

Passed by both Houses



New South Wales

# Superannuation Administration Amendment Bill 2004

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Superannuation Administration Act 1996 No 39	2
4 Amendment of Regulations	2
Schedule 1 Amendment of Superannuation Administration Act 1996	3
Schedule 2 Amendment of Regulations	9

---

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2004*



New South Wales

## **Superannuation Administration Amendment Bill 2004**

Act No , 2004

---

An Act to amend the *Superannuation Administration Act 1996* with respect to the provision of information by, and the prudential monitoring of, the trustees of public sector superannuation funds; the internal management of those trustees; disputes concerning certain entitlements and obligations; and for other purposes.

---

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

---

**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Superannuation Administration Amendment Act 2004*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Superannuation Administration Act 1996 No 39**

The *Superannuation Administration Act 1996* is amended as set out in Schedule 1.

**4 Amendment of Regulations**

The Regulations specified in Schedule 2 are amended as set out in that Schedule.

---

## **Schedule 1 Amendment of Superannuation Administration Act 1996**

(Section 3)

**[1] Long title**

Omit “to confer on the Axiom Funds Management Corporation power to provide investment services for State public sector superannuation schemes and other schemes;”.

**[2] Section 3 Objects of Act**

Omit the note to the section.

**[3] Section 4 Definitions**

Omit the definition of *AFMC*.

**[4] Section 4, definition of “Insurance and Superannuation Commissioner”**

Omit the definition.

**[5] Section 4, definition of “SAA”**

Omit the definition.

**[6] Section 15 Investment manager to be appointed**

Omit section 15 (4).

**[7] Section 15, note**

Omit the note.

**[8] Section 19 Administrator to be appointed**

Omit section 19 (3)–(7).

**[9] Section 42 Provision of information to relevant Ministers**

Insert “administering this Act or the Minister administering the FTC fund Acts” after “Minister” where firstly occurring in section 42 (1).

**[10] Section 42 (1)**

Insert “concerned” after “Minister” where secondly occurring.

**[11] Section 42 (2)**

Omit “the Minister”. Insert instead “a Minister under this section”.

**[12] Section 42 (3)**

Insert after section 42 (2):

- (3) In this section, *FTC fund Acts* mean the Acts referred to in the definition of *FTC fund* in section 4.

**[13] Section 42A Provision of information to Insurance and Superannuation Commissioner**

Omit the section.

**[14] Section 59 Investment manager to be appointed**

Omit section 59 (4).

**[15] Section 60 AFMC to be first investment manager**

Omit the section.

**[16] Section 64 Administrator to be appointed**

Omit section 64 (3)–(7).

**[17] Section 90 Provision of information to relevant Ministers**

Insert “administering this Act or the Minister administering the STC fund Acts” after “Minister” where firstly occurring in section 90 (1).

**[18] Section 90 (1)**

Insert “concerned” after “Minister” where secondly occurring.

**[19] Section 90 (2)**

Omit “the Minister”. Insert instead “a Minister under this section”.

**[20] Section 90 (3)**

Insert after section 90 (2):

- (3) In this section, *STC fund Acts* mean the Acts referred to in the definition of *STC fund* in section 4.

---

**[21] Section 90A Provision of information to Insurance and Superannuation Commissioner**

Omit the section.

**[22] Part 4**

Insert after section 95:

**Part 4 Monitoring superannuation authorities**

**96 Definitions**

In this Part:

*authorised person* means a person appointed in writing by the Minister as an authorised person for the purposes of this Part.

**97 Information to be given to Minister and authorised persons**

- (1) The Minister or an authorised person may, by written notice to a superannuation authority, require the superannuation authority, within a specified period, to give to the Minister or authorised person in relation to a specified year of income the information, or a report on matters, specified in the notice.
- (2) A superannuation authority must comply with any notice given to it under subsection (1).  
Maximum penalty: 50 penalty units.
- (3) The information or report required to be provided under subsection (1) must relate to the superannuation authority's exercise of its functions.
- (4) If the superannuation authority gives information or a report to the Minister or authorised person as required by this section, the Minister or authorised person must give to the superannuation authority a written statement that the information or report has been received.

**98 Minister and authorised persons may require production of books**

- (1) The Minister or an authorised person may, by written notice to a superannuation authority, require the superannuation authority to produce to the Minister or authorised person, at a reasonable time and reasonable place specified in the notice, any books relating to the affairs of the authority.
- (2) A superannuation authority must comply with a requirement referred to in subsection (1).  
Maximum penalty: 50 penalty units.
- (3) The Minister or an authorised person may inspect, take extracts from and make copies of any book, or of any version of any book, produced to the Minister or authorised person under this section.

