



New South Wales

# State Authorities Superannuation Amendment (Savings and Transitional) Regulation 1997

under the

State Authorities Superannuation Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

BOB CARR,  
Premier

## Explanatory note

The object of this Regulation is to update references in the *State Authorities Superannuation (Transitional Provisions) Regulation 1988* and the *State Authorities Superannuation (Closed Local Government Schemes Transfer) (Savings and Transitional) Regulation 1990* to the payment to transferred contributors of gratuities under the *Local Government Act 1919*. The effect of this will be to enable the employer-financed component of benefits paid to transferred contributors (that is, contributors transferred to the State Authorities Superannuation Scheme from the Public Authorities Superannuation Scheme, or the Superannuation Benefits Fund or the Local Government Provident Fund, or former holders of insurance policies, under the *Local Government and Other Authorities (Superannuation) Act 1927*), to be reduced in the light of the amount of any gratuity paid by a council to or in respect of a transferred contributor on retirement or death. This reflects amendments made to the *Local Government and Other Authorities (Superannuation) Act 1927* by the *Superannuation Legislation Amendment Act 1996*.

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The Regulation also updates references to the Board, as a result of the commencement of the *Superannuation Administration Act 1996*.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including section 10, Schedules 3 and 4 and section 55 (the general regulation making power).

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## **State Authorities Superannuation Amendment (Savings and Transitional) Regulation 1997**

### **1 Name of Regulation**

This Regulation is the *State Authorities Superannuation Amendment (Savings and Transitional) Regulation 1997*.

### **2 Commencement**

This Regulation commences on 1 April 1997.

### **3 Amendment of Regulations**

The Regulations specified in Schedule 1 are amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 3)

**1.1 State Authorities Superannuation (Transitional Provisions) Regulation 1988**

**[1] Clause 3 Definitions**

Omit the definition of *Board* from clause 3 (1). Insert instead:

*Board* means the SAS Trustee Corporation established under the *Superannuation Administration Act 1996*.

**[2] Clause 10 Benefit to be adjusted in certain circumstances**

Omit clause 10 (1). Insert instead:

- (1) This clause applies to a transferred contributor who, in the opinion of the Board, has received, or will receive:
  - (a) in the case of a transferred contributor whose service was terminated, or who died, before 1 July 1993—a gratuity under section 97 of the *Local Government Act 1919*, or
  - (b) in the case of a transferred contributor whose service is terminated, or who dies, on or after that date—a similar gratuity, being a gratuity paid or to be paid by the council as an act of grace on the death or termination of service of an employee of the council and calculated by reference to the period of the employee’s service with the council.

**[3] Clause 10 (4)**

Omit “under section 97 of the *Local Government Act 1919*”.  
Insert instead “to or in respect of the transferred contributor”.

**[4] Clause 35**

Omit the clause. Insert instead:

**35 Benefit to be adjusted in certain circumstances**

The provisions of clause 10 (benefit to be adjusted in certain circumstances) apply to a transferred contributor as if that contributor were a transferred contributor to whom Part 2 applies if the transferred contributor, in the opinion of the Board, has received, or will receive:

- (a) in the case of a transferred contributor whose service was terminated, or who died, before 1 July 1993—a gratuity under section 97 of the *Local Government Act 1919*, or
- (b) in the case of a transferred contributor whose service is terminated, or who dies, on or after that date—a similar gratuity, being a gratuity paid or to be paid by the council as an act of grace on the death or termination of service of an employee of the council and calculated by reference to the period of the employee's service with the council.

**1.2 State Authorities Superannuation (Closed Local Government Schemes Transfer) (Savings and Transitional) Regulation 1990****[1] Clause 3 Definitions**

Omit the definition of Board from clause 3 (1). Insert instead:

*Board* means the SAS Trustee Corporation established under the *Superannuation Administration Act 1996*.

**[2] Clause 15 Benefit to be adjusted in certain circumstances**

Omit clause 15 (1). Insert instead:

- (1) This clause applies to a transferred contributor who is a former holder of a current insurance policy or a former contributor to the Provident Fund and who, in the opinion of the Board, has received, or will receive:

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- (a) in the case of a transferred contributor whose service was terminated, or who died, before 1 July 1993—a gratuity under section 97 of the *Local Government Act 1919*, or
- (b) in the case of a transferred contributor whose service is terminated, or who dies, on or after that date—a similar gratuity, being a gratuity paid or to be paid by the council as an act of grace on the death or termination of service of an employee of the council and calculated by reference to the period of the employee’s service with the council.

### [3]      **Clause 15 (4)**

Omit “under section 97 of the *Local Government Act 1919*”.  
Insert instead “to or in respect of the transferred contributor”.

### [4]      **Clause 21 Benefit to be adjusted in certain circumstances**

Omit clause 21 (1). Insert instead:

- (1) This clause applies to a transferred contributor who is a former contributor to the Benefits Fund and who, in the opinion of the Board, has received, or will receive:
  - (a) in the case of a transferred contributor whose service was terminated, or who died, before 1 July 1993—a gratuity under section 97 of the *Local Government Act 1919*, or
  - (b) in the case of a transferred contributor whose service is terminated, or who dies, on or after that date—a similar gratuity, being a gratuity paid or to be paid by the council as an act of grace on the death or termination of service of an employee of the council and calculated by reference to the period of the employee’s service with the council.

### [5]      **Clause 21 (4)**

Omit “under section 97 of the *Local Government Act 1919*”.  
Insert instead “to or in respect of the transferred contributor”.