



TASMANIA

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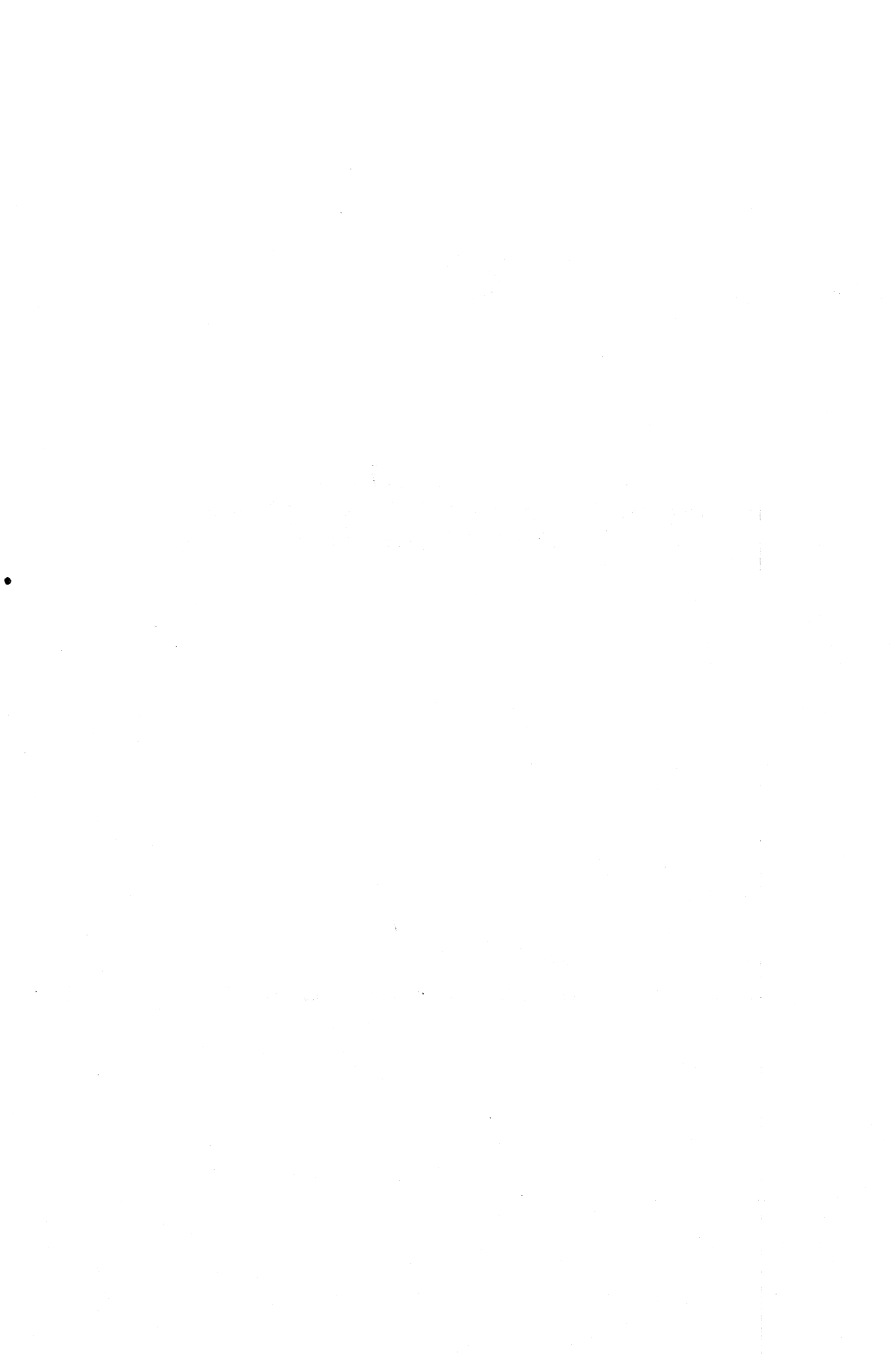
**RETIREMENT BENEFITS  
(CONSEQUENTIAL AND MISCELLANEOUS  
AMENDMENTS) ACT 1996**

**No. 40 of 1996**

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**RETIREMENT BENEFITS  
(CONSEQUENTIAL AND MISCELLANEOUS  
AMENDMENTS) ACT 1996**

**No. 40 of 1996**

**An Act to make miscellaneous amendments consequential upon the enactment of the *Retirement Benefits Act 1993* and to make other amendments by way of statute law revision**

**[Royal Assent 16 December 1996]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**Short title**

1. This Act may be cited as the *Retirement Benefits (Consequential and Miscellaneous Amendments) Act 1996*.

**Commencement**

2. (1) This Act, except sections 4 and 5, is taken to have commenced on 1 July 1994.

(2) Section 4 is taken to have commenced on 21 March 1996.

(3) Section 5 is taken to have commenced on 28 June 1995.

