

LEGISLATIVE ASSEMBLY

Read 1° 30 April 1980

(Brought in by Mr Thompson and Mr Maclellan)

A BILL

To amend the *State Employees Retirement Benefits Act 1979* and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *State Employees Retirement Benefits (Amendment) Act 1980*. Short title.

(2) In this Act the *State Employees Retirement Benefits Act 1979* is called the Principal Act. Principal Act No. 9362.

10 (3) The several provisions of this Act except section 2 shall come into operation on the day on which the Act receives the Royal Assent. Commencement.

(4) Section 2 shall be deemed to have come into operation on 23 January 1980.

15 2. In section 2 of the Principal Act after the interpretation of "Fund" there shall be inserted the following interpretation: Amendment of No. 9363 s. 2.

20 "Joining date" means such day, not being a day earlier than the day the Order is made under this section, on which the provisions of this Act are expressed to apply to any officer, employee or person or class of officers, employees or persons by an Order. New interpretation inserted.

Amendment of
No. 9363 s. 2.

3. Section 2 of the Principal Act shall be amended as follows:

- (a) In paragraph (b) of the interpretation of "Employee" after the words "or persons" there shall be inserted the expression "(other than Associates to Judges of the Supreme Court and to Judges of the County Court)"; 5
- (b) In the interpretation of "Service" for the words "an employee" (where twice occurring) there shall be substituted the words "a permanent employee".

Amendment of
No. 9363 s. 10.
New section
substituted.

4. For section 10 of the Principal Act there shall be substituted the following section: 10

"10. A manager, assistant manager and such other officers as are necessary for the purposes of this Act shall be appointed under and be subject to the provisions of the *Public Service Act 1974*."

Amendment of
No. 9363 s. 20.
New sub-section
inserted.

5. In section 20 of the Principal Act after sub-section (4) there shall be inserted the following sub-section: 15

"(5) A member who renders part-time or intermittent service shall not cease to be a member by reason only of his part-time or intermittent service being less than half the service of an ordinary employee."

Amendment of
No. 9363
s. 21 (1).

6. Section 21 (1) of the Principal Act shall be amended as follows: 20

- (a) In paragraph (a) after the words "this Act" (where first occurring) there shall be inserted the words "or on the joining date";
- (b) In paragraph (a) for the expression "1 April 1980" there shall be substituted the expression "1 June 1980 or the day three months after the joining date (as the case requires)"; 25
- (c) In paragraph (b) after the words "commencement of the Act" there shall be inserted the words "or the joining date"; 30
- (d) In paragraph (b) after the words "permanent employee" (where second occurring) there shall be substituted the expression "or on or before 1 June 1980 (whichever later occurring)"; 35
- (e) In paragraphs (c) and (d) after the words "of this Act" there shall be inserted the words "or the joining date".

Amendment of
No. 9363, s. 21.

7. After section 21 (1) of the Principal Act there shall be inserted the following sub-section:

New
sub-section
inserted.

"(1A) The Board may upon application by a permanent employee and at its own discretion extend any period of election specified 40

specified under sub-section (1) for a period of not more than six months, and may refund any contributions paid by such permanent employee.”.

5 8. Section 21 (2) of the Principal Act shall be amended as follows:

Amendment of No. 9363 s. 21 (2).

- (a) After the words “this Act” there shall be inserted the words “or at the joining date”;
- (b) After the words “that commencement” there shall be inserted the expression “or on that joining date (as the case requires)”.

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9. In section 23 of the Principal Act after sub-section (4) there shall be inserted the following sub-sections:

Amendment of No. 9363 s. 23.

15 “(5) Subject to sub-section (6), the amount of contribution of the contributor shall be adjusted as at 1 March each year based on his salary as at that date and his contributions so adjusted shall be payable as from and inclusive of the first pay day on or after 1 May next following.

New sub-section inserted. Contribution adjusted 1 March each year, &c.

20 (6) Where a contributor receives a reduced salary indefinitely or for a period of more than three months and the amount of contribution which he is required to pay becomes less than the amount of contribution that he was required to pay immediately before the reduction, he shall pay the lesser amount of contribution.”.

25 10. In section 24 (3) of the Principal Act for the expression “1 May 1980” there shall be substituted the expression “1 July 1980 and the contributions of a permanent employee who is a permanent employee at a joining date shall be payable on and from the date four months after the joining date.”.

Amendment of No. 9363 s. 24 (3).

30 11. After section 25 of the Principal Act there shall be inserted the following section:

New section inserted.

“25A. (1) Where an employer fails to pay any amount payable to the Board under this Act the Board shall certify to the employer concerned the amount for which he is liable.

