to transfer your superannuation. If you ask for information, your superannuation provider must give it to you. Some of the points you may consider are:

- Fees** – your **FROM** fund must give you information about any exit or withdrawal fees. If you are not aware of the fees that may apply, you should contact your fund for further information before completing this form. The fees could include administration fees as well as exit or withdrawal fees. Your **TO** fund may also charge entry or deposit fees on transfer. Differences in fees funds charge can have a significant effect on what you will have to retire on. For example, a 1% increase in fees may significantly reduce your final benefit.
- Death and disability benefits** – your **FROM** fund may insure you against death, illness or an accident which leaves you unable to return to work. If you choose to leave your current fund, you may lose any insurance entitlements you have. Other funds may not offer insurance, or may require you to pass a medical examination before they cover you. When considering a new fund, you may wish to check the costs and amount of any cover offered.

WHAT HAPPENS IF I DO NOT QUOTE MY TAX FILE NUMBER (TFN)?

You are not obligated to provide your TFN to your superannuation fund. However, if you do not provide your TFN, your fund may be taxed at the highest marginal tax rate plus the Medicare levy on contributions made to your account in the year, compared to the concessional tax rate of 15%. Your fund may deduct this additional tax from your account.

If your superannuation fund does not have your TFN, you will not be able to make personal contributions to your superannuation account. Choosing to quote your TFN will also make it easier to keep track of your superannuation in the future.

Under the *Superannuation Industry (Supervision) Act 1993*, your superannuation fund is authorised to collect your TFN, which will only be used for lawful purposes. These purposes may change in the future as a result of legislative change. The TFN may be disclosed to another superannuation provider when your benefits are being transferred, unless you request in writing that your TFN is not to be disclosed to any other trustee.

TRANSFERS TO SELF MANAGED SUPERANNUATION FUNDS

You may use this form to transfer your benefits to your own self managed superannuation fund (SMSF).

You should be aware that SMSFs are subject to the same rules and restrictions as other funds, when benefits are to be paid out. In particular, superannuation benefits in a SMSF are required to be 'preserved', meaning they are not generally able to be accessed until you are over age 55 and retired.

The trustee of your **FROM** fund may be able to request further information from you about your status as a member, a trustee or a director of a corporate trustee of your SMSF, if there are multiple transfer requests to your SMSF. Penalties may apply for providing false or misleading information.

IN-CONFIDENCE – when completed Page 1

Completing proof of identity
You will need to provide documentation with this transfer request to prove you are the person to whom the superannuation entitlements belong.

ACCEPTABLE DOCUMENTS
The following documents may be used.

EITHER

One of the following documents only:

- driver's licence issued under State or Territory law
- passport.

OR

| | | |
|---|------------|--|
| <p>One of the following documents:</p> <ul style="list-style-type: none"> ■ birth certificate or birth extract ■ citizenship certificate issued by the Commonwealth ■ pension card issued by Centrelink that entitles the person to financial benefits. | AND | <p>One of the following documents:</p> <ul style="list-style-type: none"> ■ letter from Centrelink regarding a Government assistance payment ■ notice issued by Commonwealth, State or Territory Government or local council within the past twelve months that contains your name and residential address. For example: <ul style="list-style-type: none"> - Tax Office Notice of Assessment - Rates notice from local council. |
|---|------------|--|

HAVE YOU CHANGED YOUR NAME OR ARE YOU SIGNING ON BEHALF OF ANOTHER PERSON?
If you have changed your name or are signing on behalf of the applicant, you will need to provide a certified linking document. A linking document is a document that proves a relationship exists between two (or more) names.

The following table contains information about suitable linking documents.

| Purpose | Suitable linking documents |
|-----------------------------------|--|
| Change of name | Marriage certificate, deed poll or change of name certificate from the Births, Deaths and Marriages Registration Office. |
| Signed on behalf of the applicant | Guardianship papers or Power of Attorney. |

IN-CONFIDENCE – when completed

CERTIFICATION OF PERSONAL DOCUMENTS
All copied pages of ORIGINAL proof of identification documents (including any linking documents) need to be certified as true copies by any individual approved to do so (see below).

The person who is authorised to certify documents must sight the original and the copy and make sure both documents are identical, then make sure all pages have been certified as true copies by writing or stamping 'certified true copy' followed by their signature, printed name, qualification (eg Justice of the Peace, Australia Post employee, etc) and date.


The following can certify copies of the originals as **true and correct** copies:

- a permanent employee of Australia Post with five or more years of continuous service
- a finance company officer with five or more years of continuous service (with one or more finance companies)
- an officer with, or authorised representative of, a holder of an Australian Financial Services Licence (AFSL), having five or more years continuous service with one or more licensees
- a notary public officer
- a police officer
- a registrar or deputy registrar of a court
- a Justice of the Peace
- a person enrolled on the roll of a State or Territory Supreme Court or the High Court of Australia, as a legal practitioner
- an Australian consular officer or an Australian diplomatic officer
- a judge of a court
- a magistrate, or
- a Chief Executive Officer of a Commonwealth court.

WHERE DO I SEND THE FORM?
You can send your completed and signed form with your certified proof of identity documents to either fund.

➤ MORE INFORMATION
For more information about superannuation, visit the:
 ■ Australian Securities and Investments Commission website at www.fifo.asic.gov.au, or
 ■ Australian Taxation Office website at www.ato.gov.au/super
 For more information about this form, phone the Australian Taxation Office on **13 10 20**.

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Australian Government

Request to transfer whole balance of superannuation benefits between funds
 under the *Superannuation Industry (Supervision) Act 1993*

COMPLETING THIS FORM

- Read the important information pages
- Refer to instructions where indicated with a **2**
- This form is only for whole (not part) balance transfers.

AFTER COMPLETING THIS FORM

- Sign the authorisation
- Send form and certified proof of identity documents to either your **FROM** or **TO** fund.

Personal details

Title: Mr Mrs Miss Ms Other

*Family name

*Given names

Other/previous names

*Date of birth / /

Tax file number

Under the Superannuation Industry (Supervision) Act 1993, you are not obliged to disclose your tax file number, but there may be tax consequences.

2 See 'What happens if I do not quote my tax file number?'

*Gender Male Female

*Contact phone number

Residential address

*Address

*Suburb

*State/territory *Postcode

Previous address

2 If you know that the address held by your **FROM** fund is different to your current residential address, please give details below.

Address

Suburb

State/territory Postcode

Fund details

| | |
|---|--|
| <p>FROM</p> <p>*Fund name <input type="text"/></p> <p>Fund phone number <input type="text"/></p> <p>Membership or account number <input type="text"/></p> <p>Australian business number (ABN) <input type="text"/></p> <p>Superannuation Product Identification Number (SPIN) <input type="text"/></p> <p>! If you have multiple account numbers with this fund, you must complete a separate form for each account you wish to transfer.</p> | <p>TO</p> <p>*Fund name <input type="text"/></p> <p>*Fund phone number <input type="text"/></p> <p>*Membership or account number <input type="text"/></p> <p>Australian business number (ABN) <input type="text"/></p> <p>Superannuation Product Identification Number (SPIN) <input type="text"/></p> <p>! You must check with your TO fund to ensure they can accept this transfer.</p> |
|---|--|

***Proof of identity** **2** See 'Completing proof of identity'

I have attached a certified copy of my driver's licence or passport

OR

I have attached certified copies of both:

Birth/Citizenship Certificate or Centrelink Pension Card

AND

Centrelink payment letter or Government or local council notice (<1 year old) with name and address

Authorisation

By signing this request form I am making the following statements:

- I declare I have fully read this form and the information completed is true and correct
- I am aware I may ask my superannuation provider for information about any fees or charges that may apply, or any other information about the effect this transfer may have on my benefits, and do not require any further information.
- If the **TO** fund is a self managed superannuation fund (SMSF), I confirm that I am a member, trustee or director of a corporate trustee of the SMSF.
- I discharge the superannuation provider of my **FROM** fund of all further liability in respect of the benefits paid and transferred to my **TO** fund.

I request and consent to the transfer of superannuation as described above and authorise the superannuation provider of each fund to give effect to this transfer.

*Denotes mandatory field. If you do not complete all of the mandatory fields, there may be a delay in processing your request.

JS 6676-03.2007

IN-CONFIDENCE – when completed

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Schedule 3 Prescribed form of advertisement of scheme for winding-up or dissolution

(regulation 13.20)

Scheme for [insert 'Winding-up', 'Dissolution' or both] of [insert name of superannuation entity]

Acting under subsection 142 (1) of the *Superannuation Industry (Supervision) Act 1993*, [insert name of Regulator] has formulated a scheme for the [insert 'Winding-up', 'Dissolution' or both] of [insert name of superannuation entity].

Summary of scheme:

[Set out a summary of the scheme].

The trustee of [insert name of superannuation entity] has been notified in writing of the scheme.

Any person whose interests are affected by the scheme may obtain a copy of the scheme from the offices of [insert name of Regulator] listed below.

[Insert details of the Regulator's offices].

Schedule 4 **Approved bodies**

(subregulation 13.15A (2), definition of **approved body**)

| Item | Body |
|-------------|--|
| 1 | ASX Futures Pty Limited |
| 2 | Australian Stock Exchange Limited |
| 3 | Options Clearing House Pty Ltd |
| 4 | SFE Corporation Limited |
| 5 | SFE Clearing Corporation Pty Ltd |
| 6 | Sydney Futures Exchange Limited |
| 7 | American Stock Exchange Inc |
| 8 | The Amsterdam Stock Exchange |
| 9 | Belgium Futures and Options Exchange (BELFOX) |
| 10 | Board of Trade of the City of Chicago (CBOT) |
| 11 | Board of Trade of Kansas City, Missouri, Inc. (KCBT) |
| 12 | Bolsa de Derivados do Porto (The Portuguese Futures and Options Exchange) (BDP) |
| 13 | Bolsa de Mercadorias & Futuros (Commodities & Futures Exchange, Brazil) (BM & F) |
| 14 | Cantor Financial Futures Exchange (CFFE) |
| 15 | Chicago Mercantile Exchange (CME) |
| 16 | Coffee, Sugar and Cocoa Exchange, Inc. (CSCE) |
| 17 | Commodity Exchange Inc. (COMEX) |
| 18 | Copenhagen Stock Exchange (including FUTOP Clearing Centre (FUTOP)) |
| 19 | Eurex Deutschland |
| 20 | Eurex Zurich |
| 21 | European Options Exchange (EOE) |
| 22 | Financial Futures Exchange Barcelona (MEFF-RF) |

| Item | Body |
|-------------|--|
| 23 | Financial Futures Exchange Madrid (MEFF-RV) |
| 24 | Financiële Termijnmarkt Amsterdam N.V. (Financial Futures Market Amsterdam) (FTA) |
| 25 | Frankfurt Stock Exchange |
| 26 | Helsinki Securities and Derivatives Exchange, Clearing House Limited |
| 27 | Hong Kong Futures Exchange Ltd (HKFE) |
| 28 | The International Petroleum Exchange of London Ltd. (IPE) |
| 29 | The International Stock Exchange of the United Kingdom and the Republic of Ireland Limited |
| 30 | Italian Futures Exchange (MIF) |
| 31 | Italian Stock Exchange |
| 32 | Korea Futures Exchange (KOFEX) |
| 33 | Korea Stock Exchange (KSE) |
| 34 | Kuala Lumpur Commodity Exchange (KLCE) |
| 35 | Kuala Lumpur Options and Financial Futures Exchange (KLOFFE) |
| 36 | The London International Financial Futures Exchange Ltd. (LIFFE) |
| 37 | The London Securities and Derivatives Exchange Limited (OMLX) |
| 38 | Malaysia Monetary Exchange (MME) |
| 39 | Marché à Terme International de France (The French International Futures Market) (MATIF) |
| 40 | Marché des Options Négociables de Paris (Paris Traded Options Market) (MONEP) |
| 41 | Mercados de Futuros Financieros, SA (Spanish Financial Futures Market) (MEFFSA) |
| 42 | The Metal Market and Exchange Company Ltd. (London Metal Exchange) (LME) |
| 43 | Mid America Commodity Exchange (MIDAM) |
| 44 | Milan Stock Exchange |

| Item | Body |
|-------------|---|
| 45 | Minneapolis Grain Exchange (MGE) |
| 46 | The Montreal Exchange (ME) |
| 47 | NASDAQ National Market |
| 48 | New York Cotton Exchange (NCE) |
| 49 | New York Futures Exchange, Inc. (NYFE) |
| 50 | New York Mercantile Exchange (NYMEX) |
| 51 | New York Stock Exchange Inc |
| 52 | New Zealand Futures & Options Exchange Ltd. (NZFOE) |
| 53 | New Zealand Stock Exchange |
| 54 | OM Stockholm AB (OMS) |
| 55 | Osaka Securities Exchange (OSE) |
| 56 | Oslo Stock Exchange (OSLO) |
| 57 | Paris Bourse |
| 58 | Philadelphia Stock Exchange (PHLX) |
| 59 | Philadelphia Board of Trade (PBOT) |
| 60 | Singapore Commodity Exchange Limited (SICOM) |
| 61 | Singapore Exchange (SGX) |
| 62 | South African Futures Exchange (SAFEX) |
| 63 | The Stock Exchange of Hong Kong Limited |
| 64 | Tokyo Commodity Exchange for Industry (TOCOM) |
| 65 | Tokyo Grain Exchange (TGE) |
| 66 | Tokyo International Futures Exchange (TIFFE) |
| 67 | Tokyo Stock Exchange (TSE) |
| 68 | The Toronto Futures Exchange (TFE) |
| 69 | Toronto Stock Exchange |
| 70 | The Winnipeg Commodity Exchange (WCE) |
| 71 | Wiener Börse AG |
| 72 | Zurich Stock Exchange |

| Item | Body |
|------|--|
| 73 | A body that performs clearing house functions in relation to a body mentioned in items 5 to 59 (<i>the second body</i>) in accordance with the rules of the second body or a law of the country where the second body is situated. |

Schedule 6 Payments for market linked income streams

(subregulations 1.05 (10) and 1.06 (8))

1. Subject to the following clauses, the total amount of the payments mentioned in paragraph 1.05 (10) (b) or 1.06 (8) (b) is determined using the formula:

$$\frac{AB}{PF}$$

where:

AB means the amount of the market linked annuity account balance, or market linked pension account balance, as the case requires:

- (a) on 1 July in the financial year in which the payment is made; or
- (b) if that year is the year in which the market linked annuity or pension commences — on the commencement day.

PF means the payment factor set out in Column 3 in the Table in relation to the item in the Table that represents the term of the market linked annuity or pension remaining, expressed in whole years in accordance with clause 5, on:

- (a) 1 July in the financial year in which the payment is made; or
- (b) if that is the year in which the annuity or pension commences — the commencement day.

