

TASMANIA

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**PUBLIC SECTOR SUPERANNUATION  
(MISCELLANEOUS AMENDMENTS) BILL 2005**

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**PUBLIC SECTOR SUPERANNUATION  
(MISCELLANEOUS AMENDMENTS) BILL 2005**

*(Brought in by the Minister for Finance, the Honourable  
James Glennister Cox)*

**A BILL FOR**

**An Act to amend the law relating to superannuation in the  
public sector**

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. Short title**

This Act may be cited as the *Public Sector  
Superannuation (Miscellaneous Amendments)  
Act 2005*.

**2. Commencement**

This Act commences on the day on which this  
Act receives the Royal Assent.

**3. Miscellaneous Amendments**

The legislation specified in Schedule 1 is  
amended as specified in that Schedule.

**SCHEDULE 1 – MISCELLANEOUS AMENDMENTS**

## Section 3

***Children, Young Persons and Their Families Act 1997*****1.** Schedule 1 is amended as follows:

- (a) by omitting the definition of “contributory scheme” from clause 1 and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth.

- (b) by inserting in clause 2(4) “an RSA or” after “member of”;
- (c) by omitting subclause (7) from clause 2 and substituting the following subclause:
- (7)** If the Commissioner has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

***Director of Public Prosecutions Act 1973*****1.** Section 2 is amended as follows:

- (a) by inserting the following definition after the definition of “complying superannuation scheme”:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by inserting the following definition after the definition of “RBF Board”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

**2.** Section 5A(2A)(b) is amended by inserting “an RSA or” after “to”.**3.** Section 8A is amended as follows:

- (a) by omitting from subsection (1)(a) “established by the regulations under the *Retirement Benefits Act 1993*”;
- (b) by omitting from subsection (2)(a) “provided by those regulations”;

- (c) by omitting paragraphs (b) and (c) from subsection (2) and substituting the following paragraph:
  - (b) references to an employee in the *Public Sector Superannuation Reform Act 1999* are to be read as including references to the Director; and
- (d) by omitting paragraph (e) from subsection (2) and substituting the following paragraph:
  - (e) all such contributions are to be paid into an RSA, or a complying superannuation scheme, nominated by the Director in accordance with subsection (4) or, if no such nomination is made, into the accumulation scheme.
- (e) by omitting from subsection (3)(a) “provided by the regulations under the *Retirement Benefits Act 1993*”;
- (f) by inserting in subsection (4) “an RSA or” after “member of”;
- (g) by omitting from subsection (4) “the non-contributory scheme referred to in subsection (2) or”;
- (h) by omitting subsection (4A);
- (i) by inserting in subsection (5) “an RSA or” after “has become a member of”;
- (j) by omitting from subsection (5) “the non-contributory scheme or”;

- (k) by omitting from subsection (5) “at any time elect” and substituting “may elect at any time while holding office as such”;
- (l) by omitting from subsection (6) “the non-contributory scheme referred to in subsection (2) or”;
- (m) by inserting the following subsection after subsection (6):
  - (6A) Where the Director elects to become a member of an RSA, the Secretary must make contributions to that RSA at the rate of 9% of the salary determined in accordance with section 5A(2).

4. Section 13(2) is amended by omitting “established by the regulations under the *Retirement Benefits Act 1993*”.

***Financial Management and Audit Act 1990***

1. Section 32 is amended as follows:

- (a) by omitting the definition of “contributory scheme” from subsection (1) and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the

*Retirement Benefits Regulations  
2005;*

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

- (b) by inserting in subsection (4B) “an RSA or” after “member of”;
- (c) by inserting the following subsection after subsection (4B):
  - (4BA) If the Auditor-General has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (d) by inserting in subsection (4D) “, (4BA)” after “(4B)”;
- (e) by omitting subsection (4E).

*Forestry Act 1920*

**1.** Section 4(1) is amended as follows:

- (a) by omitting the definition of “contributory scheme” and substituting the following definition:



**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by inserting the following definition after the definition of “Resource Planning and Development Commission”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

**2.** Section 12M is amended as follows:

- (a) by inserting in subsection (6B) “an RSA or” after “member of”;
- (b) by inserting the following subsection after subsection (6B):

(6BA) If the chief executive officer has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

- (c) by omitting subsection (6E).

