

**STATE PUBLIC SERVICE SUPERANNUATION
(RETRENCHMENT) AMENDMENT ACT 1987 No. 42**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 45, 1985

**SCHEDULE 1—AMENDMENTS TO THE STATE PUBLIC SERVICE
SUPERANNUATION ACT 1985**

**STATE PUBLIC SERVICE SUPERANNUATION (RETRENCHMENT)
AMENDMENT ACT 1987 No. 42**

NEW SOUTH WALES



Act No. 42, 1987

An Act to amend the State Public Service 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]

State Public Service Superannuation (Retrenchment) Amendment 1987

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 "State Public Service Superannuation (Retrenchment) Amendment Act 1987".

Commencement

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

Amendment of Act No. 45, 1985

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

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE STATE PUBLIC SERVICE
SUPERANNUATION ACT 1985

(1) Section 5 (**Interpretation**)—

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

After the definition of "contributor's component", 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;

*State Public Service Superannuation (Retrenchment) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE STATE PUBLIC SERVICE
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 required 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 25 (**Interpretation**)—

Section 25 (1), definition of “membership period”—

After “means”, insert “, subject to section 33 (4),”.

(3) Section 33 (**Benefit on retrenchment before age 55**)—

(a) Section 33 (2)—

Omit “10 years”, insert instead “3 years”.

State Public Service Superannuation (Retrenchment) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE PUBLIC SERVICE
SUPERANNUATION ACT 1985—*continued*

(b) Section 33 (3)—

Omit the subsection, insert instead:

(3) The benefit provided by this section for a contributor with a membership period of less than 3 years is the amount of the contributor's component.

(c) Section 33 (4)—

After section 33 (3), insert:

(4) In ascertaining whether or not a contributor has a membership period of 3 years or more for the purposes of this section, such a period shall be taken to include any period during which he or she was a contributor to the Public Authorities Superannuation Fund provided that—

- (a) the contributor's membership of the Fund and the Public Authorities Superannuation Fund was continuous; and
- (b) the contributor was, by virtue of a provision of the Public Authorities Superannuation Act 1985, required to make provision for the preservation of a benefit under that Act in respect of employment by an employer within the meaning of that Act.

(4) Section 34 (**Preserved benefit**)—

Section 34 (1)—

Omit the subsection, insert instead:

(1) A contributor who has—

- (a) not less than 3 years after his or her entry date become entitled to be paid a benefit under section 32 (benefit on resignation, dismissal or discharge before age 55); or

State Public Service Superannuation (Retrenchment) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE PUBLIC SERVICE
SUPERANNUATION ACT 1985—*continued*

(b) become entitled to be paid a benefit under section 33 (2)
(benefit on retrenchment before age 55),
may elect to make provision instead for a benefit provided by this
section.