2. Payment of the account balance is sufficient to meet the payment for the financial year if, during the year, the account balance becomes less than the lesser of the following amounts:
- (a) the amount determined under clause 1;
 - (b) the balance of the amount determined under clause 1 that remains to be paid for the year.
3. If, in the final year of the annuity or pension, after payment of the amount determined under clause 1, there is a residual balance in the account — payment of the account balance must be made within 28 days after:

-
- (a) the end of the term of the annuity or pension; or
 - (b) if a period is chosen under clause 7 — the end of that period.
 4. An amount determined under the formula in clause 1 is rounded to the nearest 10 whole dollars.
 5. For clause 1, the remaining term of a market linked annuity or pension is rounded as follows:
 - (a) if the commencement day of the market linked annuity or pension is on or after 1 January in a financial year — rounded up to the nearest whole year;
 - (b) if the commencement day of the market linked annuity or pension is on or before 31 December in a financial year — rounded down to the nearest whole year.
 6. If the commencement day of the pension or annuity is a day other than 1 July — the appropriate factor set out in Column 3 of the Table must be applied proportionally to the number of days in the financial year that include and follow the commencement day in that financial year.
 7. If, on 1 July in a financial year (*current year*):
 - (a) the payment factor that applies to an account balance for a market linked annuity or pension is 1.00; and
 - (b) the payment factor that applied on 1 July in the previous financial year was not 1.00;payments made in respect of the current year and the period after (if any) are taken to be determined in accordance with clause 1 if they comply with the following conditions:
 - (c) payment of the account balance over one of the following periods:
 - (i) if the remaining term of the annuity or pension is greater than 12 months — that period;
 - (ii) 12 months;
 - (d) if payments are made in accordance with paragraph (c) — the provider has no obligation to make any other payment that, but for this clause, would have been determined on 1 July in the subsequent financial year.

8. An amount is taken to have been determined in accordance with clause 1 of this Schedule if the amount is:
- (a) not less than the amount determined in accordance with clause 1 of this Schedule, less 10 per cent of that amount; and
 - (b) not greater than the amount determined in accordance with clause 1 of this Schedule, plus 10 per cent of that amount.
9. Clause 8 does not apply if clause 10 applies.
10. For the financial years commencing on 1 July 2008, 1 July 2009 and 1 July 2010, an amount is taken to have been determined in accordance with clause 1 if the amount is:
- (a) not less than 45% of the amount determined in accordance with clause 1; and
 - (b) not greater than 110% of the amount determined in accordance with clause 1.

Table

| Item | Term of annuity or pension remaining rounded in whole years | Payment Factor | Item | Term of annuity or pension remaining rounded in whole years | Payment Factor |
|-------------|--|-----------------------|-------------|--|-----------------------|
| 1 | 70 or more | 26.00 | 27 | 44 | 22.28 |
| 2 | 69 | 25.91 | 28 | 43 | 22.06 |
| 3 | 68 | 25.82 | 29 | 42 | 21.83 |
| 4 | 67 | 25.72 | 30 | 41 | 21.60 |
| 5 | 66 | 25.62 | 31 | 40 | 21.36 |
| 6 | 65 | 25.52 | 32 | 39 | 21.10 |
| 7 | 64 | 25.41 | 33 | 38 | 20.84 |
| 8 | 63 | 25.30 | 34 | 37 | 20.57 |
| 9 | 62 | 25.19 | 35 | 36 | 20.29 |
| 10 | 61 | 25.07 | 36 | 35 | 20.00 |
| 11 | 60 | 24.94 | 37 | 34 | 19.70 |
| 12 | 59 | 24.82 | 38 | 33 | 19.39 |
| 13 | 58 | 24.69 | 39 | 32 | 19.07 |
| 14 | 57 | 24.55 | 40 | 31 | 18.74 |
| 15 | 56 | 24.41 | 41 | 30 | 18.39 |
| 16 | 55 | 24.26 | 42 | 29 | 18.04 |
| 17 | 54 | 24.11 | 43 | 28 | 17.67 |
| 18 | 53 | 23.96 | 44 | 27 | 17.29 |
| 19 | 52 | 23.80 | 45 | 26 | 16.89 |
| 20 | 51 | 23.63 | 46 | 25 | 16.48 |
| 21 | 50 | 23.46 | 47 | 24 | 16.06 |
| 22 | 49 | 23.28 | 48 | 23 | 15.62 |
| 23 | 48 | 23.09 | 49 | 22 | 15.17 |
| 24 | 47 | 22.90 | 50 | 21 | 14.70 |
| 25 | 46 | 22.70 | 51 | 20 | 14.21 |
| 26 | 45 | 22.50 | 52 | 19 | 13.71 |

| Item | Term of annuity or pension remaining rounded in whole years | Payment Factor |
|-------------|--|-----------------------|
| 53 | 18 | 13.19 |
| 54 | 17 | 12.65 |
| 55 | 16 | 12.09 |
| 56 | 15 | 11.52 |
| 57 | 14 | 10.92 |
| 58 | 13 | 10.30 |
| 59 | 12 | 9.66 |
| 60 | 11 | 9.00 |
| 61 | 10 | 8.32 |
| 62 | 9 | 7.61 |
| 63 | 8 | 6.87 |
| 64 | 7 | 6.11 |
| 65 | 6 | 5.33 |
| 66 | 5 | 4.52 |
| 67 | 4 | 3.67 |
| 68 | 3 | 2.80 |
| 69 | 2 | 1.90 |
| 70 | 1 or less | 1.00 |

Schedule 7 **Minimum payment amount for a superannuation income stream**

(paragraph 1.05 (11A) (a), subparagraph 1.05 (11A) (b) (i), paragraph 1.06 (9A) (a), subparagraph 1.06 (9A) (b) (i) and regulation 1.07D)

- 1 (1) Subject to clauses 3, 4 and 4A, the amount of payments mentioned in paragraph 1.05 (11A) (a) or 1.06 (9A) (a) is the amount worked out using the formula:

account balance × percentage factor.

- (2) In subclause (1):

account balance means:

- (a) the amount of the annuity or pension account balance:
- (i) on 1 July in the financial year in which the payment is made; or
 - (ii) if that year is the year in which the annuity or pension payments commence — on the commencement day; or
- (b) if the amount of the annuity or pension account balance under paragraph (a) is less than the withdrawal benefit to which the beneficiary would be entitled if the annuity or pension were to be fully commuted — the amount of the withdrawal benefit.

percentage factor means the percentage factor specified in the item in the table that applies to the beneficiary because of the beneficiary's age on:

- (a) 1 July in the financial year in which the payment is made; or
- (b) if that is the year in which the annuity or pension payments commence — the commencement day.

- 2 (1) The amount of payments mentioned in
- (a) subparagraph 1.05 (11A) (b) (i) and sub-subparagraph 1.05 (11A) (b) (ii) (D); and
 - (b) subparagraph 1.06 (9A) (b) (i) and sub-subparagraph 1.06 (9A) (b) (ii) (C);
- is the amount worked out using the formula:

purchase price × percentage factor.

- (2) In subclause (1):

purchase price means the total amount paid as consideration to purchase the income stream.

percentage factor means the percentage factor specified in the item in the table that applies to the beneficiary because of the beneficiary's age on:

- (a) the commencement day; or
- (b) the anniversary of the commencement day.

- 3 For the determination of the minimum total payment in the year in which the commencement day of the annuity or pension occurs, if that day is a day other than 1 July, the applicable value specified in column 3 of the table must be applied proportionally to the number of days in the financial year that include and follow the commencement day.

- 4 If the commencement day of the annuity or pension is on or after 1 June in a financial year, no payment is required to be made for that financial year.

- 4A For the financial years commencing on 1 July 2008, 1 July 2009 and 1 July 2010, the amount of payments is half of the amount worked out using the formula in clause 1.

- 5 An amount determined under this Schedule is to be rounded to the nearest 10 whole dollars. If the amount ends in an exact 5 dollars, it is to be rounded up to the next 10 whole dollars.

Table

| Item | Age of Beneficiary | Percentage factor |
|-------------|---------------------------|--------------------------|
| 1 | Under 65 | 4 |
| 2 | 65 – 74 | 5 |
| 3 | 75 – 79 | 6 |
| 4 | 80 – 84 | 7 |
| 5 | 85 – 89 | 9 |
| 6 | 90 – 94 | 11 |
| 7 | 95 or more | 14 |

Table of Instruments

Notes to the *Superannuation Industry (Supervision) Regulations 1994*

Note 1

The *Superannuation Industry (Supervision) Regulations 1994* (in force under the *Superannuation Industry (Supervision) Act 1993*) as shown in this compilation comprise Statutory Rules 1994 No. 57 amended as indicated in the Tables below.

The *Superannuation Industry (Supervision) Regulations 1994* were amended by the *Taxation Laws Amendment Act (No. 2) 1995* (Act No. 169, 1995). The amendments are incorporated in this compilation. For application, saving or transitional provisions relating to the amendments *see* Schedule 7 (item 3) of the abovementioned Act.

The *Superannuation Industry (Supervision) Regulations 1994* were modified by Modification Declaration Nos. 10, 23, 24 and 26. The modifications are not incorporated in this compilation. For the text of the modifications, *see* Table B.

On 6 September 2005, Modification Declaration Nos. 4, 7, 11, 14, 18 and 21 were revoked by the *Revocation of Modification Declarations* (*see* F2005L02475).

The *Superannuation Industry (Supervision) Regulations 1994* were modified by Modification Declaration No. 2 of 2006 (*see* F2006L02132) and No. 3 of 2006 (*see* F2006L02152). The modifications are not incorporated in this compilation. For the text of the modifications, *see* Table B.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

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| Year and number | Date of notification in <i>Gazette</i> or FRLI registration | Date of commencement | Application, saving or transitional provisions |
|------------------------|--|--|---|
| 1994 No. 57 | 11 Mar 1994 | Div. 2.2 (rr. 2.08–2.11), Subdiv. 2.8.2 (rr. 2.52, 2.53), rr. 3.10–3.12, Div. 6.5 (r. 6.30), Parts 9 and 10 (rr. 9.01–10.06), r. 11.08 and Part 12 (rr. 12.01–12.20): 1 July 1994 Remainder: 11 Mar 1994 | |
| 1994 No. 189 | 16 June 1994 | R. 4: 1 July 1994 Remainder: 16 June 1994 | — |
| 1994 No. 432 | 23 Dec 1994 | 23 Dec 1994 | — |
| 1995 No. 47 | 23 Mar 1995 | 23 Mar 1995 | — |
| 1995 No. 64 | 5 Apr 1995 | Rr. 8, 18, 20, 21 and 23: 1 July 1995 Remainder: 5 Apr 1995 | — |
| 1995 No. 142 | 15 June 1995 | 1 July 1995 | — |
| 1995 No. 158 | 29 June 1995 | 1 July 1995 | — |
| 1995 No. 159 | 29 June 1995 | Rr. 22 and 25: 29 June 1995 Remainder: 1 July 1995 | — |
| 1995 No. 240 | 11 Aug 1995 | 11 Aug 1995 | — |
| 1995 No. 293 | 10 Oct 1995 | 10 Oct 1995 | R. 3 |
| 1995 No. 384 | 6 Dec 1995 | R. 5: 1 July 1996 Remainder: 6 Dec 1995 | — |
| 1995 No. 430 | 22 Dec 1995 | Rr. 4 and 5: 9 Jan 1996 (see r. 1) Remainder: 22 Dec 1995 | — |
| 1996 No. 44 | 17 Apr 1996 | 17 Apr 1996 | — |
| 1996 No. 57 | 15 May 1996 | 15 May 1996 | — |
| 1996 No. 122 | 28 June 1996 | 28 June 1996 | — |
| 1996 No. 344 | 24 Dec 1996 | 30 Dec 1996 | Rr. 13 and 14 |
| 1997 No. 69 | 26 Mar 1997 | 26 Mar 1997 | — |
| 1997 No. 117 | 29 May 1997 | Rr. 9.5, 10.5 and 15.1: 1 Oct 1997 Remainder: 1 July 1997 | R. 57 |
| 1997 No. 152 | 26 June 1997 | 1 July 1997 | R. 6 |
| 1997 No. 153 | 26 June 1997 | 1 July 1997 | R. 5 |
| 1997 No. 221 | 27 Aug 1997 | 27 Aug 1997 | — |

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|------------------------|--|--|---|
| 1997 No. 243 | 10 Sept 1997 | 10 Sept 1997 | — |
| 1997 No. 293 | 16 Oct 1997 | 16 Oct 1997 | — |
| 1997 No. 309 | 5 Nov 1997 | 5 Nov 1997 | — |
| 1997 No. 343 | 9 Dec 1997 | 9 Dec 1997 | R. 5 |
| 1997 No. 415 | 24 Dec 1997 | 24 Dec 1997 | R. 3 |
| 1998 No. 76 | 5 May 1998 | 5 May 1998 | — |
| 1998 No. 83 | 5 May 1998 | R. 15: 1 Nov 1998 Remainder: 5 May 1998 | — |
| 1998 No. 108 | 27 May 1998 | 27 May 1998 | — |
| 1998 No. 175 | 30 June 1998 | 30 June 1998 | — |
| 1998 No. 177 | 30 June 1998 | R. 4: 1 July 1998 Remainder: 1 Jan 1998 | — |
| 1998 No. 193 | 30 June 1998 | 1 July 1998 | — |
| 1998 No. 240 | 22 July 1998 | 22 July 1998 | — |
| 1998 No. 312 | 19 Nov 1998 | 19 Nov 1998 | R. 4 |
| 1999 No. 14 | 11 Feb 1999 | 11 Feb 1999 | — |
| 1999 No. 31 | 2 Mar 1999 | 2 Mar 1999 | — |
| 1999 No. 115 | 17 June 1999 | Schedule 2: 28 June 1999 (see r. 2 (2)) Schedule 3: 1 July 1999 Remainder: 17 June 1999 | — |
| 1999 No. 239 | 20 Oct 1999 | Schedule 2: 1 Nov 1999 Schedule 3: 1 July 2000 Remainder: 20 Oct 1999 | R. 4 |
| 1999 No. 317 | 15 Dec 1999 | 15 Dec 1999 | — |
| 1999 No. 356 | 22 Dec 1999 | 22 Dec 1999 | — |
| 2000 No. 119 | 15 June 2000 | 15 June 2000 | — |
| 2000 No. 151 | 28 June 2000 | 28 June 2000 | — |
| 2000 No. 185 | 12 July 2000 | 12 July 2000 | R. 4 |
| 2000 No. 280 | 18 Oct 2000 | 1 July 2000 | — |
| 2000 No. 281 | 18 Oct 2000 | Rr. 1–3: 18 Oct 2000 Remainder: 1 July 1999 | — |
| 2001 No. 37 | 1 Mar 2001 | 1 Mar 2001 | — |
| 2001 No. 352 | 21 Dec 2001 | 21 Dec 2001 | R. 4 |
| 2001 No. 353 | 21 Dec 2001 | 28 Dec 2002 | — |
| 2002 No. 21 | 21 Feb 2002 | 11 Mar 2002 (see r. 2 and <i>Gazette</i> 2001, No. GN42) | — |
| 2002 No. 91 | 9 May 2002 | 1 July 2002 | — |
| 2002 No. 150 | 27 June 2002 | 1 July 2002 | — |
| 2002 No. 171 | 3 July 2002 | 3 July 2002 | — |