**99 Access to premises**

- (1) An authorised person may, for the purpose of monitoring the exercise by any superannuation authority of its functions under this Act:
  - (a) enter, at any reasonable time, any premises, other than any part of premises used for residential purposes, at which the authorised person has reason to believe books relating to the affairs of the superannuation authority are kept, and
  - (b) inspect any book found on the premises that relates to those affairs or that the authorised person believes on reasonable grounds to relate to those affairs, and
  - (c) make copies of, or take extracts from, any such book.
- (2) The power of entry conferred by subsection (1) may only be exercised while business is being carried on, or during the hours that business is usually carried on, at or from the premises.

**[23] Section 119 Duties and liabilities of persons involved in management**

Omit the definition of *superannuation authority* from section 119 (5).

Insert instead:

*superannuation authority* means FTC or STC.

**[24] Section 119 (6) and (7)**

Omit the subsections.

**[25] Section 128 Provisions consequent on establishment of additional superannuation schemes**

Omit “or AFMC (or its successors), or both” from section 128 (1) (h).

Insert instead “(or its successors)”.

**[26] Schedule 1 Provisions relating to FTC Board**

Omit “5 members” from clause 10. Insert instead “6 members”.

**[27] Schedule 1, clause 12**

Omit the clause. Insert instead:

**12 Voting**

A decision supported by two-thirds of the members of the Board is the decision of the Board.

**[28] Schedule 2 Provisions relating to STC Board**

Omit “5 members” from clause 11. Insert instead “6 members”.

**[29] Schedule 2, clause 13**

Omit the clause. Insert instead:

**13 Voting**

A decision supported by two-thirds of the members of the Board is the decision of the Board.

**[30] Schedule 3 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Superannuation Administration Amendment Act 2004*



**[31] Schedule 3, clause 2**

Insert in alphabetical order:

***AFMC*** means the Axiom Funds Management Corporation established by the *Superannuation (Axiom Funds Management Corporation) Act 1996*.

***SAA*** means the Superannuation Administration Authority formerly established by this Act, and dissolved by the *Superannuation Administration Authority Corporatisation Act 1999*.

---

## Schedule 2 Amendment of Regulations

(Section 4)

### 2.1 Superannuation Administration (Electricity Superannuation Scheme Transitional Provisions) Regulation 1997

#### [1] Clause 12 Effect of transfers

Insert after clause 12 (2):

- (3) A right of appeal available to a former member of or contributor to a FTC scheme or STC scheme in respect of a matter involving a dispute with the trustee of that scheme, and not finally dealt with before the transfer of assets and liabilities of the scheme in respect of the former member or contributor under clause 15 or 15A, is to be dealt with in accordance with procedures under the electricity superannuation scheme as if the dispute were with Energy Industries Superannuation Scheme Pty Ltd.

#### [2] Clause 40 Disputes concerning entitlements or obligations of transferred or former members or associated beneficiaries under FTC schemes

Insert “, former member of a FTC scheme” after “transferred member” where firstly occurring.

#### [3] Clause 40

Insert “or former member” after “transferred member” where secondly occurring.

#### [4] Clause 41 Disputes concerning entitlements or obligations of transferred or former members or associated beneficiaries under STC schemes

Insert “, former member of a STC scheme” after “transferred member” where firstly occurring.

#### [5] Clause 41

Insert “or former member” after “transferred member” where secondly occurring.

## **2.2 Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Regulation 1997**

### **[1] Clause 13 Effect of transfers**

Insert after clause 13 (2):

- (3) A right of appeal available to a former member of or contributor to a FTC scheme or STC scheme in respect of a matter involving a dispute with the trustee of that scheme, and not finally dealt with before the transfer of assets and liabilities of the scheme in respect of the former member or contributor under clause 16 or 16A, is to be dealt with in accordance with procedures under the local government superannuation scheme as if the dispute were with LGSS Pty Ltd.

### **[2] Clause 41 Disputes concerning entitlements or obligations of transferred or former members or associated beneficiaries under FTC schemes**

Insert “, former member of a FTC scheme” after “transferred member” where firstly occurring.

### **[3] Clause 41**

Insert “or former member” after “transferred member” where secondly occurring.

### **[4] Clause 42 Disputes concerning entitlements or obligations of transferred or former members or associated beneficiaries under STC schemes**

Insert “, former member of a STC scheme” after “transferred member” where firstly occurring.

### **[5] Clause 42**

Insert “or former member” after “transferred member” where secondly occurring.