

New South Wales Retirement Benefits (Savings and Transitional) Regulation 1995

[1995-395]



New South Wales

Status Information

Currency of version

Current version for 25 August 1995 to date (accessed 4 May 2024 at 7:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 4 September 1995

New South Wales Retirement Benefits (Savings and Transitional) Regulation 1995



New South Wales

Contents

1 Name of Regulation 3

2 Declaration as to certain periods of employment..... 3

3 Requirements for order..... 3

4 Grounds for refusal of order..... 4

5 Repeal 4

New South Wales Retirement Benefits (Savings and Transitional) Regulation 1995



New South Wales

1 Name of Regulation

This Regulation may be cited as the *New South Wales Retirement Benefits (Savings and Transitional) Regulation 1995*.

2 Declaration as to certain periods of employment

- (1) The Board may, by its order, declare that the whole or any part of a period of continuous employment served by an employee with a former employer is a period of service for the purposes of the Act.
- (2) A period of service declared in relation to an employee in an order in force under this Regulation is a period of service for the purposes of the Act in relation to that employee.
- (3) In this clause, **the Act** means the *New South Wales Retirement Benefits Act 1972*.

3 Requirements for order

- (1) The Board is not to make an order referred to in this Regulation unless:
 - (a) it has received a written application for the order, and
 - (b) it is satisfied that the period of service concerned was concluded by an involuntary termination.
- (2) In this clause, **involuntary termination** means a termination of employment of an employee:
 - (a) because of the retrenchment of the employee, or
 - (b) by the employee's former employer because of the employee's infirmity of mind or body that, at the time, temporarily incapacitated the employee from performing his or her duties, whether or not that incapacity was work-related, or
 - (c) by the employee's former employer at the end of the employee's apprenticeship, because a suitable appointment with that former employer was not available, or

(d) because of pressing domestic necessity, or

(e) for any other reason agreed by both the Board and the former employer as giving rise to an involuntary termination of the employee's employment,

but does not include a termination of employment arising from voluntary resignation, or from resignation or dismissal as a result of disciplinary action by the former employer.

4 Grounds for refusal of order

The Board may refuse to make an order referred to in this Regulation for any of the following reasons:

(a) the applicant for the order has not supplied the Board with a certificate from the former employer certifying:

(i) the circumstances in which the employment of the employee with the former employer was terminated, and

(ii) the period of continuous employment of the employee with the former employer up to that termination,

(b) the Board has requested the applicant to furnish it with particulars reasonably related to the question of whether the order should be made and the applicant has not supplied those particulars,

(c) for any other reason that the Board considers sufficient.

5 Repeal

(1) The *New South Wales Retirement Benefits Regulation 1983* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *New South Wales Retirement Benefits Regulation 1983* had effect under that Regulation, is taken to have effect under this Regulation.