



New South Wales

# Superannuation Administration Authority Corporatisation Act 1999 No 5

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New South Wales

# **Superannuation Administration Authority Corporatisation Act 1999 No 5**

Act No 5, 1999

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An Act to establish the Superannuation Administration Corporation as a statutory State owned corporation to provide superannuation scheme administration services and related services; to dissolve the statutory body named the Superannuation Administration Authority; to make consequential amendments to other Acts; and for other purposes. [Assented to 7 June 1999]

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**The Legislature of New South Wales enacts:**

## **Part 1 Preliminary**

### **1 Name of Act**

This Act is the *Superannuation Administration Authority Corporatisation Act 1999*.

### **2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

### **3 Definitions**

(1) In this Act:

*assets* means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

*exercise* a function includes perform a duty.

*function* includes a power, authority or duty.

*liabilities* means all liabilities, debts and obligations (whether present or future and whether vested or contingent).

*Ministerial Holding Corporation* means the Ministerial Holding Corporation constituted under section 37B of the *State Owned Corporations Act 1989*.

*rights* means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

*SAA* means the Superannuation Administration Authority of New South Wales established by the *Superannuation Administration Act 1996*.

*superannuation scheme* means a scheme, fund or arrangement (whether or not established by an Act) under which any benefits are provided.

*the Corporation* means the statutory State owned corporation constituted by this Act.

- (2) Words and expressions used in this Act and also the *State Owned Corporations Act 1989* have the same meanings in this Act as they have in that Act.
- (3) Notes in the text of this Act do not form part of this Act.

#### **4 Dissolution of SAA**

- (1) SAA is dissolved.
- (2) The following Schedules have effect:
  - Schedule 1 (Transfer of assets, rights and liabilities)
  - Schedule 2 (Transfer of staff).

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Part 2 Establishment of Superannuation Administration Corporation as statutory State owned corporation

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## **Part 2 Establishment of Superannuation Administration Corporation as statutory State owned corporation**

### **5 Establishment of statutory SOC**

- (1) There is constituted by this Act a corporation with the corporate name of Superannuation Administration Corporation. The Governor may by regulation change the corporate name of the Corporation.
- (2) The *State Owned Corporations Act 1989* is amended by inserting in Schedule 5, in alphabetical order, the words “Superannuation Administration Corporation”.

**Note.** The *State Owned Corporations Act 1989* contains many provisions that apply to the Corporation as a statutory State owned corporation. In particular, Part 3 contains provisions relating to its status, the application of the *Corporations Law*, the issue of shares to the Treasurer and another Minister, the board of directors, the chief executive officer, the employment of staff, the giving of directions by the portfolio Minister (including directions for the performance of non-commercial activities or the carrying out of public sector policies), the memorandum and articles, dividends and tax-equivalent payments, government guarantees, the sale or disposal of assets and legal capacity. Part 4 deals with the accountability of State owned corporations (including statements of corporate intent, annual reports and accounts). Part 5 deals with miscellaneous matters (including the duties and liabilities of directors and the application of public sector legislation).

### **6 Business of the Corporation**

- (1) The business of the Corporation is the provision of superannuation scheme administration services and related services, in both the public and private sectors.
- (2) The business of the Corporation is to be conducted in accordance with the principal objectives provided for in section 20E of the *State Owned Corporations Act 1989*.

### **7 Functions of the Corporation**

- (1) The Corporation has the functions conferred or imposed on it by or under this or any other Act or law.
- (2) The principal functions of the Corporation are the development, promotion and conduct of its business of providing superannuation scheme administration services and related services.

- (3) The Corporation may provide services that include (but are not limited to) the following:
  - (a) collecting contributions to superannuation schemes,
  - (b) keeping and maintaining member records,
  - (c) providing information and advice to members,
  - (d) preparing financial statements on behalf of trustees,
  - (e) processing of claims and payment of benefits.
- (4) This section does not limit the functions of the Corporation apart from this section, but is subject to the provisions of this Act, the *State Owned Corporations Act 1989*, the *Superannuation Administration Act 1996* and any other Act or law.

