

[Act 1998 No 13]



New South Wales

Parliamentary Contributory Superannuation Legislation Amendment Bill 1998

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to repeal an amendment made by the *Superannuation Legislation Further Amendment Act 1997* to the definition of **salary** for the purposes of the *Parliamentary Contributory Superannuation Act 1971*, with effect from 17 December 1997, and to reinstate the definition in force immediately before that amendment, and
- (b) to amend the *Parliamentary Contributory Superannuation Act 1971* to prohibit any future amendment of that Act unless the Parliamentary Remuneration Tribunal first issues a certificate approving the amendment, and
- (c) to amend the *Parliamentary Remuneration Act 1989* to set out the powers of the Tribunal in relation to such approvals.

* Amended in committee—see table at end of volume.

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. Clauses 3 and 6 and Schedule 1 are backdated to 17 December 1997, which was the date of assent to the *Superannuation Legislation Further Amendment Act 1997*. Those provisions reverse the effect of the amendment made by that Act to the definition of *salary*.

Clause 3 is a formal provision giving effect to the amendment to the *Parliamentary Contributory Superannuation Act 1971* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to the *Parliamentary Contributory Superannuation Act 1971* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendments to the *Parliamentary Remuneration Act 1989* set out in Schedule 3.

Clause 6 repeals Schedule 1.2 [2] of the *Superannuation Legislation Further Amendment Act 1997*. This item amended the definition of *salary* in the *Parliamentary Contributory Superannuation Act 1971*.

Clause 7 validates the actions and omissions of the Trustees of the Parliamentary Contributory Superannuation Fund in carrying out functions as a result of the amendment to be repealed and in acting in anticipation of the repeal taking place. It also excludes them, and persons acting under their direction, from liability for such actions and omissions.

Schedules

Schedule 1 Amendment of Parliamentary Contributory Superannuation Act 1971

Schedule 1 omits the provisions inserted in the definition of *salary* in the *Parliamentary Contributory Superannuation Act 1971* by the *Superannuation Legislation Further Amendment Act 1997* and amends that definition so that it is the same as it was before the amendment was made.

Schedule 2 Further amendment of Parliamentary Contributory Superannuation Act 1991

Amendments must be approved

The amendment prohibits the Legislative Assembly or Legislative Council from originating or passing any vote, resolution or Bill for the amendment of the *Parliamentary Contributory Superannuation Act 1971* unless the Parliamentary Remuneration Tribunal has first issued a certificate approving the amendment. The certificate must be issued in the same Session of Parliament. (See proposed section 4.)

Schedule 3 Amendment of Parliamentary Remuneration Act 1989

Parliamentary Remuneration Tribunal's powers

The amendments empower the Parliamentary Remuneration Tribunal to determine whether a proposed amendment to the *Parliamentary Contributory Superannuation Act 1971* should be approved. The Tribunal is required to take into account the Heads of Government Agreement under which State public sector superannuation schemes are to comply with Commonwealth legislation applicable to other superannuation schemes and is required also to take into account the effects of any proposed amendment on the present and future liabilities of the Parliamentary Contributory Superannuation Fund. The Tribunal may also obtain actuarial advice relating to the costs and effects of any proposed amendment. If it is intended to proceed with a proposed amendment, the certificate of approval for the proposed amendment is to be laid before Parliament and the determination approving the amendment is to be published in the Gazette. The amendments also confer ancillary powers on the Tribunal as well as extending protection from judicial review to decisions as to approval of amendments. (See **Schedule 2 [1]**, **2 [2]** (proposed section 14A) and **2 [3]**)