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|------------------------|--|---|---|
| 2002 No. 200 | 29 Aug 2002 | 29 Aug 2002 | — |
| 2002 No. 353 | 20 Dec 2002 | 28 Dec 2002 (see r. 2) | — |
| 2003 No. 42 | 27 Mar 2003 | 27 Mar 2003 | — |
| 2003 No. 170 | 2 July 2003 | 2 July 2003 | — |
| 2003 No. 171 | 2 July 2003 | 1 Oct 2003 | R. 4 |
| 2003 No. 196 | 31 July 2003 | (a) | — |
| 2003 No. 251 | 10 Oct 2003 | 1 July 2004 | — |
| 2004 No. 12 | 20 Feb 2004 | 20 Feb 2004 | — |
| 2004 No. 84 | 12 May 2004 | 12 May 2004 | — |
| 2004 No. 113 | 3 June 2004 | Rr. 1–3 and Schedule 1: 1 July 2004 Remainder: 1 July 2006 | — |
| 2004 No. 148 | 25 June 2004 | Rr. 1–3 and Schedule 1: 1 July 2004 Schedule 2: 1 Sept 2004 Remainder: 20 Sept 2004 | — |
| 2004 No. 152 | 25 June 2004 | 25 June 2004 | — |
| 2004 No. 153 | 25 June 2004 | Rr. 1–3 and Schedule 1: 25 June 2004 Remainder: 1 July 2004 | — |
| 2004 No. 154 | 25 June 2004 | 1 July 2004 | — |
| 2004 No. 155 | 25 June 2004 | 25 June 2004 | — |
| 2004 No. 249 | 12 Aug 2004 | 20 Sept 2004 | — |
| 2004 No. 349 | 8 Dec 2004 | 1 July 2004 | — |
| 2004 No. 404 | 23 Dec 2004 | Rr. 1–3 and Schedule 1: 1 Oct 2003 Remainder: 20 Sept 2004 | — |
| 2005 No. 34 | 14 Mar 2005 (see F2005L00635) | 1 July 2005 | — |
| 2005 No. 56 | 4 Apr 2005 (see F2005L00729) | 1 July 2005 | — |
| 2005 No. 142 | 16 June 2005 (see F2005L01457) | 1 July 2005 | — |
| 2005 No. 143 | 17 June 2005 (see F2005L01452) | 18 June 2005 | — |
| 2005 No. 218 | 7 Oct 2005 (see F2005L02918) | Rr. 1–3 and Schedule 1 [items 33–38]: 8 Oct 2005 | — |
| 2005 No. 261 | 14 Nov 2005 (see F2005L03446) | 15 Nov 2005 | — |

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|------------------------|--|---|---|
| 2005 No. 332 | 20 Dec 2005 (see F2005L03987) | Rr. 1–3 and Schedule 1: 21 Dec 2005 Remainder: 1 July 2006 | — |
| 2005 No. 333 | 20 Dec 2005 (see F2005L04028) | Rr. 1–3 and Schedule 1: 21 Dec 2005 Remainder: 1 Jan 2006 | — |
| 2005 No. 334 | 20 Dec 2005 (see F2005L04025) | Rr. 1–3 and Schedule 1: 21 Dec 2005 Remainder: 1 Jan 2006 | — |
| 2005 No. 335 | 20 Dec 2005 (see F2005L04047) | 21 Dec 2005 | R. 4 |
| 2006 No. 189 | 17 July 2006 (see F2006L02318) | 18 July 2006 | — |
| 2007 No. 74 | 2 Apr 2007 (see F2007L00820) | Rr. 1–3 and Schedule 1: 3 Apr 2007 R. 4 and Schedule 2: 5 Apr 2007 Remainder: 1 July 2007 | — |
| 2007 No. 105 | 27 Apr 2007 (see F2007L01127) | 1 July 2007 | — |
| 2007 No. 204 | 29 June 2007 (see F2007L01891) | 1 July 2007 | — |
| 2007 No. 331 | 28 Sept 2007 (see F2007L03806) | 29 Sept 2007 | — |
| 2007 No. 343 | 8 Oct 2007 (see F2007L03906) | Rr. 1–3 and Schedule 1: 24 Sept 2007 (see r. 2 (a)) Schedule 2: 25 Sept 2008 (see r. 2 (b)) | — |
| as amended by | | | |
| 2008 No. 133 | 25 June 2008 (see F2008L02174) | 4 Oct 2007 | — |
| 2008 No. 9 | 15 Feb 2008 (see F2008L00373) | 16 Feb 2008 | — |
| 2008 No. 134 | 25 June 2008 (see F2008L02173) | 4 Oct 2007 | R. 2 (2) [see Table A] |
| 2008 No. 171 | 8 Aug 2008 (see F2008L02956) | 9 Aug 2008 | — |

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|------------------------|--|--|---|
| 2008 No. 282 | 17 Dec 2008 (see F2008L04665) | Rr. 1–3 and Schedule 1: 18 Dec 2008 (see r. 2 (a) and F2008L04636) R. 4 and Schedule 2: 1 Apr 2009 R. 5 and Schedule 3: 1 July 2009 | — |
| 2009 No. 15 | 6 Feb 2009 (see F2009L00258) | Rr. 1–3 and Schedule 1: 7 Feb 2009 R. 4 and Schedule 2: 1 Apr 2009 | — |
| 2009 No. 46 | 16 Mar 2009 (see F2009L00983) | 17 Mar 2009 | — |
| 2009 No. 71 | 1 May 2009 (see F2009L01485) | 2 May 2009 | — |
| 2009 No. 106 | 5 June 2009 (see F2009L02156) | 6 June 2009 | — |
| 2009 No. 295 | 2 Nov 2009 (see F2009L04000) | 3 Nov 2009 | — |
| 2009 No. 389 | 16 Dec 2009 (see F2009L04513) | 17 Dec 2009 | — |
| 2010 No. 4 | 11 Feb 2010 (see F2010L00299) | 1 July 2007 | — |
| 2010 No. 187 | 30 June 2010 (see F2010L01814) | 1 July 2010 | — |
| 2010 No. 237 | 21 July 2010 (see F2010L02058) | 22 July 2010 | — |