#### **8 Transfer of general assets, rights and liabilities of SAA**

- (1) The general assets, rights and liabilities of SAA are transferred to the Corporation.
- (2) The general assets, rights and liabilities of SAA are the assets, rights and liabilities of SAA immediately before its dissolution by this Act.
- (3) Schedule 1 applies to the transfer effected by this section.

#### **9 Transfer of specified assets, rights and liabilities to Ministerial Holding Corporation or other person**

- (1) The Minister may, on or before the dissolution of SAA, by order in writing, transfer such assets, rights and liabilities of SAA as are specified or referred to in the order to the Ministerial Holding Corporation or to any other person on behalf of the State.
- (2) Schedule 1 applies to a transfer under this section.

#### **10 Transfer of assets, rights and liabilities of the Corporation**

- (1) The Minister may, by order in writing, transfer such assets, rights and liabilities of the Corporation as:
  - (a) were transferred to the Corporation from SAA by operation of section 8, and

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Part 2 Establishment of Superannuation Administration Corporation as  
statutory State owned corporation

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(b) are specified or referred to in the order,

to the Ministerial Holding Corporation or to any other person on behalf of the State, but only during the period of 12 months after the dissolution of SAA.

(2) Schedule 1 applies to a transfer under this section.

#### **11 Special provisions concerning management of the Corporation**

(1) Schedule 3 has effect.

(2) The provisions of Schedule 3 are in addition to and (except to the extent to which that Schedule provides) do not derogate from the provisions of the *State Owned Corporations Act 1989*.

## Part 3 Miscellaneous

### 12 Confidentiality

The provisions of section 29 of the *State Owned Corporations Act 1989* do not apply to require the board to supply to the voting shareholders or the portfolio Minister information relating to an individual member of a superannuation scheme, and the board must not furnish any such information except with the member's consent.

### 13 FOI exemption

Without limiting section 9 of the *Freedom of Information Act 1989*, a document held by the Corporation is exempt from the operation of the *Freedom of Information Act 1989* if it contains information concerning the personal affairs of a member of a superannuation scheme that is not a State public sector superannuation scheme.

**Note.** Under section 9 of the *Freedom of Information Act 1989*, the Corporation is exempt from the operation of that Act in relation to functions exercised by the Corporation in the provision of superannuation scheme administration services, and related services, in respect of any superannuation scheme that is not a State public sector superannuation scheme.

### 14 Service of documents on the Corporation

- (1) A document may be served on the Corporation by leaving it at, or by sending it by post to, the principal office of the Corporation.
- (2) Nothing in this section affects the operation of any other Act or law, or of any rules of court, that authorise a document to be served on the Corporation in any other manner.

### 15 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

### 16 Amendment of Superannuation Administration Act 1996 No 39

The *Superannuation Administration Act 1996* is amended as set out in Schedule 4.

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**17 Consequential amendment of other Acts**

Each Act specified in Schedule 5 is amended as set out in that Schedule.

**18 Savings, transitional and other provisions**

Schedule 6 has effect.

## Schedule 1 Transfer of assets, rights and liabilities

(Sections 4, 8, 9 and 10)

### 1 Definition

In this Schedule:

*instrument* means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

### 2 Application and interpretation

- (1) This Schedule applies to the following:
  - (a) the transfer of the general assets, rights and liabilities from SAA to the Corporation by the operation of section 8,
  - (b) the transfer of assets, rights and liabilities of SAA to the Ministerial Holding Corporation or to any person on behalf of the State by the operation of an order under section 9,
  - (c) the transfer of assets, rights and liabilities of the Corporation to the Ministerial Holding Corporation or to any person on behalf of the State by the operation of an order under section 10.
- (2) In this Schedule, the body or person from whom assets, rights or liabilities are so transferred is called the *transferor* and the body or person to whom they are being so transferred is called the *transferee*.