**Amendment of Acts**

3. The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

**Amendment of *Retirement Benefits Act 1993***

4. The provisions of the *Retirement Benefits Act 1993* specified in column 1 of the table set out in Schedule 2 are amended by omitting "Treasurer" and substituting "Minister".

**Repeal of *Superannuation (Transferred Tasmanian College of Advanced Education Employees) Act 1980***

5. The *Superannuation (Transferred Tasmanian College of Advanced Education Employees) Act 1980* is repealed.

**SCHEDULE 1 - AMENDMENT OF ACTS**

Section 3

***Forestry Legislation (Transitional Provisions) Act  
1994***

No. 26 of 1994

1. Section 7(2)(a) is amended by omitting "the *Public Servants' Retiring and Death Allowances Act 1925*".

***Industrial Relations Act 1984***

No. 21 of 1984

1. Section 32(1D)(a) is amended by omitting "the *Occupational Superannuation Standards Act 1987*" and substituting "the *Superannuation Entities (Taxation) Act 1987* of the Commonwealth or the *Superannuation Industry (Supervision) Act 1993*".

***Metropolitan Transport Act 1954***

No. 77 of 1954

1. Section 11 is repealed and the following section is substituted:

**Exclusion of operation of certain Acts in relation to members**

11. (1) A member is not a contributor within the meaning of the *Retirement Benefits Act 1993*.

(2) An employee, within the meaning of the *Tasmanian State Service Act 1984*, appointed as a member is entitled to retain all existing and accruing rights as if the employee's service as a

member were service as an employee within the meaning of that Act.

***Parliamentary Superannuation Act 1973***  
No. 28 of 1973

1. Section 22AB is amended as follows:
  - (a) by omitting from subsection (2) "Treasurer" and substituting "Trust";
  - (b) by omitting subsection (3) and substituting the following subsection:

**(3)** On receipt of a notice under subsection (2), the Trust must declare the percentage by which pensions are to be increased in respect of the half-year following the half-year first-mentioned in that subsection.
  - (c) by omitting subsection (4) and substituting the following subsection:

**(4)** A percentage declared under subsection (3) in respect of a half-year is to be the same as the percentage specified in the notice given to the Trust under subsection (2).
  - (d) by omitting from subsection (5)(a) ", or as the case may require, by decreasing,";
  - (e) by omitting from subsection (6)(c) "or decreased";
  - (f) by omitting from the definition of "A" in subsection (7) "or decreased";
  - (g) by omitting subsections (9), (10), (11) and (12).



*Benefits Act 1993* at 30 June 1995;

- (c) an amount in relation to each retired employee which, in the opinion of the Actuary, is the commuted value of the employer's share of all pension payments or other benefits that will be payable in respect of an employee under the *Retirement Benefits Act 1993* on and after 30 June 1995.

(2) In relation to a transferred employee who has elected under clause 3(1) to continue as a contributor, the Authority must pay into the Public Account at fortnightly intervals, commencing on 1 July 1995, an amount determined by the Actuary to be the aggregate accruing employer liability relating to that transferred employee under the *Retirement Benefits Act 1993*.

(3) In relation to a transferred employee who is an eligible employee, the Authority must pay into the Public Account at fortnightly intervals, commencing on 1 July 1995, the prescribed rate of contribution set out in regulation 46 of the *Retirement Benefits Regulations 1994*.

- (b) by omitting clause 6;
- (c) by omitting clause 7 and substituting the following clause:





regulation of superannuation schemes, that is applicable to any matter arising under this Act has effect in relation to that matter as if it were included in this Act.

2. Section 33 is repealed.
3. Schedule 8 is amended by inserting after clause 15 the following clause:

**Board to undertake SAF Board's actions**

**15A.** The Board is to undertake any action that immediately before 28 June 1995 the SAF Board was required to undertake.

***TT-Line Arrangements Act 1993***  
No. 39 of 1993

1. Section 3 is amended as follows:
  - (a) by inserting after the definition of "Company" the following definition:

**"contributor"** has the same meaning as in the *Retirement Benefits Regulations 1994*;
  - (b) by inserting after the definition of "memorandum" the following definition:

**"prescribed branch"** has the same meaning as in the *Transport Act 1981*;

- (c) by inserting after the definition of "property" the following definitions:

**"RBF Board"** means the Retirement Benefits Fund Board continued in existence under the *Retirement Benefits Act 1993*;

**"retired TT-Line employee"** means a person who –

- (a) was employed for the purposes of the TT-Line Prescribed Branch and, immediately before the incorporation day, was in receipt of a pension or other benefit in respect of that employment; or
- (b) immediately before the incorporation day was in receipt of a pension paid –
- (i) under Division 3 or 4 of Part V of the *Retirement Benefits Act 1982*; and
- (ii) in respect of a person who had been employed for the purposes of the TT-Line Prescribed Branch;
- (d) by inserting after the definition of "right" the following definition:

**"SAF Agreement"** has the same meaning as in the *Retirement Benefits Act 1993*;

- (e) by inserting after the definition of "subsidiary" the following definitions:

