

1993—No. 29

**STATE AUTHORITIES SUPERANNUATION ACT 1987—  
REGULATION**

(State Authorities Superannuation (Joint Coal Board—Coal Industry Tribunal  
Employees) Transitional Regulation 1993)

NEW SOUTH WALES



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His Excellency the Governor, on the certificate of the Minister for Industrial Relations given in accordance with clause 1 of Schedule 5 to the State Authorities Superannuation Act 1987, has, with the advice of the Executive Council, and in pursuance of that Act, been pleased to make the Regulation set forth hereunder.

JOHN HANNAFORD, M.L.C.,  
Attorney General  
and Minister for Industrial Relations

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**Citation**

1. This Regulation may be cited as the State Authorities Superannuation (Joint Coal Board—Coal Industry Tribunal Employees) Transitional Regulation 1993.

**Definitions**

2. In this Regulation:

“**Coal Industry Tribunal**” means the Coal Industry Tribunal constituted under the Coal Industry Act 1946;

“**contributor**” means a person:

- (a) who on 3 February 1993 is an officer or employee of the Joint Coal Board employed for purposes of the Coal Industry Tribunal; and
- (b) who on that date is contributing to the SAS Fund; and

(c) who elects or is required to transfer to the employment of the Australian Industrial Registry on and from 4 February 1993;

**“Joint Coal Board”** means the Joint Coal Board constituted under the Coal Industry Act 1946;

**“Public Sector Superannuation Fund”** means the superannuation fund established, and vested in the Commonwealth Superannuation Board of Trustees No. 1, by the trust deed within the meaning of the Superannuation Act 1990 of the Commonwealth;

**“preserved benefit”** means a preserved benefit provided by section 43 of the Act;

**“SAS Fund”** means the State Authorities Superannuation Fund;

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

**Application of Part 1 of Schedule 5 to the Act (Transferred contributors electing to join another superannuation scheme) to certain contributors transferring to the Australian Industrial Registry**

3. The transfer of employment of contributors from the Joint Coal Board to the Australian Industrial Registry on 4 February 1993 is declared to be a transfer of employment to which Part 1 of Schedule 5 to the Act applies.

**Transfer of preserved benefit to the Commonwealth Public Sector Superannuation Fund**

4. (1) If :

(a) a contributor exercises the contributor’s entitlement to make provision for a preserved benefit in the SAS Fund; and

(b) the contributor is therefore entitled to be paid that benefit in accordance with clause 3 (1) of Schedule 5 to the Act on ceasing to be a contributor; and

(c) the contributor exercises the entitlement before 4 February 1993, the State Authorities Superannuation Board is required to pay that benefit to the Commonwealth Superannuation Board of Trustees No. 1 for crediting to the Public Sector Superannuation Fund.

(2) The payment must be made as soon as practicable after the exercise of the entitlement.

**Obligation of the SAS Board with respect to the disposition of a preserved benefit**

5. When the payment of a benefit is to be made for crediting to the Public Sector Superannuation Fund in accordance with clause 4, the State Authorities Superannuation Board must, before making the payment, satisfy itself that that Fund, or the trust deed by which that Fund is established, includes provisions that will fully vest the benefit to the credit of the contributor concerned.

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**EXPLANATORY NOTE**

The object of this Regulation is to allow certain contributors to the State Authorities Superannuation Fund, whose employment is transferred from the Joint Coal Board to the Australian Industrial Registry in consequence of a Government initiative, to elect to transfer their preserved superannuation benefits in that Fund to the Commonwealth Public Sector Superannuation Fund.

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