### 3 Vesting of undertaking in transferee

When assets, rights or liabilities are transferred under section 8, 9 or 10, the following provisions have effect:

- (a) those assets of the transferor vest in the transferee by virtue of this Schedule and without the need for any conveyance, transfer, assignment or assurance,
- (b) those rights or liabilities of the transferor become by virtue of this Schedule the rights or liabilities of the transferee,

- (c) all proceedings relating to those assets, rights or liabilities commenced before the transfer by or against the transferor or a predecessor of the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the transferee,
- (d) any act, matter or thing done or omitted to be done in relation to those assets, rights or liabilities before the transfer by, to or in respect of the transferor is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee,
- (e) a reference in any Act, in any instrument made under any Act or in any document of any kind to the transferor or a predecessor of the transferor is (to the extent that it relates to those assets, rights or liabilities but subject to the regulations or other provisions under Schedule 6), to be read as, or as including, a reference to the transferee.

#### **4 Operation of Schedule**

- (1) The operation of this Schedule is not to be regarded:
  - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (2) The operation of this Schedule is not to be regarded as an event of default under any contract or other instrument.
- (3) No attornment to the transferee by a lessee from the transferor is required.
- (4) A transfer under section 9 or 10 is subject to the terms and conditions of the order by which it is effected.
- (5) No compensation is payable to any person in connection with a transfer to which this Schedule applies except, in the case of a transfer under section 9 or 10, to the extent (if any) to which the order giving rise to the transfer so provides.

- (6) In this clause, a reference to the operation of this Schedule includes a reference to the making of an order under section 9 or 10.

**5 Date of vesting**

- (1) An order under section 9 takes effect on the date specified in the order, being a date that is after the dissolution of SAA but earlier than 12 months after that dissolution.
- (2) An order under section 10 takes effect on the date specified in the order, being a date that is after the dissolution of SAA but earlier than 12 months after that dissolution.

**6 Consideration for vesting**

The Minister may, by order in writing, specify the consideration on which a transfer to which this Schedule applies is made and the value or values at which the assets, rights or liabilities are transferred.

**7 Duty**

Duty is not chargeable in respect of:

- (a) the transfer of assets, rights and liabilities to which this Schedule applies, or
- (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or registration of an interest in land).

**8 Confirmation of vesting**

- (1) The Minister may, by notice in writing, confirm a transfer of particular assets, rights or liabilities by operation of this Schedule.
- (2) Such a notice is conclusive evidence of that transfer.

## Schedule 2 Transfer of staff

(Section 4)

### 1 Definition

In this Schedule, *former SAA staff* means the members of staff of SAA immediately before the dissolution of SAA.

### 2 Chief executive officer of SAA

- (1) The person who, immediately before the dissolution of SAA, held office as the chief executive officer of SAA:
  - (a) ceases to hold that office, and
  - (b) is eligible (if otherwise qualified) to be appointed as the chief executive officer of the Corporation.
- (2) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office, except as provided by subclause (3).
- (3) Part 2A of the *Public Sector Management Act 1988* applies to a person who so ceases to hold office as if the person had ceased to be an executive officer as referred to in section 42Q (4) of that Act.

### 3 Transfer of former SAA staff to the Corporation

- (1) The former SAA staff are transferred to the Corporation and are to be regarded for all purposes as having become employees of the Corporation on the day on which SAA is dissolved.
- (2) SAA is taken to be an authority to which all of Schedule 4 (Provisions relating to certain staff) of the *State Owned Corporations Act 1989* applies except clause 5 of that Schedule.

### 4 General saving of conditions of employment

- (1) A person who is transferred under this Schedule is (until other provision is duly made under any Act or law) to be employed in accordance with any relevant statutory provisions, awards, agreements and determinations that would have applied to the person if the person had not been transferred but had instead remained on the staff of SAA (and SAA had continued in existence).

- (2) However, nothing in this clause affects the application of section 36 (1) of the *State Owned Corporations Act 1989* to the Corporation. Accordingly, the *Government and Related Employees Appeal Tribunal Act 1980* does not apply to the Corporation or any subsidiary of the Corporation.

