

1993—No. 30

**SUPERANNUATION ACT 1916—REGULATION**

(Superannuation (Joint Coal Board—Coal Industry Tribunal Employees)  
Transitional Regulation 1993)

NEW SOUTH WALES



*[Published in Gazette No. 7 of 22 January 1993]*

His Excellency the Governor, on the certificate of the Minister for Industrial Relations given in accordance with clause 1 of Schedule 23 to the Superannuation Act 1916, has, with the advice of the Executive Council, and in pursuance of that Act, been pleased to make the Regulation set forth hereunder.

JOHN HANNAFORD, M.L.C.,  
Attorney General  
and Minister for Industrial Relations

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**Citation**

1. This Regulation may be cited as the Superannuation (Joint Coal Board—Coal Industry Tribunal Employees) Transitional Regulation 1993.

**Definitions**

2. In this Regulation:

“**Coal Industry Tribunal**” means the Coal Industry Tribunal constituted under the Coal Industry Act 1946;

“**contributor**” means a contributor to the State Fund:

- (a) who on 3 February 1993 is an officer or employee of the Joint Coal Board employed for purposes of the Coal Industry Tribunal; and
- (b) who on that date is contributing to the State Fund; and
- (c) who elects or is required to transfer to the employment of the Australian Industrial Registry on and from 4 February 1993;

**“Joint Coal Board”** means the Joint Coal Board constituted under the Coal Industry Act 1946;

**“Public Sector Superannuation Fund”** means the superannuation fund established, and vested in the Commonwealth Superannuation Board of Trustees No. 1, by the trust deed within the meaning of the Superannuation Act 1990 of the Commonwealth;

**“preserved benefit”** means a preserved benefit provided by Division 3A of Part 4 of the Act;

**“State Fund”** means the State Superannuation Fund;

**“the Act”** means the Superannuation Act 1916.

**Application of Schedule 23 to the Act (Special provisions for preserving benefits of certain contributors) to certain contributors transferring to the Australian Industrial Registry**

3. The transfer of employment of contributors from the Joint Coal Board to the Australian Industrial Registry on 4 February 1993 is declared to be a transfer of employment to which Schedule 23 to the Act applies.

**Transfer of preserved benefit to the Commonwealth Public Sector Superannuation Fund**

4. (1) If:

- (a) a contributor exercises the contributor’s entitlement to make provision for a preserved benefit in the State Fund; and
- (b) the contributor is therefore entitled to be paid the actuarially calculated lump sum value of that benefit in accordance with clause 3 (1) of Schedule 23 to the Act on ceasing to be a contributor; and
- (c) the contributor exercises that entitlement before 4 February 1993,

the State Authorities Superannuation Board is required to pay an amount equal to that lump sum value to the Commonwealth superannuation Board of Trustees No. 1 for crediting to the Public Sector Superannuation Fund.

(2) The payment must be made as soon as practicable after the exercise of the entitlement.

**Obligation of the SAS Board with respect to the disposition of a preserved benefit**

5. When an amount is to be paid for crediting to the Public Sector Superannuation Fund in accordance with clause 4, the State Authorities Superannuation Board must, before paying the amount, satisfy itself that that Fund, or the trust deed by which that Fund is established, includes provisions that will fully vest the amount to the credit of the contributor concerned.

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**EXPLANATORY NOTE**

The object of this Regulation is to allow certain contributors to the State Superannuation Fund, whose employment is transferred from the Joint Coal Board to the Australian Industrial Registry in consequence of a Government initiative, to elect to transfer their preserved benefits in that Fund to the Commonwealth Public Sector Superannuation Fund.

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