



**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

STATUTORY INSTRUMENT.

No. of 2002.

*Superannuation Regulation 2002,*

Being a Regulation,

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Superannuation (General Provisions) Act 2000*.

**1. INTERPRETATION.**

(1) In this Regulation, unless the contrary intention appears—

"Employers in the Public Sector" includes:

- (a) all employers to whom the *Public Officers Superannuation Fund Act 1990* apply at the time of coming into operation of the Act; and
- (b) all employers to whom the *Defense Force Retirement Benefits Fund Act* (Chapter 76) apply at the time of coming into operation of the Act;

"Employees in the Public Sector" includes

- (a) all employees to whom the *Public Officers Superannuation Fund Act 1990* apply at the time of coming into operation of the Act; and
- (b) all employees to whom the *Defense Force Retirement Benefits Fund Act* (Chapter 76) apply at the time of coming into operation of the Act;.

(2) Words and expressions used in this Regulation have the same meaning as in the Act, unless the contrary intention appears.

## 2. **ELIGIBILITY AGE.**

For the purposes of the definition of ‘eligibility age’ in Section 3(1) of the Act the eligibility ages for members are as follows:-

- (a) in the case of a member who is a member of the Police Force or Correctional Service or Fire Service – the age of 50 years or, at the option of the member, after completion of 20 years service.
- (b) in the case of a member who is a member of the Defense Force the prescribed age for compulsory discharge of a member of the rank and employment of the member, or at the option of the member:
  - (i) where the member is an officer and is discharged on or after attaining the retiring age for the rank held by him, and has completed 20 years service, or
  - (ii) where the member is an officer and is discharged, with the approval of the Minister for Defense, before attaining the retiring age for the rank held by him and has completed the number of years of service specified in Schedule 1 in relation to that rank, or
  - (iii) where the member is a non-commissioned member of the Defense Force and is discharged after completing 20 years service.
- (c) in the case of all other members – the age of 55 years.

## 3. **EMPLOYEES ENGAGED IN PRIMARY PRODUCTION**

(1) For the purposes of the definition of ‘employee’ in Section 3(1) (d) of the Act, for the period of 12 months after the coming into operation of the Act, the class of employees exempted is all employees directly engaged in primary production by an employer in the business of growing or processing of -

- (a) cocoa; or
- (b) copra; or
- (c) oil palm; or
- (d) rubber; or
- (e) tea; or

(f) coffee.

#### 4 **MINIMUM OR OTHER CONTRIBUTIONS FOR NON-CITIZENS.**

For the purposes of Sections 76(6) and 77(6) of the Act, minimum or other contributions are not required in relation to non-citizens for a period of five years from the coming into operation of the Act.

#### 5 **RATES FOR EMPLOYER CONTRIBUTIONS.**

(1) For the purposes of Section 76(1) of the Act, the prescribed rates for Employer Contributions are as follows:-

- (a) for Employers in the Public Sector - 8.4%;
- (b) for all other Employers - (i) 7% from the date of coming into operation of the Act to 31 December 2004
  - (ii) 7.7% from 1 January 2005 to 31 December 2007;
  - (iii) 8.4% from 1 January 2008 onward.

(2) Where doubt arises over whether the employer is in the private or public sector, the rates paid prior to gazettal for that employer shall remain in effect.

#### 6 **RATES FOR EMPLOYEE CONTRIBUTIONS.**

(1) For the purposes of Section 77(1) of the Act, the prescribed rates for Employee Contributions are as follows:

- (a) for Employees in the Public Sector - 6%;
- (b) for all other Employees - (i) 5% from the date of coming in to force of the Act to 31 December 2004;
  - (ii) 5.5% from 1 January 2005 to 31 December 2007;
  - (iii) 6% from 1 January 2008 onward.

(2) Where doubt arises over whether the employee is in the private or public sector, the rates paid prior to gazettal for that employee shall remain in effect.

#### 7 **PENAL RATE OF INTEREST**

For the purposes of Section 79 of the Act, the penal rate of interest is 5% above the 28 day Treasury Bill rate over the period of the late payment.

## **8 PROOF OF RIGHT TO BUILD ON CUSTOMARY LAND**

For the purposes of Section 90(4)(h) of the Act, proof of the right to build on customary land shall be in the form set out in Schedule 2.

## **9 PRIOR BENEFITS TO CONTINUE.**

For the purposes of Section 126(2) of the Act, where benefits that were payable prior to the commencement of the Act in respect of -

- (a) Housing; or
- (b) funding for primary, secondary, and tertiary education; or
- (c) medical; or
- (d) life Insurance,

they may continue for the period as specified in that section.

## SCHEDULE 1

Reg.Sec. 2 b) (ii)

### Periods of Service qualifying certain officers for pensions.

<u>Rank</u>	<u>Years of Service</u>
Brigadier General	24
Colonel	24
Lieutenant Colonel	22
Major	22
Captain	22
Lieutenant	22
Second Lieutenant	22

**SCHEDULE 2**

Reg.Sec. 8

**Clan Land Usage Agreement Form**

We, the undersigned being representatives of \_\_\_\_\_ Clan from \_\_\_\_\_ Village, in Sub-District of \_\_\_\_\_ Province, hereby acknowledge that \_\_\_\_\_ has the right under Customary Land Right for his/her family entire life for the purpose of constructing a dwelling house for his/her family. We certify that all the Village and Clan Leaders of this community have given their consent and further authorise the member to improve the piece of land for the benefit of his/her family.

1. Name: \_\_\_\_\_ (Clan Elder/Village Elder) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

2. Name: \_\_\_\_\_ (Clan Elder/Village Elder) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

3. Name: \_\_\_\_\_ (Clan Elder/Village Elder) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

4. Name: \_\_\_\_\_ (Village Magistrate/Councillors) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

5. As the Priest/ Pastor/Church Leader of this Community known as \_\_\_\_\_, I certify that the above person is a member of this Community and that all the above Signatures are leaders of the said Clan and Village.

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

6. Mr/Ms \_\_\_\_\_ is entitle to the area of land called \_\_\_\_\_ and bordered by the following visible signs:

\_\_\_\_\_ (stone/creek/tree/(other distinctive features), as per description attached)

7. Member Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

8. Stamped by two of the following: Local church stamp; village stamp; local community government stamp; or local Commissioner of Oath.

Made this

day of

2001

GOVERNOR-GENERAL.