**3.** Clause 2 of Schedule 2 is amended as follows:

- (a) by inserting in subclause (4) “an RSA or” after “member of”;
- (b) by inserting the following subclause after subclause (4):

**(4A)** If a director has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

- (c) by omitting subclause (6).

***Government Business Enterprises Act 1995***

**1.** Section 18 is amended as follows:

- (a) by omitting the definition of “contributory scheme” from subsection (1) and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth.

- (b) by inserting in subsection (4B) “an RSA or” after “member of”;
- (c) by inserting the following subsection after subsection (4B):
  - (4BA) If the chief executive officer has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (d) by inserting in subsection (4D) “, (4BA)” after “(4B)”;
- (e) by omitting subsection (4E).

***Governor of Tasmania Act 1982*****1.** Section 3(1) is amended as follows:

- (a) by omitting the definition of “contributory scheme” and substituting the following definition:
  - “contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;
- (b) by inserting the following definition after the definition of “RBF Board”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 4(2)(b) is amended by inserting “an RSA or” after “to”.
3. Section 6D is amended as follows:
  - (a) by omitting subsection (2);
  - (b) by omitting from subsection (3)(a) “provided by the regulations under the *Retirement Benefits Act 1993*”;
  - (c) by inserting in subsection (4) “an RSA or” after “member of”;
  - (d) by omitting from subsection (4) “the non-contributory scheme referred to in subsection (2) or”;
  - (e) by inserting in subsection (5) “an RSA or” after “has become a member of”;
  - (f) by omitting from subsection (5) “the non-contributory scheme or”;
  - (g) by omitting from subsection (5) “at any time elect” and substituting “elect at any time while holding office as such”;
  - (h) by omitting from subsection (6) “the non-contributory scheme referred to in subsection (2) or”;

- (i) by inserting the following subsection after subsection (6):

(6A) Where the Governor elects to become a member of an RSA, the Secretary must make contributions to that RSA at the rate of 9% of the salary determined in accordance with section 4(1).

- (j) by omitting subsection (8).

**4.** Section 8 is amended as follows:

- (a) by inserting in subsection (6) “an RSA or” after “member of”;
- (b) by inserting in subsection (7) “an RSA or” after “member of”;
- (c) by omitting from subsection (9) “Subsections (4), (5), (6), (7) and (8)” and substituting “Subsections (4), (5), (6), (7), (8) and (10)”;
- (d) by omitting subsections (10) and (11) and substituting the following subsection:

(10) Where the Official Secretary has elected under subsection (6) or an officer has elected under subsection (7) to become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she

may elect, at any time while holding office as such, to become a member of the accumulation scheme.

**5.** Section 9 is amended as follows:

- (a) by inserting in subsection (6) “an RSA or” after “member of”;
- (b) by omitting from subsection (8) “Subsections (4), (5), (6) and (7)” and substituting “Subsections (4), (5), (6), (7) and (9)”;
- (c) by omitting subsection (9) and substituting the following subsection:
  - (9) Where a person appointed or employed under subsection (1) elects to become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect, at any time while holding office as such, to become a member of the accumulation scheme.

***Health Complaints Act 1995***

**1.** Schedule 3 is amended as follows:

- (a) by omitting the definition of “contributory scheme” from clause 1 and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth.

- (b) by inserting in clause 2(6) “an RSA or” after “member of”;
- (c) by inserting the following subclause after subclause (6) in clause 2:
  - (6A)** If the Commissioner has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (d) by inserting in clause 2(8) “, (6A)” after “(6)”;
- (e) by omitting subclause (9) from clause 2.

***Hobart Regional Water (Arrangements) Act 1996***

- 1.** Section 11 is amended as follows:

- (a) by omitting subsections (1), (2), (3) and (4) and substituting the following subsection:
  - (1) A person who before the day on which the *Retirement Benefits Regulations 2005* took effect was taken to be a contributor, within the meaning of the *Retirement Benefits Regulations 1994*, by reason of this section as in force immediately before the commencement of the *Public Sector Superannuation (Miscellaneous Amendments) Act 2005* is taken on and after that day to be a contributor, within the meaning of the *Retirement Benefits Regulations 2005*.
- (b) by omitting subsection (7).

