



New South Wales

Parliamentary Contributory Superannuation Legislation Amendment Act 1998 No 13

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Parliamentary Contributory Superannuation Legislation Amendment Act 1998 No 13

Act No 13, 1998

An Act to repeal an amendment to the definition of *salary* for the purposes of the Parliamentary Contributory Superannuation Scheme made by the *Superannuation Legislation Further Amendment Act 1997*; to amend the *Parliamentary Contributory Superannuation Act 1971* to prohibit the amendment of that Act unless the Parliamentary Remuneration Tribunal approves the amendment; to amend the *Parliamentary Remuneration Act 1989* to empower that Tribunal to approve amendments to the *Parliamentary Contributory Superannuation Act 1971*; to validate certain matters; and for other purposes. [Assented to 1 June 1998]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Parliamentary Contributory Superannuation Legislation Amendment Act 1998*.

2 Commencement

- (1) This Act commences on the date of assent, except as provided by subsection (2).
- (2) Sections 3 and 6 and Schedule 1 are taken to have commenced on 17 December 1997.

3 Amendment of Parliamentary Contributory Superannuation Act 1971 No 53

The *Parliamentary Contributory Superannuation Act 1971* is amended as set out in Schedule 1.

4 Further amendment of Parliamentary Contributory Superannuation Act 1971 No 53

The *Parliamentary Contributory Superannuation Act 1971* is further amended as set out in Schedule 2.

5 Amendment of Parliamentary Remuneration Act 1989 No 160

The *Parliamentary Remuneration Act 1989* is amended as set out in Schedule 3.

6 Amendment of Superannuation Legislation Further Amendment Act 1997 No 149

Schedule 1.2 [2] of the *Superannuation Legislation Further Amendment Act 1997* is repealed.

7 Validation

- (1) Any act, matter or thing that was done or omitted during the interim period, that was invalid apart from this Act, and that would have been valid had sections 3 and 6 and Schedule 1 been in force, is validated.

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- (2) Without limiting subsection (1), any act, matter or thing done or omitted during or after the interim period by the Trustees, or by a person acting in accordance with a direction of the Trustees, in connection with:
- (a) the refusal to accept, or failure to require, additional contributions to the Parliamentary Contributory Superannuation Fund arising from the repealed amendment, or
 - (b) the refusal or failure to pay benefits or increased benefits from the Fund to any person arising from the repealed amendment, or
 - (c) any associated matter,
- is validated.
- (3) Without limiting subsections (1) and (2), any act, matter or thing done or omitted during or after the interim period by the Trustees or by a person acting in accordance with a direction of the Trustees:
- (a) pursuant to or as a consequence of the repealed amendment, or
 - (b) in anticipation of the repeal of the repealed amendment or the enactment of this Act,
- does not subject the Trustees as a body corporate, or any individual trustee personally, or any such person personally, to any action, liability, claim or demand.
- (4) The Trustees are authorised and required to repay any money obtained by them, or to recover any money paid by them, pursuant to or as a consequence of the repealed amendment that, if the repealed amendment had not been enacted, would not have been payable to or obtained or paid by the Trustees.
- (5) In this section:

interim period means the period commencing with 17 December 1997 and ending immediately before the date of assent to this Act.

repealed amendment means the amendment to the *Parliamentary Contributory Superannuation Act 1971* contained in Schedule 1.2 [2] to the *Superannuation Legislation Further Amendment Act 1997*.

Trustees means the Trustees of the Parliamentary Contributory Superannuation Fund.

**Schedule 1 Amendment of Parliamentary
Contributory Superannuation Act 1971**
(Section 3)

Section 3 Definitions

Omit paragraphs (c) and (d) of the definition of *salary* in section 3 (1).

Insert instead:

- (c) all remuneration payable to him or her under the *Parliamentary Remuneration Act 1989* by way of basic salary or additional salary,

Schedule 2 Further amendment of Parliamentary Contributory Superannuation Act 1971

(Section 4)

Section 4

Insert after section 3:

4 Amendments require certificate of approval

It is not lawful for the Legislative Assembly to originate or pass any vote, resolution or Bill for the amendment of this Act unless a certificate approving the amendment made by the vote, resolution or Bill has been first issued by the Parliamentary Remuneration Tribunal, or any successor of the Tribunal, during the Session in which the vote, resolution or Bill is proposed to be passed.

Schedule 3 Amendment of Parliamentary Remuneration Act 1989

(Section 5)

[1] Section 9 Functions of the Tribunal

Insert after section 9 (b):

, and

- (c) to approve proposed amendments to the *Parliamentary Contributory Superannuation Act 1971*.

[2] Part 3A

Insert after Part 3:

Part 3A Parliamentary superannuation

14A Superannuation approvals

- (1) The Tribunal may, for the purposes of section 4 of the *Parliamentary Contributory Superannuation Act 1971*, determine whether any proposed amendment to that Act is warranted.
- (2) In determining whether any amendment is warranted, the Tribunal:
 - (a) must have regard to the Heads of Government Agreement, that commenced on 1 July 1996, relating to the exemption of certain State public sector superannuation schemes from the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth, including whether the amendment is consistent with that agreement, and
 - (b) must have regard to the effects of any proposed amendment on the present and future liabilities of the Parliamentary Contributory Superannuation Fund, and
 - (c) may obtain, and have regard to, actuarial advice relating to the costs and effects of any proposed amendment.

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- (3) If the Tribunal determines that an amendment is warranted, the Tribunal must issue a certificate approving the amendment and forward it to the member of the Legislative Assembly requesting the determination. If the member proposes to proceed with or support the amendment, the member is to cause the certificate to be laid before the Legislative Assembly (unless a certificate to the same effect has already been laid before the Legislative Assembly in the same Session of Parliament).
 - (4) The Tribunal must cause a determination that an amendment is warranted to be published in the Gazette if notified by any member of the Legislative Assembly that the member proposes to proceed with or support the amendment.
 - (5) Section 14 applies to the Tribunal in the exercise of its functions under this Part in the same way as it applies to the exercise of its functions in making determinations.
 - (6) Without affecting the generality of section 14, the Tribunal may, in considering whether to approve an amendment, invite submissions from the Trustees of the Parliamentary Contributory Superannuation Fund.

[3] Section 18 Determinations not to be subject to judicial review

Insert “(including a determination under section 14A)” after “determination”.

[Minister's second reading speech made in—
Legislative Council on 7 April 1998
Legislative Assembly on 28 April 1998]

BY AUTHORITY