(a) The *Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4)* was to commence on 1 July 2004 but was disallowed by the Senate on 18 September 2003.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|----------------------------|---|
| Part 1 | |
| R. 1.01 | rs. 1998 No. 312 |
| R. 1.03 | am. 1994 No. 189; 1995 Nos. 64, 159 and 384; 1996 No. 344; 1997 Nos. 117, 293 and 309; 1998 Nos. 83, 193 and 312; 1999 Nos. 14 and 239; 2000 No. 280; 2001 No. 353; 2002 Nos. 150 and 353; ; 2003 No. 251; 2004 Nos. 12, 148, 153 and 249; 2005 Nos. 218 and 334; 2007 Nos. 74 and 343; 2008 No. 171; 2009 No. 71 |
| R. 1.03A..... | ad. 1995 No. 64 am. 1995 No. 159; 1997 No. 117; 1999 Nos. 14 and 239; 2007 No. 74 |
| Note to r. 1.03A (3) | am. 1999 Nos. 14 and 317 rs. 2002 No. 200 |
| R. 1.03AA | ad. 2001 No. 353 am. 2002 No. 353; 2003 No. 251 |
| R. 1.03AB | ad. 2002 No. 353 |
| R. 1.03B..... | ad. 2003 No. 251 |
| R. 1.04 | am. 1994 No. 432; 1995 Nos. 240 and 430; 1996 Nos. 122 and 344; 1997 No. 117; 1998 Nos. 83 and 193; 1999 No. 239; 2000 Nos. 185 and 280; 2001 No. 352; 2007 Nos. 74 and 343 |
| Note 1 to r. 1.04 (5)..... | ad. 2000 No. 280 |
| Note 2 to r. 1.04 (5)..... | ad. 2000 No. 280 |
| Notes to r. 1.04 (8)..... | rep. 2000 No. 280 |
| R. 1.04AAAA..... | ad. 2005 No. 261 |
| R. 1.04AAA | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 113 and 153; 2005 No. 332 |
| R. 1.04A..... | ad. 1999 No. 239 |
| R. 1.04AA | ad. 1999 No. 356 am. 2000 No. 119 |
| Part 1A | |
| Part 1A..... | ad. 1994 No. 189 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| Division 1A.1 | |
| R. 105A..... | ad. 2009 No. 106 |
| R. 1.05..... | ad. 1994 No. 189 am. 1997 No. 309; 1998 Nos. 193 and 312; 2002 No. 150; 2003 No. 171; 2004 Nos. 148, 249 and 404; 2005 Nos. 332 and 333; 2007 Nos. 74, 105 and 204; 2008 No. 282; 2009 No. 106; 2010 No. 4 |
| R. 1.06..... | ad. 1994 No. 189 am. 1997 No. 309; 1998 Nos. 193 and 312; 1999 No. 239; 2001 No. 353; 2002 Nos. 150 and 353; 2003 No. 171; 2004 Nos. 148, 249 and 404; 2005 No. 333; 2007 No. 74; 2007 Nos. 74, 105 and 204; 2008 No. 282; 2009 No. 106 |
| R. 1.07..... | ad. 1994 No. 189 |
| R. 1.07A..... | ad. 2003 No. 171 am. 2004 No. 404; 2005 No. 333; 2007 Nos. 74 and 105; 2009 No. 106 |
| R. 1.07B..... | ad. 2003 No. 171 am. 2007 No. 74; 2010 No. 4 |
| R. 1.07C..... | ad. 2004 No. 148 am. 2004 No. 404; 2007 No. 74; 2009 No. 106; 2010 No. 4 |
| R. 1.07D..... | ad. 2007 No. 74 am. 2009 No. 106 |
| Division 1A.2 | |
| R. 1.08..... | ad. 1994 No. 189 am. 1997 No. 309; 1998 No. 193; 1999 No. 239; 2002 No. 353; 2007 No. 74 |
| Part 2 | |
| Heading to Part 2..... | rs. 2002 No. 21 |
| Division 2.1 | |
| R. 2.01..... | am. 1997 Nos. 117 and 309; 1998 No. 193; 1999 Nos. 115 and 239; 2002 No. 21 |
| R. 2.03..... | am. 1994 No. 189; 2002 No. 21 |
| R. 2.04..... | am. 1999 No. 14; 2002 Nos. 21 and 171 |
| R. 2.05..... | am. 1995 Nos. 64 and 384; 1997 No. 117; 1999 No. 14; 2001 No. 353 rep. 2002 No. 21 ad. 2002 No. 171 am. 2002 No. 353 |
| Rr. 2.06, 2.07..... | rep. 2002 No. 21 |
| Division 2.2..... | rep. 2002 No. 21 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------------|---|
| R. 2.08 | rs. 1995 No. 159 am. 1997 No. 117; 1998 No. 83 rep. 2002 No. 21 |
| Notes to r. 2.08 | am. 1995 No. 159 rep. 2002 No. 21 |
| Note 2 to r. 2.08 | rs. 1998 No. 83 rep. 2002 No. 21 |
| Note 4 to r. 2.08 | rs. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.09 | am. 1995 No. 159 rep. 2002 No. 21 |
| R. 2.10 | am. 1995 No. 159; 1997 No. 117; 1999 No. 239 rep. 2002 No. 21 |
| R. 2.11 | am. 1995 No. 159; 1999 No. 239 rep. 2002 No. 21 |
| Heading to r. 2.11A | am. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.11A | ad. 1995 No. 159 am. 1997 No. 117; 1999 No. 14 rep. 2002 No. 21 |
| Div. 2.3 of Part 2 | rep. 2002 No. 21 |
| R. 2.12 | am. 1995 No. 159; 1997 No. 117; 1999 No. 14 rep. 2002 No. 21 |
| R. 2.13 | am. 1995 No. 64 rep. 2002 No. 21 |
| R. 2.14 | am. 1995 No. 64; 1999 No. 14 rep. 2002 No. 21 |
| R. 2.14A | ad. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.15 | rep. 2002 No. 21 |
| R. 2.16 | am. 1995 No. 159; 1997 No. 117; 1999 No. 239 rep. 2002 No. 21 |
| R. 2.16A | ad. 1997 No. 117 rep. 2002 No. 21 |
| Division 2.4 | |
| Subdivision 2.4.1 | |
| R. 2.17 | am. 2002 Nos. 21 and 171 |
| R. 2.18 | am. 1995 No. 159; 1999 No. 239; 2002 No. 21 |
| R. 2.19 | am. 1998 No. 193 rep. 2002 No. 21 |
| Rr. 2.20, 2.21 | rep. 2002 No. 21 |
| Subdiv. 2.4.2 of Div. 2.4 | rep. 2002 No. 21 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|-------------------------------|---|
| R. 2.22 | am. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.23 | am. 1995 Nos. 158 and 159; 1997 No. 117; 1999 No. 239 rep. 2002 No. 21 |
| R. 2.24 | am. 1997 Nos. 117 and 309; 1999 No. 239 rep. 2002 No. 21 |
| Rr. 2.24A, 2.24B | ad. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.24C..... | ad. 1999 No. 115 rep. 2002 No. 21 |
| R. 2.25 | am. 1997 No. 309 rep. 2002 No. 21 |
| R. 2.26 | rep. 2002 No. 21 |
| R. 2.26A..... | ad. 1995 No. 64 am. 1997 No. 309 rep. 2002 No. 21 |
| R. 2.26B..... | ad. 1995 No. 64 am. 1995 No. 159 rep. 2002 No. 21 |
| Subdivision 2.4.3 | |
| Heading to Subdiv. 2.4.3..... | rs. 2002 No. 21 |
| R. 2.27 | rep. 2002 No. 21 |
| R. 2.28 | am. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.29 | am. 1995 Nos. 158 and 293; 1997 No. 309; 1998 Nos. 83 and 193 rs. 2002 No. 21 |
| Division 2.5 | |
| Div. 2.5 of Part 2 | rep. 2002 No. 21 ad. 2002 No. 171 |
| Heading to r. 2.30 | rs. 1999 No. 239 rep. 2002 No. 21 ad. 2002 No. 171 |
| R. 2.30 | am. 1997 No. 309; 1999 No. 239 rep. 2002 No. 21 ad. 2002 No. 171 |
| R. 2.31 | rs. 1998 No. 108 rep. 2002 No. 21 ad. 2002 No. 171 |
| R. 2.32 | am. 1995 No. 159 rep. 2002 No. 21 ad. 2002 No. 171 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|----------------------------|---|
| R. 2.33 | am. 1995 No. 158 rep. 2002 No. 21 ad. 2002 No. 171 |
| Rr. 2.34, 2.35 | rep. 2002 No. 21 |
| R. 2.36 | am. 1995 No. 158; 1997 No. 117; 1998 No. 193; 1999 Nos. 14 and 239 rep. 2002 No. 21 |
| R. 2.36A | ad. 1995 No. 159 am. 1997 No. 117; 1999 No. 14 rep. 2002 No. 21 |
| Division 2.5A | |
| Div. 2.5A of Part 2 | ad. 2001 No. 353 |
| R. 2.36B | ad. 2001 No. 353 |
| R. 2.36C | ad. 2001 No. 353 am. 2002 No. 353 |
| R. 2.36D | ad. 2001 No. 353 am. 2002 No. 353 |
| R. 2.36E | ad. 2002 No. 353 am. 2004 No. 153 |
| Div. 2.6 of Part 2 | rep. 2002 No. 21 |
| Rr. 2.37–2.39 | rep. 2002 No. 21 |
| R. 2.40 | am. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.41 | am. 1998 No. 83; 1999 No. 239 rep. 2002 No. 21 |
| Heading to Div. 2.6A | am. 1998 No. 83 rep. 2002 No. 21 |
| Div. 2.6A of Part 2 | ad. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.41A | am. 1998 No. 83 rep. 2002 No. 21 |
| R. 2.41B | rs. 1998 No. 83 rep. 2002 No. 21 |
| Div. 2.7 of Part 2 | rep. 2002 No. 21 |
| R. 2.42 | am. 1995 Nos. 64 and 159 rep. 2002 No. 21 |
| R. 2.43 | am. 1995 No. 158 rep. 2002 No. 21 |
| R. 2.44 | rep. 2002 No. 21 |
| R. 2.45 | am. 1997 No. 117 rep. 2002 No. 21 |
| R. 2.46 | am. 1995 No. 158; 1997 No. 117; 1999 No. 239 rep. 2002 No. 21 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 2.47 | am. 1997 No. 309; 1999 No. 239 rep. 2002 No. 21 |
| R. 2.48 | am. 1997 No. 117; 1999 No. 14 rep. 2002 No. 21 |
| R. 2.48A..... | ad. 1995 No. 64 am. 1997 No. 309 rep. 2002 No. 21 |
| Div. 2.7A of Part 2..... | ad. 1995 No. 64 rep. 2002 No. 21 |
| Rr. 2.48B, 2.48C | ad. 1995 No. 64 rep. 2002 No. 21 |
| Div. 2.8 of Part 2 | rep. 2002 No. 21 |
| Rr. 2.49–2.54 | rep. 2002 No. 21 |
| R. 2.55 | am. 1998 No. 193 rep. 2002 No. 21 |
| Rr. 2.56–2.63 | rep. 2002 No. 21 |
| R. 2.64 | am. 1998 No. 193 rep. 2002 No. 21 |
| Rr. 2.65–2.67 | rep. 2002 No. 21 |
| Part 3 | |
| R. 3.01 | rs. 1994 No. 432 am. 1995 No. 430 rs. 1997 No. 293 am. 2001 No. 353; 2002 Nos. 150 and 353; 2004 No. 153; 2005 No. 334 |
| Heading to r. 3.02 | am. 1997 No. 69 |
| R. 3.02 | am. 1997 No. 69 rep. 2004 No. 113 |
| R. 3.03 | am. Act No. 169, 1995; 2004 No. 113 rep. 2004 No. 113 |
| R. 3.04A..... | ad. 1994 No. 432 |
| R. 3.09A..... | ad. 1995 No. 159 rs. 1999 No. 14 rep. 2002 No. 21 |
| R. 3.09B..... | ad. 1995 No. 159 rep. 2002 No. 21 |
| R. 3.10 | am. 1994 No. 189; 1995 No. 158; 1998 No. 193; 2002 No. 21 |
| R. 3.10A..... | ad. 1999 No. 14 rep. 2002 No. 21 |
| R. 3.11 | rs. 2002 No. 21 |
| R. 3.12 | am. 1999 No. 115 rep. 2002 No. 21 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|----------------------------|--------------------------------------|
| R. 3.13 | ad. 1995 No. 159 rep. 2002 No. 21 |
| Part 3A | |
| Part 3A | ad. 2004 No. 113 |
| Division 3A.1 | |
| R. 3A.01 | ad. 2004 No. 113 |
| R. 3A.02 | ad. 2004 No. 113 |
| R. 3A.03 | ad. 2004 No. 113 |
| Note to r. 3A.03 (2) | am. 2005 No. 335 |
| R. 3A.03A | ad. 2005 No. 335 |
| Division 3A.2 | |
| R. 3A.04 | ad. 2004 No. 113 am. 2005 No. 335 |
| Division 3A.3 | |
| Div. 3A.3 of Part 3A | ad. 2004 No. 154 |
| R. 3A.05 | ad. 2004 No. 154 am. 2005 No. 335 |
| R. 3A.06 | ad. 2004 No. 154 |
| Division 3A.4 | |
| Div. 3A.4 of Part 3A | ad. 2008 No. 171 |
| R. 3A.07 | ad. 2008 No. 171 |
| Part 4 | |
| Division 4.1 | |
| R. 4.01 | am. 2002 No. 21 |
| R. 4.03 | am. 1994 No. 189; 1999 No. 239 |
| R. 4.04 | am. 1994 No. 189; 1999 No. 239 |
| R. 4.05 | am. 1994 No. 189; 1999 No. 239 |
| Division 4.1A | |
| Div. 4.1A of Part 4 | ad. 2004 No. 113 |
| R. 4.07A | ad. 2004 No. 113 |
| R. 4.07B | ad. 2004 No. 113 |
| Division 4.2 | |
| R. 4.08 | am. 1998 No. 83 |
| R. 4.08A | ad. 2001 No. 37 |
| R. 4.09 | am. 1994 No. 189; 1995 No. 384 |
| R. 4.10 | am. 1998 No. 193; 1999 No. 239 |
| R. 4.10A | ad. 2004 No. 113 am. 2004 No. 113 |
| R. 4.11 | am. 1998 No. 193 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 4.11A..... | ad. 2004 No. 113 am. 2004 No. 113 |
| R. 4.12 | ad. 1995 No. 142 am. 1997 No. 117; 1998 No. 193; 1999 Nos. 14 and 239 |
| R. 4.13 | ad. 1995 No. 158 am. 2001 No. 353 |
| R. 4.14 | ad. 2004 No. 113 |
| R. 4.15 | ad. 2004 No. 113 |
| R. 4.16 | ad. 2004 No. 113 |
| R. 4.17 | ad. 2004 No. 113 |
| Part 4A..... | ad. 2002 No. 150 rep. 2004 No. 148 |
| Rr. 4A.01–4A.04 | ad. 2002 No. 150 rep. 2004 No. 148 |
| R. 4A.05..... | ad. 2002 No. 150 am. 2002 No. 353 rep. 2004 No. 148 |
| R. 4A.06..... | ad. 2002 No. 150 rep. 2004 No. 148 |
| R. 4A.07..... | ad. 2002 No. 150 rep. 2004 No. 148 |
| Part 5 | |
| Heading to Part 5..... | rs. 1995 No. 64 |
| Division 5.1 | |
| R. 5.01 | am. 1994 No. 57; 1995 Nos. 159 and 384; 1997 Nos. 117 and 309; 1998 Nos. 83 and 193; 1999 No. 14; 2002 No. 200; 2004 Nos. 12 and 152; 2005 No. 218; 2007 No.74; 2008 No. 282 |
| R. 5.01A..... | ad. 1994 No. 189 am. 1997 No. 309 |
| R. 5.01B..... | ad. 1995 No. 64 |
| R. 5.02 | am. 1995 Nos. 47 and 64; 2001 No. 353 |
| R. 5.02A..... | ad. 1995 No. 159 |
| R. 5.02B..... | ad. 1997 No. 309 |
| R. 5.02C..... | ad. 1997 No. 309 |
| R. 5.03 | am. 1994 No. 189; 1995 No. 64; 1998 No. 175 |
| Division 5.2 | |
| R. 5.04 | am. 2001 No. 353; 2004 Nos. 12 and 84; 2007 No. 105 |
| R. 5.06 | am. 1997 No. 117; 2005 No. 334 |
| R. 5.06A..... | ad. 1997 No. 117 |
| R. 5.06B..... | ad. 2001 No. 353 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---|
| Division 5.3 | |
| R. 5.08 | am. 2004 No. 84; 2005 No. 334 |
| Div. 5.4 of Part 5 | ad. 1995 No. 47 rep. 1999 No. 14 |
| R. 5.09 | ad. 1995 No. 47 am. 1995 No. 159 rep. 1999 No. 14 |
| R. 5.10 | ad. 1995 No. 47 rep. 1999 No. 14 |
| R. 5.11 | ad. 1995 No. 64 rep. 1999 No. 14 |
| Division 5.5 | |
| R. 5.12 | ad. 1995 No. 64 am. 2002 No. 21 |
| R. 5.13 | ad. 1995 No. 64 rs. 1995 No. 159 |
| R. 5.14 | ad. 1995 No. 64 am. 1995 Nos. 159 and 384 |
| R. 5.15 | ad. 1995 No. 64 am. 2002 No. 21 |
| R. 5.15A | ad. 1995 No. 159 rep. 2002 No. 200 |
| R. 5.15B | ad. 1995 No. 159 |
| R. 5.15C | ad. 1995 No. 384 |
| R. 5.15D | ad. 1995 No. 384 |
| R. 5.16 | ad. 1995 No. 64 am. 1999 No. 115 |
| R. 5.17 | ad. 1995 No. 64 am. 1995 Nos. 159 and 384; 1997 No. 117; 1998 No. 193; 1999 No. 317; 2002 Nos. 21 and 200 |
| R. 5.18 | ad. 1995 No. 64 am. 1995 No. 159 |
| Division 5.6 | |
| Div. 5.6 of Part 5 | ad. 1995 No. 159 |
| R. 5.19 | ad. 1995 No. 159 |
| R. 5.20 | ad. 1995 No. 159 |
| R. 5.21 | ad. 1995 No. 159 am. 2002 No. 21 |
| R. 5.22 | ad. 1995 No. 159 am. 2002 No. 200 |
| R. 5.23 | ad. 1995 No. 159 |
| R. 5.24 | ad. 1995 No. 159 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| Part 6 | |
| Division 6.1 | |
| Subdivision 6.1.1 | |
| R. 6.01 | am. 1994 No. 189; 1995 No. 64; 1996 Nos. 57 and 344; 1997 Nos. 117, 293 and 343; 1998 Nos. 83, 175 and 177; 2002 Nos. 91 and 200; 2003 No. 42; 2005 Nos. 56 and 334; 2007 No. 74; 2008 Nos. 9 and 282; 2009 No. 15; 2010 No. 187 |
| R. 6.01A..... | ad. 2008 No. 9 |
| R. 6.01B..... | ad. 2008 No. 282 arm. 2009 No. 15 |
| Subdivision 6.1.2 | |
| R. 6.02 | am. 1995 No. 159; 1997 Nos. 117, 152 and 153 rs. 1998 No. 175 |
| R. 6.03 | am. 1998 No. 175 |
| R. 6.04 | am. 1996 Nos. 57 and 344 rep. 1998 No. 175 |
| R. 6.04A..... | ad. 1997 No. 117 rep. 1998 No. 175 |
| R. 6.06 | am. 1994 No. 189; 1998 No. 175 |
| Subdivision 6.1.3 | |
| R. 6.07 | am. 1997 No. 117 rs. 1998 No. 175 am. 1999 No. 14 |
| R. 6.08 | am. 1994 No. 189; 1997 No. 117 rs. 1998 No. 175 am. 1999 No. 14; 2007 No. 74 |
| R. 6.09 | am. 1996 Nos. 57 and 344; 1997 No. 117 rs. 1998 No. 175 |
| R. 6.09A..... | ad. 1997 No. 117 rep. 1998 No. 175 |
| Subdivision 6.1.4 | |
| R. 6.10 | am. 1994 No. 189; 1997 Nos. 117 and 293; 1998 No. 175; 2004 No. 148; 2007 No. 74 |
| R. 6.11 | am. 1994 No. 189; 1997 Nos. 117 and 293; 1998 No. 175; 2004 No. 148; 2007 No. 74 |
| R. 6.13 | rs. 1994 No. 189 |
| Subdivision 6.1.5 | |
| R. 6.14 | am. 1998 No. 175 |
| R. 6.15 | rs. 2005 No. 334 |
| R. 6.15A..... | ad. 1998 No. 83 am. 2000 No. 281; 2005 No. 333; 2007 No. 204 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|----------------------------|---|
| R. 6.16 | am. 1997 No. 117; 1998 Nos. 83 and 175 |
| R. 6.16A..... | ad. 1998 No. 175 |
| Division 6.2 | |
| R. 6.17 | am. 1995 No. 159; 2001 No. 353; 2002 No. 21; 2003 No. 251; 2004 No. 153; 2005 Nos. 332 and 334 |
| R. 6.17A..... | ad. 1999 No. 115 am. 2001 No. 353; 2004 No. 153 |
| R. 6.17AA | ad. 2002 No. 353 |
| R. 6.17B..... | ad. 1999 No. 115 |
| R. 6.17C..... | ad. 2007 No. 74 |
| Division 6.3 | |
| Subdivision 6.3.1 | |
| R. 6.18 | am. 1998 No. 175; 2007 No. 74 |
| Note to r. 6.18 (1)..... | ad. 2008 No. 282 |
| R. 6.19 | am. 1998 No. 175; 2007 No. 74 |
| Note to r. 6.19 (1)..... | ad. 2008 No. 282 |
| R. 6.19A..... | ad. 1997 No. 152 am. 1997 No. 309; 1998 No. 193; 1999 No. 239 |
| R. 6.20 | am. 1994 No. 189; 2007 No. 74 |
| R. 6.20A..... | ad. 2002 No. 91 am. 2003 Nos. 42 and 251; 2008 No. 282; 2009 No. 15 |
