



## Prudential Standard SPS 250

### Insurance in Superannuation

#### Objectives and key requirements of this Prudential Standard

~~This~~ The purpose of this Prudential Standard ~~establishes requirements for~~ is to ensure that an RSE licensee, consistent with ~~respect to its obligations to act in the best financial interests of beneficiaries, maintains insurance arrangements for the benefit of the beneficiaries. An RSE licensee is required to implement a sound insurance management framework for~~ making insured benefits available to beneficiaries, including prudently selecting and monitoring insurers.

The Board of an RSE licensee is ultimately responsible for having an insurance management framework that reflects the risks associated with making available insured benefits, and ensuring that the framework is appropriate to the size, business mix and complexity of the RSE licensee's business operations. The insurance management framework must include the insurance strategies for each registrable superannuation entity required in the *Superannuation Industry (Supervision) Act 1993*.

The key requirements of this Prudential Standard are that an RSE licensee must also:

- ensure that insurance arrangements adequately address the minimum requirements set out in this Prudential Standard; ~~and~~
- formulate and give effect to appropriate selection processes for, and due diligence of, insurers and monitor relationships with insurers on an ongoing basis; and
- obtain and provide to APRA an independent certification of an insurance arrangement, where the arrangement is with an insurer that is a connected entity of the RSE licensee or where otherwise required by APRA.

## Authority

1. This Prudential Standard is made under section 34C of the *Superannuation Industry (Supervision) Act 1993* (SIS Act).

## Application and commencement

2. This Prudential Standard applies to all registrable superannuation entity (RSE) licensees (RSE licensees) ~~under the SIS Act.~~<sup>1</sup>

~~3. All RSE licensees must comply with this Prudential Standard in its entirety, unless otherwise expressly indicated.~~

~~4.3.~~ Where an RSE licensee of a defined benefit fund is permitted to self-insure benefits, paragraphs ~~2223~~ to ~~2429~~ inclusive do not apply with respect to the self-insured benefits.<sup>2</sup>

~~5.4. Subject to paragraph 27, this~~ This Prudential Standard commences on 1 July ~~2013~~2022 (effective date).

## Interpretation

~~6.5.~~ For the purposes of this Prudential Standard, ‘insured benefits’ means benefits that are made available to beneficiaries via<sup>3</sup>:

- (a) insurance acquired by an RSE licensee from a life company registered, or taken to be registered, under section 21 of the *Life Insurance Act 1995* or a general insurance company or Lloyd’s underwriter authorised, or taken to be authorised, under the *Insurance Act 1973* (an insurer); or
- (b) insurance offered under an RSE licensee’s self-insurance arrangements.

For the purposes of this Prudential Standard, the activities described in paragraphs ~~65~~(a) and (b) are referred to as ‘making insured benefits available’ to beneficiaries.

~~6. Where this Prudential Standard provides for APRA to exercise a power or discretion, the power or discretion is to be exercised in writing.~~

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<sup>1</sup> For the purposes of this Prudential Standard, ‘RSE licensee’ has the meaning given in section 10(1) of the SIS Act.

<sup>2</sup> Refer to *Prudential Standard SPS 160 Defined Benefit Matters* for additional requirements applying to RSE licensees that are permitted to self-insure insurance benefits ~~and to regulation 4.07E(8) of the *Superannuation Industry (Supervision) Regulations 1994*, which exempts defined benefit funds, that self-insure on 1 July 2013, from the general prohibition on self-insurance (subject to certain conditions).~~

<sup>3</sup> For the purposes of this Prudential Standard, a reference to ‘beneficiaries’ is a reference to ‘beneficiaries of an RSE within the RSE licensee’s business operations’.

## **Adjustments and exclusions**

7. APRA may adjust or exclude a specific requirement in this Prudential Standard in relation to:

- (a) a particular RSE licensee of an RSE;
- (b) a particular connected entity of an RSE licensee of an RSE;
- (c) specified RSE licensees of RSEs; or
- (d) specified connected entities of RSE licensees of RSEs.

### **RSE licensees that are part of a group<sup>4</sup>**

7.8. Where an RSE licensee is part of a corporate group, and the RSE licensee utilises group policies or functions, the Board must approve the use of group policies and functions and must ensure that these policies and functions give appropriate regard to the RSE licensee's business operations and its specific requirements.<sup>5</sup>

### **Insurance management framework**

8.9. An RSE licensee must have in place an insurance management framework to manage making insured benefits available to beneficiaries.

9.10. An RSE licensee's insurance management framework is the totality of systems, structures, policies, processes and people to manage making insured benefits available to beneficiaries.

10.11. An RSE licensee's insurance management framework must be appropriate to the size, business mix and complexity of the RSE licensee's business operations and to the types of insured benefits made available.

