



Legislation Review Committee

LEGISLATION REVIEW DIGEST

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The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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Membership

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Functions of the Committee

The functions of the Legislation Review Committee are set out in the *Legislation Review Act 1987*:

8A Functions with respect to Bills

- 1 The functions of the Committee with respect to Bills are:
 - (a) to consider any Bill introduced into Parliament, and
 - (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:
 - i trespasses unduly on personal rights and liberties, or
 - ii makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
 - iii makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or
 - iv inappropriately delegates legislative powers, or
 - v insufficiently subjects the exercise of legislative power to parliamentary scrutiny
- 2 A House of Parliament may pass a Bill whether or not the Committee has reported on the Bill, but the Committee is not precluded from making such a report because the Bill has been so passed or has become an Act.

9 Functions with respect to Regulations

- 1 The functions of the Committee with respect to regulations are:
 - (a) to consider all regulations while they are subject to disallowance by resolution of either or both Houses of Parliament,
 - (b) to consider whether the special attention of Parliament should be drawn to any such regulation on any ground, including any of the following:
 - i that the regulation trespasses unduly on personal rights and liberties,
 - ii that the regulation may have an adverse impact on the business community,
 - iii that the regulation may not have been within the general objects of the legislation under which it was made,
 - iv that the regulation may not accord with the spirit of the legislation under which it was made, even though it may have been legally made,

- v that the objective of the regulation could have been achieved by alternative and more effective means,
 - vi that the regulation duplicates, overlaps or conflicts with any other regulation or Act,
 - vii that the form or intention of the regulation calls for elucidation, or
 - viii that any of the requirements of sections 4, 5 and 6 of the *Subordinate Legislation Act 1989*, or of the guidelines and requirements in Schedules 1 and 2 to that Act, appear not to have been complied with, to the extent that they were applicable in relation to the regulation, and
- (c) to make such reports and recommendations to each House of Parliament as it thinks desirable as a result of its consideration of any such regulations, including reports setting out its opinion that a regulation or portion of a regulation ought to be disallowed and the grounds on which it has formed that opinion.
- 2 Further functions of the Committee are:
- (a) to initiate a systematic review of regulations (whether or not still subject to disallowance by either or both Houses of Parliament), based on the staged repeal of regulations and to report to both Houses of Parliament in relation to the review from time to time, and
 - (b) to inquire into, and report to both Houses of Parliament on, any question in connection with regulations (whether or not still subject to disallowance by either or both Houses of Parliament) that is referred to it by a Minister of the Crown.

The functions of the Committee do not include an examination of, inquiry into or report on a matter of Government policy, except in so far as such an examination may be necessary to ascertain whether any regulations implement Government policy or the matter has been specifically referred to the Committee under subsection (2) (b) by a Minister of the Crown.

Guide to the Digest

COMMENT ON BILLS

This section contains the Legislation Review Committee's reports on Bills introduced into Parliament on which the Committee has commented against one or more of the five criteria for scrutiny set out in s 8A(1)(b) of the *Legislation Review Act 1987*.

Ministerial Correspondence – Bills previously considered

This section contains the Committee's reports on correspondence it has received relating to Bills and copies of that correspondence. The Committee may write to the Minister responsible for a Bill, or a Private Member of Parliament in relation to his or her Bill, to seek advice on any matter concerning that Bill that relates to the Committee's scrutiny criteria.

COMMENT ON REGULATIONS

The Committee considers all regulations made and normally raises any concerns with the Minister in writing. When it has received the Minister's reply, or if no reply is received after 3 months, the Committee publishes this correspondence in the Digest. The Committee may also inquire further into a regulation. If it continues to have significant concerns regarding a regulation following its consideration, it may include a report in the Digest drawing the regulation to the Parliament's "special attention". The criteria for the Committee's consideration of regulations are set out in s 9 of the *Legislation Review Act 1987*.

Regulations for the special attention of Parliament

When required, this section contains any reports on regulations subject to disallowance to which the Committee wishes to draw the special attention of Parliament.

