

Superannuation Acts (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 5 May 1994

(Brought in by Mr Smith (Polwarth) and Mr Stockdale)

A BILL

to amend the **Parliamentary Salaries and Superannuation Act 1968**, the **Hospitals Superannuation Act 1988**, the **State Superannuation Act 1988**, the **Transport Superannuation Act 1988**, the **Emergency Services Superannuation Act 1986** and the **Public Sector Superannuation (Administration) Act 1993** and for other purposes.

Superannuation Acts (Amendment) Act 1994

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purpose*

The purpose of this Act is to make miscellaneous amendments to certain specified Superannuation Acts.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

2. Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it receives the Royal Assent.
- (2) Section 4 is deemed to have come into operation on 30 November 1993.
- (3) Sections 7, 8 and 10 are deemed to have come into operation on 1 January 1994.

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PART 2—AMENDMENT OF PARLIAMENTARY SALARIES AND SUPERANNUATION ACT 1968

3. Amendment of section 10—definition of child

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In section 10 (1) of the **Parliamentary Salaries and Superannuation Act 1968** for the definition of “child” substitute—

“**child**” in relation to a former member who is deceased means a child of himself or herself or of his or her spouse other than any child born more than 10 months after his or her death who is—

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(a) under 18 years of age; or

(b) between the age of 18 and 25 years and in the opinion of the trustees is a full-time student;’.

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4. Amendment of section 19—indexation

After section 19 (4) of the **Parliamentary Salaries and Superannuation Act 1968** insert—

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“(5) Notwithstanding anything to the contrary in this Act, for the purposes of calculating the adjustment of the first instalment of pension payable as from 1 February 1994, the amount of basic salary for the year ended December 1993 is the amount of basic salary that would have been payable if section 3A had not been enacted.”.

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**PART 3—AMENDMENT OF HOSPITALS SUPERANNUATION
ACT 1988**

5. Amendment of section 7

5 (1) In section 7 of the **Hospitals Superannuation Act 1988**—

(a) in sub-section (1) for “7” **substitute** “6” and for “Treasurer” **substitute** “Minister”;

(b) for sub-section (2) (a) **substitute**—

“(a) 1 must be nominated by the Minister; and”.

10 (2) For section 7 (5) of the **Hospitals Superannuation Act 1988** **substitute**—

15 “(5) The members of the Board in office immediately before the commencement of section 5 of the **Superannuation Acts (Amendment) Act 1994** are deemed to have been appointed under this section as amended by that section.

20 (6) The Board is deemed to be the same body on and after as before the commencement of section 5 of the **Superannuation Acts (Amendment) Act 1994**.”.

**PART 4—AMENDMENT OF STATE SUPERANNUATION
ACT 1988**

6. Amendment of section 3 (2)

25 In section 3 (2) of the **State Superannuation Act 1988**—

(a) in paragraph (c) for “contract officer” **substitute** “person referred to in paragraph (a) of the definition of “contract officer””;

(b) after paragraph (c) **insert**—

30 “; or

(d) in the case of a person referred to in paragraph (b) of the definition of “contract officer”, salary means the salary for superannuation purposes specified from

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time to time in that person’s contract of employment and notified in writing by the employing authority to the Board.”.

7. Amendment of section 52

For section 52 (2A) of the **State Superannuation Act 1988** substitute— 5

“(2A) In the case of a revised scheme member who elects to transfer to the new scheme under section 61B, his or her accrued retirement benefit for the total period of membership as a revised scheme member and as a new scheme member is the sum of— 10

(a) the transfer multiple of final average salary calculated in accordance with section 61D; and 15

(b) the accrued retirement benefit calculated in accordance with sub-section (2).

(2B) For the purpose only of sub-section (2A) (b), recognised service is recognised service for the period after the date of transfer to the new scheme.”. 20

8. Amendment of section 61D

In section 61D of the **State Superannuation Act 1988**—

(a) in sub-section (1) in the definition of “YA” for “at” **substitute** “up to and including”; 25

(b) in sub-section (3) (b) for “after 30 June 1988” **substitute** “in respect of the period before the date of transfer but which is not taken into account under paragraph (a)”. 30

**PART 5—AMENDMENT OF TRANSPORT
SUPERANNUATION ACT 1988**

9. Amendment of section 4

5 In section 4 (6) of the **Transport Superannuation Act 1988** after “1993” insert “except by transfer to the Fund in accordance with section 60 of the **Public Sector Superannuation (Administration) Act 1993**”.

10 **PART 6—AMENDMENT OF EMERGENCY SERVICES
SUPERANNUATION ACT 1986**

10. Amendment of definition of “employee”

In section 3 of the **Emergency Services Superannuation Act 1986** in the definition of “employee”—

- 15 (a) **omit** “employed permanently on a basis which requires the person to work for at least 15 hours a week and who is”;
- (b) in paragraph (c) **omit** “(other than paragraph (f))”;
- 20 (c) after paragraph (h) **insert—**
- “; or
- (i) an employee within the meaning of the Commonwealth Superannuation Guarantee (Administration) Act 1992 not being a person whose eligibility to be a member would but for this paragraph be determined by the application of paragraph (e) or (h).”.
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**PART 7—AMENDMENT OF PUBLIC SECTOR
SUPERANNUATION (ADMINISTRATION) ACT 1993**

11. *Repeal of spent provisions*

Parts 6 to 14 of the **Public Sector Superannuation
(Administration) Act 1993** are repealed.

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