

FACT SHEET

PUBLIC SECTOR SUPERANNUATION (MISCELLANEOUS AMENDMENTS) BILL 2009

The Bill:

Amends the *Public Sector Superannuation Reform Act 1999* to:

- align the process for consulting with the TTLC in relation to amendments to the Tasmanian Accumulation Scheme Trust Deed with the consultation process in place for amending Trust Deeds in other Public Sector superannuation legislation; and
- ensure that the definition of wages and salary in the Act is consistent with that contained in the Tasmanian Accumulation Scheme Trust Deed.

Amends the *Retirement Benefits Act 1993* to:

- provide that the appointment of a replacement board member is not limited to the balance of the retiring member's term, except in the case of an elected board member;
- clarify that the Crown is the owner of any surplus funds arising from the superannuation liability provision made for former TGIO employees and provides direction to the RBF Board regarding dealing with that surplus;
- introduce a "fit and proper" person test for RBF Board members consistent with that contained in the *Superannuation Industry (Supervision) Act 1993* (Cwth) in relation to Australian Government regulated superannuation funds;
- align the regulation making process for regulations made under the Act with the regulation making process prescribed in the *Acts Interpretation Act 1931*; and
- remove the redundant reference to section 5 of the *Trustee Act 1898*.

Amends the *Retirement Benefits Regulations 2005* to:

- bring the administration of all investment accounts under the Tasmanian Accumulation Scheme Trust Deed;
- ensure consistency with the Australian Government's *Superannuation Industry (Supervision) Regulations 1994* to allow members more than one release of preserved benefits per year on compassionate grounds, other than for reasons of mortgage foreclosure;
- clarify that the exercise of the Board's powers to recover overdue contributions and payments is discretionary;
- provide that periodic medical reviews are only required for those invalidity pensioners who are under the relevant preservation age;
- remove the reference to the Government Statistician and clarify the process used by the Board for obtaining Consumer Price Index and Average Weekly Ordinary Time Earnings data;
- amend the wording of regulations 48 and 49 to clarify that the Board can pay redundancy benefits to members who are over their preservation age;
- amend Clause 9(1)(b) of Schedule 3 to clarify that the intent of the clause is that it should only apply to female members appointed prior to 1 July 1982 as a permanent full-time employee;
- make the necessary legislative amendments to provide amalgamated contributors who continue to work over the age of 65 with the option to receive their benefits up to age 70;
- enable the RBF Board to make its annual Member Report available on the RBF website as the default method of delivering annual fund information in accordance with the Australian Securities and Investment Commission announcement of 20 June 2008;
- rescinds or revokes legislation that is no longer required; and
- makes the necessary legislative amendments to provide a Transition to Retirement option for RBF Contributory Scheme members.

Amends both the *Retirement Benefits Regulations 2005* and the *Retirement Benefits (Parliamentary Superannuation) Regulations 2002* to ensure that the regulations clearly reflect that interest credited to a member's account may be positive or negative.