11.12. The Board is ultimately responsible for the insurance management framework.

12.13. An RSE licensee's insurance management framework must, at a minimum, include:

- (a) the insurance strategy required under section 52(7) of the SIS Act (which must also comply with the requirements of this Prudential Standard);

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<sup>4</sup> For the purposes of this Prudential Standard, a reference to 'a group' is a reference to a group comprising the RSE licensee and all connected entities ~~and all related bodies corporate~~ of the RSE licensee, and 'connected entity' has the meaning given in section 10(1) of the SIS Act ~~and 'related body corporate' has the meaning given in section 50 of the Corporations Act 2001.~~

<sup>5</sup> ~~—For the purposes of this Prudential Standard, a reference to the 'Board' is a reference to the Board of directors or group of individual trustees of an RSE licensee and 'group of individual trustees' has the meaning given in section 10(1) of the SIS Act.~~ An 'RSE licensee's business operations' includes all activities as an RSE licensee (including the activities of each RSE of which it is the licensee), and all other activities of the RSE licensee to the extent that they are relevant to, or may impact on, its activities as an RSE licensee.

- (b) policies and procedures of the RSE licensee relevant to making insured benefits available to beneficiaries, that cover but are not limited to:
    - (i) the process by which the cost to the RSE licensee of insurance premiums is recovered from the RSE(s);
    - (ii) the process for monitoring and reviewing the administration of insurance;
    - (iii) underwriting; and
    - (iv) claims assessment;
  - (c) clearly defined roles and responsibilities and lines of reporting for the oversight of the insurance management framework;
  - (d) a review process to ensure the insurance management framework remains appropriate and effective; ~~and~~
  - ~~(e) a policy for managing declined applications for insurance, applications resulting in reduced cover or restrictions, terminations of cover and requests for reinstatement-; and~~
  - ~~(f) a process that enables beneficiaries to easily opt out of insurance cover, and that sets out how this will be communicated to beneficiaries.<sup>6</sup>~~
- ~~13. An RSE licensee's insurance management framework must include a process for administering relevant requirements in RSE licensee law with respect to an election by a member to opt-out of benefits provided by the RSE licensee.<sup>7</sup>~~
14. An RSE licensee must have procedures to ensure that all persons in roles relevant to the insurance activities of the RSE licensee are made aware of, and have processes and controls for monitoring compliance with, the RSE licensee's insurance management framework.
15. An RSE licensee must maintain or have access to records of sufficient detail to comply with its obligations under the reporting framework and for a prospective insurer to properly assess the insured benefits that are made available.<sup>8</sup> These records must include, for at least the previous five years, the claims experience, membership, sum insured and premiums paid in relation to beneficiaries.
16. An RSE licensee's risk management framework must reflect the risks associated with making insured benefits available to beneficiaries as a material risk area identified in *Prudential Standard SPS 220 Risk Management*.

<sup>6</sup> ~~For the purposes of this Prudential Standard, where an RSE licensee is not required under RSE licensee law to provide for opt-out insurance cover, this requirement does not apply, and 'RSE licensee law' has the meaning given in section 10(1) of the SIS Act.~~

<sup>7</sup> ~~For the purposes of this Prudential Standard, 'RSE licensee law' has the meaning given in section 10(1) of the SIS Act.~~

<sup>8</sup> ~~'Reporting framework' means the reporting standards made under the *Financial Sector (Collection of Data) Act 2001*.~~

## Insurance strategy

17. In addition to complying with section 52(7) of the SIS Act, an RSE licensee's insurance strategy for an RSE must, at a minimum, document:
- (a) how the RSE licensee has regard to each of the factors in section 52(7) of the SIS Act;
  - (b) the processes for monitoring, reviewing and renewing the insured benefits made available to beneficiaries;
  - (c) the RSE licensee's approach to claims management, regardless of who is responsible for handling claims; and
  - (d) the RSE licensee's approach, as outlined in its conflicts management framework, to conflicts that may arise through making available insured benefits to beneficiaries.<sup>9</sup>

## Insurance arrangements

18. For the purposes of this Prudential Standard, 'insurance arrangement' means:
- (a) where an RSE licensee makes available insured benefits as described in paragraph ~~65~~(a) – an insurance policy document<sup>10</sup>; or
  - (b) where an RSE licensee makes available insured benefits as described in paragraph ~~65~~(b) – appropriate documentation of the terms and conditions of the insured benefits;
- and any ~~accompanying agreements with~~ agreement between the RSE licensee and the insurer or any other party for the provision of services related, to the extent that the agreement concerns making available insured benefits.<sup>11</sup>

19. At a minimum, the insurance arrangement must address:
- (a) the level and type of insured benefits made available, including any exclusions;
  - (b) the term of the insured benefits;
  - (c) automatic acceptance limits (to the extent relevant);
  - (d) availability of opt in and/or opt out cover;

<sup>9</sup> Refer to *Prudential Standard SPS 521 Conflicts of Interest* for details of conflicts management requirements.

