

FIRST PRINT

PUBLIC AUTHORITIES SUPERANNUATION (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Superannuation Administration Bill 1987.

The object of this Bill is to amend the Public Authorities Superannuation Act 1985 as a consequence of the proposed enactment of the Superannuation Administration Bill 1987 and the State Authorities Superannuation Bill 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on 1 April 1988.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) inserts a new section 3A into the Principal Act, which provides for the closure, on 1 April 1988, of the superannuation scheme established by that Act.

Schedule 1 (2) amends section 5 (1) of the Principal Act to substitute the definitions of "Board" and "Fund" as a consequence of the enactment of the proposed Superannuation Administration Act 1987 and the proposed State Authorities Superannuation Act 1987.

Schedule 1 (3) and (4) omit Parts II and VI of the Principal Act which provided for the Public Authorities Superannuation Fund (now to be amalgamated with the State Authorities Superannuation Fund) and the Public Authorities Superannuation Board (whose functions are now to be exercised by the State Authorities Superannuation Board).

Schedule 1 (5) amends section 56 of the Principal Act to enable the Board to pay a benefit, in accordance with a request made by a beneficiary, to another person.

Schedule 1 (6) omits section 57 of the Principal Act, the provisions of which are superseded by corresponding provisions in the proposed Superannuation Administration Act 1987.

Public Authorities Superannuation (Amendment) 1987

Schedule 1 (7) substitutes section 58 of the Principal Act. The new section provides for payment, in the event of death, of a benefit without a grant of probate or letters of administration, or in anticipation of a claim under the Family Provision Act 1982.

Schedule 1 (8)–(10) omit provisions whose operation relates to the old Board or is otherwise superseded by provisions of the proposed Superannuation Administration Act 1987.

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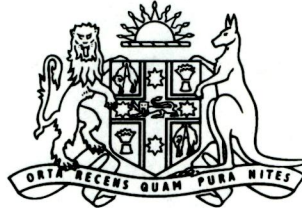
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1. Short title
2. Commencement
3. Amendment of Act No. 41, 1985

SCHEDULE 1—AMENDMENTS

**PUBLIC AUTHORITIES SUPERANNUATION
(AMENDMENT) BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Public Authorities Superannuation Act 1985 to close the scheme established by that Act and to make other amendments as a consequence of the enactment of the Superannuation Administration Act 1987 and the State Authorities Superannuation Act 1987; and for other purposes.

Public Authorities Superannuation (Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Public Authorities Superannuation (Amendment) Act 1987.

5 Commencement

2. This Act shall commence on 1 April 1988.

Amendment of Act No. 41, 1985

3. The Public Authorities Superannuation Act 1985 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3A—

After section 3, insert:

Closure of scheme

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3A. (1) Notwithstanding any other provision of this Act—

(a) a person is not entitled to elect on or after 1 April 1988 to become a contributor;

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(b) a person is not entitled to become a contributor pursuant to an election that was made before, but did not take effect before, 1 April 1988;

(c) a person who, immediately before 1 April 1988, was contributing to the Public Authorities Superannuation Fund ceases on and from that day to be entitled or liable to contribute to that Fund; and

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(d) a benefit under this Act is not payable on or after 1 April 1988 to, or in relation to, a contributor unless the benefit was so payable before that day.

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(2) A benefit under this Act that had become payable before 1 April 1988 but had not been paid, or had not commenced to be paid, before that date shall be paid from the State Authorities Superannuation Fund.

(3) Any pension under this Act of which payment had commenced before 1 April 1988 shall, on and after that date, be paid from the State Authorities Superannuation Fund.

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(4) Any amount that, before 1 April 1988, a person was liable to pay, but had not paid, to the Public Authorities Superannuation Fund is payable to the State Authorities Superannuation Fund.

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SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 5 (**Interpretation**)—

Section 5 (1), definitions of “Board”, “Fund”—

Omit the definitions, insert instead in alphabetical order:

- 5 “Board” means the State Authorities Superannuation Board
constituted by the Superannuation Administration Act 1987;
 “Fund” means the State Authorities Superannuation Fund
established under the State Authorities Superannuation Act
1987;

10 (3) Part II (**The Public Authorities Superannuation Fund**) (sections
7–10)—

Omit the Part.

(4) Part VI (**The Public Authorities Superannuation Board**) (sections
35–51)—

Omit the Part.

15 (5) Section 56 (**Assignment etc. of benefit**)—

After section 56 (3), insert:

- 20 (4) Nothing in this section prevents the Board from making, at
the request of a person to whom an amount by way of a benefit
is payable, a payment of the whole or a part of the amount on
behalf of the person.

(5) Any payment made under subsection (4) shall be deemed
to have been made to the person entitled to the benefit.

(6) Section 57 (**Accounts and records**)—

Omit the section.

25 (7) Section 58—

Omit the section, insert instead:

Payment without grant of probate etc.

- 30 58. (1) Where a person dies and—
 (a) a benefit is or becomes payable from the Fund in relation
to the deceased;
 (b) production to the Board of probate of the will, or letters
of administration of the estate, of the deceased has not
been arranged; and
35 (c) the Board has not, within the period of 3 months that next
succeeds the death of the deceased, received a notice of
intention to apply for a grant of probate of the will, or
letters of administration of the estate, of the deceased,

*Public Authorities Superannuation (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

5 the Board may, if it so decides, make a payment of the whole or any part of the benefit in accordance with subsection (2), being a payment that does not exceed \$50,000 or, where some other amount is prescribed for the purposes of this section, that other amount.

