



**RETIREMENT BENEFITS (TRANSFERRED TASMANIAN
COLLEGE OF ADVANCED EDUCATION
EMPLOYEES) ACT 1980**

No. 97 of 1980

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AN ACT to enable employees within the meaning of the Retirement Benefits Act 1970 to continue to contribute to the Retirement Benefits Fund on their being transferred from employment by the Council of the Tasmanian College of Advanced Education to employment by the Council of the University of Tasmania, to limit the extent of the liability of the University of Tasmania for the payment of retirement benefits in respect of the persons so transferred, and for related purposes.

[Royal Assent 19 December 1980]

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:—

1—This Act may be cited as the *Retirement Benefits (Transferred Tasmanian College of Advanced Education Employees) Act 1980*. Short title.

Commence-
ment.**2**—This Act shall commence on 1st January 1981.

Principal Act.

3—In this Act, the *Retirement Benefits Act 1970** is referred to as the Principal Act.

Incorporation.

4—This Act is incorporated, and shall be read as one, with the Principal Act.Right of
certain persons
to continue to
contribute to
Retirement
Benefits Fund.**5**—Where an employee—

(a) is, on the date of commencement of this Act, transferred from employment by the Council of the Tasmanian College of Advanced Education to employment by the Council of the University of Tasmania; and

(b) immediately before that date, was a contributor for full benefits or a contributor for limited benefits within the meaning of the Principal Act,

he is, on being so transferred—

(c) deemed to continue to be an employee, as if the University of Tasmania were an authority of the State; and

(d) entitled to continue to contribute to the Retirement Benefits Fund and to receive a pension, benefit, or other payment from it in accordance with the Principal Act.

Liability of
University of
Tasmania for
employer's
share of
retirement
benefits.

6—(1) If, on and after the date of commencement of this Act, an employee referred to in section 5 becomes entitled to a pension, benefit, or other payment under the Principal Act, other than a refund of his contributions, the Council of the University of Tasmania shall pay to the Board the proportion of that part of that pension, benefit, or other payment that would, but for this section, be payable under the Principal Act by an authority of the State by virtue of subsection (3), as is calculated in accordance with the formula set out in subsection (2), and the Treasurer shall pay to the Board the balance of that part.

* No. 76 of 1970. Subsequently amended by No. 101 of 1971, No. 33 of 1972, Nos. 32 and 113 of 1974, No. 93 of 1976, No. 106 of 1977, No. 58 of 1978, No. 72 of 1979, and No. 14 of 1980.

(2) The following formula is the formula for the purpose of subsection (1):—

$$a = \frac{b}{c} \times (d - e)$$

where—

- “ a ” is the liability of the Council of the University of Tasmania to be determined;
- “ b ” is the total period of service as an employee employed by the Council of the University of Tasmania;
- “ c ” is the total period during which contributions were made to the Fund by the employee;
- “ d ” is the total amount of pensions, benefits, or other payments (other than a refund of contributions) that would, but for this section, be payable under the Principal Act to an employee who is transferred as referred to in subsection (1);
- “ e ” is the amount of the pension, benefit, or other payment that is chargeable to the Fund.

(3) If a pension, benefit, or other payment (other than a refund of contributions) becomes payable under the Principal Act to or in respect of a person referred to in subsection (1), section 57 of that Act (subsection (4) excepted) shall have effect in relation to that pension, benefit, or other payment as if the University of Tasmania were an authority of the State.

(4) The pension, benefit, or other payment referred to in subsection (3) may be made by the Council of the University of Tasmania out of money available to the Council for the purposes of the *Tasmanian University Act 1951*.

7—Where a person who is transferred from employment by the Council of the Tasmanian College of Advanced Education to employment by the Council of the University of Tasmania, as mentioned in section 5 would, but for this section, be entitled to the payment of a pension or payment under section 28 of the Principal Act by reason of his being retired compulsorily from his employment with the Council of the Tasmanian College of Advanced Education on account of the reasons specified in subsection (1) (a) of that section, that person is not entitled to the payment of such a pension or payment if, on being so transferred to employment by the Council of the University of Tasmania, he is transferred—

Special provisions as to benefits, &c., payable on transfer to University of Tasmania.

- (a) to a tenure of office for a period not less than that which he held with the first-mentioned Council immediately before 1st January 1981; and
- (b) at a rate of salary not less than that which was paid to him by that first-mentioned Council immediately before that date.