



New South Wales

Superannuation Administration Amendment (Chief Executive) Bill 2008

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide for the employment of the chief executive officer of the SAS Trustee Corporation (known as State Super or STC) by the STC Board on terms and conditions determined by the Board with the concurrence of the Minister. At present, the chief executive officer holds a statutory office within the Chief Executive Service under the *Public Sector Employment and Management Act 2002* and is appointed by the Minister.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Superannuation Administration Act 1996* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the consequential amendment to the *Public Sector Employment and Management Act 2002* set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act on the day following the day on which the proposed Act commences. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Superannuation Administration Act 1996

Schedule 1 [2] enables the STC Board to employ the chief executive officer.

Schedule 1 [3] requires the Minister's concurrence to the determination of the terms and conditions of employment of the chief executive officer. In addition, the amendment provides for the appointment by the STC Board of an acting chief executive officer if required.

Schedule 1 [1] makes a consequential amendment.

Schedule 2 Consequential amendment of Public Sector Employment and Management Act 2002

Schedule 2 removes the position of chief executive officer of STC from the Chief Executive Service, and from the application of provisions of the Act relating to the appointment and terms and conditions of public sector executives in that Service.



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Superannuation Administration Amendment (Chief Executive) Bill 2008

No. , 2008

A Bill for

An Act to amend the *Superannuation Administration Act 1996* to provide for the employment of the chief executive officer of STC by the STC Board; and to make a consequential amendment to the *Public Sector Employment and Management Act 2002*.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Superannuation Administration Amendment (Chief Executive) Act 2008</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Superannuation Administration Act 1996 No 39	7
The <i>Superannuation Administration Act 1996</i> is amended as set out in Schedule 1.	8 9
4 Consequential amendment of Public Sector Employment and Management Act 2002 No 43	10 11
The <i>Public Sector Employment and Management Act 2002</i> is amended as set out in Schedule 2.	12 13
5 Repeal of Act	14
(1) This Act is repealed on the day following the day on which this Act commences.	15 16
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	17 18

Schedule 1	Amendment of Superannuation Administration Act 1996	1
		2
	(Section 3)	3
[1] Section 50 Principal functions of STC		4
	Insert “(other than the chief executive officer of STC)” after “STC cannot employ any staff” in section 50 (3).	5
		6
[2] Section 74 Chief executive officer of STC		7
	Omit section 74 (1). Insert instead:	8
	(1) The STC Board is to employ a person as the chief executive officer of STC.	9
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[3] Section 74 (4)–(6)		11
	Omit section 74 (4)–(7). Insert instead:	12
	(4) The determination of the terms and conditions of employment of the chief executive officer of STC is subject to the concurrence of the Minister.	13
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	(5) The Chairperson of the STC Board may, subject to any direction of the STC Board, appoint a member of staff of STC or other person to act in the office of the chief executive officer during the illness or absence of the chief executive officer (or during a vacancy in the office of chief executive officer), and the person while so acting has all the functions of the chief executive officer and is taken to be the chief executive officer.	16
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	(6) The STC Board or Chairperson may, at any time, remove a person from office as acting chief executive officer.	23
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Schedule 2 Consequential amendment of Public Sector Employment and Management Act 2002

Schedule 2	Consequential amendment of Public Sector Employment and Management Act 2002	1
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	(Section 4)	4
	Schedule 2 Executive positions (other than non-statutory SES positions)	5
	Omit the matter relating to the Chief Executive of the SAS Trustee Corporation from Part 2.	6
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