

No. 13 of 2013.

Superannuation (General Provisions)(Amendment) Act 2013.

Certified on : **31 OCT 2013**



No. of 2013.

Superannuation (General Provisions)(Amendment) Act 2013.

ARRANGEMENT OF SECTIONS.

1. Purpose of this Act (Amendment of Section 2).
2. Application of this Act (Amendment of Section 4).
3. Exemption (Amendment of Section 10).
4. Investment restrictions (Amendment of Section 74).
5. New Section 74A.
6. Minimum contributions by employer (Amendment of Section 76).
7. Contributions by employee (Amendment of Section 77).
8. Payments of entitlements (Amendment of Section 90).



No. of 2013.

AN ACT

entitled

Superannuation (General Provisions)(Amendment) Act 2013,

Being an Act to amend the *Superannuation (General Provisions) Act 2000* to provide for voluntary savings for retirement by persons other than as employees of an employer, and for related purposes,

Made by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. PURPOSE OF THIS ACT (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended by adding, immediately after paragraph (a), the following new paragraph:

“(aa) make provision for and promote voluntary savings for retirement by persons other than as employees of an employer; and”.

2. APPLICATION OF THIS ACT (AMENDMENT OF SECTION 4).

Section 4 of the Principal Act is amended by adding, immediately after Subsection (1), the following new subsection:

“(1A) The provisions of this Act apply to every person not included in Subsection (1) who elects on voluntary basis to make contributions to an authorized superannuation fund.”.

3. EXEMPTION (AMENDMENT OF SECTION 10).

Section 10 of the Principal Act is amended by repealing Subsections (2) and (3).

4. INVESTMENT RESTRICTIONS (AMENDMENT OF SECTION 74).

Section 74 of the Principal Act is amended by repealing Subsections (3), (4), (5) and (6) and replacing them with the following:

“(3) The Trustee shall be responsible for the decision as to purchase or dispose of an investment of the fund, which must be made in conformity with this Act and any requirements of the Central Bank; and

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(4) The Trustee shall refer any proposal to purchase or dispose of investments to the Investment Manager or such other professional advisor suited to providing independent advice in relation to particular investments for an independent assessment of the proposal which shall include a clear recommendation of whether or not to proceed; and

(5) The Trustee is not obliged to adopt or accept any advice or recommendation from the Investment Manager or other advisors and shall exercise independent judgment in relation to the purchase or disposal of an investment of the fund; and

(6) Where the Trustee implements any decision that is contrary to the advice or recommendation received under Subsection (4) as to the purchase or disposal of an investment of the fund, the facts and reasons of the decision must be fully recorded in the minutes of the Board Meeting and the Trustee shall inform the Central Bank of the facts and reasons in writing within 5 working days immediately after the day of the Board Meeting.”.

5. NEW SECTION 74A.

The Principal Act is amended by inserting immediately after Section 74 the following new section:

“74A. APPOINTMENT OF INVESTMENT MANAGERS.”

“(1) The Trustee of an ASF shall appoint one or more Investment Managers to provide advice in relation to the investment of the fund.

(2) At least one of the Investment Managers shall be a Licensed Investment Manager licensed under this Act.

(3) The Trustee may appoint Investment Managers that are not domiciled in Papua New Guinea.

(4) The Central Bank may determine a prudential standard in relation to the appointment of the Investment Managers.

(5) A Trustee may become a shareholder of an Investment Manager but may not –

(a) own more than 49% of the entity; or

(b) allow any of its officers to be directors of the entity or any of its associated entities.”.

6. MINIMUM CONTRIBUTIONS BY EMPLOYER (AMENDMENT OF SECTION 76).

Section 76 of the Principal Act is amended by repealing Subsection (6) and replacing it with the following:

“(6) The mandatory contributions set out in Subsection (1) shall not apply to non-citizens.”.

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7. CONTRIBUTIONS BY EMPLOYEE (AMENDMENT OF SECTION 77).

Section 77 of the Principal Act is amended by repealing Subsection (6) and replacing with the following:

“(6) The mandatory contributions set out in Subsection (1) shall not apply to non-citizens.”.

8. PAYMENTS OF ENTITLEMENTS (AMENDMENT OF SECTION 90).

Section 90 of the Principal Act is amended inserting a new subsection after Subsection (6) as follows:

“(7) Subsections (4) and (5) shall not apply in respect of contributions made by persons to whom Section 4 (1A) applies.”.

I hereby certify that the above is a fair print of the *Superannuation (General Provisions) (Amendment) Act 2013* which has been made by the National Parliament.



Clerk of the National Parliament.

31 OCT 2013

I hereby certify that the *Superannuation (General Provisions) (Amendment) Act 2013* was made by the National Parliament on 18th July, 2013 by an absolute majority in accordance with the *Constitution*.



Speaker of the National Parliament.

31 OCT 2013