

SUPERANNUATION LEGISLATION FURTHER AMENDMENT BILL

Schedule of the amendments referred to in the Legislative Council's Message of 6 December 1997 a.m.

No 1 Page 14, Schedule 1.2. Insert after line 19:

[2] Section 3 Definitions

Omit paragraph (c) of the definition of salary in section 3 (1).

Insert instead:

- (c) if the member or former member is or was a recognised office holder (within the meaning of the Parliamentary Remuneration Act 1989), all remuneration payable to him or her under that Act by way of basic salary, additional salary, expense allowance and electoral allowance (not including any amount exceeding the minimum amount of electoral allowance payable to any member) while holding office as a recognised office holder, and
- (d) if the member or former member is or was not such a recognised office holder, all remuneration payable to him or her under that Act by way of basic salary or additional salary and electoral allowance (not including any amount exceeding the minimum amount of electoral allowance payable to any member) while holding office as a member,

No 2 Page 18, Schedule 1.2 [12], lines 13 to 19. Omit all words on those lines.

Insert instead:

the trustees must determine in writing the surcharge deduction amount that, in the opinion of the trustees, it would be fair and reasonable to take into account in working out the amount of the benefit and must make a determination reducing the benefit accordingly.

- (2) In determining the surcharge deduction amount in respect of a benefit payable to a member or former member, the trustees may have regard to any or all of the following matters:
 - (a) the amount of superannuation contributions surcharge payable or paid by the trustees in respect of the member or former member,
 - (b) the amount by which the member's or former member's surcharge debt account is in debit when the benefit emerges or commences to be paid,
 - (c) the value of the employer-financed portion of the benefit,
 - (d) the value of the benefits that, for the purpose of working out (under the *Superannuation Contributions Tax*

(*Assessment and Collection*) Act 1997 of the Commonwealth) the notional surchargeable contribution factors applicable to the member or former member, were assumed to be likely to be payable to the member or former member on his or her ceasing to hold office as a member of the Legislative Council or Legislative Assembly,

- (e) whether the member or former member has qualified for a benefit after having been a member for an aggregate period of 7 years or more,
 - (f) the amount of any payments under section 31A,
 - (g) any other matter the trustees consider relevant.
- (3) The surcharge deduction amount determined by the trustees must not exceed an amount that is 15% of the employer-financed portion of that part of the benefit payable to the member or former member that accrued after 20 August 1996.
 - (4) For the purpose of determining the surcharge deduction amount, the trustees may obtain actuarial advice or advice from any other persons, as the trustees think fit.
 - (5) The balance of any additional amount payable by the trustees for superannuation contributions surcharge in respect of a member or former member, after payment of the balance of the relevant surcharge debt account, is to be paid by the trustees from the Fund under section 6 (2).

No 3

Page 18, Schedule 1.2 [12]. Insert after line 23:

- (7) In this section:

surcharge debt account, in relation to a member or former member, means the surcharge debt account kept for the member or former member (while holding office as a member) under section 16 of the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth.

No 4

Page 25, Schedule 1.3 [7], lines 21 to 27. Omit all words on those lines.

Insert instead:

STC must determine in writing the surcharge deduction amount that, in the opinion of STC, it would be fair and reasonable to take into account in working out the amount of the benefit and must make a determination reducing the benefit accordingly.

- (1B) In determining the surcharge deduction amount in respect of a benefit payable to a contributor or former contributor, STC may have regard to any or all of the following matters:
 - (a) the amount of superannuation contributions surcharge payable or paid by STC in respect of the contributor or former contributor,

- (b) the amount by which the contributor's or former contributor's surcharge debt account is in debit when the benefit emerges or commences to be paid,
 - (c) the value of the employer-financed portion of the benefit,
 - (d) the value of the benefits that, for the purpose of working out (under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth) the notional surchargeable contribution factors applicable to the contributor or former contributor, were assumed to be likely to be payable to the contributor or former contributor on his or her ceasing to be a member of the police force,
 - (e) whether the contributor or former contributor has qualified for a benefit that includes an employer-financed component,
 - (f) the amount of any payments under section 20A,
 - (g) any other matter STC considers relevant.
- (1C) The surcharge deduction amount determined by STC must not exceed an amount that is 15% of the employer-financed portion of that part of the benefit payable to the contributor or former contributor that accrued after 20 August 1996.
- (1D) For the purpose of determining the surcharge deduction amount, STC may obtain actuarial advice or advice from any other persons, as STC thinks fit.
- (1E) The balance of any additional amount payable by STC for superannuation contributions surcharge in respect of a contributor or former contributor, after payment of the balance of the relevant surcharge debt account, is to be paid by STC from the Fund under section 3 (3).

