

1990 - No. 193

**STATE AUTHORITIES SUPERANNUATION ACT 1984 -
REGULATION**

(Relating to the transfer to the State Authorities
Superannuation Scheme of the superannuation
rights of certain officers employed by
public transport undertakings)

NEW SOUTH WALES



[Published in Gazette No. 44 of 30 March 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the State Authorities Superannuation Act 1987, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY
Minister for Industrial Relations and Employment.

Commencement

1. This Regulation is to be taken to have commenced on 1 April 1989.

Amendment

2. The State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) Regulation 1989 is amended by omitting clause 9 and by inserting instead the following clauses:

Circumstances in which a transferred transport officer ceases to be entitled to special benefit

9. (1) This clause applies to the following employers:

- (a) the State Rail Authority of New South Wales;
- (b) the State Transit Authority of New South Wales;
- (c) the Roads and Traffic Authority of New South Wales;
- (d) the Crown in its capacity as the employer of persons employed in the Ministry of Transport.

(2) If a transferred transport officer, for reasons other than retirement at or after reaching the early retirement age, death, physical or mental incapacity or retrenchment, ceases to be employed by an employer to whom this clause applies, then:

- (a) the officer ceases to be a contributor to the Fund for the purposes of clause 4 (1); and
- (b) clause 5 ceases to apply to the officer from the date on which the officer ceases to be so employed.

(3) However, such an officer who has elected to contribute to the Fund under clause 6 (2) may continue as a contributor to the Fund if otherwise entitled to do so by the Act, but in that case the officer must, if contributing at the rate of 6.7 per cent of his or her salary, continue to contribute at that rate until the officer's next election to vary the rate of contribution takes effect.

(4) Subclause (2) (a) and (b) do not apply to a transferred transport officer referred to in subclause (2) if the officer (not having in the interim been employed by an employer to whom this clause does not apply) is, within a reasonable period determined by the Board, employed by another employer to whom this clause applies.

Payment by employer to be treated as payment by the Board

10. (1) If an employer to whom clause 9 applies has, during the period beginning with 1 April 1989 and ending with 6 October 1989, paid a gratuity under the Transport Officers' Gratuity Scheme to a transferred transport officer, the payment is to be regarded as a payment made by the Board under the Act.

(2) A transferred transport officer who has been paid such a gratuity is not entitled to any further benefit either under the Act or this Regulation.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to provide for the Crown in respect of persons employed in the Ministry of Transport (now the Department of Transport) to be added to the list of employers to whom the State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) Regulation 1989 applies; and
 - (b) to ensure that non-contributory benefit points under the State Authorities Superannuation Scheme accrue only to or in respect of those transferred transport officers who retire or die or are discharged on account of physical or mental incapacity or are retrenched or who transferred to another employer to whom that Regulation applies; and
 - (c) to prevent double payments from being made to certain transferred transport officers.
-