**5 Saving of leave**

A member of the staff of the Corporation who is a member of the former SAA staff retains any rights to annual leave, extended service leave, sick leave, and other forms of leave, accrued or accruing in his or her employment with SAA.

**6 No payment out on transfer or dual benefits**

- (1) This clause applies to a person who becomes, because of this Schedule, a member of the staff of the Corporation.
- (2) A person to whom this clause applies is not entitled to receive any payment or other benefit merely because the person ceases to be a member of the staff of SAA.
- (3) A person to whom this clause applies is not entitled to claim, both under this Act and under any other Act, dual benefits of the same kind for the same period of service.

## **Schedule 3 Special provisions concerning management of the Corporation**

(Section 11)

### **1 Board of directors**

- (1) The Corporation is to have a board of directors consisting of:
  - (a) the chief executive officer of the Corporation, and
  - (b) one director, to be appointed by the voting shareholders on the recommendation of a selection committee comprising:
    - (i) 2 persons nominated by the portfolio Minister, and
    - (ii) 2 persons nominated by the Labor Council of New South Wales,  
being a person selected by the committee from a panel of 3 persons nominated by the Labor Council, and
  - (c) at least 2 and not more than 5 other directors, to be appointed by the voting shareholders at their discretion.
- (2) The procedures for constituting a selection committee for the purposes of subclause (1) (b), for making nominations and for determining other matters relating to the selection process are to be determined by the regulations or (subject to the regulations) by the voting shareholders.
- (3) One of the directors referred to in subclause (1) (c) is (in and by the director's instrument of appointment or in and by another instrument executed by the voting shareholders) to be appointed as chairperson of the board.
- (4) The board is accountable to the voting shareholders in the manner set out in Part 4 of the *State Owned Corporations Act 1989* and in the constitution of the Corporation.
- (5) The voting shareholders may remove a director, or the chairperson, from office at any time for any or no reason and without notice (but only at a duly convened meeting of the voting shareholders) and, in that event, the office of the director or chairperson is taken to have become vacant for the purposes of Schedule 8 to the *State Owned Corporations Act 1989*.

- (6) A person is not eligible to be a director if the person is a member of the Board of FSS Trustee Corporation or SAS Trustee Corporation. The office of a director becomes vacant if the director becomes a member of either of those Boards.

## **2 Application of SOC Act Schedule 8**

- (1) Subject to this clause, Schedule 8 to the *State Owned Corporations Act 1989* has effect with respect to the constitution and procedure of the board.
- (2) The provisions of section 20J of the *State Owned Corporations Act 1989*, and of clauses 2 (1) and (2), 4 and 7 (1) (d) and (2) of Schedule 8 to that Act, do not apply to the Corporation or to the chairperson.
- (3) The provisions of clause 6 of Schedule 8 to the *State Owned Corporations Act 1989* do not apply to the chief executive officer, and the chief executive officer is not entitled to remuneration under that clause, in his or her capacity as a director.

## **3 Chief executive officer**

- (1) The chief executive officer of the Corporation is to be appointed by the board after consultation with the voting shareholders.
- (2) The board may remove a person from office as chief executive officer, at any time, for any or no reason and without notice, but only after consultation with the voting shareholders.
- (3) The chief executive officer is entitled to be paid such remuneration (including travelling and subsistence allowances) as the board may determine.
- (4) The board may, after consultation with the voting shareholders, fix the conditions of employment of the chief executive officer in so far as they are not fixed by or under any other Act or law.
- (5) The *Public Sector Management Act 1988* (Part 8 included) does not apply to the chief executive officer.
- (6) Subject to subclause (7), Schedule 9 to the *State Owned Corporations Act 1989* has effect with respect to the chief executive officer.

- (7) The provisions of section 20K of the *State Owned Corporations Act 1989*, and of clauses 2, 3 and 6 of Schedule 9 to that Act, do not apply to the chief executive officer.