| Note to r. 6.20A (5) | rs. 2007 No. 74; 2008 No. 282 |
| R. 6.20B..... | ad. 2002 No. 91 am. 2003 Nos. 42 and 251; 2008 No. 282; 2009 No. 15 |
| Note to r. 6.20B (4) | rs. 2007 No. 74 |
| Heading to r. 6.20C..... | rs. 2009 No. 15 |
| R. 6.20C..... | ad. 2008 No. 282 am. 2009 No. 15 |
| R. 6.21 | am. 1994 No. 189; 1997 No. 117; 1998 Nos. 83 and 175; 1999 No. 14; 2002 No. 150; 2004 Nos. 148 and 349; 2007 No. 74 |
| R. 6.22 | am. 1994 No. 189; 1997 No. 117; 2001 No. 353; 2007 No. 74; 2008 No. 282; 2009 No. 15 |
| R. 6.22A..... | ad. 1994 No. 189 |
| R. 6.22B..... | ad. 1997 No. 117 am. 1998 No. 193; 1999 No. 239 |
| Subdivision 6.3.2 | |
| R. 6.23 | am. 1998 No. 175 |
| Note to r. 6.23 (1)..... | ad. 2008 No. 282 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|-----------------------------|---|
| R. 6.24A..... | ad. 2002 No. 91 am. 2003 No. 42; 2008 No. 282; 2009 No. 15 |
| Note to r. 6.24A (5) | rs. 2007 No. 74; 2008 No. 282 |
| R. 6.24B..... | ad. 2008 No. 282 |
| Heading to r. 6.24B..... | rs. 2009 No. 15 |
| R. 6.24B..... | am. 2009 No. 15 |
| R. 6.25 | am. 1994 No. 189; 1997 No. 117; 1998 No. 83; 1999 No. 14; 2007 No. 74 |
| R. 6.26 | am. 2001 No. 353; 2007 No. 74; 2008 No. 282; 2009 No. 15 |
| R. 6.27 | rs. 2007 No. 74 am. 2008 No. 282 |
| R. 6.27A..... | ad. 1994 No. 189 |
| Division 6.4 | |
| Heading to Div. 6.4 | rs. 2003 No. 251 |
| Note to Heading to | rs. 1995 No. 159 |
| Heading to r. 6.27B..... | rs. 1998 No. 193 |
| R. 6.27B..... | ad. 1997 No. 117 am. 1998 No. 193; 1999 No. 239 |
| R. 6.28 | rs. 1995 No. 142 am. 1997 No. 117; 1999 No. 14; 2002 No. 21; 2004 No. 113 |
| Note to 6.28 (2)..... | rep. 2004 No. 113 |
| Heading to r. 6.29 | am. 1997 No. 117 |
| R. 6.29 | rs. 1995 No. 142 am. 1995 No. 159; 1997 No. 117; 1999 No. 14; 2002 No. 21; 2004 No. 113 |
| Note to 6.29 (2)..... | rep. 2004 No. 113 |
| Div. 6.4A of Part 6..... | ad. 1995 No. 159 rep. 1999 No. 14 |
| Rr. 6.29A, 6.29B | ad. 1995 No. 159 rep. 1999 No. 14 |
| Division 6.5 | |
| Div. 6.5 of Part 6..... | rs. 2003 No. 251 |
| R. 6.30 | am. 1994 No. 189; 1995 No. 64 rs. 2003 No. 251 am. 2004 No. 153; 2005 No. 142 |
| R. 6.31 | ad. 2003 No. 251 am. 2007 No. 74 |
| Heading to r. 6.31 (1)..... | ad. 2007 No. 74 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 6.32 | ad. 2003 No. 251 |
| R. 6.33 | ad. 2003 No. 251 am. 2007 No. 74 |
| R. 6.34 | ad. 2003 No. 251 rs. 2007 No. 74 |
| R. 6.35 | ad. 2003 No. 251 |
| R. 6.36 | ad. 2003 No. 251 |
| R. 6.37 | ad. 2003 No. 251 |
| R. 6.38 | ad. 2003 No. 251 |
| Division 6.6 | |
| Div. 6.6 of Part 6 | ad. 2003 No. 251 |
| R. 6.39 | ad. 2003 No. 251 |
| Division 6.7 | |
| Div. 6.7 of Part 6 | ad. 2005 No. 334 |
| R. 6.40 | ad. 2005 No. 334 am. 2006 No. 189; 2007 No. 74 |
| Heading to 6.41 | rs. 2006 No. 189 |
| R. 6.41 | ad. 2005 No. 334 am. 2006 No. 189; 2007 Nos. 74 and 204 |
| R. 6.42 | ad. 2005 No. 334 am. 2006 No. 189; 2007 No. 74 |
| R. 6.43 | ad. 2005 No. 334 |
| R. 6.44 | ad. 2005 No. 334 am. 2006 No. 189 |
| Note to r. 6.44 (4) | rs. 2007 No. 74 |
| R. 6.45 | ad. 2005 No. 334 am. 2006 No. 189; 2007 No. 74 |
| R. 6.46 | ad. 2005 No. 334 |
| Part 7 | |
| Division 7.1 | |
| Heading to Div. 7.1 | ad. 2004 No. 84 |
| of Part 7 | |
| R. 7.01 | am. 2002 No. 150; 2004 Nos. 84 and 148; 2007 No. 74 |
| Note to r. 7.01 | ad. 2007 No. 74 |
| Heading to r. 7.02 | rs. 2004 No. 84 |
| R. 7.02 | rs. 1997 No. 117 am. 2004 No. 84 |
| Note to r. 7.02 | rep. 1997 No. 117 |
| R. 7.03 | am. 2004 No. 84 |
| R. 7.03A | ad. 2004 No. 113 am. 2004 No. 113 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|--|--|
| R. 7.04 | am. 1994 No. 432; 1997 Nos. 117 and 293; 2001 No. 353; 2002 No. 150; 2004 Nos. 12 and 148; 2007 No. 74 rs. 2007 No. 74 am. 2007 No. 204; 2008 No.171 |
| R. 7.04A..... | ad. 2007 No. 204 |
| R. 7.05 | am. 1994 No. 432; 1997 Nos. 117 and 293; 2002 No. 150; 2004 Nos. 12 and 148 rs. 2007 No. 74 |
| Division 7.2 | |
| Div. 7.2 of Part 7 | ad. 2004 No. 84 |
| R. 7.06 | ad. 2004 No. 84 am. 2007 No. 105 |
| R. 7.07 | ad. 2004 No. 84 am. 2007 No. 105 |
| R. 7.08 | ad. 2004 No. 84 rs. 2007 No. 105 |
| Division 7.3 | |
| R. 7.09 | ad. 2007 No. 105 |
| R. 7.10 | ad. 2007 No. 105 |
| R. 7.11 | ad. 2007 No. 105 |
| Part 7A | |
| Part 7A..... | ad. 2001 No. 353 |
| Division 7A.1 | |
| R. 7A.01..... | ad. 2001 No. 353 |
| R. 7A.01A | ad. 2004 No. 153 |
| R. 7A.02..... | ad. 2001 No. 353 |
| R. 7A.03..... | ad. 2001 No. 353 am. 2002 No. 353 |
| Note to r. 7A.03..... | rs. 2002 No. 353 |
| Division 7A.1A | |
| Heading to Div. 7A.1A..... of Part 7A | rs. 2004 No. 153 |
| R. 7A.03A | ad. 2002 No. 353 am. 2004 Nos. 148 and 153 |
| R. 7A.03B | ad. 2002 No. 353 am. 2004 Nos. 148 and 153; 2005 No. 332 |
| R. 7A.03C | ad. 2002 No. 353 |
| R. 7A.03D | ad. 2002 No. 353 |
| R. 7A.03E | ad. 2002 No. 353 am. 2004 No. 148 rs. 2004 No. 153 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---|
| R. 7A.03F..... | ad. 2002 No. 353 |
| R. 7A.03G..... | ad. 2002 No. 353 am. 2004 No. 153 |
| R. 7A.03H..... | ad. 2002 No. 353 am. 2004 No. 153; 2005 No. 332 |
| R. 7A.03I..... | ad. 2002 No. 353 am. 2004 No. 153 |
| R. 7A.03J..... | ad. 2002 No. 353 |
| R. 7A.03K..... | ad. 2002 No. 353 |
| Division 7A.2 | |
| R. 7A.04..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 148 and 153 |
| R. 7A.05..... | ad. 2001 No. 353 |
| R. 7A.06..... | ad. 2001 No. 353 |
| R. 7A.07..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 148 and 153 |
| R. 7A.08..... | ad. 2001 No. 353 |
| R. 7A.09..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 No. 153 |
| R. 7A.10..... | ad. 2001 No. 353 am. 2004 No. 153 |
| R. 7A.11..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 148 and 153 |
| R. 7A.12..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 No. 153 |
| R. 7A.13..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 148 and 153 |
| Division 7A.3 | |
| R. 7A.14..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 No. 153; 2007 No. 74 |
| R. 7A.15..... | ad. 2001 No. 353 rep. 2004 No. 153 |
| R. 7A.16..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 148 and 153 |
| R. 7A.17..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 148 and 153 |
| R. 7A.18..... | ad. 2001 No. 353 am. 2002 No. 353; 2004 Nos. 148 and 153 |
| Division 7A.4 | |
| R. 7A.19..... | ad. 2002 No. 353 |
| R. 7A.20..... | ad. 2002 No. 353 |
| R. 7A.21..... | ad. 2002 No. 353 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 7A.22..... | ad. 2002 No. 353 |
| Part 8 | |
| R. 8.01 | am. 1998 No. 108; 2007 No. 343 |
| R. 8.01A..... | ad. 1996 No. 44 am. 1999 No. 239 rs. 2003 No. 170 rep. 2007 No. 343 |
| R. 8.02 | am. 2007 No. 343 |
| R. 8.02A..... | ad. 2007 No. 343 rs. 2008 No. 134 |
| R. 8.03 | rs. 1995 No. 430 am. 1999 Nos. 31 and 239; 2001 No. 37; 2002 No. 200; 2007 No. 343; 2008 No. 134 |
| R. 8.04 | ad. 2007 No. 343 |
| Part 9 | |
| Division 9.2 | |
| R. 9.02A..... | ad. 2001 No. 353 |
| Division 9.2A | |
| Div. 9.2A of Part 9..... | ad. 2004 No. 84 |
| R. 9.04A..... | ad. 2004 No. 84 |
| R. 9.04B..... | ad. 2004 No. 84 |
| R. 9.04C..... | ad. 2004 No. 84 |
| R. 9.04D..... | ad. 2004 No. 84 |
| Division 9.2B | |
| Div. 9.2B of Part 9..... | ad. 2004 No. 84 |
| R. 9.04E | ad. 2004 Nos. 84 am. 2004 No. 148; 2007 No. 74 |
| R. 9.04F | ad. 2004 No. 84 |
| R. 9.04G | ad. 2004 No. 84 |
| R. 9.04H..... | ad. 2004 No. 84 |
| R. 9.04I | ad. 2004 No. 84 am. 2004 No. 155; 2005 No. 143 |
| Division 9.3 | |
| R. 9.05 | am. 2009 No. 295 |
| R. 9.06 | am. 2004 No. 113 |
| R. 9.09 | am. 2004 No. 113 |
| R. 9.15 | am. 2001 No. 353 |
| am. | |
| R. 9.19 | am. 1998 No. 193; 1999 No. 239 |
| Division 9.4 | |
| R. 9.23 | am. 1998 No. 193; 1999 No. 239 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| Heading to r. 9.24 | am. 1999 No. 239 |
| R. 9.24 | am. 1998 No. 193; 1999 No. 239 |
| Division 9.5 | |
| R. 9.27 | am. 1994 No. 189; 2001 No. 353 |
| R. 9.29 | am. 2004 No. 113 |
| Division 9.6 | |
| R. 9.35 | am. 2001 No. 353 |
| R. 9.36 | am. 1994 No. 189 |
| Division 9.7 | |
| R. 9.43 | am. 1998 No. 193; 1999 No. 239 |
| Heading to r. 9.44 | am. 1999 No. 239 |
| R. 9.44 | am. 1998 No. 193; 1999 No. 239 |
| Part 10 | |
| Heading to Part 10 | rs. 1995 No. 159 |
| Division 10.1 | |
| R. 10.01 | rs. 1995 No. 159 am. 1998 No. 193 |
| Division 10.2 | |
| R. 10.02 | rep. 1995 No. 64 ad. 1995 No. 159 |
| R. 10.03 | rs. 1995 No. 159 am. 2001 No. 353 |
| R. 10.04 | rep. 1995 No. 159 |
| R. 10.04A | ad. 1994 No. 432 rep. 1995 No. 159 |
| R. 10.05 | rep. 1995 No. 64 |
| Division 10.3 | |
| R. 10.06 | rs. 1995 No. 64 am. 1995 No. 159; 1997 No. 117; 2004 No. 113; 2005 No. 218 |
| R. 10.07 | ad. 2004 No. 113 am. 2004 No. 113; 2005 No. 218 |
| Part 11 | |
| Heading to Part 11 | am. 1998 No. 193 |
| R. 11.01 | am. 1998 No. 193 |
| Heading to r. 11.02 | rs. 1999 No. 239 rep. 2003 No. 239 |
| R. 11.02 | am. 1998 Nos. 193 and 240; 1999 Nos. 31 and 239 rep. 2003 No. 170 |
| Note to r. 11.02 | ad. 1999 No. 239 rep. 2003 No. 170 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---|
| R. 11.02A..... | ad. 1999 No. 239 |
| Heading to r. 11.03 | am. 1999 No. 239 |
| R. 11.03 | am. 1998 No. 193 |
| R. 11.04 | am. 1999 No. 239; 2007 No. 343 |
| R. 11.05 | am. 2007 No. 343 |
| R. 11.06 | am. 2007 No. 343 |
| R. 11.06A..... | ad. 1999 No. 239 |
| Heading to r. 11.07 | rs. 2007 No. 74 |
| R. 11.07 | am. 1998 No. 193; 1999 No. 239; 2007 Nos. 74 and 343 |
| R. 11.07AA | ad. 2007 No. 74 |
| R. 11.07A..... | ad. 1999 No. 239 am. 2007 Nos. 74 and 343 |
| R. 11.08 | rs. 1995 No. 64 am. 1995 Nos. 159 and 384; 1998 No. 193 rep. 1999 No. 317 |
| Part 11A | |
| Part 11A..... | ad. 2004 No. 113 |
| R. 11A.01..... | ad. 2004 No. 113 |
| R. 11A.02..... | ad. 2004 No. 113 am. 2007 No. 343 |
| R. 11A.03..... | ad. 2004 No. 113 am. 2007 No. 343 |
| R. 11A.04..... | ad. 2004 No. 113 am. 2007 No. 343 |
| Part 12 | |
| R. 12.01 | am. 1994 No. 432; 1996 No. 344; 1998 No. 193; 2007 No. 74 |
| R. 12.05 | am. 1998 No. 193 |
| R. 12.06 | am. 1998 No. 193 |
| R. 12.08 | am. 1994 No. 432 rs. 1995 No. 430 am. 1998 No. 193 |
| R. 12.10 | am. 2007 No. 74 |
| R. 12.11 | am. 1994 No. 432; 1998 No. 193; 2007 No. 74 |
| R. 12.12 | am. 1998 No. 193; 2007 No. 74 |
| R. 12.13 | am. 1998 No. 193; 2007 No. 74 |
| R. 12.14 | am. 1998 No. 193 |
| R. 12.15 | am. 1998 No. 193; 2007 No. 74 |
| Rr. 12.16–12.18 | rep. 1996 No. 344 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|-----------------------------------|---|
| Part 13 | |
| Div. 13.1 of Part 13 | rep. 2007 No. 343 |
| Heading to Subdiv. 13.1.1..... | rs. 1994 No. 189 rep. 2007 No. 343 |
| R. 13.01 | am. 1994 No. 189 rep. 2007 No. 343 |
| Heading to Subdiv. 13.1.1A.... | ad. 1994 No. 189 rep. 2007 No. 343 |
| Subdiv. 13.1.2 of Div. 13.1 | rep. 1997 No. 117 |
| R. 13.02 | rep. 2007 No. 343 |
| R. 13.03 | rep. 2007 No. 343 |
| R. 13.04 | rep. 1997 No. 117 |
| Subdiv. 13.1.3 of Div. 13.1 | ad. 1994 No. 189 rep. 2007 No. 343 |
| R. 13.05 | ad. 1994 No. 189 am. 2007 No. 343 |
| Subdiv. 13.1.4 of Div 13.1 | ad. 1994 No. 189 rep. 2007 No. 343 |
| R. 13.06 | ad. 1994 No. 189 rep. 2007 No. 343 |
| R. 13.07 | ad. 1994 No. 189 am. 2002 No. 21 rep. 2007 No. 343 |
| R. 13.08 | ad. 1994 No. 189 rep. 2007 No. 343 |
| R. 13.09 | ad. 1994 No. 189 am. 1998 No. 193 rep. 2007 No. 343 |
| R. 13.10 | ad. 1994 No. 189 rep. 2007 No. 343 |
| Division 13.1A | |
| Div. 13.1A of Part 13..... | ad. 1999 No. 239 |
| R. 13.10A..... | ad. 1999 No. 239 |
| R. 13.10B..... | ad. 1999 No. 239 |
| R. 13.10C..... | ad. 1999 No. 239 |
| R. 13.10D..... | ad. 1999 No. 239 |
| Division 13.2 | |
| R. 13.11 | am. 1994 Nos. 189 and 432 |
| R. 13.13 | am. 1994 No. 189; 2001 No. 353; 2009 No. 295 |
| R. 13.14 | am. 1998 No. 83 |
| R. 13.15A..... | ad. 1998 No. 83 am. 2002 No. 21; 2004 No. 113 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|----------------------------|--|
| R. 13.16 | am. 1994 No. 189; 1995 No. 158; 1997 No. 221; 1998 No. 193; 1999 No. 239; 2001 No. 353; 2002 No. 353; 2004 No. 12; 2005 No. 332; 2008 No. 282; 2009 No. 15 |
| R. 13.17 | rs. 1994 No. 189 am. 1994 No. 432; 1998 No. 193; 1999 No. 115; 2007 No. 343 |
| R. 13.17A..... | ad. 1994 No. 189 am. 1994 No. 432; 1998 No. 193; 1999 No. 115; 2002 No. 150; 2007 No. 343 |
| R. 13.17AA | ad. 1994 No. 432 am. 1998 No. 193; 2007 No. 343 |
| R. 13.17B..... | ad. 1994 No. 189 |
| R. 13.17C..... | ad. 1995 No. 159 |
| R. 13.18A..... | ad. 2005 No. 34 |
| Division 13.3 | |
| R. 13.19 | am. Act No. 169, 1995 |
| R. 13.19A..... | ad. 2008 No. 171 |
| Rr. 13.22A, 13.22B | ad. 1997 No. 243 rep. 1998 No. 193 |
| R. 13.22C..... | ad. 1997 No. 243 am. 1998 No. 76 rep. 1998 No. 193 |
| Division 13.3A | |
| Div. 13.3A of Part 13..... | ad. 2000 No. 151 |
| R. 13.22A..... | ad. 2000 No. 151 |
| R. 13.22B..... | ad. 2000 No. 151 |
| R. 13.22C..... | ad. 2000 No. 151 |
| R. 13.22D..... | ad. 2000 No. 151 |
| Division 13.5 | |
| Div. 13.5 of Part 13 | ad. 1996 No. 344 |
| R. 13.24 | ad. 1996 No. 344 am. 1998 No. 193 |
| R. 13.25 | ad. 1996 No. 344 am. 1997 No. 117; 1998 No. 193 |
| R. 13.26 | ad. 1996 No. 344 am. 1998 No. 193 |
| Schedule 1AAA | |
| Schedule 1AAA..... | ad. 1995 No. 430 am. 2007 No. 74; 2009 No. 389 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|------------------------------|--|
| Schedule 1AA | |
| Schedule 1AA | ad. 1995 No. 240 am. 1996 No. 122; 1998 No. 83; 2002 No. 150; 2007 Nos. 105 and 331; 2009 No. 295 |
| Schedule 1A | |
| Heading to Schedule 1A | rs. 2005 No. 333 |
| Schedule 1A | ad. 1994 No. 189 am. 2003 No. 171; 2005 No. 333; 2009 Nos. 46 and 106; 2010 No. 237 |
| Schedule 1AAB | |
| Schedule 1AAB..... | ad. 2005 No. 333 am. 2009 Nos. 46 and 106; 2010 No. 237 |
| Schedule 1B | |
| Schedule 1B | ad. 1994 No. 189 am. 1995 No. 158; 1998 No. 193; 1999 No. 239 |
| Schedule 1 | |
| Heading to Schedule 1..... | rs. 2007 No. 74; 2008 No. 9 |
| Schedule 1 | am. 1994 No. 189; 1997 Nos. 152, 153, 343 and 415; 1998 No. 193; 1999 No. 239; 2002 No. 91; 2005 No. 56; 2007 No. 74; 2008 Nos. 9 and 282; 2009 No. 15 |
| Schedule 1A | ad. 2002 No. 91 |
| Renumbered..... | 2002 No. 200 |
| Schedule 1AB | am. 2005 No. 334 rep. 2008 No. 282 |
| Schedule 2 | |
| Heading to Schedule 2..... | am. 1995 No. 159 |
| Schedule 2..... | am. 1994 No. 189; 1997 No. 293; 2005 No. 218 |
| Schedule 2A | |
| Schedule 2A | ad. 2007 No. 74 |
| Schedule 3 | |
| Schedule 3..... | am. 1998 No. 193; 1999 No. 239 |
| Schedule 4 | |
| Schedule 4..... | ad. 2002 No. 21 |
| Schedule 5..... | ad. 2004 No. 113 rep. 2004 No. 113 |
| Schedule 6 | |
| Schedule 6..... | ad. 2004 No. 148 am. 2005 No. 333; 2009 Nos. 46 and 106; 2010 No. 237 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected

