



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

No. 98 of 1980

TABLE OF PROVISIONS

- | | |
|--|--|
| <ul style="list-style-type: none"> 1. Short title. 2. Commencement. 3. Principal Act. 4. Incorporation. 5. Right of certain persons to continue to contribute to Superannuation Fund. | <ul style="list-style-type: none"> 6. Liability of University of Tasmania for employer's share of superannuation benefits. 7. Special provisions as to benefits, &c., payable on transfer to University of Tasmania. |
|--|--|

AN ACT to enable employees within the meaning of the Superannuation Act 1938 to continue to contribute to the Superannuation 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 superannuation 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 *Superannuation (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 *Superannuation Act 1938** 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
Superannuation
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 Part VB 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 a State instrumentality or statutory authority; and

(d) entitled to continue to contribute to the Superannuation 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
superannuation
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 a State instrumentality or statutory authority 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.

* 2 Geo. VI No. 41. For this Act, as amended to 1969, see Appendix A of the Annual Volume of Statutes for 1969. Subsequently amended by Nos. 46 and 73 of 1970, No. 112 of 1974, No. 94 of 1976, No. 107 of 1977, No. 59 of 1978, and No. 15 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 61 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 a State instrumentality or statutory authority.

(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 benefit under section 29 of the Principal Act by reason of his being retired compulsorily from his

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

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 benefit if, on being so transferred to employment by the Council of the University of Tasmania, he is transferred—

- (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.