**4 Acting chief executive officer**

- (1) The board may, from time to time, appoint a person to act in the office of chief executive officer during the illness or absence of the chief executive officer.
- (2) The board may remove a person from office as acting chief executive officer, at any time, for any or no reason and without notice.
- (3) A person, while acting in the office of chief executive officer:
- (a) has all the functions of the chief executive officer and is taken to be the chief executive officer, and
  - (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the board may determine.
- (4) For the purposes of this clause, a vacancy in the office of chief executive officer is regarded as an absence from office.
- (5) Clause 5 of Schedule 9 to the *State Owned Corporations Act 1989* does not apply to an acting chief executive officer.

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## **Schedule 4 Amendment of Superannuation Administration Act 1996**

(Section 16)

### **[1] Section 3 Objects of Act**

Omit section 3 (d).

### **[2] Section 4 Definitions**

Omit the definition of *SAA*.

Insert instead:

*SAA* means the Superannuation Administration Authority formerly established by this Act, and dissolved by the *Superannuation Administration Authority Corporatisation Act 1999*.

*SAC* means the Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*.

### **[3] Section 9 Principal functions of FTC**

Insert at the end of section 9 (1) (e):

, and

- (f) to exercise such other functions with respect to the FTC schemes and FTC funds as the Minister may from time to time approve by order in writing.

### **[4] Section 9 (1A)**

Insert after section 9 (1):

- (1A) The Minister may in an order for the purposes of subsection (1) (f), direct that a function specified in the approval may be exercised by FTC directly or only by entering into a contract or arrangement under section 12 with SAC or (if the direction so provides) with a person of FTC's choosing, under which SAC or that person undertakes to carry out the function on behalf of FTC.

**[5] Section 19**

Omit the section. Insert instead:

**19 Administrator to be appointed**

- (1) FTC may exercise its function of administering an FTC scheme only by entering into a contract or an arrangement under section 12 with a person (a *scheme administrator*) who undertakes to provide superannuation scheme administration services for the scheme on behalf of FTC.
- (2) FTC must ensure that the scheme administrator operates within the powers of FTC and complies with the policies determined by FTC.
- (3) The first scheme administrator for the superannuation scheme established by the *First State Superannuation Act 1992*, after the dissolution of SAA, is to be SAC.
- (4) For this purpose, FTC must enter into or have entered into a contract or arrangement under section 12 (1) (b) with SAC for the provision by SAC (or its successors) of all superannuation scheme administration services on behalf of FTC for the superannuation scheme established by the *First State Superannuation Act 1992*. It does not matter that the contract or arrangement was entered into before the dissolution of SAA or was, at the time it was entered into, a contract or arrangement with SAA.
- (5) Any such contract or arrangement must be entered into for a fixed period, determined by the Minister for the purposes of this section, from a specified date determined by the Minister. A determination of the Minister made for the purposes of and in contemplation of this subsection before the commencement of this subsection is taken to have been validly made under and for the purposes of this subsection.
- (6) Any such contract or arrangement may provide for the circumstances in which it may be ended before that period expires. Any such termination of the contract has no effect unless it is approved in writing by the Minister.

- (7) On or after the end of the contract or arrangement referred to in this section, FTC is not required to enter into a contract or an arrangement under section 12 with SAC but may enter into a contract or an arrangement with SAC (or its successors) or any other person for the provision of one or more superannuation scheme administration services for a superannuation fund or part of a fund under one or more of the FTC schemes.

**[6] Section 50 Principal functions of STC**

Insert at the end of section 50 (1) (e):

, and

- (f) to exercise such other functions with respect to the STC schemes and STC funds as the Minister may from time to time approve by order in writing.

**[7] Section 50 (1A)**

Insert after section 50 (1):

- (1A) The Minister may in an order for the purposes of subsection (1) (f), direct that a function specified in the approval may be exercised by STC directly or only by entering into a contract or arrangement under section 53 with SAC or (if the direction so provides) with a person of STC's choosing, under which SAC or that person undertakes to carry out the function on behalf of STC.