How affected

Schedule 7

| | |
|------------------|---|
| Schedule 7 | ad. 2007 No. 74 am. 2009 Nos. 46 and 106; 2010 No. 237 |
|------------------|---|

Table A

Table A Application, saving or transitional provisions

Statutory Rules 1995 No. 293

3 Application

- 3.1 The amendment made by regulation 2 applies in relation to the reporting period of a fund or sub-plan, as the case requires, for the 1995-96 financial year and each succeeding reporting period.

Statutory Rules 1996 No. 344

13 Application of amendments — reconsideration and review of decisions

- 13.1 The amendments of the Superannuation Industry (Supervision) Regulations made by regulations 3, and 8 to 12, of these regulations apply in relation to decisions of the Insurance and Superannuation Commissioner (other than decisions made under regulation 12.17 of the Superannuation Industry (Supervision) Regulations as in force at any time before 30 December 1996) made on and after 30 December 1996.

14 Transitional — approved auditors

- 14.1 Despite regulations 8.03 and 11.02 of the Superannuation Industry (Supervision) Regulations, the date by which:
- (a) a report mentioned in subsection 113(4) of the *Superannuation Industry (Supervision) Act 1993* must be given; or
 - (b) an annual return mentioned in subsection 36(1) of that Act must be lodged;
- is 31 March 1997 in the case of a report or annual return that:
- (c) relates to a superannuation entity (other than an excluded fund or a public offer entity) in respect of which an auditor

is, not later than 31 January 1997, granted an approval under subregulation 1.04 (2A) of the Superannuation Industry (Supervision) Regulations (as amended by these regulations); and

- (d) relates to the year of income of that superannuation entity that ended on 30 June 1996.

Statutory Rules 1997 No. 117

57 Transitional

- 57.1 The amendment of the Superannuation Industry (Supervision) Regulations made by regulation 56 of these regulations applies in relation to requests made by a person under subregulation 13.25 (1) of the Superannuation Industry (Supervision) Regulations that are received by the Commissioner on or after 1 July 1997.

Statutory Rules 1997 No. 152

6 Transitional

- 6.1 An application to the Commissioner, before 1 July 1997, for a determination that benefits be provided for the member on compassionate grounds, must, if it is an application capable of being dealt with, be dealt with by the Commissioner as if the amendments of the Superannuation Industry (Supervision) Regulations made by subregulations 3.1, 4.1, 5.2 and 5.4 had not occurred.
- 6.2 An application to the Commissioner, before 1 July 1997, for a determination under subregulation 6.01 (5) of the Superannuation Industry (Supervision) Regulations as in force immediately before the commencement of these regulations, must be dealt with by the Commissioner as if the amendments of the Superannuation Industry (Supervision) Regulations made by subregulations 3.1, 3.2, 5.1 and 5.3 had not occurred.

Table A

Statutory Rules 1997 No. 153

5 Transitional

- 5.1 A written request to a trustee, before 1 July 1997, for release of benefits on the ground of permanent departure from Australia, as defined in subregulation 6.01 (2) of the Superannuation Industry (Supervision) Regulations as in force immediately before the commencement of these regulations, must be dealt with by the trustee as if the amendments of the Superannuation Industry (Supervision) Regulations made by regulations 3 and 4 had not occurred.
-

Statutory Rules 1997 No. 343

5 Application

- 5.1 The amendments made by regulation 2 and subregulation 4.2 do not apply in relation to an application made to a trustee before the commencement of these regulations.
- 5.2 The insertion of item 103A by subregulation 4.1 does not limit the operation of regulation 5 of Statutory Rules 1997 No. 153.
-

Statutory Rules 1997 No. 415

3 Application

- 3.1 Subregulation 2.1 does not limit the operation of regulation 5 of Statutory Rules 1997 No. 153.
- 3.2 Subregulation 2.2 does not apply in relation to an application made to a trustee before the commencement of these regulations.
-

Statutory Rules 1998 No. 312

4 Application

The amendments made by items 2, 3, 4, 5, 6, 7, 8, 9 and 12 of Schedule 1 apply to:

- (a) a benefit in the nature of an annuity that arises under a contract under which the payment of the purchase price was completed on or after 20 September 1998; or
- (b) a benefit in the nature of a pension to which the primary beneficiary became entitled, on or after 20 September 1998, under rules that provide that the commencement day is the day when the primary beneficiary became entitled to the benefit.

Statutory Rules 1999 No. 239

4 Transitional

The amendment of paragraphs 8.03 (a) and (b) of the *Superannuation Industry (Supervision) Regulations 1994* by Schedule 1 do not have effect in relation to a year of income of a superannuation entity before the 1999-2000 year of income of the entity.

Statutory Rules 2000 No. 185

4 Transitional

- (1) This regulation applies to a unit trust that, immediately before the commencement of these Regulations, was a pooled superannuation trust.
- (2) On the commencement of these Regulations, the unit trust continues to be a pooled superannuation trust.
- (3) Subregulation (2) ceases to apply to the unit trust immediately after the time of lodgment, in accordance with subsection 36 (1) of the *Superannuation Industry (Supervision) Act 1993*,

Table A

of the first return in relation to the unit trust after the commencement of these Regulations.

Statutory Rules 2001 No. 352

4 Transitional

- (1) This regulation applies to a trust:
 - (a) in relation to which the time of lodgment was before commencement of these Regulations; and
 - (b) the trustee of which did not give confirmation by the time of lodgment; and
 - (c) the trustee of which either:
 - (i) gave APRA before the commencement of these Regulations a purported confirmation, even though the time for doing so had passed; or
 - (ii) gives confirmation by the time allowed under sub-subparagraph 1.04 (5) (c) (iii) (B) of the SIS Regulations (as amended by these Regulations).
- (2) The trust is taken to be a trust in relation to which the circumstance mentioned in subparagraph 1.04 (5) (c) (iii) of the SIS Regulations applies from:
 - (a) for a trust mentioned in subparagraph (1) (c) (i) — the commencement of these Regulations; or
 - (b) for a trust mentioned in subparagraph (1) (c) (ii) — the day confirmation is given.
- (3) In addition, the trust is taken to have been a trust in relation to which the circumstance mentioned in subparagraph 1.04 (5) (c) (iii) of the SIS Regulations applied between the time of lodgment and:
 - (a) for a trust mentioned in subparagraph (1) (c) (i) — the commencement of these Regulations; or
 - (b) for a trust mentioned in subparagraph (1) (c) (ii) — the day confirmation is given.
- (4) The trustee of a trust may give APRA a notice, in writing, that the trust does not wish subregulation (3) to apply to the trust.

Table A

-
- (5) A notice under subregulation (4) must be given:
- (a) for a trust mentioned in subparagraph (1) (c) (i) — within 3 months after commencement of these Regulations; or
 - (b) for a trust mentioned in subparagraph (1) (c) (ii) — when confirmation is given.
- (6) A notice under subregulation (4) is irrevocable.
- (7) In this regulation:
- confirmation* means the confirmation mentioned in subparagraphs 1.04 (5) (c) (i) to (iv) of the SIS Regulations.
- SIS Regulations* means the *Superannuation Industry (Supervision) Regulations 1994*.
- time of lodgment* means the time of lodgment mentioned in subparagraph 1.04 (5) (c) (iii) of the SIS Regulations.

Statutory Rules 2003 No. 171

4 Transitional

The amendments made by Schedule 1 apply to an annuity or a pension with a commencement date on or after 1 October 2003.

Select Legislative Instrument 2005 No. 335

4 Transitional

- (1) The amendment made by item [3] of Schedule 1 applies in relation to an application for an RSE licence made on or after the day on which these Regulations commence.

Note An application made by an applicant that has been examined using AASB 1017, and on which a decision has been made, before the day on which these Regulations commence, will not be re-examined using AASB 124.

Table A

Select Legislative Instrument 2008 No. 134

2 Commencement

- (2) However, for the period starting on 4 October 2007 and ending immediately before the day on which these Regulations are registered, the amendment made by item [1] of Schedule 1 does not apply to the extent to which:
- (a) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) as at the day on which these Regulations are registered would be affected so as to disadvantage that person; or
 - (b) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the day on which these Regulations are registered.
-

Table B Modifications
MODIFICATION DECLARATION No 10

I, Frederick George Herbert Pooley, Insurance and Superannuation Commissioner, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the “Act”), DECLARE that:

[Note: For modifications of the Act see the *Superannuation Industry (Supervision) Act 1993*]

2. Part 4 of the *Superannuation Industry (Supervision) Regulations* is to have effect, in relation to regulated superannuation funds, and their trustees, as if it were modified by inserting after regulation 4.08 the following:

“Operating standard - member representation in certain regulated superannuation funds in relation to which a declaration under subsection 18(7) of the Act is in force

Operating standard

4.08A. **(1)** For the purposes of subsection 31(1) of the Act, the standard stated in subregulation (2) is applicable to the operation of regulated superannuation funds.

Arrangement for member representation

- (2)** A regulated superannuation fund:
- (a) that is not a standard employer-sponsored fund; and
 - (b) that has more than 4 members; and
 - (c) in relation to which a declaration under subsection 18(7) (which allows for funds to be declared not to be public offer funds) is in force;

must have in place an arrangement in relation to the management and control of the fund that:

Table B

(d) has been agreed to by a majority of the members of the fund; and

(e) is approved by the Commissioner in writing.

Imposing conditions on, and revoking, paragraph (2)(e) approvals

(3) An approval mentioned in paragraph (2)(e):

(a) is subject to any conditions specified in the instrument of approval; and

(b) may be revoked by the Commissioner by written notice given to the holder of the approval.

Varying the conditions of paragraph (2)(e) approvals

(4) The Commissioner may vary the conditions of an approval mentioned in paragraph (2)(e) by written notice given to the holder of the approval.

Transitional

(5) A fund has 90 days from the time when subregulation (2) first applies to it to comply with that subregulation.