(2) Where the Board makes a decision under subsection (1), the Board may—

10 (a) pay the whole or any part of the amount of the benefit to an eligible person within the meaning of the Family Provision Act 1982;

(b) after paying the funeral expenses of the deceased or reimbursing a person who has paid those expenses—pay the whole or any part of the balance to any person referred to in paragraph (a); or

15 (c) in special circumstances, pay the whole or any part of the amount of the benefit, or the balance referred to in paragraph (b), to some other person.

20 (3) Where a contributor or former contributor dies and the Board is of the opinion that proceedings might be instituted under the Family Provision Act 1982 in relation to the estate, or notional estate, of the deceased, the Board may, despite any other provision of this Act, pay to the personal representatives of the deceased any benefit that, but for this subsection, would have been paid to some other person.

25 (8) Section 60 (**Appeals**)—

Omit the section.

(9) Schedule 1 (**Provisions Relating to the Members of the Board**)—

Omit the Schedule.

30 (10) Schedule 2 (**Provisions Relating to the Procedure of the Board**)—

Omit the Schedule.

**PUBLIC AUTHORITIES SUPERANNUATION
(AMENDMENT) ACT 1987 No. 218**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 41, 1985

SCHEDULE 1—AMENDMENTS



**PUBLIC AUTHORITIES SUPERANNUATION (AMENDMENT) ACT
1987 No. 218**

NEW SOUTH WALES



Act No. 218, 1987

An Act to amend the Public Authorities Superannuation Act 1985 to close the scheme established by that Act and to make other amendments as a consequence of the enactment of the Superannuation Administration Act 1987 and the State Authorities Superannuation Act 1987; and for other purposes. [Assented to 9 December 1987]

Public Authorities Superannuation (Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Public Authorities Superannuation (Amendment) Act 1987.

Commencement

2. This Act shall commence on 1 April 1988.

Amendment of Act No. 41, 1985

3. The Public Authorities Superannuation Act 1985 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3A—

After section 3, insert:

Closure of scheme

3A. (1) Notwithstanding any other provision of this Act—

- (a) a person is not entitled to elect on or after 1 April 1988 to become a contributor;
- (b) a person is not entitled to become a contributor pursuant to an election that was made before, but did not take effect before, 1 April 1988;
- (c) a person who, immediately before 1 April 1988, was contributing to the Public Authorities Superannuation Fund ceases on and from that day to be entitled or liable to contribute to that Fund; and
- (d) a benefit under this Act is not payable on or after 1 April 1988 to, or in relation to, a contributor unless the benefit was so payable before that day.

(2) A benefit under this Act that had become payable before 1 April 1988 but had not been paid, or had not commenced to be paid, before that date shall be paid from the State Authorities Superannuation Fund.

(3) Any pension under this Act of which payment had commenced before 1 April 1988 shall, on and after that date, be paid from the State Authorities Superannuation Fund.

(4) Any amount that, before 1 April 1988, a person was liable to pay, but had not paid, to the Public Authorities Superannuation Fund is payable to the State Authorities Superannuation Fund.

Public Authorities Superannuation (Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 5 (**Interpretation**)—

Section 5 (1), definitions of “Board”, “Fund”—

Omit the definitions, insert instead in alphabetical order:

“Board” means the State Authorities Superannuation Board constituted by the Superannuation Administration Act 1987;

“Fund” means the State Authorities Superannuation Fund established under the State Authorities Superannuation Act 1987;

(3) Part II (**The Public Authorities Superannuation Fund**) (sections 7–10)—

Omit the Part.

(4) Part VI (**The Public Authorities Superannuation Board**) (sections 35–51)—

Omit the Part.

(5) Section 56 (**Assignment etc. of benefit**)—

After section 56 (3), insert:

(4) Nothing in this section prevents the Board from making, at the request of a person to whom an amount by way of a benefit is payable, a payment of the whole or a part of the amount on behalf of the person.

(5) Any payment made under subsection (4) shall be deemed to have been made to the person entitled to the benefit.

(6) Section 57 (**Accounts and records**)—

Omit the section.

(7) Section 58—

Omit the section, insert instead:

Payment without grant of probate etc.

58. (1) Where a person dies and—

- (a) a benefit is or becomes payable from the Fund in relation to the deceased;
- (b) production to the Board of probate of the will, or letters of administration of the estate, of the deceased has not been arranged; and
- (c) the Board has not, within the period of 3 months that next succeeds the death of the deceased, received a notice of intention to apply for a grant of probate of the will, or letters of administration of the estate, of the deceased,

Public Authorities Superannuation (Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

the Board may, if it so decides, make a payment of the whole or any part of the benefit in accordance with subsection (2), being a payment that does not exceed \$50,000 or, where some other amount is prescribed for the purposes of this section, that other amount.

(2) Where the Board makes a decision under subsection (1), the Board may—

- (a) pay the whole or any part of the amount of the benefit to an eligible person within the meaning of the Family Provision Act 1982;
- (b) after paying the funeral expenses of the deceased or reimbursing a person who has paid those expenses—pay the whole or any part of the balance to any person referred to in paragraph (a); or
- (c) in special circumstances, pay the whole or any part of the amount of the benefit, or the balance referred to in paragraph (b), to some other person.

(3) Where a contributor or former contributor dies and the Board is of the opinion that proceedings might be instituted under the Family Provision Act 1982 in relation to the estate, or notional estate, of the deceased, the Board may, despite any other provision of this Act, pay to the personal representatives of the deceased any benefit that, but for this subsection, would have been paid to some other person.

(8) Section 60 (**Appeals**)—

Omit the section.

(9) Schedule 1 (**Provisions Relating to the Members of the Board**)—

Omit the Schedule.

(10) Schedule 2 (**Provisions Relating to the Procedure of the Board**)—

Omit the Schedule.