**[8] Section 64**

Omit the section. Insert instead:

**64 Administrator to be appointed**

- (1) STC may exercise its function of administering an STC scheme only by entering into a contract or an arrangement under section 53 with a person (a *scheme administrator*) who undertakes to provide superannuation scheme administration services for the scheme on behalf of STC.
- (2) STC must ensure that the scheme administrator operates within the powers of STC and complies with the policies determined by STC.

- (3) The first scheme administrator after the dissolution of SAA is to be SAC.
- (4) For this purpose, STC must enter into or have entered into a contract or an arrangement under section 53 (1) (b) with SAC for the provision by SAC (or its successors) of all superannuation scheme administration services for all the STC schemes on behalf of STC. It does not matter that the contract or arrangement was entered into before the dissolution of SAA or was, at the time it was entered into, a contract or arrangement with SAA.
- (5) Any such contract or arrangement must be entered into for a fixed period, determined by the Minister for the purposes of this section, from a specified date determined by the Minister. A determination of the Minister made for the purposes of and in contemplation of this subsection before the commencement of this subsection is taken to have been validly made under and for the purposes of this subsection.
- (6) Any such contract or arrangement may provide for the circumstances in which it may be ended before that period expires. Any such termination of the contract has no effect unless it is approved in writing by the Minister.
- (7) On or after the end of the contract or arrangement referred to in this section, STC is not required to enter into a contract or an arrangement under section 53 with SAC but may enter into a contract or an arrangement with SAC (or its successors) or any other person for the provision of one or more superannuation scheme administration services for a superannuation fund or part of a fund under one or more of the STC schemes.

**[9] Part 4 Superannuation Administration Authority (SAA)**

Omit the Part.

**[10] Section 119 Duties and liabilities of persons involved in management**

Insert after section 119 (6):

- (7) SAA ceases to be a superannuation authority for the purposes of this section on the dissolution of SAA by the *Superannuation Administration Authority Corporatisation Act 1999*.

**[11] Section 128 Provisions consequent on establishment of additional superannuation schemes**

Omit “SAA” from section 128 (1) (h).  
Insert instead “SAC”.

**[12] Section 129 Regulations**

Omit section 129 (2) (b). Insert instead:

(b) the procedure of the FTC board or the STC board.

**[13] Long title**

Omit “to constitute the Superannuation Administration Authority of New South Wales and confer on it power to provide administration services for such schemes and other schemes;”.

## **Schedule 5 Consequential amendments to other Acts**

(Section 17)

### **5.1 First State Superannuation Act 1992 No 100**

#### **Schedule 1 Employers**

Omit “Superannuation Administration Authority of New South Wales” from Part 1.

Insert instead “The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*”.

### **5.2 Freedom of Information Act 1989 No 5**

#### **Schedule 2 Exempt bodies and offices**

Insert at the end of the Schedule:

The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*—functions exercised in the provision of superannuation scheme administration services, and related services, in respect of any superannuation scheme that is not a State public sector superannuation scheme.

### **5.3 Government and Related Employees Appeal Tribunal Act 1980 No 39**

#### **Schedule 4 Employing authorities**

Omit “Superannuation Administration Authority of New South Wales.”.

## **5.4 Public Authorities (Financial Arrangements) Act 1987 No 33**

### **Schedule 1 Authorities**

Omit “Superannuation Administration Authority of New South Wales”.  
Insert in alphabetical order “The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*”.

## **5.5 Public Finance and Audit Act 1983 No 152**

### **Schedule 2 Statutory bodies**

Omit “Superannuation Administration Authority of New South Wales”.

## **5.6 Public Sector Executives Superannuation Act 1989 No 106**

### **Schedule 1 Additional employers**

Insert in alphabetical order “The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*”.

## **5.7 Public Sector Management Act 1988 No 33**

### **[1] Schedule 3 Declared authorities**

Omit “Superannuation Administration Authority of New South Wales”.