Regulations about which the Committee is seeking further information

This table lists the Regulations about which the Committee is seeking further information from the Minister responsible for the instrument, when that request was made and when any reply was received.

Copies of Correspondence on Regulations

This part of the Digest contains copies of the correspondence between the Committee and Ministers on Regulations about which the Committee sought information. The Committee's letter to the Minister is published together with the Minister's reply.

APPENDIX 1: INDEX OF MINISTERIAL CORRESPONDENCE ON BILLS

This table lists the recipient and date on which the Committee sent correspondence to a Minister or Private Member of Parliament in relation to Bills reported on in the calendar year. The table also lists the date a reply was received and the Digests in which reports on the Bill and correspondence appear.

APPENDIX 2: INDEX OF CORRESPONDENCE ON REGULATIONS REPORTED ON

This table lists the recipient and date on which the Committee sent correspondence to a Minister in relation to Regulations reported on in the calendar year. The table also lists the date a reply was received and the Digests in which reports on the Regulation and correspondence appear.

Conclusions

PART ONE - BILLS

1. LIQUOR AMENDMENT (KINGS CROSS PLAN OF MANAGEMENT) BILL 2013

Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

Privacy

The Committee notes that ID scanning technology can potentially have significant privacy consequences for individuals (such as identity theft) if the technology is not managed and regulated properly. However, the Committee considers that the Bill contains appropriate safeguards to minimise these privacy risks.

Reversal of onus of proof

The Committee notes that as section 152 of the Liquor Act 2007 already reverses the onus of proof so that the accused is required to disprove an element of information rather than the onus of proof resting with the prosecution, the Committee makes no further comment.

Freedom of movement

The Committee notes that long term banning orders in particular could impact on an individual's freedom of movement. However, the Committee notes the Bill's public safety objectives and makes no further comment.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

The Committee notes that the Bill commences by proclamation. This makes it unclear when the new arrangements provided for in the Bill will commence, including the new offences, the additional powers provided to the Police and the Independent Liquor and Gaming Authority to issue temporary and long term banning orders, and the new provisions which affect certain licensed premises and those who work in and frequent those premises.

2. ROAD TRANSPORT AMENDMENT (ELECTRONIC TRAFFIC INFRINGEMENT NOTICES TRIAL) BILL 2013

The Committee makes no comment on the Bill in respect of issues set out in s8A of the Legislation Review Act 1987.

3. STATE AUTHORITIES NON-CONTRIBUTORY SUPERANNUATION AMENDMENT BILL 2013

The Committee makes no comment on the Bill in respect of issues set out in s8A of the Legislation Review Act 1987.

PART TWO – REGULATIONS

The Committee does not report on any Regulations in this Digest.

Part One - Bills

1. Liquor Amendment (Kings Cross Plan of Management) Bill 2013

Date introduced	22 August 2013
House introduced	Legislative Assembly
Minister responsible	The Hon. George Souris, MP
Portfolio	Minister for Tourism, Major Events, Hospitality and Racing and Minister for the Arts

PURPOSE AND DESCRIPTION

1. The object of this Bill is to amend the *Liquor Act 2007* and other legislation to implement the second stage of the Government's plan of management for the Kings Cross precinct (the first stage of the plan was implemented by the *Liquor Amendment (Kings Cross Plan of Management) Act 2012* which commenced on 7 December 2012). The measures to be implemented by this Bill include the following:
 - (a) to provide for 2 new types of banning orders (one that operates for up to 48 hours and the other for up to 12 months) that will prohibit certain persons from entering licensed premises in the Kings Cross precinct,
 - (b) to provide for the ID scanning of all patrons who enter high risk venues in the Kings Cross precinct to ensure that banned persons are refused entry,
 - (c) to enable the Independent Liquor and Gaming Authority (*ILGA*) to suspend or revoke the RSA competency card held by a person employed in licensed premises in the Kings Cross precinct if the employee breaches a patron's privacy in connection with the use of a patron ID scanner or contravenes the employee's obligations in relation to the responsible service of alcohol.
2. The Bill also makes it clear that an application for a small bar licence for premises in any part of the State is not required to be accompanied by a community impact statement, or to be advertised, if the application merely involves changing from a general bar licence to a small bar licence (which have a patron capacity of 60 and do not have take-away sales) and development consent has been obtained to sell liquor during the times that the small bar licence is to operate (see Schedule 1 [4] and Schedule 2 [2]).

