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Mr Peter Rowe
General Manager Business Operations
Vision Super
Level 5, 1 Spring Street
Melbourne VIC 3000

Dear Peter

**LOCAL AUTHORITIES SUPERANNUATION FUND - PAYROLL TAX**

As you are aware, our actuarial investigation of the Local Authorities Superannuation Fund ("the Fund") as at 31 December 2008 revealed an "actuarial shortfall" of $71 million in respect of the main defined benefit plan. In late 2010, the Board determined to require top-up contributions from Authorities to fund this amount. As requested, this letter advises the proportion of employer contributions made to fund the "actuarial shortfall" that should be included in the definition of wages for the purposes of calculating payroll tax under the Payroll Tax Act 2007.

## Background

The Payroll Tax Act 2007 ("the Act") provides that contributions made by an employer to a superannuation fund in respect of services performed by an employee before 1 July 1997 should not be included in the definition of wages for the purpose of calculating payroll tax. Schedule 3 clause 7(3) of the Act requires that the employer's records must show the method used to calculate the amount of such contributions and the actuarial basis for the calculation. Schedule 3 clause 7(4) of the Act states that the certificate of an actuary is appropriate evidence of the suitability of the method and actuarial basis for the calculation in the absence of evidence to the contrary.

The most recent triennial actuarial investigation of the Fund was carried out at 31 December 2008. The results were provided in our "Report on the Actuarial Investigation as at 31 December 2008" ("the Report").

The Report addressed the funding arrangements of the Fund at 31 December 2008 and measured the appropriateness of those arrangements based on "best estimate" funding assumptions. There was an "actuarial shortfall" of $71 million as at 31 December 2008. Given the financial strength of the Authorities, the report concluded that top-up contributions were not immediately required. A subsequent review as at 30 June 2010 recommended that the actuarial shortfall of $71 million be funded by 1 July 2011.

The shortfall amount partly relates to services performed by employees before 1 July 1997. Therefore, a proportion of the employer contributions made to fund the "actuarial shortfall" should not be included in wages for the purpose of calculating payroll tax.

## Method

Our method calculates the portion of employer contributions made to fund the "actuarial shortfall" which should be included in the definition of wages for the purpose of calculating payroll tax. The "actuarial shortfall" relates to the Defined Benefit Plan including life-time pensioners.

The “actuarial shortfall” has arisen primarily because of lower than expected investment returns and it is reasonable for it to be distributed between members and pensioners in proportion to their accrued liabilities.

The portion of the “actuarial shortfall” that relates to service after 1 July 1997 has been determined by estimating the proportion of accrued liabilities for all active Defined Benefit Plan members’ and lifetime pensioners that relate to service after this date. The 30 June 2010 membership data provided by Vision Super was used for calculating the apportionment. Approximations have been made in respect of pensioners whose service commencement date was not available.

Using this approach we have estimated the overall proportion of the employer contributions required to fund this “actuarial shortfall” that relate to service of employees after 1 July 1997. We have provided one estimate for all employer contributions and have not considered each employer separately.

The “best estimate” assumptions from Part 1 of the ”Report on the Actuarial Investigation as at 31 December 2008” dated 13 May 2009 were used.

This letter has been prepared consistently with the Discussion Note issued by the Institute of Actuaries of Australia dated October 2009 and entitled “An update on payroll tax”.

**Results**

We estimate that 45.3% of employer contributions made to fund the “actuarial shortfall” should be included in the definition of wages for the purpose of calculating payroll tax.

Please call if you require any further information.

Yours sincerely

Matthew Burgess

Matthew Burgess

Fellow of the Institute of Actuaries of Australia
Director, Russell Actuarial