Commissioner must have regard to guidelines when deciding whether to approve an arrangement

(6) When deciding whether or not to approve an arrangement under paragraph (2)(e), the Commissioner must have regard to any written guidelines determined by the Commissioner under this subregulation.

This regulation does not apply if acting trustee appointed

(7) This regulation does not apply to a fund if the fund has an acting trustee appointed under Part 17 of the Act. ”

This declaration is taken to have commenced to have effect on 1 July 1995.

Dated 14 July 1995

F G H Pooley
Commissioner

MODIFICATION DECLARATION No 23

I, Thomas Karp, a delegate of the Australian Prudential Regulation Authority, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the “Act”), DECLARE that:

1. Regulations 2.29, 5.08, 7.03, 9.08, 9.09, 9.17, 9.23, 9.24, 9.25, 9.29 and 9.30 of the *Superannuation Industry (Supervision) Regulations* (the “Regulations”), (being operating standards for the purposes of Part 3 of the Act); and
2. Regulations 1.03, 5.01, 5.04, 7.05, 9.01, 9.05, 9.06, 9.07, 9.10, 9.11, 9.12, 9.13, 9.14, 9.16, 9.18, 9.19, 9.20, 9.21, 9.22, 9.26, 9.27, 9.28 and 9.31, but only to the extent that they were made for the purposes of Part 3 of the Act,

shall have effect, in relation to trustees and members of superannuation entities (other than public sector superannuation schemes), as if the following regulations were modified:

a. By omitting the definition of “defined benefit fund” in subregulation 1.03(1) and substituting:

“**“defined benefit fund”** means:

- (a) a public sector superannuation scheme that:
 - (i) is a regulated superannuation fund; and
 - (ii) has at least 1 defined benefit member; or
- (b) a regulated superannuation fund (other than a public sector superannuation scheme) that has at least 1 defined benefit member;”

b. By omitting the definition of “defined benefit member” in subregulation 1.03(1) and substituting:

“**“defined benefit member”** means a member (which, in this definition, has the same meaning as “member” in subregulation 2.01(2)):

- (a) entitled, on retirement or termination of his or her employment, to be paid a benefit defined, wholly or in part, by reference to either or both of the following:

Table B

- (i) the amount of:
 - (A) the member's salary at a particular date, being the date of the termination of the member's employment or of the member's retirement or an earlier date; or
 - (B) the member's salary averaged over a period before retirement; or
- (ii) a specified amount; or
- (b) for the purposes of determining the meaning of "defined benefit fund" in regulations 2.29, 5.01, 5.04 and 7.05, Divisions 9.3 and 9.4 of Part 9, and regulations 9.26, 9.27, 9.28, 9.29, 9.29A and 9.30, who is being paid a defined benefit pension;"

c. By inserting the following definition into subregulation 1.03(1):

“**defined benefit pension**” means a pension under section 10 of the Act other than:

- (a) a pension wholly determined by reference to policies of life assurance purchased or obtained by the trustee of a regulated superannuation fund solely for the purposes of providing benefits to members of that fund; or
- (b) a pension that is provided under rules to which subregulation 1.06(4) applies (an allocated pension);”

d. By inserting the following definition into regulation 9.01:

“**defined benefit sub-fund**” means a segment of a regulated superannuation fund (other than a public sector superannuation scheme) that has the following characteristics:

- (a) the segment has at least 1 defined benefit member who is being paid a defined benefit pension from the fund; and
- (b) the segment has separately identifiable assets and separately identifiable beneficiaries; and

- (c) each beneficial interest in the segment is an interest only in the assets of the segment and not in any other assets of the regulated superannuation fund; and
- (d) there is no transfer of assets, benefits or money between the segment and any other part of the regulated superannuation fund without a transfer of a corresponding beneficial interest; and
- (e) the insurance and administration costs of the segment are attributable only to that segment.

[Note: Paragraph (c) of this definition does not prevent a beneficiary having more than one beneficial interest in one segment or more than one beneficial interest in one regulated superannuation fund.]”

e. By inserting after “regulation 9.29” in the definition of “valuation date” in regulation 9.27:

“ or regulation 9.29A”

f. By inserting after “regulations 9.29” in regulation 9.28:

“ , 9.29A”

g. By adding after regulation 9.29:

“9.29A(1) From the date of commencement of this Modification Declaration:

- (a) regulation 9.29 ceases to apply to trustees of defined benefit funds which have at least 1 defined benefit member who is being paid a defined benefit pension from the fund; and
- (b) those trustees are required to comply with subregulations (2) and (3).

9.29A(2) Subject to subregulation (3), a trustee of a defined benefit fund which has at least 1 defined benefit member who is being paid a defined benefit pension from the fund, must require an actuarial investigation to be made in relation to the fund:

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First actuarial investigation after the commencement of this Modification Declaration

- (a) if that fund is paying a defined benefit pension immediately before the commencement of this Modification Declaration, then:
 - (i) in the case of a fund in respect of which an actuarial investigation under regulation 9.29 has been made, as at the date at which the next actuarial investigation would have been required under regulation 9.29, had regulation 9.29 not ceased to apply under paragraph 9.29A(1)(a); and
 - (ii) in all other cases, as at a date not later than 30 June 1999; and
- (b) if that fund first pays a defined benefit pension after the commencement of this Modification Declaration:
 - (i) as at a date not later than 1 year; or
 - (ii) where that fund is not an excluded fund^[1], as at a date otherwise determined in writing (if any) by the Chief Executive Officer of^[2] APRA in relation to the particular fund, which is not less than 1 year and not more than 3 years;

after the commencement day of that defined benefit pension;

Second and further actuarial investigations after the commencement of this Modification Declaration

and, in all cases, further regular actuarial investigations must be made:

- (c) for a regulated superannuation fund which has at least 1 defined benefit member who is being paid a defined

^[1] *Note:* Modification Declaration No. 23 was amended and the amendment notified in *Gazette* No. GN 42, 25 October 2000.

^[2] *Note:* Modification Declaration No. 23 was amended and the amendment notified in *Gazette* No. GN 4, 31 January 2001.

benefit pension from the fund and which is not an excluded fund^[3], as at a date:

- (i) not later than 1 year; or
- (ii) otherwise determined in writing (if any) by the Chief Executive Officer of^[4] APRA in relation to the particular fund which is not less than 1 year and not more than 3 years; and

(d) in all other cases, as at a date not later than 1 year;

after the date on which the last actuarial investigation was made.

9.29A(3) With respect to a regulated superannuation fund which has a defined benefit sub-fund, subregulation (2):

- (a) applies to the defined benefit sub-fund; and
- (b) does not apply to require actuarial investigation in accordance with subregulation (2) into other segments of that regulated superannuation fund, unless those other segments are also defined benefit sub-funds.”

h. By inserting after “regulation 9.29” in subregulation 9.30(1):

“ or regulation 9.29A”

i. By inserting after paragraph 9.31(1)(b):

- “ (ba) for a regulated superannuation fund which has at least 1 defined benefit member who is being paid a defined benefit pension from the fund, a statement of the actuary’s opinion on whether, at the valuation date, there is a reasonable^[5] degree of probability that the fund will be able to pay the pension as required under the fund’s governing rules; and”.

^[3] *Note:* Modification Declaration No. 23 was amended and the amendment notified in *Gazette* No. GN 42, 25 October 2000.

^[4] *Note:* Modification Declaration No. 23 was amended and the amendment notified in *Gazette* No. GN 4, 31 January 2001.

^[5] *Note:* Modification Declaration No. 23 was amended and the amendment notified in *Gazette* No. GN 42, 25 October 2000.

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This declaration commences to have effect on the date that it is signed.

Dated 12 January 1999

(signed)

Tom Karp

Executive General Manager

Insurance and Superannuation Division

**AMENDMENT OF
MODIFICATION DECLARATION No 23**

I, Graeme John Thompson, Chief Executive Officer of, and a delegate of, the Australian Prudential Regulation Authority, under subsection 33(3) of the *Acts Interpretation Act 1901* and section 332 of the *Superannuation Industry (Supervision) Act 1993* (the *Act*), AMEND modification declaration number 23, which was made on 12 January 1999:

a. By omitting “is not an excluded fund” from subparagraph 9.29A(2)(b)(ii) and paragraph 9.29A(2)(c) of the *Superannuation Industry (Supervision) Regulations 1994* (the *SIS Regulations*) (which were added by Part g of modification declaration number 23) and substituting “has five or more members”; and

b. By omitting “reasonable” from paragraph 9.31(1)(ba) of the *SIS Regulations* (which was added by Part i of modification declaration number 23) and substituting “high”.

This declaration commences to have effect on the day it is published in the *Gazette*.

Dated 18 October 2000

SIGNED
Graeme Thompson
Chief Executive Officer

AMENDMENT OF MODIFICATION DECLARATION No 23

I, Graeme John Thompson, Chief Executive Officer of, and a delegate of, the Australian Prudential Regulation Authority, under subsection 33(3) of the *Acts Interpretation Act 1901* and section 332 of the *Superannuation Industry (Supervision) Act 1993*, AMEND modification declaration number 23, which was made on 12 January 1999 by omitting all references to “the Chief Executive Officer of”, wherever it appears.

This amendment is in addition to the amendment of modification declaration number 23 dated 18 October 2000.

This declaration commences to have effect on the day it is published in the Gazette.

Dated 25 January 2001

[*signed*]
Graeme Thompson
Chief Executive Officer

Table B

MODIFICATION DECLARATION No 24

I, Brandon Khoo, a delegate of APRA under section 332 of the Act, DECLARE that subregulations 6.21(1) and 6.21(1A) of the Regulations are to have effect in relation to trustees and members of superannuation entities as if they were modified by inserting after subregulation 6.21(1A):

- “(1B) During the period 1 July 2004 to 30 June 2005, the benefits of a member (including a member’s post-65 employer-financed benefits) are not required to be cashed in accordance with paragraph 6.21(1)(a) or 6.21(1A)(a).
- (1C) A trustee’s failure to cash a member’s benefits (including a member’s post-65 employer-financed benefits) in accordance with paragraph 6.21(1)(a) or 6.21(1A)(a) during the period 1 July 2004 to the date of commencement of Modification Declaration No 24 is not a breach of those paragraphs.”

This Declaration commences on the date it is signed.

Dated 2 May 2005

[signed]

Brandon Khoo
Executive General Manager
Specialised Institutions Division

Interpretation

In this Declaration

Act means the *Superannuation Industry (Supervision) Act 1993*

APRA means the Australian Prudential Regulation Authority

Regulations means the *Superannuation Industry (Supervision) Regulations 1994*

MODIFICATION DECLARATION NO 26

I, Wayne Stephen Byres, a delegate of the Australian Prudential Regulation Authority, make this Modification Declaration under section 332 of the *Superannuation Industry (Supervision) Act 1993*.

Dated 22 July 2005

[Signed]

Wayne Byres
Executive General Manager
Diversified Institutions Division

1 Name of Modification Declaration

This Modification Declaration is called Modification Declaration No 26.

2 Commencement

This Modification Declaration is taken to have commenced on 12 May 2004.

3 Modifications

The *Superannuation Industry (Supervision) Regulations 1994* have effect, in relation to superannuation entities and their trustees, as if they were modified as specified in the Schedule.

Table B

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4. As a result of that failure, the forfeited member lost their entitlement to the amount.
 5. Either:
 - (a) the applicable minimum service provisions applied to the forfeited member during the whole of the period (the *post-11 May 2004 period*) from 11 May 2004 to the occurrence of the forfeiting event; or
 - (b) the applicable minimum service provisions applied to the forfeited member during the latter part of the post-11 May 2004 period and predecessor minimum service provisions applied to the member during the rest of the post-11 May 2004 period.
 6. If paragraph (b) of condition 5 applies – the trustee of the forfeiting fund is satisfied, on reasonable grounds, that the applicable minimum service provisions are not more unfavourable to the forfeited member than the predecessor minimum service provisions.

Note: An example of the applicable minimum service provisions being more unfavourable to the forfeited member than the predecessor minimum service provisions is where the predecessor minimum service provisions specify a minimum service period of 10 years while the applicable minimum service provisions specify a minimum service period of 12 years.
 7. If any of the applicable minimum service provisions are contained in the governing rules of the forfeiting fund – the trustee of the forfeiting fund believes, on reasonable grounds, that the provisions, or their effect, were disclosed to the forfeited member in accordance with applicable disclosure requirements imposed by or under the Act or the *Corporations Act 2001*.
 8. The contributions mentioned in condition 1 were required to be made by:

Table B

- (a) the applicable minimum service provisions; or
- (b) predecessor minimum service provisions.

Note 1: Note the use of the term *required* in condition 8. If, under the applicable minimum service provisions or predecessor minimum service provisions, the employer merely has a discretion to make non-mandated employer contributions to the fund for the benefit of the forfeited member, but is not obliged to make the contributions, the exception in subregulation (2A) will not apply to the minimum benefits financed by such discretionary contributions.

Note 2: If a member loses their entitlement to an amount of benefits in the manner described in subregulation (2A), the amount cannot be paid out to the employer unless the payment complies with section 117 of the Act.

(2B) In this regulation:

applicable minimum service provisions has the meaning given in subregulation (2A).

award means an award relating to conditions of employment which is made by an employment tribunal under a law of the Commonwealth, a State or a Territory.

certified agreement means an agreement relating to conditions of employment which is certified by an employment tribunal under a law of the Commonwealth, a State or a Territory.

employment tribunal means a tribunal or body having authority under a law of the Commonwealth, a State or a Territory to make an award or to certify an agreement relating to conditions of employment.

forfeited member has the meaning given in subregulation (2A).

forfeiting event, in relation to the forfeited member, means the event (involving ceasing to be an employee or member) which results in the forfeited member failing to satisfy the minimum service requirement in the applicable minimum service provisions, and consequently losing

Table B

their entitlement to the amount of minimum benefits mentioned in subregulation (2A).

forfeiting fund has the meaning given in subregulation (2A).

minimum service provisions has the meaning given in subregulation (2C).

minimum service requirement has the meaning given in subregulation (2C).

non-mandated employer contributions means employer contributions other than mandated employer contributions.

predecessor minimum service provisions has the meaning given in subregulation (2D).

- (2C) In this regulation, ***minimum service provisions*** means provisions that satisfy all the following conditions:
1. The provisions are contained in one or more of the following:
 - (a) the governing rules of a regulated superannuation fund (other than a self managed superannuation fund);
 - (b) a written agreement between a member of the fund and the member's employer;
 - (c) an award relating to the member's conditions of employment;
 - (d) a certified agreement relating to the member's conditions of employment.