BACKGROUND

3. In September 2012, the Government released the Kings Cross Plan of Management which included a set of measures to reduce alcohol-related violence and to improve the safety and amenity of Kings Cross. The Plan already includes measures such as a liquor

freeze until December 2015, which prevents new high-impact licensed premises from being established in Kings Cross during that time; extra police officers in the area; and the trial of sobering up centres for intoxicated persons who refuse Police requests to move on.

4. The proposals outlined in this Bill represent the Government's second tranche of measures to further reduce alcohol-related violence in Kings Cross.

OUTLINE OF PROVISIONS

5. Clause 1 sets out the name (also called the short title) of the proposed Act.
6. Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Liquor Act 2007

7. Proposed section 116AA contains new definitions, including *high risk venue* which generally means a late trading venue in the Kings Cross precinct with a patron capacity of more than 120 persons. The Director-General, with the concurrence of the Commissioner of Police, will also be able to designate other licensed premises in the Kings Cross precinct as high risk venues. High risk venues will, as part of the Kings Cross plan of management, be required to scan patrons for their identification details (see proposed section 116AC). The decision of the Director-General to designate licensed premises as a high risk venue will be reviewable by ILGA (see Schedule 3 which amends the *Gaming and Liquor Administration Act 2007*).
8. Proposed section 116AB provides for the approval and operation of an integrated database system (the *Kings Cross precinct ID scanner system*). The system will comprise the identification details of persons who are subject to temporary or long-term banning orders, the information scanned and recorded by patron ID scanners at high risk venues and associated equipment (including the patron ID scanners linked to the system). The approval of a person or body to operate the system is subject to conditions, including conditions relating to privacy protection.
9. Proposed section 116AC imposes special licence conditions for high risk venues. Patrons must have their photo IDs scanned before they enter and a patron must be refused entry if the patron chooses not to produce a photo ID or is the subject of a temporary or long-term banning order. The privacy of patrons must also be protected. It will also be an offence to produce a false ID in order to gain entry to a high risk venue.
10. Proposed section 116AD provides for police officers to issue temporary banning orders to persons who have refused or failed to comply with a move-on direction, have failed to leave licensed premises when requested to do so or have attempted to re-enter licensed premises after being evicted. A temporary banning order will prohibit the subject person from entering any licensed premises in the Kings Cross precinct (other than licensed restaurants that do not trade past midnight) for a period of up to 48 hours.
11. Proposed section 116AE provides for ILGA to make long-term banning orders in respect of persons who have committed a serious indictable offence involving alcohol-related violence or who have been given 3 temporary banning orders over a 12-month period. A

long-term banning order will have the same effect as a temporary banning order except that it may operate for a period of up to 12 months.

12. Proposed section 116AF provides that ILGA's decision to make a long-term banning order will be reviewable by the Administrative Decisions Tribunal.
13. Schedule 1 [1]–[3], are consequential amendments.
14. Schedule 1[4] makes it clear that an application for a small bar licence for premises in any part of the State is not required to be accompanied by a community impact statement, if the application merely involves changing from a general bar licence to a small bar licence (which have a patron capacity of 60 and do not have take-away sales) and development consent has been obtained to sell liquor during the times that the small bar licence is to operate.
15. Schedule 1 [5] and [6] are consequential amendments.
16. Schedule 1 [8] and [9] enable the regulations to impose licence conditions requiring licensees for high risk venues in the Kings Cross precinct to appoint persons to be present in the venue during certain periods (such as "high-risk" periods) and to assume responsibility for the premises during such periods.
17. Schedule 1 [10] provides that the breach of licence conditions imposed in respect of licensed premises in the Kings Cross precinct will be an offence that counts as a strike for the purposes of the 3 strikes disciplinary scheme under the *Liquor Act 2007*.
18. Schedule 1 [11] proposes to amend section 152 of the *Liquor Act 2007* to enable certain allegations relating to the status of persons as staff members or managers of licensed premises in the Kings Cross precinct to be evidence in proceedings of the truth of the allegation.
19. Schedule 1 [12] enables regulations to be made in relation to the Kings Cross precinct ID scanner system and the use of patron ID scanners.
20. Schedule 1 [13] provides for a review of the operation of the Kings Cross precinct ID scanner system after 12 months from the commencement of the proposed Act.