### ***Industrial Relations Act 1984***

#### **1. Section 3(1) is amended as follows:**

- (a) by inserting the following definition after the definition of “conditions of employment”:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;
- (b) by inserting the following definition after the definition of “regulations”:



**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 6A is amended as follows:

- (a) by omitting from subsection (1) “provided by the *Retirement Benefits Regulations 1994*”;
- (b) by omitting from subsection (2)(a) “provided by the *Retirement Benefits Regulations 1994*”;
- (c) by omitting from subsection (2)(c) “regulation 46 of the *Retirement Benefits Regulations 1994* or section 6(7) of the *Public Sector Superannuation Reform Act 1999*, as may be appropriate” and substituting “section 6(7) of the *Public Sector Superannuation Reform Act 1999*”;
- (d) by inserting in subsection (2)(d) “an RSA or” after “paid into”;
- (e) by omitting from subsection (3)(a) “provided by the *Retirement Benefits Regulations 1994*”;
- (f) by inserting in subsection (4) “an RSA or” after “member of”;
- (g) by inserting in subsection (5) “an RSA or” after “has become a member of”;

- (h) by omitting from subsection (5) “at any time elect” and substituting “elect at any time while holding office as such”;
- (i) by omitting subsection (8).

***Inland Fisheries Act 1995***

**1.** Section 3(1) is amended as follows:

- (a) by omitting the definition of “contributory scheme” and substituting the following definition:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by inserting the following definition after the definition of “river”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

**2.** Section 11 is amended as follows:

- (a) by inserting in subsection (4) “an RSA or” after “member of”;
- (b) by inserting the following subsection after subsection (4):

(4A) If the Director has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

(c) by inserting in subsection (6) “, (4A)” after “(4)”;

(d) by omitting subsection (7).

### ***Judges’ Contributory Pensions Act 1968***

1. After section 13A, the following section is inserted:

#### **13B. Requirement for minimum benefit**

A benefit payable under this Act must contain an employer component that is at least the minimum benefit that satisfies the requirements of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.

### ***Legal Aid Commission Act 1990***

1. Section 10A is amended as follows:

(a) by omitting the definition of “contributory scheme” from subsection (1) and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth.

- (b) by inserting in subsection (3) “an RSA or” after “member of”;
- (c) by inserting the following subsection after subsection (3):
  - (3A) If a Commissioner has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (d) by inserting in subsection (5) “, (3A)” after “(3)”;
- (e) by omitting subsection (6).

***Liquor Licensing Act 1990***

**1. Section 207 is amended as follows:**

- (a) by omitting the definition of “contributory scheme” from subsection

(1) and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

(b) by inserting in subsection (8) “an RSA or” after “member of”;

(c) by inserting the following subsection after subsection (8):

(8A) If the Commissioner has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

(d) by inserting in subsection (10) “, (8A)” after “(8)”;

(e) by omitting subsection (11).

***Magistrates Court Act 1987***

**1.** Section 3 is amended as follows:

- (a) by omitting the definition of “contributory scheme” and substituting the following definition:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by inserting the following definition after the definition of “the regulations”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 4 is amended as follows:

- (a) by inserting in subsection (7) “an RSA or” after “member of”;
- (b) by inserting the following subsection after subsection (7):

(7A) If a magistrate has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

- (c) by inserting in subsection (9) “, (7A)” after “(7)”;

- (d) by omitting subsection (10).

***Northern Regional Water (Arrangements) Act 1997***

1. Section 15 is amended by omitting subsections (1), (2), (3), (4) and (5) and substituting the following subsection:

- (1) A person who before the day on which the *Retirement Benefits Regulations 2005* took effect was taken to be a contributor, within the meaning of the *Retirement Benefits Regulations 1994*, by reason of this section as in force immediately before the commencement of the *Public Sector Superannuation (Miscellaneous Amendments) Act 2005* is taken on and after that day to be a contributor, within the meaning of the *Retirement Benefits Regulations 2005*.