No 5

Page 25, Schedule 1.3 [8]. Insert after line 34:

- (4) In this section:

surcharge debt account, in relation to a contributor or former contributor, means the surcharge debt account kept for the contributor or former contributor (while an employee) under section 16 of the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth.

No 6

Page 39, Schedule 1.6 [15], lines 24 to 30. Omit all words on those lines.

Insert instead:

STC must determine in writing the surcharge deduction amount that, in the opinion of STC, it would be fair and reasonable to take into account in working out the amount

of the benefit and must make a determination reducing the benefit accordingly.

- (1B) In determining the surcharge deduction amount in respect of a benefit payable to a contributor or former contributor, STC may have regard to any or all of the following matters:
- (a) the amount of superannuation contributions surcharge payable or paid by STC in respect of the contributor or former contributor,
 - (b) the amount by which the contributor's or former contributor's surcharge debt account is in debit when the benefit emerges or commences to be paid,
 - (c) the value of the employer-financed portion of the benefit,
 - (d) the value of the benefits that, for the purpose of working out (under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth) the notional surchargeable contribution factors applicable to the contributor or former contributor, were assumed to be likely to be payable to the person on his or her ceasing to be an employee,
 - (e) whether the contributor or former contributor has qualified for a benefit that includes an employer-financed component,
 - (f) the amount of any payments under section 52A,
 - (g) any other matter STC considers relevant.
- (1C) The surcharge deduction amount determined by STC must not exceed an amount that is 15% of the employer-financed portion of that part of the benefit payable to the contributor or former contributor that accrued after 20 August 1996.
- (1D) For the purpose of determining the surcharge deduction amount, STC may obtain actuarial advice or advice from any other persons, as STC thinks fit.
- (1E) The balance of any additional amount payable by STC for superannuation contributions surcharge in respect of a contributor or former contributor, after payment of the balance of the relevant surcharge debt account, is to be paid by STC from the Fund under section 11 (4) and debited to the appropriate employer reserve.

- (4) In this section:

surcharge debt account, in relation to a contributor or former contributor, means the surcharge debt account kept for the contributor or former contributor (while an employee) under section 16 of the *Superannuation*

Contributions Tax (Assessment and Collection) Act 1997 of the Commonwealth.

No 8

Page 45, Schedule 1.7 [12], lines 14 to 20. Omit all words on those lines.

Insert instead:

STC must determine in writing the surcharge deduction amount that, in the opinion of STC, it would be fair and reasonable to take into account in working out the amount of the benefit and must make a determination reducing the benefit accordingly.

- (1B) In determining the surcharge deduction amount in respect of a benefit payable to a contributor or former contributor, STC may have regard to any or all of the following matters:
- (a) the amount of superannuation contributions surcharge payable or paid by STC in respect of the contributor or former contributor,
 - (b) the amount by which the contributor's or former contributor's surcharge debt account is in debit when the benefit emerges or commences to be paid,
 - (c) the value of the employer-financed portion of the benefit,
 - (d) the value of the benefits that, for the purpose of working out (under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997 of the Commonwealth*) the notional surchargeable contribution factors applicable to the contributor or former contributor, were assumed to be likely to be payable to the person on his or her ceasing to be an employee,
 - (e) whether the contributor or former contributor has qualified for a benefit that includes an employer-financed component,
 - (f) the amount of any payments under section 91B,
 - (g) any other matter STC considers relevant.
- (1C) The surcharge deduction amount determined by STC must not exceed an amount that is 15% of the employer-financed portion of that part of the benefit payable to the contributor or former contributor that accrued after 20 August 1996.
- (1D) For the purpose of determining the surcharge deduction amount, STC may obtain actuarial advice or advice from any other persons, as STC thinks fit.
- (1E) The balance of any additional amount payable by STC for superannuation contributions surcharge in respect of a contributor or former contributor, after payment of the balance of the relevant surcharge debt account, is to be paid by STC from the Fund under section 4 (4) and debited to the appropriate employer reserve.

(4) In this section:

surcharge debt account, in relation to a contributor or former contributor, means the surcharge debt account kept for the contributor or former contributor (while an employee) under section 16 of the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* of the Commonwealth.