**"transferred (RBF) TT-Line employee"** means a person who –

- (a) immediately before the incorporation day was a contributor; and
- (b) on that day, became an employee of the Company by reason of clause 3 of Schedule 3 as in force immediately before the commencement of the *Retirement Benefits (Consequential and Miscellaneous Amendments) Act 1996*; and
- (c) has not ceased to be employed by the Company;

**"transferred (SAF) TT-Line employee"** means a person who –

- (a) immediately before the incorporation day was an employee eligible to receive benefits under the SAF Agreement; and
- (b) on that day, became an employee of the Company by reason of clause 3 of

Schedule 3 as in force immediately before the commencement of the *Retirement Benefits (Consequential and Miscellaneous Amendments) Act 1996*; and

- (c) has not ceased to be employed by the Company; and
- (d) is not a transferred (RBF) TT-Line employee;

**"Transport Commission"** means the Transport Commission incorporated under the *Transport Act 1981*;

**"TT-Line Prescribed Branch"** means the branch of the Transport Commission that was established as a prescribed branch by the *Transport (Prescribed Branch) Order 1986* (being Statutory Rules 1986, No. 134).

2. Section 25 is repealed and the following sections are substituted:

### **Superannuation**

**25. (1)** The Minister administering the *Retirement Benefits Act 1993* and the Company are to agree that superannuation for employees covered by the *Retirement Benefits Act 1993* is to be provided by way of –

- (a) payments to the Public Account in accordance with section 25A; or
- (b) appropriate superannuation provisions being maintained by the Company, having regard to any recommendation or advice of the Actuary.

(2) The Minister administering the *Retirement Benefits Act 1993* and the Company are to reach an agreement before 1 January 1997 or any other date approved by that Minister.

### **Payments by Company**

**25A.** (1) The Company must pay the following amounts into the Public Account in the manner, and at the times, determined by the Minister administering the *Retirement Benefits Act 1993*:

- (a) an amount, determined by the Actuary in relation to each transferred (RBF) TT-Line employee who between 1 November 1993 and 1 February 1994 elected to continue as a contributor, to be the aggregate accrued employer liability relating to that transferred employee under the *Retirement Benefits Act 1993* as at 31 December 1995;
- (b) an amount, determined by the Actuary in relation to each transferred (SAF) TT-Line employee who is an eligible employee within the meaning of the *Retirement Benefits Act 1993*, to be the aggregate accrued employer liability relating to that transferred employee

under the *Retirement Benefits Act 1993*  
as at 31 December 1995;

- (c) an amount which is determined by the Actuary in relation to each retired TT-Line employee and which, in the opinion of the Actuary, is the commuted value of the employer's share of all pension payments or other benefits that will be payable in respect of that employee under the *Retirement Benefits Act 1993* on and after 31 December 1995.

(2) Subsection (1) does not apply with respect to any funds already paid to the RBF Board under section 29E of the *Retirement Benefits Act 1982*.

(3) In relation to a transferred (RBF) TT-Line employee who between 1 November 1993 and 1 February 1994 elected to continue as a contributor, the Company must pay into the Public Account at fortnightly intervals, commencing on the first payday after 31 December 1995, an amount determined by the Actuary to be the aggregate accruing liability relating to that transferred employee under the *Retirement Benefits Act 1993*.

(4) In relation to a transferred (SAF) TT-Line employee who is an eligible employee within the meaning of the *Retirement Benefits Act 1993*, the Company must pay into the Public Account at fortnightly intervals, commencing on the first payday after 31 December 1995, the prescribed rate of contribution set out in regulation 46 of the *Retirement Benefits Regulations 1994*.

**Funds deposited with RBF Board**

**25B.** Any funds deposited with the RBF Board by the Company in accordance with section 29E of the *Retirement Benefits Act 1982*, including any interest accrued on those funds, is to be paid into the Public Account by the RBF Board at any time and on any conditions determined by the Minister administering the *Retirement Benefits Act 1993*.

**Application of Long Service Leave (State Employees) Act 1994**

**25C.** The *Long Service Leave (State Employees) Act 1994* applies to a transferred employee.

3. Schedule 3 is repealed.



**SCHEDULE 2 - AMENDMENT OF RETIREMENT  
BENEFITS ACT 1993**

Section 4

<b>COLUMN 1</b> Provision in which "Treasurer" appears	<b>COLUMN 2</b> No. of occurrences of "Treasurer" in provision
2(2)	1
3(1)	1
8(2)(a)	1
8(2)(b)	1
9(2)	1
9(5)	1
10(3)(b)	1
13(2)	2
13(4)	1
28	1
29(2)	1
29(5)(b)	1
29(6)	1
29(7)	1
Schedule 1 –	
clause 7(1)(c)	1
Schedule 8 –	
clause 4(1)	1
clause 4(2)	1
clause 5(1)	1
clause 5(2)	1

**sch. 2** No. 40 *Retirement Benefits (Consequential and  
Miscellaneous Amendments)* 1996

*[Second reading presentation speech made in:-  
House of Assembly on 22 October 1996  
Legislative Council on 5 November 1996]*