Schedule 2 Amendment of Liquor Regulation 2008

21. Schedule 2 [1] is a consequential amendment.
22. Schedule 2 [2] makes it clear that an application for a small bar licence for premises in any part of the State is not required to be advertised, if the application merely involves changing from a general bar licence to a small bar licence (which have a patron capacity of 60 and do not have take-away sales) and development consent has been obtained to sell liquor during the times that the small bar licence is to operate.
23. Schedule 2 [3] and [4] are consequential amendments.
24. Schedule 2 [5] provides that a fee of \$30 is payable for including a privacy endorsement on a person's RSA competency card.

25. Schedule 2 [6] will enable ILGA to suspend or revoke the RSA competency card held by a person employed in a Kings Cross venue, or disqualify the person from holding such a card, if the person breaches his or her obligations in relation to the responsible service of alcohol or the use of patron ID scanners. The decision to suspend or revoke a person's RSA competency card, or to disqualify a person from holding such a card, will be reviewable by the ADT. A person will be prohibited from working on licensed premises in any part of the State during any period of suspension or disqualification.
26. Schedule 2 [7] and [8] will require all licensees and staff members of licensed premises in the Kings Cross precinct who use a patron ID scanner on the premises to hold a RSA competency card indicating the successful completion of an approved privacy course.
27. Schedule 2 [9] is a consequential amendment.
28. Schedule 2 [10] requires licensees to display signage relating to the hours of operation of licensed premises in the Kings Cross precinct.
29. Schedule 2 [11]–[14] provide that alcohol sales data in relation to licensed premises in the Kings Cross precinct must be recorded by licensees on a quarterly basis.
30. Schedule 2 [15] provides that the only information that may be recorded by a patron ID scanner in a high risk venue is the identification details of a person and the photograph appearing on the person's photo ID.
31. Schedule 2 [16] and [17] provide for certain offences created under the proposed Act to be dealt with by way of a penalty notice.

ISSUES CONSIDERED BY COMMITTEE

Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

Privacy

1. Proposed section 116AC of the *Liquor Act 2007* will require patrons seeking entry to high risk venues in the Kings Cross Precinct to have their identification scanned, which could impact on their right to privacy.

The Committee notes that ID scanning technology can potentially have significant privacy consequences for individuals (such as identity theft) if the technology is not managed and regulated properly. However, the Committee considers that the Bill contains appropriate safeguards to minimise these privacy risks.

Reversal of onus of proof

2. The Committee notes that section 152 of the *Liquor Act 2007* already contains a number of allegations that are taken to be evidence of the truth of the allegation unless the contrary is proven.

The Committee notes that as section 152 of the Liquor Act 2007 already reverses the onus of proof so that the accused is required to disprove an element of information rather than the onus of proof resting with the prosecution, the Committee makes no further comment.

Freedom of movement

3. Proposed sections 116AD and 116AE of the *Liquor Act 2007* will allow the Police to issue temporary banning orders which prevent a person from entering a relevant licensed premises for up to 48 hours and the Independent Liquor and Gaming Authority to issue long term banning orders preventing a person from entering or remaining in a high risk venue for up to 12 months. A person can be given a long term banning order if they have been given three temporary banning orders within a twelve month period, so they do not necessarily have to be charged with, or convicted of, an offence.

