

**PUBLIC AUTHORITIES SUPERANNUATION  
(RETRENCHMENT) AMENDMENT ACT 1987 No. 41**

NEW SOUTH WALES



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**PUBLIC AUTHORITIES SUPERANNUATION (RETRENCHMENT)  
AMENDMENT ACT 1987 No. 41**

NEW SOUTH WALES



**Act No. 41, 1987**

An Act to amend the Public Authorities Superannuation Act 1985 for the purpose of making further provision with respect to the payment of benefits to retrenched contributors and for related purposes. [Assented to 21 May 1987]

*Public Authorities Superannuation (Retrenchment) Amendment 1987*

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**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 "Public Authorities Superannuation (Retrenchment) Amendment Act 1987".

**Commencement**

2. This Act shall be deemed to have commenced on 13 February 1987.

**Amendment of Act No. 41, 1985**

3. The Public Authorities Superannuation Act 1985 is amended in the manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE PUBLIC AUTHORITIES  
SUPERANNUATION ACT 1985

(1) Section 5 (**Interpretation**)—

(a) Section 5 (1), definition of "discharge"—

After the definition of "death and disability levy", insert:

"discharge", in relation to a contributor, means the cessation of the contributor's employment with an employer expressed by the employer to be on the ground that the period, or successive periods, for which the contributor was employed has or have ended;

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PUBLIC AUTHORITIES  
SUPERANNUATION ACT 1985—*continued*

(b) Section 5 (1), definition of “retrenchment”—

Omit the definition of “retrench”, insert instead:

“retrenchment”, in relation to a contributor, means the termination of the employment of the contributor with an employer where the employment is expressed by the employer to be—

(a) compulsorily terminated by the employer on the ground that—

(i) the employer no longer requires the contributor’s services and, on termination of the contributor’s employment, does not propose to fill the contributor’s position;

(ii) the work which the contributor was engaged to perform has been completed; or

(iii) the amount of work that the employer requires to be performed has diminished and, due to that fact, it has become necessary to reduce the number of employees employed by the employer; or

(b) terminated as a result of the acceptance by the contributor of an offer by the employer of terms of retrenchment made on a ground specified in paragraph (a);

(2) Section 29 (**Benefit on partial and permanent disablement before early retirement age**)—

(a) Section 29 (2) (b)—

Omit “more than 2 years”, insert instead “2 or more years”.

(b) Section 29 (2) (b)—

Omit “but more than one year”, insert instead “but not less than 1 year”.

*Public Authorities Superannuation (Retrenchment) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PUBLIC AUTHORITIES  
SUPERANNUATION ACT 1985—*continued*(3) Section 31 (**Benefit on retrenchment before early retirement age**)—

Section 31 (2), (3)—

Omit the subsections, insert instead:

(2) If—

- (a) a contributor's exit date was before 13 February 1987 and the period commencing on the contributor's entry date and ending on that exit date was 10 years or more; or
- (b) a contributor's exit date was on or after 13 February 1987 and the period commencing on the contributor's entry date and ending on that exit date was 3 years or more,

the benefit provided by this section is an amount equal to the sum of—

- (c) the contributor-financed benefit; and
- (d) an amount of employer-financed benefit calculated in accordance with the formula—

$$E = S \times A \times 0.018$$

where—

E represents the amount to be ascertained;

S represents—

- (i) where the contributor's exit date is 2 or more years before the contributor would attain the early retirement age—the contributor's final salary;
- (ii) where the contributor's exit date is less than 2 years, but not less than 1 year, before the contributor would attain the early retirement age—the average of the contributor's final salary and salary at the last preceding 31 December; or

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PUBLIC AUTHORITIES  
SUPERANNUATION ACT 1985—*continued*

(iii) where the contributor's exit date is less than 1 year before the contributor would attain the early retirement age—the contributor's final average salary; and

A represents the accrued benefit points for the contributor at the contributor's exit date.

(3) If—

(a) a contributor's exit date was before 13 February 1987 and the period commencing on the contributor's entry date and ending on that exit date was less than 10 years; or

(b) a contributor's exit date was on or after 13 February 1987 and the period commencing on the contributor's entry date and ending on that exit date was less than 3 years.

the benefit provided by this section is the amount of the contributor-financed benefit.

(4) Section 32 (**Preserved benefit**)—

(a) Section 32 (3)–(3B)—

Omit section 32 (3), insert instead:

(3) Subject to subsection (3A), the benefit provided by subsection (5) is payable by the Board—

(a) when the contributor attains the early retirement age;

(b) if, before attaining that age—

(i) the contributor dies; or

(ii) having become a contributor to the State Public Service Superannuation Fund, the contributor is retrenched while contributing to that Fund; or

(c) on the Board's being satisfied as provided by section 28 (1) (benefit on total and permanent disablement before age 60).

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SUPERANNUATION ACT 1985—*continued*

(3A) Subsection (3) does not apply to a contributor referred to in paragraph (b) (ii) of that subsection unless the periods during which the contributor contributed to the Fund and to the State Public Service Superannuation Fund were continuous.

(3B) Subject to subsection (3), the benefit provided by subsection (5) is payable—

- (a) except where the contributor has died, to the contributor; or
- (b) if the contributor has died and is survived by a spouse, to the spouse; or
- (c) if the contributor has died but is not survived by a spouse—
  - (i) to the contributor's legal personal representatives; or
  - (ii) where section 58 applies (payment without grant of probate, etc.) and the Board has made a decision under subsection (1) of that section, in accordance with subsection (2) of that section.

(b) Section 32 (5) (b)—

Omit “more than 2 years”, insert instead “2 or more years”.

(c) Section 32 (5) (b)—

Omit “but more than one year”, insert instead “but not less than 1 year”.