<sup>10</sup> For the purposes of this Prudential Standard, a reference to 'an insurance policy document' is a reference to a contract of insurance issued by an insurer.

<sup>11</sup> An ~~accompanying~~ agreement that meets the definition of outsourcing in *Prudential Standard SPS 231 Outsourcing* must meet the requirements of that Prudential Standard.

- (e) requirements for the beneficiaries' eligibility for, cessation of, and any reinstatement of entitlements to insured benefits where available;
- (f) premium structure, including any variable components;
- (g) procedures for notification and payment of claims;
- (h) dispute resolution arrangements;
- (i) agreed service standards;
- (j) reporting requirements for monitoring agreed service standards;
- (k) the provision of complete claims information to the RSE licensee on an annual basis which, at a minimum, includes the information required to be maintained by the RSE licensee under paragraph 15;
- (l) liability and indemnity arrangements; ~~and~~
- (m) review, ~~termination~~ and renewal provisions for the insurance arrangement; ~~and~~
- (n) termination provisions for the insurance arrangement which, where relevant<sup>12</sup>, include a right for the RSE licensee to terminate the insurance arrangement, or the relevant part of the insurance arrangement, if the RSE licensee is not satisfied that the arrangement is in the best financial interests of the beneficiaries.<sup>13</sup>

20. ~~An RSE licensee must be able to satisfy itself, and demonstrate to APRA, that the rules for attributing any status to a beneficiary, (including a class or cohort of beneficiaries) in connection with the provision of insurance, are fair and reasonable.~~

20.21. An RSE licensee must notify APRA as soon as practicable of any issues that it considers might materially affect its ability to make insured benefits available to beneficiaries.

21.22. Where an insurance arrangement is terminated, an RSE licensee must notify APRA as soon as practicable and provide a statement about the transition arrangements and future strategies for continuing to make insured benefits available to beneficiaries.

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<sup>12</sup> ~~Refer to section 52(2)(c) of the SIS Act. Note that only insurance arrangements entered into from the effective date of this Prudential Standard are required to include a right for the RSE licensee to terminate the insurance arrangement, or the relevant part of the insurance arrangement, if the RSE licensee is not satisfied that the arrangement is in the best financial interests of the beneficiaries.~~

<sup>13</sup> ~~Refer to section 52(2)(c) of the SIS Act. Note that only insurance arrangements entered into from the effective date of this Prudential Standard are required to include a right for the RSE licensee to terminate the insurance arrangement, or the relevant part of the insurance arrangement, if the RSE licensee is not satisfied that the arrangement is in the best financial interests of the beneficiaries.~~

## Selection and monitoring of insurers

~~22.23.~~ An RSE licensee must:

- (a) develop and implement a selection process for choosing an insurer that includes, at a minimum, consideration of the prospective insurer's terms of cover and exclusions, claims philosophy, the reasonableness of the premiums to be charged and terms of any delegation to any other person of functions associated with making available insured benefits;
- (b) undertake a due diligence review of the selected insurer; and
- (c) be able to demonstrate to APRA the appropriateness of the selection process and due diligence review and how it is applied.

~~23.24.~~ An RSE licensee must be able to satisfy itself, and demonstrate to APRA, that the engagement of an insurer is conducted at arm's length and is in the best financial interests of beneficiaries.

~~25.~~ Where an insurer that is a connected entity of an RSE licensee is party, or will be party, to an insurance arrangement with the RSE licensee under which the RSE licensee makes, or will make, insured benefits available to beneficiaries, the RSE licensee must obtain an independent certification that states it is reasonable for the RSE licensee to form the view that the insurance arrangement is in the best financial interests of the beneficiaries.

~~26.~~ Subject to paragraph 33, an RSE licensee that is required to obtain an independent certification under paragraph 25 must obtain the certification:

- (a) before the RSE licensee:
  - (i) enters into a new insurance arrangement; or
  - (ii) renews, or materially alters the terms of, an existing insurance arrangement; and
- (b) on at least a triennial basis.

~~27.~~ An RSE licensee must provide APRA with the independent certification required under paragraph 25 no later than 10 business days after the RSE licensee receives the certification.

~~28.~~ APRA may require an RSE licensee, by notice in writing, to seek an independent certification of an insurance arrangement, under which the RSE licensee makes, or will make, insured benefits available to beneficiaries, that states it is reasonable for the RSE licensee to form the view that the insurance arrangement is in the best financial interests of the beneficiaries. An RSE licensee that receives such a notice from APRA is required to comply with the terms of the notice in writing.