The Committee notes that long term banning orders in particular could impact on an individual's freedom of movement. However, the Committee notes the Bill's public safety objectives and makes no further comment.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

4. Clause 2 of the Bill provides that the Act will commence on a day or days to be appointed by proclamation. The Committee generally prefers legislation to commence on a fixed date or assent.

The Committee notes that the Bill commences by proclamation. This makes it unclear when the new arrangements provided for in the Bill will commence, including the new offences, the additional powers provided to the Police and the Independent Liquor and Gaming Authority to issue temporary and long term banning orders, and the new provisions which affect certain licensed premises and those who work in and frequent those premises.

2. Road Transport Amendment (Electronic Traffic Infringement Notices Trial) Bill 2013

Date introduced	21 August 2013
House introduced	Legislative Assembly
Minister responsible	The Hon. Greg Smith MP
Portfolio	Attorney General and Minister for Justice

PURPOSE AND DESCRIPTION

1. The object of the Bill is to establish a trial for the service of penalty notices under the *Road Transport Act 2013* (the Principal Act) to email addresses or mobile phone numbers where the persons on whom those penalty notices are to be served elect to have the penalty notices served on them in that way.

BACKGROUND

2. The Bill seeks to establish a trial by the NSW Police Force for the service of electronic traffic infringement notices. The trial will occur in five local area commands (the Hunter Valley, Rose Bay, Sutherland, Moree and Goulburn) for four weeks to allow a systems testing and data matching process to occur. The trial findings will then be used by the NSW Police Force to determine whether a larger production trial followed by an independent evaluation should occur.
3. If a person declines to provide a mobile number or email address the officer will issue the infringement notice manually and send it by post, in line with the current practice. In providing that supply of email addresses and mobile phone numbers is voluntary, the Bill is consistent with recommendation 6.2 of the New South Wales Law Reform Commission's Report 132: Penalty Notices, tabled in Parliament on 29 March 2012. Recommendation 6.2 proposed an amendment to the *Fines Act 1996* to allow agencies to serve penalty notices and subsequent notices—including reminder notices and enforcement notices—electronically where the penalty notice recipient has provided consent in advance.
4. The Bill aligns with NSW 2021 and complements the goals of the New South Wales Government's ICT Strategy. It also seeks to support State and Commonwealth Government commitments to use cloud technology.
5. It is expected that electronic traffic infringement notices will save time for frontline police by eliminating unnecessary data duplication and entry requirements. The State Debt Recovery Office has estimated that \$1.2 million could be saved each year by eliminating the manual handling of traffic infringement notices. The NSW Police Force Highway Patrol has estimated that approximately an hour per day per police officer will

be saved through the service of traffic infringement notices electronically. This equates to around 240,000 hours a year, and will allow more time for Police to work on the frontline rather than undertaking administrative tasks.

OUTLINE OF PROVISIONS

6. Clause 1 sets out the name (also called the short title) of the proposed Act.
7. Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.
8. Clause 3 inserts proposed section 196A into the Principal Act. The proposed section establishes a trial for the service of penalty notices to email addresses or mobile phone numbers. The trial is to last for 2 years from the date of commencement of the proposed section (although the length of the trial can be extended by regulation). In addition to the methods of service of penalty notices set out in section 196 of the Principal Act, a police officer can serve a penalty notice by causing it to be sent to an email address or mobile phone number. A police officer may do this only if he or she is authorised by the Commissioner of Police to serve penalty notices in that way and the person on whom the penalty notice is to be served has elected to have the penalty notice served in that way and has voluntarily provided an email address or mobile phone number for the purposes of that service. A penalty notice is taken to be served on a person if it is sent to an email address or mobile phone number that is recorded by a police officer as having been provided by the person for the purposes of the proposed section. A police officer is not to serve a penalty notice under the proposed section on a person under the age of 16 years.

ISSUES CONSIDERED BY COMMITTEE

The Committee makes no comment on the Bill in respect of issues set out in s8A of the Legislation Review Act 1987.

