

**SUPERANNUATION ADMINISTRATION (AMENDMENT) ACT
1989 No. 227**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Superannuation Administration Act 1987 No. 210

SCHEDULE 1 - AMENDMENTS

**SUPERANNUATION ADMINISTRATION (AMENDMENT) ACT
1989 No. 227**

NEW SOUTH WALES



Act No. 227, 1989

An Act to amend the Superannuation Administration Act 1987 for the purpose of making further provision concerning the liability of contributors to superannuation schemes managed by the State Authorities Superannuation Board and the employers of those contributors to meet the costs incurred by the Board in managing those schemes and for other purposes. [Assented to 21 December 1989]

See also **Public Sector Executives Superannuation (Amendment) Act 1989; Miscellaneous Acts (Public Sector Executives Superannuation) Further Amendment Act 1989.**

Superannuation Administration (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Superannuation Administration (Amendment) Act 1989.

Commencement

2. (1) Section 3, in its application to Schedule 1 (1), and Schedule 1 (1) are to be taken to have commenced on 1 October 1989.

(2) Section 3, in its application to Schedule 1 (2), and Schedule 1 (2) commence 28 days after the date of assent to this Act.

(3) Except as provided by subsections (1) and (2), this Act is to be taken to have commenced on 1 July 1989.

Amendment of Superannuation Administration Act 1987 No. 210

3. The Superannuation Administration Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 15A:

After section 15, insert:

Functions of the Board with respect to other superannuation schemes

15A. (1) The Board may undertake the whole or a part of the administration and management of superannuation schemes other than those referred to in section 15.

(2) If the Board has entered into an agreement or arrangement to undertake the administration and management of a superannuation scheme in accordance with subsection (1), the trustee or other person responsible for the scheme is required to pay to the Board an amount equal to:

SCHEDULE 1 - AMENDMENTS - *continued*

- (a) the costs that the Board has incurred in administering and managing the scheme; and
- (b) any other fees or expenses agreed to by that trustee or other person and the Board,

and, if that trustee or other person fails to pay such an amount as and when required by the Board, the Board is entitled to recover it by making appropriate deductions from any assets that the Board is holding in relation to that scheme.

(3) Subsection (2) does not prevent the Board from recovering an amount referred to in that subsection by any other means prescribed by law.

(4) The Board may establish and maintain such accounts and reserves as, in the opinion of the Board, are necessary or convenient for the administration and management of a superannuation scheme that the Board has undertaken to administer and manage in accordance with subsection (1).

(5) For the purposes of this section, the Board has power to do, in New South Wales or in other parts of Australia or elsewhere, all things necessary or convenient to be done for or in connection with the administration and management of any superannuation scheme that it has undertaken to administer and manage in accordance with subsection (1).

(6) Without limiting subsection (5), the powers of the Board under that subsection include powers:

- (a) to form or establish, or participate in the formation or establishment of, one or more companies; and
- (b) to subscribe for or otherwise acquire, and to dispose of, shares in, or other securities of, a company.

(2) Section 22 (Management costs generally):

- (a) Omit section 22 (5), insert instead:

(5) The management costs incurred by the Board in relation to the cost of administering the State Authorities Non-contributory Superannuation Scheme, as determined by the Board, are to be paid to the Management Account as provided by subsection (5A) by each employer or, where

SCHEDULE 1 - AMENDMENTS - *continued*

employees are employed by a group of employers, by each group of employers.

(5A) The amount that each employer or group of employers is required to pay under subsection (5) is an amount calculated in accordance with the following formula:

$$A_1 = \frac{B \times E}{C}$$

where:

A₁ represents the amount to be determined;

B represents the management costs as determined by the Board in managing the State Authorities Non-contributory Superannuation Scheme;

C represents the number of employees who are members of that Scheme during a specified period determined by the Board at a specified time;

E represents the number of employees who, being members of that Scheme, are employed by the employer or group of employers during that period.

(5B) On calculating in accordance with subsection (5A) the amount payable by an employer or group of employers, the Board may debit the appropriate account, fund or reserve relating to that employer or group.