***Nursing Act 1995***

1. Section 13 is amended as follows:

- (a) by omitting the definition of “contributory scheme” from subsection (1) and substituting the following definitions:

“**contributory scheme**” means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth.

- (b) by inserting in subsection (9) “an RSA or” after “member of”;
- (c) by inserting the following subsection after subsection (9):
  - (9A) If a member or employee has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (d) by inserting in subsection (11) “, (9A)” after “(9)”;
- (e) by omitting subsection (12).

### ***Ombudsman Act 1978***

#### **1. Section 5 is amended as follows:**

- (a) by omitting the definition of “contributory scheme” from subsection (1) and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the



*Retirement Benefits Regulations  
2005;*

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

- (b) by inserting in subsection (10) “an RSA or” after “member of”;
- (c) by inserting the following subsection after subsection (10):
  - (10A) If the Ombudsman has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (d) by inserting in subsection (12) “, (10A)” after “(10)”;
- (e) by omitting subsection (13).

***Parliamentary Privilege Act 1898*****1.** Section 2 is amended as follows:

- (a) by inserting the following definition after the definition of “complying superannuation scheme”:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by inserting the following definition after the definition of “relevant officer”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

**2.** Section 4A is amended as follows:

- (a) by omitting from subsection (1) “provided by the *Retirement Benefits Regulations 1994*”;
- (b) by omitting from subsection (2)(a) “provided by the *Retirement Benefits Regulations 1994*”;
- (c) by omitting from subsection (2)(c) “regulation 46 of the *Retirement Benefits Regulations 1994* or section 6(7) of the *Public Sector Superannuation Reform Act 1999*, as may be appropriate” and substituting “section 6(7) of the *Public Sector Superannuation Reform Act 1999*”;
- (d) by inserting in subsection (2)(d) “an RSA or” after “paid into”;
- (e) by inserting in subsection (4) “an RSA or” after “member of”;

- (f) by inserting in subsection (5) “an RSA or” after “has become a member of”;
- (g) by omitting from subsection (5) “at any time elect” and substituting “elect at any time while holding office as such”;
- (h) by inserting the following subsection after subsection (6):
  - (6A) If an officer or sessional or temporary employee has become a member of an RSA, the relevant officer must make contributions to that RSA at the relevant rate specified in section 6(7) of the *Public Sector Superannuation Reform Act 1999*.
- (i) by omitting subsection (8).

***Parliamentary Salaries, Superannuation and Allowances Act  
1973***

**1.** Section 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “complying superannuation scheme”:
  - “contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;
- (b) by inserting the following definition after the definition of “relevant officer”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

**2.** Clause 10A of Part IV of Schedule 1 is amended as follows:

- (a) by inserting in subclause (1)(b) “an RSA or” after “to”;
- (b) by omitting from subclause (2)(a) “*Parliamentary Superannuation Act 1973* or the *Parliamentary Retiring Benefits Act 1985*” and substituting “*Retirement Benefits (Parliamentary Superannuation) Regulations 2002*”;
- (c) by omitting from subclause (2) “either of those Acts” and substituting “those regulations”;
- (d) by omitting from subclause (3)(b) “*Parliamentary Superannuation Act 1973* or the *Parliamentary Retiring Benefits Act 1985*” and substituting “*Retirement Benefits (Parliamentary Superannuation) Regulations 2002*”.

**3.** Clause 1 of Schedule 3 is amended as follows:

- (a) by omitting from subclause (1) “*Parliamentary Superannuation Act 1973* or the *Parliamentary Retiring Benefits Act 1985*” and substituting

*“Retirement Benefits (Parliamentary Superannuation) Regulations 2002”;*

- (b) by omitting from subclause (2)(a) “established by the regulations under the *Retirement Benefits Act 1993*”;
- (c) by omitting paragraphs (b) and (c) from subclause (2) and substituting the following paragraph:
  - (b) references to an employee in the *Public Sector Superannuation Reform Act 1999* are to be read as including references to the member; and
- (d) by omitting from subclause (2)(e) “before the transfer day”;
- (e) by inserting in subclause (2)(e) “an RSA or” after “paid into”;
- (f) by omitting from subclause (2)(e) “an investment account established by the regulations under the *Retirement Benefits Act 1993*” and substituting “the accumulation scheme”;
- (g) by omitting from subclause (3)(a) “provided by the regulations under the *Retirement Benefits Act 1993*”;
- (h) by inserting in subclause (4) “an RSA or” after “of”;
- (i) by omitting from subclause (4) “the non-contributory scheme referred to in subclause (2) or”;

