

[Act 2000 No 100]



New South Wales

Superannuation Legislation Amendment Bill 2000

Explanatory note

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

Overview of Bill

The object of this Bill is to amend various Acts regulating public sector superannuation schemes for the following purposes:

- (a) to enable employees who fund employer contributions to superannuation to elect not to have contributions made by their employers under the *First State Superannuation Act 1992* in respect of earnings above the maximum contribution base that applies under Commonwealth superannuation guarantee legislation,
 - (b) to enable the early release of benefits on the grounds of severe financial hardship or on compassionate grounds to current contributors to the Police Superannuation Fund, the State Authorities Superannuation Fund, the State Authorities Non-contributory Superannuation Fund and the State Superannuation Fund,
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- (c) to confer on the SAS Trustee Corporation (*STC*), the trustee of the Police Superannuation Fund, an indemnity if hurt on duty benefits are paid in circumstances where damages may be recovered from another person in respect of the death or injury concerned,
- (d) to enable *STC* to obtain authorities from recipients of hurt on duty benefits to obtain information from third persons about other payments received by the recipients and to enable *STC* to directly obtain such information in the case of past recipients,
- (e) to enable *STC*, on the election of a person entitled to a basic benefit under the *State Authorities Non-contributory Superannuation Act 1987*, to apply the benefit toward payment of a superannuation contributions surcharge,
- (f) to make further provision for the automatic adjustment of certain pensions and superannuation allowances, so that pensions and superannuation allowances will be automatically increased even if there is only a small upward movement in the consumer price index,
- (g) to confer on *STC* the power to accept late elections, applications and choices under the *Police Regulation (Superannuation) Act 1906*,
- (h) to clarify the power of *STC* to accept late elections to convert benefits in the Police Superannuation Fund and the State Superannuation Fund and to validate any previous acceptance of a late election to convert benefits,
- (i) to ensure that contributors under the *Superannuation Act 1916* are not disadvantaged by certain changes that were made in 1998 to the way that a withdrawal benefit is calculated under that Act,
- (j) to remove the 6-month waiting period for members who elect to commute their pension under certain provisions of the *Superannuation Act 1916*,
- (k) to make savings and transitional provisions and to enable savings and transitional regulations to be made.

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.

Clause 3 is a formal provision giving effect to the amendments to the *First State Superannuation Act 1992* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Police Association Employees (Superannuation) Act 1969* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendments to the *Police Regulation (Superannuation) Act 1906* set out in Schedule 3.

Clause 6 is a formal provision giving effect to the amendments to the *State Authorities Non-contributory Superannuation Act 1987* set out in Schedule 4.

Clause 7 is a formal provision giving effect to the amendments to the *State Authorities Superannuation Act 1987* set out in Schedule 5.

Clause 8 is a formal provision giving effect to the amendments to the *Superannuation Act 1916* set out in Schedule 6.

Clause 9 makes it clear that the explanatory notes contained in Schedules 1–6 do not form part of the proposed Act.

Schedule 1 Amendment of First State Superannuation Act 1992

The amendments to the *First State Superannuation Act 1992* are explained in detail in the explanatory notes contained in the Schedule.

Schedule 2 Amendment of Police Association Employees (Superannuation) Act 1969

The amendments to the *Police Association Employees (Superannuation) Act 1969* are explained in detail in the explanatory notes contained in the Schedule.

Schedule 3 Amendment of Police Regulation (Superannuation) Act 1906

The amendments to the *Police Regulation (Superannuation) Act 1906* are explained in detail in the explanatory notes contained in the Schedule.

Schedule 4 Amendment of State Authorities Non-contributory Superannuation Act 1987

The amendments to the *State Authorities Non-contributory Superannuation Act 1987* are explained in detail in the explanatory notes contained in the Schedule.

Schedule 5 Amendment of State Authorities Superannuation Act 1987

The amendments to the *State Authorities Superannuation Act 1987* are explained in detail in the explanatory notes contained in the Schedule.

Schedule 6 Amendment of Superannuation Act 1916

The amendments to the *Superannuation Act 1916* are explained in detail in the explanatory notes contained in the Schedule.