(b) Omit section 22 (6), insert instead:

(6) The following persons and groups are required to pay to the Management Account the management costs referred to in subsection (1), other than those referred to in subsections (3), (4) and (5):

(a) each contributor to a superannuation scheme managed by the Board;

(b) if a group of contributors contributes to such a scheme, each such group of contributors;

SCHEDULE 1 - AMENDMENTS - *continued*

- (c) the employer of any such contributor or group of contributors;
- (d) if any such contributor or group of contributors is employed by a group of employers, each such group of employers.

(7) The proportion of management costs payable by a contributor, or a contributor belonging to a group of contributors, under subsection (6) is an amount calculated in accordance with the following formula:

$$A_2 = \frac{B \times D}{C}$$

where:

A₂ represents the amount to be determined;

B represents the management costs involved in managing the superannuation scheme concerned, as determined by the Board;

C represents:

- (a) the number of contributors to that scheme; and

- (b) the number of contributors belonging to each group of contributors to that scheme,

during a specified period determined by the Board at a specified time;

D represents a factor (less than 1) determined by the Board in relation to those contributors.

(8) The proportion of management costs payable by an employer or by a group of employers under subsection (6) is an amount calculated in accordance with the following formula:

$$A_3 = \frac{B \times (1-D) \times E}{C}$$

SCHEDULE 1 - AMENDMENTS - *continued*

where:

- A₃ represents the amount to be determined;
- B represents the management costs involved in managing the superannuation scheme concerned, as determined by the Board;
- C represents:
 - (a) the number of contributors to that scheme; and
 - (b) the number of contributors belonging to a group of contributors to that scheme, during a specified period determined by the Board at a specified time;
- D represents a factor (less than 1) determined by the Board in relation to those contributors;
- E represents:
 - (a) the number of contributors to that scheme; and
 - (b) the number of contributors belonging to a group of contributors to that scheme, who are employed by the employer or group of employers during that period.

(9) On calculating the amount payable by a contributor or by an employer or group of employers under subsection (6), the Board may debit the appropriate account, fund or reserve relating to:

- (a) the contributor or, if the contributor belongs to a group of contributors, that group; or
- (b) the employer or group of employers, as the case requires.

(3) Section 23A:

After section 23, insert:

Contributions to costs of the New South Wales Superannuation Office

23A (1) The Board is, as and when directed by the Minister, required to make contributions of specified

SCHEDULE 1 - AMENDMENTS - *continued*

amounts towards the expense incurred in maintaining and operating the New South Wales Superannuation Office, including the costs of the Board relating to the payment of the contributions.

(2) The contributions referred to in subsection (1) are to be met by employers and, where the contributors or employees concerned are employed by groups of employers, by those groups of employers.

(3) In relation to the superannuation schemes managed by the Board, each employer or group of employers is required, for the purposes of subsection (2), to pay an amount calculated in accordance with the following formula:

$$A = \frac{B \times (D-E)}{C}$$

where:

- A represents the amount of the liability of the employer or group of employers under this section;
- B represents the number of persons employed by the employer or group of employers who are contributors to or members of superannuation schemes managed by the Board under this Act, during a specified period as determined by the Board at a specified date;
- C represents the total number of contributors to or members of superannuation schemes managed by the Board under this Act, during that period;
- D represents the total expense incurred in maintaining and operating the New South Wales Superannuation Office for the relevant period, including the costs of the Board relating to the payment of the amount;
- E represents such proportion of the total expense incurred in maintaining and operating the New South Wales Superannuation Office

Superannuation Administration (Amendment) 1989

SCHEDULE 1 - AMENDMENTS - *continued*

for the relevant period as does not relate to superannuation schemes managed by the Board under this Act.

(4) On calculating the amount payable by an employer or group of employers under subsection (3), the Board may debit the appropriate account, fund or reserve relating to that employer or group.

[*Minister's second reading speech made in -
Legislative Assembly on 29 November 1989
Legislative Council on 8 December 1989*]