

[Act 2002 No 110]



New South Wales

Superannuation Legislation Amendment Bill 2002

Explanatory note

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

The *Superannuation Legislation Further Amendment Bill 2002* is cognate with this Bill.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *First State Superannuation Act 1992* to enable the First State Superannuation Trust Deed and the rules under the Trust Deed to make provision in relation to the division of superannuation interests between spouses in case of a marriage breakdown, and thereby make the Trust Deed consistent with Part VIIIIB of the *Family Law Act 1975* of the Commonwealth,
 - (b) to transfer certain deferred or preserved benefits to the First State Superannuation Fund from the State Authorities Non-contributory Superannuation Scheme,
 - (c) to amend the *Judges' Pensions Act 1953*:
-

- (i) to extend the circumstances in which spouse benefits may be paid to the surviving spouse of a former judge or acting judge on the death of the former judge or acting judge, and
 - (ii) to enable lump sum benefits to be paid to former judges and acting judges who are not eligible for a pension under the Act and who ceased to be judges during the period commencing on 1 July 1992 and ending on 25 October 2001,
- (d) to amend the *Parliamentary Contributory Superannuation Act 1971*:
- (i) to make the triennial actuarial report consistent with standard actuarial practices, and
 - (ii) to give to the Minister the power to initiate interim actuarial investigations, and
 - (iii) to repeal the provision that allows certain members of Parliament to be paid their pensions or benefits under the Act while receiving their salaries as members of Parliament, and
 - (iv) to extend the circumstances in which spouse or de facto partner benefits may be paid to the surviving spouse or de facto partner of a former member on the death of the former member, and
 - (v) to allow certain members of the NSW Parliament who were former members of the Commonwealth Parliament to use money, in addition to their lump sum Commonwealth superannuation, to buy sufficient NSW service to entitle them to a NSW parliamentary pension, and
 - (vi) to allow the regulations to prescribe amounts as the maximum amount that may be deducted from a benefit payable to a member in order to offset any superannuation contributions surcharge under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth, and
 - (vii) to allow regulations to be made in order to deal with any liability that may arise from an assessment of superannuation contributions surcharge after a benefit has been paid to a former member,
- (e) to amend the *Police Regulation (Superannuation) Act 1906*, *Superannuation Act 1916*, *Local Government and Other Authorities (Superannuation) Act 1927* and *New South Wales Retirement Benefits Act 1972* to extend the circumstances in which spouse or de facto partner benefits may be paid to the surviving spouse or de facto partner of a former member, pensioner or former contributor on the death of the former member, pensioner or former contributor,

- (f) to amend the *Police Regulation (Superannuation) Act 1906*, *State Authorities Superannuation Act 1987* and *Superannuation Act 1916* to allow regulations to be made:
 - (i) to prescribe amounts as the maximum amount that may be deducted from a benefit payable to a member in order to offset any superannuation contributions surcharge under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth, and
 - (ii) to deal with any liability that may arise from an assessment of superannuation contributions surcharge after a benefit has been paid to a former contributor,
- (g) to make other miscellaneous amendments to the above Acts (including amendments of a savings or transitional nature).

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 Acts set out in Schedules 1–9.

Clause 4 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Schedules 1–9 make the amendments outlined above.

An explanation of each of the amendments is set out in the proposed Act after the amendment concerned.

The amendments to the *Parliamentary Contributory Superannuation Act 1971* set out in Schedule 4 have been certified as warranted by the Parliamentary Remuneration Tribunal, as required under section 4 of that Act.