

Superannuation (Government Cleaning Service Employees Transfer) Regulation 1994

[1994-54]



New South Wales

Status Information

Currency of version

Repealed version for 13 October 1995 to 28 November 2002 (accessed 21 December 2024 at 18:27)

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.

Notes—

- **Repeal**

The Regulation was repealed by the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2002 No 112](#), Sch 3 with effect from 29.11.2002.

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 1 December 2002

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1 Name of Regulation

This Regulation may be cited as the *Superannuation (Government Cleaning Service Employees Transfer) Regulation 1994*.

2 Definitions

In this Regulation:

Board means the State Authorities Superannuation Board.

GCS means the Government Cleaning Service, a branch of the Commercial Services Group.

GCS contributor means a contributor to the State Fund:

- (a) who was, on 28 January 1994, employed in the GCS, and
- (b) who was required to transfer from employment in the GCS to Berkeley Challenge Australia Pty Limited, Menzies Property Services Pty Limited or Tempo Services Pty Limited immediately after that date in accordance with the relevant sale agreement.

preserved benefit means a preserved benefit in the State Fund provided by Division 3A of Part 4 of the Act.

sale agreements means the agreements for sale of the Government's cleaning services business entered into between the Minister for Administrative Services and Berkeley Challenge Australia Pty Limited, Menzies Property Services Pty Limited and Tempo Services Pty Limited respectively, and exchanged on 8 December 1993.

State Fund means the State Superannuation Fund.

superannuation fund has the same meaning as in section 10 of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

the Act means the *Superannuation Act 1916*.

3 Application of Schedule 23 to the Act (Transferred contributors joining another superannuation scheme) to certain contributors

The transfers of GCS contributors from the GCS to Berkeley Challenge Australia Pty Limited, Menzies Property Services Pty Limited and Tempo Services Pty Limited are respectively declared to be transfers of employment to which Schedule 23 to the Act applies.

4 Transfer of preserved benefit to an appropriate superannuation scheme

(1) If:

- (a) a GCS contributor exercises his or her entitlement to make provision for a preserved benefit in the State Fund, and
- (b) the contributor is therefore entitled to be paid that benefit in accordance with clause 3 (1) of Schedule 23 to the Act on ceasing to be a contributor to the State Fund, and
- (c) before 12 August 1994, the contributor nominates a superannuation fund to which that benefit may be transferred, and
- (d) the Board approves that fund under clause 5,

the Board is required to pay the benefit to that fund so that that benefit can be applied to the credit of the contributor in that fund.

(2) The payment must be made as soon as practicable after the contributor has nominated a superannuation fund for the purposes of subclause (1) (c) and the Board has approved the fund under clause 5.

(2A) Despite subclause (1) (c), a contributor may nominate a superannuation fund for the purposes of subclause (1) (c) on or after 12 August 1994 but not later than 31 December 1995.

(3) The exercise by a GCS contributor of an entitlement to make provision for a preserved benefit is taken to have had effect immediately after 28 January 1994.

5 Approval of superannuation funds by the Board

The Board may approve a superannuation fund for the purposes of clause 4 (1) (d) if, but only if, it is satisfied that:

- (a) the rules governing the fund, or the trust deed by which the fund is established, includes provisions that will fully vest the preserved benefit to the credit of the GCS contributor concerned, and
- (b) the fund complies with all Commonwealth occupational superannuation standards that are applicable to superannuation funds.