

**SUPERANNUATION (SCHEME CLOSURE) AMENDMENT  
BILL, 1985**

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**EXPLANATORY NOTE**

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

This Bill is cognate with the State Public Service Superannuation Bill, 1985.

The objects of this Bill are—

- (a) to terminate any right of liability to contribute to the State Superannuation Fund that, but for the proposed Act, would be conferred or imposed on—
    - (i) certain persons who, before the commencement of the proposed Act, were employees, but not contributors, under the Superannuation Act, 1916 (“the Principal Act”) and who do not become contributors as prescribed (Schedule 1 (1) and (4)); and
    - (ii) persons who, on or after that commencement, become employees of the Government and of certain employing authorities (Schedule 1 (1));
  - (b) to exonerate from liability on the ground of a conflict of interest persons who are members of both the Board constituted under the Principal Act and the Board constituted under the proposed State Public Service Superannuation Act, 1985 (Schedule 1 (2));
  - (c) to enable regulations to be made enabling certain persons referred to in paragraph (a) (i) above to elect to become contributors under the Principal Act (Schedule 1 (4)); and
  - (d) to make provisions ancillary to, or consequential upon, the foregoing.
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**SUPERANNUATION (SCHEME CLOSURE) AMENDMENT  
BILL, 1985**

No. , 1985.

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**A BILL FOR**

An Act to amend the Superannuation Act, 1916, as a consequence of the  
enactment of the State Public Service Superannuation Act, 1985.

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*Superannuation (Scheme Closure) Amendment 1985*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 **Short title.**

1. This Act may be cited as the "Superannuation (Scheme Closure) Amendment Act, 1985".

**Amendment of Act No. 28, 1916.**

10 2. The Superannuation Act, 1916, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE SUPERANNUATION ACT, 1916.

(1) Section 1A—

15 After section 1, insert:—

**Exclusion from contributions.**

1A. (1) In this section, "prescribed day" means the day appointed and notified under section 2 (3) of the State Public Service Superannuation Act, 1985.

20 (2) Notwithstanding any other provision of this Act, a person is not required or entitled to become a contributor to the Fund and is not entitled to elect to become a contributor to the Fund—

25 (a) in the case of a person who was an employee, but was not a contributor, immediately before the prescribed day or whose election to contribute to the Fund had not, immediately before the prescribed day, taken effect—except in accordance with regulations made pursuant to section 86 (1A); or

(b) if the person becomes an employee on or after the prescribed day.

30 (2) Section 75A (2), (3)—

At the end of section 75A, insert:—

*Superannuation (Scheme Closure) Amendment 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE SUPERANNUATION ACT, 1916—*continued.*

5 (2) A decision made, or any act or thing done or suffered, by the Board or a prescribed person in the exercise or performance of a power, authority, duty or function conferred or imposed on the Board or the prescribed person by or under this Act shall not be called in question on the ground of an alleged conflict of interest by reason that a prescribed person is, or acts as, a member of both the Board and the State Public Service Superannuation Board or is, or acts as, a member of the staff, or an agent, of both the Board and the State Public Service Superannuation Board or on the ground that knowledge gained by a person in one of those capacities is, or may be, relevant to the exercise or performance of a power, authority, duty or function in the other of those capacities.

15 (3) In subsection (2), “prescribed person” means—  
 (a) a person who is, or acts as, a member of the Board and of the State Public Service Superannuation Board;  
 (b) a person who is, or acts as, a member of the staff of the Board and of the State Public Service Superannuation Board; or  
 20 (c) a person who is an agent of the Board and of the State Public Service Superannuation Board.

(3) Section 76 (4)—

After section 76 (3), insert:—

25 (4) For the purposes of subsection (2), the duties of the office of a full-time member of the Board include duties imposed on the member by or under any other Act.

(4) Section 86 (1A)—

After section 86 (1), insert:—

30 (1A) Without prejudice to the generality of subsection (1), regulations may be made for or with respect to the making and effect of an election to become a contributor under this Act by a person who, immediately before the prescribed day referred to in section 1A, was an employee but was not a contributor.









**SUPERANNUATION (SCHEME CLOSURE) AMENDMENT  
ACT, 1985, No. 47**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 47, 1985.**

An Act to amend the Superannuation Act, 1916, as a consequence of the enactment of the State Public Service Superannuation Act, 1985. [Assented to, 30th April, 1985.]

*Superannuation (Scheme Closure) Amendment 1985*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Superannuation (Scheme Closure) Amendment Act, 1985".

**Amendment of Act No. 28, 1916.**

2. The Superannuation Act, 1916, is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1.**

(Sec. 2.)

**AMENDMENTS TO THE SUPERANNUATION ACT, 1916.**

**(1) Section 1A—**

After section 1, insert:—

**Exclusion from contributions.**

1A. (1) In this section, "prescribed day" means the day appointed and notified under section 2 (3) of the State Public Service Superannuation Act, 1985.

(2) Notwithstanding any other provision of this Act, a person is not required or entitled to become a contributor to the Fund and is not entitled to elect to become a contributor to the Fund—

(a) in the case of a person who was an employee, but was not a contributor, immediately before the prescribed day or whose election to contribute to the Fund had not, immediately before the prescribed day, taken effect—except in accordance with regulations made pursuant to section 86 (1A); or

(b) if the person becomes an employee on or after the prescribed day.

**(2) Section 75A (2), (3)—**

At the end of section 75A, insert:—

*Superannuation (Scheme Closure) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUPERANNUATION ACT, 1916—*continued.*

(2) A decision made, or any act or thing done or suffered, by the Board or a prescribed person in the exercise or performance of a power, authority, duty or function conferred or imposed on the Board or the prescribed person by or under this Act shall not be called in question on the ground of an alleged conflict of interest by reason that a prescribed person is, or acts as, a member of both the Board and the State Public Service Superannuation Board or is, or acts as, a member of the staff, or an agent, of both the Board and the State Public Service Superannuation Board or on the ground that knowledge gained by a person in one of those capacities is, or may be, relevant to the exercise or performance of a power, authority, duty or function in the other of those capacities.

(3) In subsection (2), “prescribed person” means—

- (a) a person who is, or acts as, a member of the Board and of the State Public Service Superannuation Board;
- (b) a person who is, or acts as, a member of the staff of the Board and of the State Public Service Superannuation Board; or
- (c) a person who is an agent of the Board and of the State Public Service Superannuation Board.

(3) Section 76 (4)—

After section 76 (3), insert:—

(4) For the purposes of subsection (2), the duties of the office of a full-time member of the Board include duties imposed on the member by or under any other Act.

*Superannuation (Scheme Closure) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUPERANNUATION ACT, 1916—*continued.*

(4) Section 86 (1A)—

After section 86 (1), insert:—

(1A) Without prejudice to the generality of subsection (1), regulations may be made for or with respect to the making and effect of an election to become a contributor under this Act by a person who, immediately before the prescribed day referred to in section 1A, was an employee but was not a contributor.

*In the name and on behalf of Her Majesty I assent to this Act.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 30th April, 1985.*