

1994—No. 54

**SUPERANNUATION ACT 1916—REGULATION**

(Superannuation (Government Cleaning Service Employees Transfer)  
Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, on the certificate of the Minister for Industrial Relations and Employment given in accordance with clause 1 of Schedule 23 to the Superannuation Act 1916, has, with the advice of the Executive Council, and in pursuance of that Act, been pleased to make the Regulation set forth hereunder.

CHRISTOPHER HARTCHER, M.P.,  
Acting Minister for Industrial Relations and Employment.

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**Citation**

1. This Regulation may be cited as the Superannuation (Government Cleaning Service Employees Transfer) Regulation 1994.

**Definitions**

2. In this Regulation:

“appropriate superannuation scheme” means:

- (a) in the case of a GCS cleaning staff contributor transferred to Berkeley Challenge Australia Pty Limited or Menzies Property Services Pty Limited or Tempo Services Pty Limited—the Australian Retirement Fund established by a trust deed on 11 July 1986 by Australian Retirement Fund Pty Limited; and

- (b) in the case of a GCAS non-cleaning staff contributor transferred to Berkeley Challenge Australia Pty Limited—the Command Pacific Superannuation Fund originally established by a trust deed on 3 October 1974 by Crothall Holdings Limited; and
- (c) in the case of a GCS non-cleaning staff contributor transferred to Menzies Property Services Pty Limited—the National Mutual Tailored Superannuation Plan Number J0988 adopted by Menzies International (Aust) Pty Limited on 2 July 1990 and part of a master plan previously established by a trust deed by National Mutual Superannuation Proprietary Limited; and
- (d) in the case of a GCS non-cleaning staff contributor transferred to Tempo Services Pty Limited—the Tempo Group Superannuation Plan established by a trust deed on 14 December 1990 by Tempo Services Pty Limited;

**“Board”** means the State Authorities Superannuation Board;

**“GCS”** means the Government Cleaning Service, a branch of the Commercial Services Group;

**“GCS cleaning staff contributor”** means a GCS contributor other than a GCS non-cleaning staff contributor;

**“GCS contributor”** means a contributor to the State Fund:

- (a) who was, on 28 January 1994, employed in the GCS; and
- (b) who was required to transfer from employment in the GCS to Berkeley Challenge Australia Pty Limited, Menzies Property Services Pty Limited or Tempo Services Pty Limited immediately after that date in accordance with the relevant sale agreement;

**“GCS non-cleaning staff contributor”** means a GCS contributor who is a regional officer or Bankstown employee of the GCS, as defined in the relevant sale agreement;

**“preserved benefit”** means a preserved benefit in the State Fund provided by Division 3A of Part 4 of the Act;

**“sale agreements”** means the agreements for sale of the Government’s cleaning services business entered into between the Minister for Administrative Services and Berkeley Challenge Australia Pty Limited, Menzies Property Services Pty Limited and Tempo Services Pty Limited respectively, and exchanged on 8 December 1993;

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

**“the Act”** means the Superannuation Act 1916.

**Application of Schedule 23 to the Act (Transferred contributors joining another superannuation scheme) to certain contributors**

3. The transfers of GCS contributors from the GCS to Berkeley Challenge Australia Pty Limited, Menzies Property Services Pty Limited and Tempo Services Pty Limited are respectively declared to be transfers of employment to which Schedule 23 to the Act applies.

**Transfer of preserved benefit to an appropriate superannuation scheme**

4. (1) If:

- (a) a GCS contributor exercises his or her entitlement to make provision for a preserved benefit in the State Fund; and
- (b) the contributor is therefore entitled to be paid that benefit in accordance with clause 3 (1) of Schedule 23 to the Act on ceasing to be a contributor to the State Fund; and
- (c) the entitlement to make provision for a preserved benefit is exercised within 6 months after the commencement of this Regulation,

the Board is required to pay the benefit to the appropriate superannuation scheme.

(2) The payment must be made as soon as practicable after the exercise of the entitlement to make provision for a preserved benefit.

(3) The exercise by a GCS contributor of an entitlement to make provision for a preserved benefit is taken to have had effect immediately after 28 January 1994.

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

5. When the payment of a benefit is to be made to an appropriate superannuation scheme in accordance with clause 4, the Board must, before making the payment, satisfy itself that the scheme, or the trust deed by which the scheme is established, includes provisions that will fully vest the benefit to the credit of the GCS contributor concerned.

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**EXPLANATORY NOTE**

The object of this Regulation is to allow certain contributors to the State Superannuation Fund, whose employment has been transferred from the Government Cleaning Service (a business unit of the Commercial Services Group) to Berkeley Challenge Australia Pty Limited, Menzies Property Services Pty Limited or Tempo Services Pty Limited in consequence of a Government initiative, to elect to transfer their preserved superannuation benefits in that Fund to another superannuation scheme.

This Regulation comprises matters of a transitional nature and is made under Schedule 23 to the Superannuation Act 1916.

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