



Superannuation Guarantee (Administration) Amendment Regulations 2005 (No. 1)¹

Select Legislative Instrument 2005 No. 25

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Superannuation Guarantee (Administration) Act 1992*.

Dated 10 March 2005

P. M. JEFFERY
Governor-General

By His Excellency's Command

MAL BROUGH
Minister for Revenue and Assistant Treasurer

1 Name of Regulations

These Regulations are the *Superannuation Guarantee (Administration) Amendment Regulations 2005 (No. 1)*.

2 Commencement

These Regulations commence on 1 July 2005.

3 Amendment of *Superannuation Guarantee (Administration) Regulations 1993*

Schedule 1 amends the *Superannuation Guarantee (Administration) Regulations 1993*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 2, after definition of *Act*

insert

capital guaranteed fund has the same meaning as in subregulation 1.0.02 (1) of the *Corporations Regulations 2001*.

[2] Regulation 2, after definition of *shortfall component*

insert

successor fund has the same meaning as in subregulation 1.03 (1) of the *Superannuation Industry (Supervision) Regulations 1994*.

[3] After regulation 9

insert

9A Requirement for offering insurance in respect of death

- (1) For subsection 32C (2) of the Act, the requirement is that the insurance to be offered by the fund in respect of death is:
 - (a) for a person of an age in an age range mentioned in an item in Schedule 1 — at least the level mentioned in the item; or
 - (b) for a person who has not attained the age of 56 years — at a premium of at least \$0.50 per week, or the equivalent; or
 - (c) if the contribution is made to a defined benefit superannuation scheme on behalf of a defined benefit member — the scheme provides a death benefit with a future service component that is at least equivalent to the level of insurance in respect of death mentioned in paragraph (a).
- (2) The requirement in subregulation (1) does not apply to an employer:
 - (a) if, before 1 July 2005 and on or before 30 June 2008, the fund to which the employer contributes in respect of an employee does not meet the requirement — while the employer continues to contribute to the fund, or a successor fund, in respect of an employee during that period; or
 - (b) if, on or after 1 July 2005, the employer is making contributions under a Federal award in respect of an employee to a fund that does not meet the requirement — to the extent that the employer continues to contribute to a fund under that award in respect of the employee; or
 - (c) if the employer makes contributions to an RSA on behalf of an employee — insofar as the requirement relates to the employee; or
 - (d) if the employer makes contributions to a capital guaranteed fund on behalf of an employee — insofar as the requirement relates to the employee; or

- (e) insofar as the requirement relates to an employee in respect of whom an arrangement by the employer results in the provision of insurance cover that includes death cover:
 - (i) other than with the fund that the employer will contribute to if the employee does not make a choice; and
 - (ii) at a level that is at least equivalent to the level mentioned in subregulation (1); and
 - (iii) that does not provide for a potential benefit to the employer following the death of the employee; or
- (f) if, due to a particular employee's health, occupation, hours worked or other circumstances determined by an insurer, the insurance requirement mentioned in subregulation (1) is not available in respect of the employee from the fund normally used by the employer; or
- (g) if, on 11 March 2005, the rules of the fund to which an employer contributed in respect of an employee determined that an amount not less than \$50 000 will be payable in respect of the death of the employee — while the employer continues to contribute to the fund, or a successor fund, with those rules in respect of the employee.

Note Regulation 9B is reserved for future use.

9C Chosen funds — information to be provided by employee

For subparagraph 32FA (1) (a) (ii), the following information is prescribed:

- (a) the employee's account name in the fund;
- (b) if the fund uses a number or other unique identifier to refer to the employee's account — the number or identifier that relates to the account;
- (c) the full name of the fund;
- (d) if the fund has an Australian Business Number — the number;
- (e) a written statement that complies with subsection 25 (1) of the Act from the trustee of the fund;

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- (f) if the fund is a self managed superannuation fund under section 17A of the *Superannuation Industry (Supervision) Act 1993* — evidence from the Australian Taxation Office that the fund is a regulated superannuation fund;
 - (g) information concerning the method of payment for the employee's contributions, and details necessary to make the payment;
 - (h) if the fund uses a number or other unique identifier to refer to its superannuation products — the number or identifier that relates to the product provided to the employee;
 - (i) if the employer uses a number or other unique identifier to refer to the employee — the number or identifier that relates to the employee.

9D Standard choice form

For paragraphs 32P (1) (e) and (g) of the Act, the standard choice form is the form approved for those paragraphs under section 388-50 of the *Taxation Administration Act 1953*.

[4] Subregulation 12 (1)

omit

the Schedule.

insert

Schedule 3.

[5] After regulation 15*insert***Schedule 1 Requirement for offering insurance in respect of death**

(regulation 9A)

Item	Age range	Level of insurance in respect of death
1	from 20 to 34	\$50 000
2	from 35 to 39	\$35 000
3	from 40 to 44	\$20 000
4	from 45 to 49	\$14 000
5	from 50 to 55	\$7 000

Note Schedule 2 is reserved for future use.**[6] Schedule***renumber as Schedule 3*

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.