~~24.29.~~ An RSE licensee must ensure it has sufficient and appropriate resources to manage and monitor its relationship with an insurer at all times. At a minimum, the monitoring must include:

- (a) maintaining regular contact with the insurer at an appropriate frequency and level of seniority; and
- (b) a process for regular monitoring of performance under the insurance arrangement, including reporting to senior management against service levels.

### **Review of insurance management framework**

~~25.30.~~ An RSE licensee must ensure that the appropriateness, effectiveness and adequacy of its insurance management framework are subject to a comprehensive review by operationally independent, appropriately trained and competent persons at least every three years.

~~26.31.~~ The scope of the comprehensive review of an RSE licensee's insurance management framework must have regard to the size, business mix and complexity of the RSE licensee's business operations, the extent of any change to those operations and any changes to the external environment in which the RSE licensee operates.

~~32.~~ At a minimum, the comprehensive review of the insurance management framework must consider:

- (a) all the matters identified in paragraph 13;
- (b) whether there are any conflicts of interest or duty that may affect the arm's length nature of the insurance arrangement; and
- (c) whether the best financial interests of the beneficiaries may not have been prioritised, after considering:
  - (i) the RSE licensee's business practices in selecting and monitoring an insurer; and
  - (ii) the terms and conditions of the insurance arrangement(s) for making insured benefits available for the beneficiaries.

### **Transitional arrangements**

~~27.~~ Paragraphs 28 and 29 of this Prudential Standard commence on the date of registration of this Prudential Standard on the Federal Register of Legislative Instruments (registration date).

~~28.~~ An RSE licensee must ensure that, when entering into an insurance arrangement covered by this Prudential Standard on and from the day after the registration date, it complies with paragraphs 18, 19, 22 and 23.



~~29. Where an RSE licensee has entered into an insurance arrangement covered by this Prudential Standard prior to the registration date, the RSE licensee must, for each agreement:~~

- ~~(a) assess the provisions of the insurance arrangement against paragraphs 18, 19, 22 and 23;~~
- ~~(b) identify whether it is satisfied as to the matters in paragraphs 18, 19, 22 and 23;~~
- ~~(c) where the RSE licensee is not satisfied as to the matters in paragraphs 18, 19, 22 and 23, identify the anticipated end date of the insurance arrangement; and~~
- ~~(d) where the anticipated end date of the insurance arrangement is on or after 1 January 2014, take all reasonable steps to adjust the terms of the insurance arrangement in order to ensure that the RSE licensee complies with paragraphs 18, 19, 22 and 23~~
- ~~(e) minimise, as far as reasonably practical, any inconsistency between those terms and this Prudential Standard;~~
- ~~(f) where, as a result of the reasonable steps taken under paragraph 29(d), the RSE licensee determines that, if it were to renegotiate the terms of the insurance arrangement, it would not be acting in the best interests of beneficiaries, demonstrate to APRA why it considers the insurance arrangement should continue; and~~
- ~~(g) report to APRA, before 1 July 2013, the extent of any non-compliance with paragraphs 18, 19, 22 and 23 and the anticipated end date of the insurance arrangement.~~

~~30. An RSE licensee must meet the requirement to maintain the records referred to in paragraph 15 within three years of the effective date. An RSE licensee must make an assessment of the data already available to meet the requirements of paragraph 15 and report to APRA before 31 December 2013 as to when the RSE licensee expects to achieve full compliance with paragraph 15.~~

33. Where:

(a) an RSE licensee has entered into an insurance arrangement with a connected entity of the RSE licensee prior to the effective date; and

(b) the insurance arrangement ends on or after 1 July 2023,

the RSE licensee must, before 1 July 2023, seek an independent certification that states it is reasonable for the RSE licensee to form the view that the insurance arrangement is in the best financial interests of the beneficiaries.

34. An RSE licensee must provide APRA with an independent certification obtained for the purposes of paragraph 33 no later than 10 business days after the RSE licensee receives the certification.
35. Where an RSE licensee is unable to obtain an independent certification, for the purposes of paragraph 33, that states it is reasonable for the RSE licensee to form the view that the insurance arrangement is in the best financial interests of the beneficiaries, the RSE licensee must notify APRA no later than 10 business days after becoming aware that it cannot obtain an independent certification containing that statement.

~~Adjustments and exclusions~~

- ~~31. APRA may, by notice in writing to an RSE licensee, adjust or exclude a specific prudential requirement in this Prudential Standard in relation to that RSE licensee.<sup>14</sup>~~