



New South Wales

# State Authorities Superannuation (Integral Energy Australia) Transitional Regulation 1996

under the

State Authorities Superannuation Act 1987

His Excellency the Governor, with the advice of the Executive Council, and on the certificate of the Premier given in accordance with clause 1 of Schedule 5 to the *State Authorities Superannuation Act 1987*, has made the following Regulation under that Act.

BOB CARR,

Premier

## Explanatory note

The object of this Regulation is to allow certain contributors to the State Authorities Superannuation Fund, being contributors whose employment is to be transferred to a private company named EDS (Australia) Pty Ltd in consequence of a Government initiative:

- (a) to preserve their benefits in the State Authorities Superannuation Fund in accordance with section 43 of the *State Authorities Superannuation Act 1987*, and
- (b) to enable them to have their preserved benefits transferred to another fund that is a complying fund within the meaning of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth or that is an exempt public sector superannuation scheme within the meaning of that Act.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including clause 4 of Schedule 5 to that Act.

This Regulation deals with matters of a transitional nature.

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## State Authorities Superannuation (Integral Energy Australia) Transitional Regulation 1996

### 1 Name of Regulation

This Regulation may be cited as the *State Authorities Superannuation (Integral Energy Australia) Transitional Regulation 1996*.

### 2 Commencement

This Regulation commences on 19 August 1996.

### 3 Definitions

In this Regulation:

***complying superannuation fund*** means an entity that is a complying superannuation fund for the purposes of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

***contributor*** means a contributor to the SAS Fund:

- (a) who, immediately before the transfer date, was employed with Integral Energy Australia, and
- (b) who has elected or has been required to transfer to employment with EDS (Australia) Pty Ltd on and from that date.

***election period*** means the period of 6 months beginning on the transfer date.

***exempt public sector superannuation scheme*** has the same meaning as in section 10 of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

***preserved benefit*** means a preserved benefit in the SAS Fund provided by section 43 of the Act.

***SAS Fund*** means the State Authorities Superannuation Fund established under the Act.

***superannuation fund*** has the same meaning as in section 10 of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

***the Act*** means the State Authorities Superannuation Act 1987.

***the STC*** means the SAS Trustee Corporation.

***transfer date*** means 19 August 1996.

**4 Notes**

The explanatory note and table of contents do not form part of this Regulation.

**5 Application of Part 1 of Schedule 5 to the Act to Contributors whose employment has been transferred from Integral Energy Australia to EDS (Australia) Pty Ltd**

The transfer of contributors from employment with Integral Energy Australia to employment with EDS (Australia) Pty Ltd on the transfer date is declared to be a transfer of employment to which Part 1 of Schedule 5 to the Act applies.

**6 Preservation of accrued benefit without transferring it to another superannuation fund**

If a contributor, within the election period:

- (a) does not exercise the entitlement conferred by clause 3 of Schedule 5 to the Act, or
- (b) dies without having made an election,

the benefit is to be preserved in accordance with section 43 of the Act from and including the transfer date.

**7 Transfer of preserved benefit to another superannuation fund**

(1) If

- (a) a contributor who becomes entitled to be paid a preserved benefit in accordance with clause 3 (1) of Schedule 5 to the Act on ceasing to be a contributor exercises that entitlement during the election period, and
- (b) the contributor within that period nominates another superannuation fund to which the benefit is to be transferred, and
- (c) the STC is satisfied:
  - (i) that the other fund is a complying superannuation fund or an exempt public sector superannuation scheme, and
  - (ii) that the preserved benefit will be applied to the credit of the contributor in the other fund,

the STC is required to pay that benefit to the other fund.

(2) The payment must be made as soon as practicable after the contributor's entitlement arises.