Note: Some of the minimum service provisions may be contained in one of the documents mentioned in paragraphs (a) to (d) while others may be contained in another of those documents.
 2. The provisions require the member's employer to make non-mandated employer contributions to the fund for the benefit of the member.
 3. The provisions make the member's entitlement to the benefits that are attributable to those non-mandated employer contributions conditional or contingent on the member satisfying a stipulation (a

Table B

minimum service requirement) contained in the provisions that the member be, for a specified minimum period (a *minimum service period*):

- (a) an employee (or a particular class or category of employee) of the employer; or
- (b) an employee (or a particular class or category of employee) of a person (a *previous employer*) who previously carried on the business of the employer; or
- (c) an employee (or a particular class or category of employee) of a related body corporate (a *related employer*) of the employer or a previous employer; or
- (d) a member (or a particular class or category of member) of the fund; or
- (e) a member (or a particular class or category of member) of another regulated superannuation fund (other than a self managed superannuation fund) to which the employer, a previous employer or a related employer made contributions for the benefit of the member.

Note: The minimum service requirement may require the member to belong to only one of the categories mentioned in paragraphs (a) to (e), or to only some of those categories. For example, a given minimum service requirement may require the member to be an employee of either the employer or a related employer for a minimum of 10 years.

Also, a minimum service requirement may permit the member to be in different categories during different parts of the minimum service period (as long as the member is in one or other of those categories at all times during that period).

- (2D) In this regulation, *predecessor minimum service provisions*, in relation to the applicable minimum service provisions, means:

Table B

- (a) an earlier version of the applicable minimum service provisions, which applied to the forfeited member when they were a member of the forfeiting fund; or
- (b) other minimum service provisions, which applied to the forfeited member when they were a member of another regulated superannuation fund (other than a self managed superannuation fund) from which they were subsequently transferred to the forfeiting fund.

Superannuation Industry (Supervision) modification declaration No. 1 of 2006

Superannuation Industry (Supervision) Act 1993

I, Thomas Karp, a delegate of APRA, under section 332 of the Superannuation Industry Supervision (Act) 1993 (the Act), DECLARE that Division 6.7 of the Regulations has effect as if it were modified in the manner specified in the attached Schedule.

This declaration comes into force upon registration of this instrument on the Federal Register of Legislative Instruments.

Dated 28 April 2006

[Signed]

Thomas Karp
Executive General Manager
Supervisory Support Division

Interpretation

In this instrument

Table B

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Regulations means the *Superannuation Industry (Supervision) Regulations 1994*.

Note 1 This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) (see section 5 and Item 15 of section 7 of the LIA). Under section 56 of the LIA, the obligation under section 336 of the Act, to publish this exemption in the Gazette, is satisfied by its registration on the Federal Register of Legislative Instruments.

Note 2 Under paragraph (zb) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this declaration is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

Note 3 The address where the request for reconsideration referred to in this instrument may be given to APRA, is Level 26, 400 George Street, Sydney, NSW.

Schedule - the manner in which the specified modifiable provisions are modified

1. Division 6.7 is modified by including, after subregulation 6.42(2):

6.42A Transitional arrangements for *splittable contributions*

1. Subject to subregulation (2), if a regulated superannuation fund (the receiving fund) receives before 1 July 2006 an amount rolled over or transferred by another regulated superannuation fund (the transferring fund), and that amount includes an amount that was a splittable contribution in the transferring fund, the amount that was a splittable contribution is taken to be a splittable contribution in the receiving fund.

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2. Subregulation (1) does not apply where:
- (a) the transferring fund is a self managed superannuation fund; or
 - (b) the amount is rolled over or transferred pursuant to regulation 6.45; or
 - (c) the trustee of a transferring fund has given effect to an application under subregulation 6.44(1) from the member in respect of whom the rollover or transfer was received.
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Superannuation Industry (Supervision) modification declaration No. 2 of 2006

Superannuation Industry (Supervision) Act 1993

I, Thomas Karp, a delegate of APRA, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the Act), DECLARE that regulation 4.16 of the Regulations has effect as if it were modified as specified in the attached Schedule.

The declaration comes into force upon registration on the Federal Register of Legislative Instruments and ceases to have effect on 1 July 2007.

Dated 29 June 2006

[signed]

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Thomas Karp
Executive General Manager
Supervisory Support Division

Interpretation

In this Notice

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Regulations means the *Superannuation Industry (Supervision) Regulations 1994*.

Note 1 This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) (see section 5 and Item 15 of section 7 of the LIA). Under section 56 of the LIA, the obligation under section 336 of the Act, to publish this exemption in the Gazette, is satisfied by its registration on the Federal Register of Legislative Instruments.

Note 2 Under paragraph (zb) of the definition of *reviewable decision* in subsection 10(1) of the Act, the decision to make this declaration is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

Note 3 The address where the request for reconsideration referred to in this instrument may be given to APRA, is Level 26, 400 George Street, Sydney, NSW 2000.

Schedule — the class of persons to whom this declaration applies

All RSE licensees

Schedule — the manner in which the specified modifiable provision is modified

Regulation 4.16 of the Regulations is modified by including, after subregulation 4.16(6):

- (6A) However, subregulation (6) does not apply to a material outsourcing agreement between an RSE licensee of a registrable superannuation entity and a custodian to the extent that:
 - (a) the agreement or arrangement is between the custodian and another service provider that is a sub-custodian; and
 - (b) the material outsourcing agreement contains a provision that the custodian accepts responsibility for liability arising from the failure of the sub-custodian to exercise reasonable care in the custody of the assets of the registrable superannuation entity.
 - (6B) For the purposes of subregulation (6A), the liability of a custodian to an RSE licensee must not be dependent upon any recovery of losses by the custodian from the sub-custodian.
 - (6C) For the purposes of subregulations (6A) and (6B), a *sub-custodian* means a person (other than an RSE licensee of a registrable superannuation entity or a securities depository) who, under a written contract with a custodian, holds assets of a registrable superannuation entity.
 - (6D) For the purposes of subregulation (6C), *securities depository* means a book-entry or other settlement system or clearing house or agency through which a custodian or a sub-custodian may transfer, settle, clear, deposit or maintain securities, whether in certificated or uncertificated form, and includes any services provided by any network service provider or carriers or settlement banks used by a settlement system or clearing house or agency.
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Table B

Superannuation Industry (Supervision) modification declaration No. 3 of 2006

Superannuation Industry (Supervision) Act 1993

I, Thomas Karp, a delegate of APRA, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the Act), DECLARE that regulation 6.21 of the Regulations has effect in relation to the class of persons described in the attached Schedule, as if it were modified in the manner specified in the attached Schedule.

The declaration comes into force upon registration on the Federal Register of Legislative Instruments and ceases to have effect on 1 July 2007.

Dated 29 June 2006

[signed]

.....
Thomas Karp
Executive General Manager
Supervisory Support Division

Interpretation

In this instrument

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Regulations means the *Superannuation Industry (Supervision) Regulations 1994*.

Note 1 This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) (see section 5 and Item 15 of section 7 of the LIA). Under section 56 of the LIA, the obligation under section 336 of the Act, to publish this exemption in the Gazette, is satisfied by its registration on the Federal Register of Legislative Instruments.

Note 2 Under paragraph (zb) of the definition of ***reviewable decision*** in subsection 10(1) of the Act, the decision to make this declaration is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the

request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

Note 3 The address where the request for reconsideration referred to in this instrument may be given to APRA, is Level 26, 400 George Street, Sydney, NSW 2000.

Schedule — the class of persons to whom this declaration applies

Trustees of regulated superannuation funds

Schedule — the manner in which the specified modifiable provisions are modified

Regulation 6.21 is to have effect in relation to trustees and members of superannuation entities as if it was modified, by inserting after subregulation 6.21(1C)

(as inserted by Modification Declaration No 24):

“6.21(1D) During the period 10 May 2006 to 30 June 2007:

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- (i) a member's benefits in a regulated superannuation fund (other than the member's post-65 employer-financed benefits) are not required to be cashed in accordance with paragraphs 6.21(1)(a), 6.21(1)(b) or 6.21(1) (c); and
- (ii) a member's post-65 employer-financed benefits are not required to be cashed in accordance with paragraphs 6.21(1A)(a) or 6.21(1A)(b).

6.21 (1E) The cashing of a member's benefits (including the member's post-65 employer-financed benefits) by a trustee during the period 10 May 2006 to the date of registration of this modification declaration is not a breach of regulation 6.21 as modified.

Superannuation Industry (Supervision) modification declaration No. 1 of 2007

Superannuation Industry (Supervision) Act 1993

I, Thomas Karp, a delegate of APRA, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the Act), DECLARE that regulation 4.16 of the Regulations has effect in relation to the class of persons described in the attached Schedule, as if it were modified in the manner specified in the attached Schedule.

This declaration comes into force on 1 July 2007.

Dated 28 June 2007

[Signed]

Thomas Karp
Executive General Manager
Supervisory Support Division

Interpretation

Document ID: 129791

In this instrument

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Regulations means the *Superannuation Industry (Supervision) Regulations 1999*.

Note 1 This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) (see section 5 and Item 15 of section 7 of the LIA). Under section 56 of the LIA, the obligation under section 336 of the Act, to publish this exemption in the Gazette, is satisfied by its registration on the Federal Register of Legislative Instruments.

Note 2 Under paragraph (zb) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this declaration is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

Note 3 The address where the request for reconsideration referred to in this instrument may be given to APRA, is Level 26, 400 George Street, Sydney, NSW 2000.

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Schedule - the class of persons to whom this declaration applies

Schedule - the class of persons to whom this declaration applies

All RSE Licensees

Schedule – the manner in which the specified modifiable provisions are modified

Regulation 4.16 of the Regulations is modified by including, after subregulation 4.16(6):

- (6A) Subregulation (6) does not apply to a material outsourcing agreement between an RSE licensee of a registrable superannuation entity and a custodian, to the extent that:
 - (a) the agreement or arrangement is between:
 - (i) the custodian and a sub-custodian; or
 - (ii) a sub-custodian and another sub-custodian; and
 - (b) the material outsourcing agreement contains a provision that the custodian accepts responsibility for any liability arising from the failure of any sub-custodian to exercise reasonable care in the custody of the assets of the registrable superannuation entity.
- (6B) For the purposes of subregulation (6A), the liability of a custodian to an RSE licensee must not be dependent upon any recovery of losses by the custodian from any sub-custodian.
- (6C) For the purposes of subregulations (6A) and (6B), a *sub-custodian* means a person (other than an RSE licensee of a registrable superannuation entity or a securities depository) who, under a written contract with a custodian or another sub-custodian, performs any custodial function, in relation to the assets of a registrable superannuation entity, that the custodian is required to

perform under a written contract with the RSE licensee of the registrable superannuation entity.

- (6D) For the purposes of subregulation (6C), *securities depository* means a book-entry or other settlement system or clearing house or agency through which a custodian or a sub-custodian may transfer, settle, clear, deposit or maintain securities, whether in certificated or uncertificated form, and includes any services provided by any network service provider or carriers or settlement banks used by a settlement system or clearing house or agency.
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Superannuation Industry (Supervision) modification declaration No. 2 of 2007

Superannuation Industry (Supervision) Act 1993

I, Thomas Karp, a delegate of APRA, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the Act), DECLARE that 7.04 of the Regulations has effect in relation to the class of persons described in the attached Schedule, as if it were modified in the manner specified in the attached Schedule.

This declaration comes into force upon registration of this instrument on the Federal Register of Legislative Instruments.

Dated 31 July 2007

[Signed]

Thomas Karp
Executive General Manager
Supervisory Support Division

Table B

Interpretation

Document ID: 147630

In this instrument

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Regulations means the *Superannuation Industry (Supervision) Regulations 1994*.

Note 1 This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) (see section 5 and Item 15 of section 7 of the LIA). Under section 56 of the LIA, the obligation under section 336 of the Act, to publish this exemption in the Gazette, is satisfied by its registration on the Federal Register of Legislative Instruments.

Note 2 Under paragraph (zb) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this declaration is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

Note 3 The address where the request for reconsideration referred to in this instrument may be given to APRA, is Level 26, 400 George Street, Sydney, NSW 2000.

Schedule - the class of persons to whom this declaration applies

All RSE Licensees

Schedule - the manner in which the specified modifiable provisions are modified

Regulation 7.04 of the Regulations is modified by replacing subparagraph (4)(a)(i) with:

for an amount received in a manner that is inconsistent with subregulation (2):

- (A) the member's tax file number is quoted (for superannuation purposes) within 30 days of this amount being received by the trustee of the fund; or
 - (B) the member's only interest in the fund is a risk insurance interest and, by 31 December 2007:
 - I. the member's tax file number is quoted (for superannuation purposes); or
 - II. the trustee of the fund returns the amount received to the entity or person that paid the amount; or
-

Superannuation Industry (Supervision) modification declaration No. 3 of 2007

Superannuation Industry (Supervision) Act 1993

I, Wayne Byres, a delegate of APRA, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the Act), DECLARE that subregulation 7.04(4) of the Regulations has effect in relation to the class of persons described in the attached Schedule, as if it were modified in the manner specified in the attached Schedule.

Table B

This declaration comes into force upon registration of this instrument on the Federal Register of Legislative Instruments.

Dated 19 November 2007

[Signed]

Wayne Byres
Executive General Manager
Diversified Institutions Division

Interpretation

Document ID: 150538

In this instrument

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Regulations means the *Superannuation Industry (Supervision) Regulations 1994*.

Note 1 This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) (see section 5 and Item 15 of section 7 of the LIA). Under section 56 of the LIA, the obligation under section 336 of the Act, to publish this exemption in the Gazette, is satisfied by its registration on the Federal Register of Legislative Instruments.

Note 2 Under paragraph (zb) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this declaration is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

Note 3 The address where the request for reconsideration referred to in this instrument may be given to APRA, is Level 26, 400 George Street, Sydney NSW 2000.

Schedule - the class of persons to whom this declaration applies

All RSE licensees

Schedule - the manner in which the specified modifiable provisions are modified

Subregulation 7.04(4) of the Regulations, as modified by Modification Declaration No.2 of 2007, is modified by inserting at the end of paragraph (a):

- “(C) the amount was a government co-contribution payment in respect of a member contribution, where the member contribution was made prior to 1 July 2007; or”
-

Superannuation Industry (Supervision) modification declaration No. 1 of 2008

Superannuation Industry (Supervision) Act 1993

I, Keith Chapman, a delegate of APRA, under section 332 of the *Superannuation Industry (Supervision) Act 1993* (the Act), DECLARE that regulation 9.09(2) of the Regulations has effect in relation to the class of persons described in the attached Schedule, as if it were modified in the manner specified in the attached Schedule.

This declaration comes into force upon registration of this instrument on the Federal Register of Legislative Instruments.

Table B

Dated 21 November 2008

[Signed]

Keith Chapman
Executive General Manager
Supervisory Support Division

Interpretation

Document ID: 165599

In this instrument

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Regulations means the *Superannuation Industry (Supervision) Regulations 1994*.

Note 1 This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) (see section 5 and Item 15 of section 7 of the LIA).

Schedule - the class of persons to whom this declaration applies

All RSE Licensees

Schedule - the manner in which the specified modifiable provisions are modified

Subregulation 9.09(2) of the SIS Regulations is modified by omitting subregulation 9.09(2) and substituting:

- 9.09(2) The trustee of the fund must, as soon as practicable, give a copy of a certificate obtained under this regulation to each employer-sponsor who has contributed, is contributing, or has the obligation to contribute, to the fund in respect of one or more defined benefit members of the fund.