Board to certify amount where employer fails to pay.

35 (2) Where the whole or part of the amount certified under sub-section (1) which the employer is liable to pay to the Board is attributable to a failure to deduct contributions of a permanent employee, the employer may deduct that amount or any part thereof which is attributable to contributions from any sum which is or becomes due by the employer to such permanent employee by way of salary but a deduction shall not be made from a payment of salary at a rate exceeding \$10 for each week in respect of which the salary is paid.”.

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12. In

Amendment of
No. 9363 s. 29.

12. In section 29 (6) of the Principal Act for the word "May" there shall be substituted the word "July".

Amendment of
No. 9363 s. 40.

13. Section 40 of the Principal Act shall be amended as follows:

(a) For sub-section (2) there shall be inserted the following sub-section: 5

"(2) Entitlements under this Part shall be determined on the basis that a person is deemed to have been a continuous contributor for a period or an additional period equal to the number of completed years not exceeding 30— 10

(a) for pension entitlements, any period prior to 1 July 1980 or prior to four months after the joining date (as the case requires) during which he was a permanent employee in continuous employment; and 15

(b) for lump sum entitlements, one-half of any such period—

and the number of such completed years shall be calculated by deducting the number of completed years of continuous service under sub-section (1) from his total years of service."; 20

(b) For sub-section (5) there shall be substituted the following sub-section:

"(5) In determining entitlements under this Part where the period of contributory service, prospective or otherwise, of a person is in excess of 30 years, the Board shall calculate such entitlements on the basis of those 30 consecutive years which give the optimum benefits to that person." 25

Amendment of
No. 9363 s. 45.

14. In section 45 (7) of the Principal Act for the expression "sub-section (5)" there shall be substituted the expression "sub-section (6)". 30

Amendment of
No. 9363
s. 67 (1).

15. In section 67 (1) of the Principal Act for the expression "section 66" there shall be substituted the expression "section 68".

16. After section 68 of the Principal Act there shall be inserted the following sections: 35

New sections
inserted.

'68A (1) In this Part—

"Scheme of superannuation" means a scheme for the administration of any assets with the object of providing superannuation payments, annuities, pensions, allowances, lump sum payments or other benefits for employees 40

employees or former employees or for the widows, children, dependants or legal personal representatives of employees or former employees.

- 5 (2) Where permanent employees are contributors to or subject to a scheme of superannuation already established, they may be required in accordance with the regulations—
- (a) to transfer, assign, hand over or pay (as the case requires) to the Board all or any part of the assets administered under the scheme;
- 10 (b) to have their benefits under this Act reduced in proportion to benefits they receive or are entitled to receive under the scheme.
- 68B. Within one month after receiving a request in writing to do so, the trustees or managers of any scheme of superannuation shall
15 furnish to the Board a statement of the assets and liabilities of the scheme, and such other particulars relating to the scheme and to persons contributing to any fund administered under the scheme as the Board requires.
- 68C. The Board may at any time by notice in writing served
20 upon the trustees or managers of the scheme of superannuation require them to transfer, assign, hand over or pay (as the case requires) to the Board all such assets as are specified by the Board.
- 68D. Where a policy of life insurance is handed over to the Board under this Part, but the person upon whose life the policy was
25 issued retains a power of dealing with or receiving money under that policy, the Board shall be deemed to be the continuing agent of that person for all purposes in connexion with the policy.
- 68E. The Board may pay to the administrators, trustees or managers of any scheme of superannuation that part of the cash
30 value of the fund of the scheme as certified by an actuary which may reasonably be stated to have arisen from the employer's contributions to the scheme which is applicable to such permanent employees as become entitled to benefits under this Act.
- 68F. The Board may open an account in the Fund in the name
35 of a permanent employee to which may be credited that part of the accumulated value of the scheme applicable to his contribution to that scheme together with interest thereon as determined by an actuary.
- 68G. When a member ceases to be employed before he attains
40 60 years other than on account of his retirement, disability or death he shall be entitled to receive the amount standing to his credit in such account.

Permanent employees may be required to transfer, &c. assets, &c.

Information to be supplied.

Transfer of assets to Board.

Board to have power to deal with policies.

Board may pay to administrator.

Board may open accounts, &c.

Member to receive amount in account on ceasing to be employed.

On retirement
balance of
account
additional to
lump sum
entitlement.

68H. In the event of a member's retirement because of age or disability or his death the balance of such account shall be deemed to be an addition to his lump sum entitlement."

Amendment of
No. 9363 s. 71.

17. In section 71 of the Principal Act after the word "contributions" there shall be inserted the words "or any other 5 amount payable to the Board".



