

**NEW SOUTH WALES RETIREMENT BENEFITS
(AMENDMENT) ACT, 1984, No. 9**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 9, 1984.

An Act to amend the New South Wales Retirement Benefits Act, 1972,
with respect to employees who were previously contributors to the State
Superannuation Fund. [Assented to, 31st May, 1984.]

See also Miscellaneous Acts (State Superannuation Fund) Amendment Act, 1984.

New South Wales Retirement Benefits (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "New South Wales Retirement Benefits (Amendment) Act, 1984".

Principal Act.

2. The New South Wales Retirement Benefits Act, 1972, is referred to in this Act as the Principal Act.

Amendment of Act No. 70, 1972.

3. The Principal Act is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3 (1), definition of "initial credit"—

- (i) In paragraph (c), after "under section 12 (1)", insert "or an election under section 12A".
- (ii) In paragraph (c), after "section 12 (1) (c)", insert "or in accordance with a determination of the Board under section 12A (4)".

New South Wales Retirement Benefits (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(iii) From paragraph (c), omit “his employer” wherever occurring, insert instead “an employer or any other person”.

(b) Section 3 (6) (b1) (ii)—

Omit “him; and”, insert instead “him;”.

(c) Section 3 (6) (b2)—

After section 3 (6) (b1), insert:—

(b2) where the employee—

(i) was a contributor to the State Superannuation Fund;

(ii) made the election referred to in section 12A (1); and

(iii) paid an amount to the Board in accordance with section 12A (3),

the employee shall be deemed to have been an employee during any continuous period immediately before ceasing to be a contributor to the State Superannuation Fund during which the employee was such a contributor; and

(2) Section 12A—

After section 12, insert:—

Contributors to State Superannuation Fund becoming employees.

12A. (1) Subject to subsection (2), a person who, not more than 3 months before becoming an employee, was a contributor to the State Superannuation Fund may, at the time of becoming an employee, elect to contribute to the Fund and to take the benefit of this section.

New South Wales Retirement Benefits (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) A person may not make an election referred to in subsection (1) if—

- (a) the person has attained the age of 60 years; or
- (b) immediately before ceasing to be a contributor to the State Superannuation Fund, the person was treated by the State Superannuation Board as if the person were not an employee within the meaning of the Superannuation Act, 1916.

(3) An employee who makes the election referred to in subsection (1) shall pay to the Board an amount equivalent to the sum (if any) received by the employee by virtue of ceasing to be a contributor to the State Superannuation Fund or such part thereof as the Board determines in respect of the employee.

(4) The Board may determine that such part as it may specify of an amount paid to the Board by an employee as referred to in subsection (3) be paid into the Fund on behalf of any other person (whether an employer or not) who previously employed the employee during a period of service in respect of which any benefit payable from the Fund to or in respect of the employee is required to be calculated or may determine that that part be otherwise disbursed to or on behalf of that person.

(5) An employee who makes the election referred to in subsection (1) shall contribute to the Fund on and from a day determined by the Board.

(6) Nothing in this section prevents the application of section 10 to a person referred to in subsection (1) who does not make the election referred to in that subsection.

(3) (a) Section 34 (3A) (c)—

After “section 12 (1) (c)”, insert “or in accordance with a determination of the Board under section 12A (4)”.

New South Wales Retirement Benefits (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 34 (6)—

After section 34 (5), insert:—

(6) Where an amount is paid into the Fund on behalf of a person other than an employer as required by terms and conditions referred to in section 12 (1) (c) or in accordance with a determination of the Board under section 12A (4), the provisions of subsections (3A), (4) and (5) apply to and in respect of that person in the same way as those provisions apply to and in respect of an employer.
