

Act No. 210

SUPERANNUATION ADMINISTRATION BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

State Authorities Superannuation Bill 1987;

State Authorities Non-contributory Superannuation Bill 1987;

Hunter District Water Board Employees' Provident Fund (Special Provisions) Bill 1987;

Superannuation (Amendment) Bill 1987;

Local Government and Other Authorities (Superannuation) Amendment Bill 1987;

Transport Employees Retirement Benefits (Amendment) Bill 1987;

New South Wales Retirement Benefits (Amendment) Bill 1987;

Public Authorities Superannuation (Amendment) Bill 1987;

State Public Service Superannuation (Amendment) Bill 1987;

Police Regulation (Superannuation) Amendment Bill 1987;

Police Regulation (Special Benefits) Amendment Bill 1987;

Police Association Employees (Superannuation) Amendment Bill 1987;

Workers Compensation (Police Force) Amendment Bill 1987.

The object of this Bill is to constitute an authority (to be known as the State Authorities Superannuation Board) to administer superannuation schemes established in relation to certain employees in the public sector.

The Bill abolishes the State Superannuation Board, the State Public Service Superannuation Board, the Public Authorities Superannuation Board and the Police Superannuation Board.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

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Clause 2 provides for the commencement of the proposed Act (with the exception of Part 3 and certain other provisions) on 1 April 1988 (or an earlier proclaimed day). Part 3 is to commence on 1 April 1988, and those other provisions are to commence on the date of assent to the proposed Act.

Clause 3 defines “superannuation scheme” and other terms commonly used in the Bill.

PART 2—THE STATE AUTHORITIES SUPERANNUATION BOARD

Clause 4 constitutes the Board as a statutory body consisting of 10 members appointed by the Governor-in-Council, 5 to represent employers and 5 to represent employees.

Clause 5 applies to persons initially holding office as members of the Board.

Clause 6 applies to subsequent Board memberships. It provides for relevant investment experience among employer members and sets out the procedure for selecting employee members.

Clauses 7 and 8 state the principal functions of the President and Vice-Presidents of the Board.

Clause 9 enables the Board to appoint staff.

Clause 10 enables the Board to appoint agents to act for it.

Clause 11 enables the Board to employ consultants to assist it.

Clause 12 enables the Board to establish committees to assist it.

Clause 13 provides for delegation by the Board and the President of their respective functions.

PART 3—FUNCTIONS OF THE BOARD

Clause 14 states the general functions of the Board.

Clause 15 charges the Board with responsibility for the administration and management of the various superannuation schemes to which the proposed Act relates. The Governor-in-Council may by regulation vest in the Board the administration and management of certain other superannuation schemes.

PART 4—FINANCIAL PROVISIONS

Clause 16 states that “contributor”, “employee” and “employer” have in Part 4 the same meanings as they have for the purposes of the superannuation schemes managed by the Board.

Clause 17 provides for the financial year of the Board.

Clause 18 makes provision for the financial accommodation of the Board and for investment of funds managed by it.

Clause 19 allows the Board to pool any of the funds managed by it for investment purposes.

Clause 20 enables the Board, at the request of a person entitled to a superannuation benefit, to establish a separate fund into which the benefit is to be paid.

Clause 21 requires the Board to establish its own Management Account.

Clause 22 regulates the Management Account established under clause 21.

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Clause 23 defines a “preserved benefit” and provides for an administration charge in respect of such benefits.

PART 5—MISCELLANEOUS

Clause 24 provides for the maintenance of accounts and records of the Board.

Clause 25 allows the Board to settle claims made against it.

Clause 26 empowers the Board to resolve disputes arising under certain enactments (specified in the clause).

Clause 27 affords a right of appeal (to the Industrial Commission) to a person aggrieved by a determination of the Board.

Clause 28 confers on the Board all the powers of a trustee in relation to funds managed by it, without the restriction of any limitation that would otherwise apply in that behalf by virtue of the Trustee Act 1925 or any law of trusts.

Clause 29 allows members of the Board or of its staff to hold office in companies.

Clause 30 protects members of the Board or of its staff, and consultants to the Board, from liability in respect of any alleged conflict of interest, or alleged improper use of information, in the exercise of their functions under or in connection with the proposed Act. The clause further provides for their immunity from liability for acts or omissions in good faith in the performance of those functions, and cures invalidity that would otherwise affect decisions of the Board in certain circumstances.

Clause 31 provides for the method of service of documents on the Board.

Clause 32 permits the recovery as a debt of money due to the Board.

Clause 33 provides that in legal proceedings certain matters pertaining to the Board and its proper constitution may be taken to be true in the absence of contrary evidence.

Clause 34 deals with coverage of the Board’s staff by particular trade unions.

Clause 35 enables the Governor-in-Council to make regulations in aid of the proposed Act.

Clause 36 gives effect to a Schedule of savings, transitional and other provisions.

Clause 37 amends the Industrial Arbitration Act 1940 in relation to appeals concerning superannuation matters. The amendment is consequential on the conferring by the proposed Act of a right of appeal in relation to superannuation schemes under other Acts.

Clause 38 amends the Statutory and Other Offices Remuneration Act 1975 to include, in Part 1 of Schedule 2 to that Act, a reference to the full-time members of the Board.

Clauses 39–42 amend certain Acts so as to substitute references as a consequence of the enactment of the proposed Act and cognate legislation.

Schedule 1 contains provisions relating to the members of the Board.

Schedule 2 contains provisions relating to the procedure of the Board.

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Schedule 3 contains appropriate savings and transitional provisions and other provisions consequential on the enactment of the proposed Act. Included in the Schedule are provisions preserving certain rights of employees of the former Boards.