### **[2] Schedule 3A Chief executive positions**

Omit “Chief Executive of the Superannuation Administration Authority of New South Wales” from Part 3.

**5.8 State Authorities Non-contributory Superannuation Act 1987 No 212**

**Schedule 1 Employers**

Omit “Superannuation Administration Authority of New South Wales” from Part 1.

Insert instead “The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*”.

**5.9 State Authorities Superannuation Act 1987 No 211**

**Schedule 1 Employers**

Omit “Superannuation Administration Authority of New South Wales” from Part 1.

Insert instead “The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*”.

**5.10 Superannuation Act 1916 No 28**

**[1] Schedule 3 List of employers**

Omit “Superannuation Administration Authority of New South Wales” from Part 1.

Insert instead “The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*”.

**[2] Schedule 26 Part 1 Public Authorities**

Omit “Superannuation Administration Authority of New South Wales”.

Insert instead “The Corporation constituted under the *Superannuation Administration Authority Corporatisation Act 1999*”.

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## **Schedule 6      Savings, transitional and other provisions**

(Section 18)

### **Part 1 Regulations**

#### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Such a provision may deal, among other things, with the interpretation of references to SAA or to any employee of SAA.
- (3) Such a provision may, if the regulations so provide, take effect on the date of assent to this Act or a later date.
- (4) To the extent to which such a provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State, SAA, the Corporation or any authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State, SAA, the Corporation or any authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### **Part 2 Provisions consequent on enactment of this Act**

#### **2 References in other Acts or instruments**

In any Act (other than this Act), in any instrument made under any Act or in any document, a reference to Superannuation Administration Authority is taken to be a reference to the Corporation.

#### **3 Interim CEO**

- (1) The person holding office as chief executive officer of SAA immediately before the dissolution of SAA is taken to have been

appointed as acting chief executive officer of the Corporation by the board under clause 4 of Schedule 3.

- (2) For the purposes of section 42S of the *Public Sector Management Act 1988*, service as acting chief executive officer of the Corporation pursuant to this clause is not employment in the service of the Corporation.

#### **4 Timetable for first statement of corporate intent**

A period within which any matter is required to be done under section 21 of the *State Owned Corporations Act 1989* in connection with the first statement of corporate intent of the Corporation may be extended by the voting shareholders of the Corporation.

#### **5 Final annual report of SAA**

- (1) An annual report relating to SAA is to be prepared, submitted, presented, and made publicly available, in accordance with the *Annual Reports (Statutory Bodies) Act 1984* in the same way as those things would have been required to be done if:
  - (a) the financial year had started normally but ended on the day on which SAA was dissolved, and
  - (b) SAA had not ceased to be a statutory body within the meaning of that Act.
- (2) It does not matter that the financial year for the purposes of the report is therefore less than 12 months long.
- (3) The annual report may be so prepared, submitted and made available by the individuals who were responsible for the affairs of SAA or instead by the Corporation.
- (4) If arrangements are made by the Auditor-General under section 43A (4) of the *Public Finance and Audit Act 1983* to treat the affairs of SAA and the Corporation in a composite way or otherwise, the annual report required by this clause may be so treated as to be compatible with those requirements.
- (5) Despite the *Annual Reports (Statutory Bodies) Act 1984*, the final annual report for SAA need not contain any information (for example, a budget) that would have related to the next financial year of SAA if it had not been dissolved.

**6 SAA financial accounts before dissolution**

For the purpose of the application of section 43A (General audit of former statutory bodies) of the *Public Finance and Audit Act 1983* to SAA, the Corporation is taken to be the successor to SAA.

**7 Corporation same entity as SAA**

- (1) On the dissolution of SAA, the Corporation is taken for all purposes, including the rules of private international law, to be a continuation of and the same legal entity as SAA.
- (2) This clause does not affect any transfer of assets, rights and liabilities under Part 2 of this Act.

[Minister's second reading speech made in—  
Legislative Council on 13 May 1999  
Legislative Assembly on 1 June 1999]