3. State Authorities Non-contributory Superannuation Amendment Bill 2013

Date introduced	21 August 2013
House introduced	Legislative Assembly
Minister responsible	The Hon. Mike Baird, MP
Portfolio	Treasurer and Minister for Industrial Relations

PURPOSE AND DESCRIPTION

1. The main object of this Bill is to require employers of NSW public sector employees in 'defined benefit' superannuation schemes, and who are subject to the 2.5% wages cap under the NSW Public Sector Wages Policy, to pay the 0.25% increase in the superannuation guarantee charge for the 2013–14 financial year (provided for in the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth) by means of a compulsory employer contribution under the *State Authorities Non-contributory Superannuation Act 1987*.
2. The Bill also updates the compulsory employer contributions payable for various financial years under the *First State Superannuation Act 1992* in line with the increases in the superannuation guarantee charge for those years provided for in the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.

BACKGROUND

3. The Bill gives effect to recent amendments to the Commonwealth *Superannuation Guarantee Charge Act 1992* (Cth) and *Superannuation Guarantee (Administration) Act 1992*. These Acts will increase the compulsory superannuation guarantee charge from 9 per cent to 12 per cent over the next six years, with the percentage rising to 9.25 per cent from 1 July 2013.
4. The key amendments in the Bill enable the 0.25 per cent increase to be provided to members of defined benefit superannuation schemes by requiring employers to pay the 0.25 per cent increase to the SAS Trustee Corporation, which is the trustee for the State Authorities Non-contributory Superannuation Scheme and other defined benefit superannuation schemes. The SAS Trustee Corporation will be required to establish a new account for each employee who is to receive the employer contribution of 0.25 per cent, which will allow for the creation of an accumulation component in the State Authorities Non-contributory Scheme.

OUTLINE OF PROVISIONS

5. Clause 1 sets out the name (also called the short title) of the proposed Act.
6. Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of State Authorities Non-contributory Superannuation Act 1987 No 212

7. The Government's NSW Public Sector Wages Policy 2011 applies a wages cap of 2.5% in respect of employees of public sector agencies to which it applies. The application of the 2.5% wages cap for the 2013–14 financial year takes into account the 0.25% increase in the superannuation guarantee charge payable by all employers for that financial year under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.
8. In the case of employees subject to the wages cap who are members of the First State Superannuation Fund (which is an 'accumulation' superannuation fund), the increase in the superannuation guarantee charge is to be paid to employees by way of a 0.25% increase in the compulsory employer superannuation contributions payable under the *First State Superannuation Act 1992* for that financial year.
9. However, to account for the increase in the case of such employees who are in 'defined benefit' superannuation schemes in the NSW public sector, the proposed Act amends the *State Authorities Non-contributory Superannuation Act 1987* (the *principal Act*) to require the employer to make an additional superannuation contribution for such employees, being the equivalent of 0.25% of their salary for each financial year, or part, for which they are employees. Schedule 1 [3] provides for these additional employer superannuation contributions (termed *section 16A employer contributions*) and includes provision for replacement of the percentage amount by regulation in relation to a financial year (or years).
10. Schedule 1 [2] requires the trustee of the superannuation scheme established under the principal Act (known as *STC*) to establish, for each employee in respect of whom section 16A employer contributions must be paid, an account (an *additional employer contributions account*) within the fund established under the principal Act, and to credit the account with the section 16A employer contributions paid for the employee.
11. Schedule 1 [7] provides for an *additional employer contributions benefit* for a person in respect of whom section 16A employer contributions are made, being (generally) an amount equal to the balance of the person's additional employer contributions account at the time the benefit is paid or preserved.
12. Schedule 1 [1] inserts various definitions for the purposes of the principal Act.
13. Schedule 1 [4] makes a consequential amendment to a regulation-making power.
14. Schedule 1 [5] and [8]–[11] extend provisions dealing with the circumstances in which benefits under the principal Act are payable, and those in which they are to be preserved, to apply also in relation to additional employer contributions benefits. Schedule 1 [5] also extends provisions relating to the treatment of benefits under the principal Act on transfer of employment, and on attaining the age of 65, to apply also in relation to additional employer contributions benefits.
15. Schedule 1 [6] excludes section 16A employer contributions from contributions that *STC* may vary under the principal Act, and from contributions that may be taken into account in determining the net liability of an employer for the purposes of certain provisions relating to privatisation of employers and other Government initiatives.

