



New South Wales

Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002

under the

Superannuation Administration Act 1996

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Superannuation Administration Act 1996*.

MICHAEL EGAN, M.L.C.,

Treasurer

Explanatory note

The object of this Regulation is to provide for the transfer of certain employees who are currently members of the State Superannuation Scheme, the State Authorities Superannuation Scheme, the State Authorities Non-contributory Superannuation Scheme and the First State Superannuation Scheme to the Local Government Superannuation Scheme. The employees are to be transferred into Divisions of the Local Government Superannuation Scheme having equivalent benefits and rights to the schemes from which they are transferred. This results from the transfer of employees of Jobsupport Inc. to a non-government body.

This Regulation is made under the *Superannuation Administration Act 1996*, including sections 128A, 128B and 129 (the general regulation-making power).

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Clause 1 Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002

Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002

1 Name of Regulation

This Regulation is the *Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002*.

2 Commencement

This Regulation commences on 28 March 2002.

3 Amendment of Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Regulation 1997

The *Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Regulation 1997* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit “paragraphs (b) and (c)” from paragraph (a) of the definition of *transfer day*.

Insert instead “paragraphs (b), (c) and (d)”.

[2] Clause 3, definition of “transfer day”

Insert at the end of paragraph (c) of the definition:

, or

- (d) in relation to an employee of Jobsupport Inc. transferred under Division 2 of Part 2, 28 July 2000.

[3] Clause 3, definition of “transferred member”

Omit “clause 5 or 11” from the definition. Insert instead “Part 2”.

[4] Part 2, Division 1, heading

Insert before clause 5:

Division 1 Initial transfer of employees and other beneficiaries

[5] Part 2, Division 2

Insert after clause 12:

Division 2 Transfer of additional employees

12A Definition

In this Division:

employee means a person who was an employee of Jobsupport Inc. (ARBN 054 350 793) immediately before 28 July 2000.

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Schedule 1 Amendments

12B Transfer of employees

- (1) On and from the transfer day, the following employees are transferred from the superannuation schemes referred to in subclauses (3), (4), (5) and (6) to the following Divisions of the local government superannuation scheme:
 - (a) an employee described in subclause (3) is to be a member of Division A,
 - (b) an employee described in subclause (4) is to be a member of Division B,
 - (c) an employee described in subclause (5) is to be a member of Division C,
 - (d) an employee described in subclause (6) is to be a member of Division D.
- (2) A employee who is described in more than subclause may be a member of one or more Divisions of the local government superannuation scheme.
- (3) This subclause describes the following employees:
 - (a) an employee who was, at any time within the period of 6 months immediately preceding the transfer day, a full member of the First State Superannuation Scheme,
 - (b) an optional member of the First State Superannuation Scheme who is also an employee referred to in subclause (4) or (6).
- (4) This subclause describes an employee who, immediately before the transfer day, was a contributor to the State Authorities Superannuation Scheme.
- (5) This subclause describes a employee who, immediately before the transfer day, was a contributing employee, under the State Authorities Non-contributory Superannuation Scheme, within the meaning of section 26C of the *State Authorities Non-contributory Superannuation Act 1987* and who is an officer described in subclause (4) or (6).

- (6) This subclause describes an employee who, immediately before the transfer day, was a contributor to the State Superannuation Scheme.

Division 3 Miscellaneous

[6] Clause 16 Transfer of assets to LGSS

Insert “Division 1 of” before “Part 2” whenever occurring in clause 16 (1) and (3) (b).

[7] Clause 16AA

Insert after clause 16:

16AA Transfer of assets relating to additional employees

- (1) FTC and STC must transfer to LGSS Pty Ltd, as the trustee of the local government superannuation scheme, assets equivalent to an amount calculated in accordance with this clause in respect of the assets of the FTC or STC scheme or fund attributable in respect of transferred members under Division 2 of Part 2 (*additional employees*).
- (2) The assets are to be transferred and calculated in accordance with the transfer agreements entered into between FTC and STC with LGSS Pty Ltd, in connection with the transfer of additional employees under Division 2 of Part 2.
- (3) Every asset of FTC and STC in the nature of a right, entitlement, privilege, claim or chose in action against a person who is:
 - (a) an additional employee, or
 - (b) a claimant against FTC or STC through any such employee,

that arises by virtue of the employment of the employee is by this subclause transferred to LGSS Pty Ltd as the trustee of the local government superannuation scheme.

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- (4) Every asset of FTC and STC in the nature of a right, entitlement, privilege, claim or chose in action against the employer (or the predecessor of the employer) of an additional employee is by this subclause transferred to LGSS Pty Ltd as the trustee of the local government superannuation scheme.
- (5) Nothing in this clause transfers a right, entitlement, privilege, claim or chose in action for the enforcement of which any proceedings were instituted before the commencement of this subclause.

[8] Clause 16A Transfer of liabilities

Omit “clause 16” from clause 16A (2). Insert instead “clause 16 or 16AA”.

[9] Schedule 1 Transferred employers

Insert at the end of the Schedule:

Jobsupport Inc.

BY AUTHORITY