16. Schedule 1 [12] excludes section 16A employer contributions from a provision requiring the transfer of employer contributions made under the principal Act to the First State Superannuation Scheme in certain circumstances.
17. Schedule 1 [13] amends a heading to a Schedule.
18. Schedule 1 [14] contains a power to make regulations containing provisions of a savings or transitional nature consequent on the enactment of the proposed Act or any other Act that amends the principal Act.
19. Schedule 1 [15] provides that the first financial year in relation to which proposed section 16A applies is the year starting on 1 July 2013 and that the section is taken to apply on and from that date.

Schedule 2 Amendment of First State Superannuation Act 1992 No 100

20. Schedule 2 [1] replaces the current employee salary contribution percentage (of 9%) on which compulsory employer superannuation contributions under the *First State Superannuation Act 1992* (the *FSS Act*) are based, with a table of percentages that are to apply for the financial year starting on 1 July 2013 through to the financial year starting on or after 1 July 2019. The proposed percentages are in line with the increases in the superannuation guarantee charge for those financial years provided for in the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth. The table of percentages may be amended by regulation.
21. Schedule 2 [2] contains a power to make regulations containing provisions of a savings or transitional nature consequent on the enactment of the proposed Act or any other Act that amends the FSS Act.
22. Schedule 2 [3] applies the proposed salary contribution percentage relating to the 2013–14 financial year, as from 1 July 2013.

ISSUES CONSIDERED BY COMMITTEE

The Committee makes no comment on the Bill in respect of issues set out in s8A of the Legislation Review Act 1987.

Part Two – Regulations

The Committee does not report on any Regulations in this Digest.

Appendix One – Index of Ministerial Correspondence on Bills

The Committee does not report on any Ministerial Correspondence on Bills in this Digest.

Appendix Two – Index of Correspondence on Regulations on which the Committee has reported

1. In Digest 9/55, the Committee reported on the Work Health and Safety (Savings and Transitional) Regulation 2011, and subsequently wrote to the Minister. The Committee is in receipt of a response from the Minister dated 17 April 2012 which addresses to the Committee's satisfaction the issues raised.
2. In Digest 12/55, the Committee reported on the Water Management (General) Amendment (Water Sharing Plans) Regulation (No 2) 2011 and subsequently wrote to the Minister. The Committee is in receipt of a response from the Minister dated 29 May 2012 which addresses to the Committee's satisfaction the issues raised.
3. In Digest 16/55, the Committee reported on the Home Building Amendment (Threshold for Home Warrant Insurance) Regulation 2012 and subsequently wrote to the Minister. The Committee is in receipt of a response from the Minister dated 29 May 2012 which addresses to the Committee's satisfaction the issues raised.
4. In Digest 12/55, the Committee reported on the Local Government (General) Amendment (Election Procedures) Regulation 2012 and subsequently wrote to the Minister. The Committee is in receipt of a response from the Minister received 21 June 2012 which addresses to the Committee's satisfaction the issues raised.
5. In Digest 15/55, the Committee reported on the Police Amendment (Death and Disability) Regulation 2011 and subsequently wrote to the Minister. The Committee is in receipt of a response from the Minister received 9 July 2012 which addresses to the Committee's satisfaction the issues raised.
6. On 8 May 2012 the Committee wrote to the Attorney General in relation to James Hardie Former Subsidiaries (Winding up and Administration) Amendment (Statutory Recovery Claims) Regulation 2012. The Committee was in receipt of a response from the Attorney General dated 10 August 2012 which addressed to the Committee's satisfaction the issues raised. Further information in relation to this can be found in Digest 23/55.