- (j) by omitting subclause (4A);
- (k) by omitting subclause (5) and substituting the following subclause:
  - (5) If the member has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (l) by omitting from subclause (6) “the non-contributory scheme referred to in subclause (2) or”;
- (m) by inserting the following subclause after subclause (6):
  - (6A) Where the member has become a member of an RSA, the relevant officer must make contributions to that RSA at the rate of 9% of the parliamentary salary determined in accordance with section 4.

***Pay-roll Tax Act 1971***

**1.** Section 2(1B) is amended as follows:

- (a) by omitting from paragraph (a) “Part 4 of the *Retirement Benefits Regulations 1994*” and substituting “Part 5 of the *Retirement Benefits Regulations 2005*”;

- (b) by omitting from paragraph (b) “Part 4 of the *Retirement Benefits Regulations 1994*” and substituting “Part 5 of the *Retirement Benefits Regulations 2005*”;
- (c) by omitting from paragraph (b) “time; and” and substituting “time.”;
- (d) by omitting paragraph (c).

***Private Forests Act 1994***

1. Clause 2 of Schedule 2 is amended as follows:

- (a) by omitting the definition of “contributory scheme” from subclause (1) and substituting the following definitions:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth.

- (b) by inserting in subclause (5) “an RSA or” after “member of”;
- (c) by inserting the following subclause after subclause (5):
  - (5A) If a director has become a member of an RSA or a

complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

- (d) by omitting subclause (7).

***Public Sector Superannuation Reform Act 1999***

**1. Section 3(1) is amended as follows:**

- (a) by omitting the definition of “contributory scheme” and substituting the following definition:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by omitting the definition of “non-contributory account”;
- (c) by omitting “Part 5 of the Principal Regulations” from the definition of “non-contributory scheme” and substituting “Part 5 of the *Retirement Benefits Regulations 1994*”;
- (d) by omitting “*Retirement Benefits Regulations 1994*” from the definition of “Principal Regulations” and substituting “*Retirement Benefits Regulations 2005*”;



- (e) by inserting the following definition after the definition of “Principal Regulations”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

**2.** Section 4 is amended as follows:

- (a) by omitting subsections (3) and (4);
- (b) by omitting from subsection (5) “regulation 23” and substituting “regulation 30”;
- (c) by omitting subsection (6) and substituting the following subsections:
  - (6) Notwithstanding subsection (1), regulation 85(5) of the Principal Regulations continues to apply in respect of a person who is an invalidity pensioner within the meaning of the Principal Regulations.
  - (7) Subsection (1) does not apply to a person if the Board has certified under the Principal Regulations that a break in service does not affect the continuity of his or her service.

**3.** Section 5 is amended as follows:

- (a) by omitting subsection (1);

- (b) by omitting from subsection (2) “Notwithstanding subsection (1), an” and substituting “An”.

**4.** Section 6 is amended as follows:

- (a) by inserting in subsection (1) “an RSA or” after “become a member of”;
- (b) by inserting in subsection (2) “an RSA or” after “of”;
- (c) by inserting in subsection (3) “an RSA or” after “has become a member of”;
- (d) by omitting subsection (5A) and substituting the following subsection:
  - (5A) Notwithstanding subsection (5), where an election is made under this section, employer contributions are to be calculated by reference to the employee’s salary as defined by the Trust Deed and in accordance with the rate of those contributions specified in that Deed.
- (e) by inserting in subsection (5B) “an RSA or” after “join”;
- (f) by inserting in subsection (6) “or another complying superannuation scheme” after “accumulation scheme”;
- (g) by inserting the following subsection after subsection (6):

(6A) Where an employee elects to become a member of an RSA, the Agency manager on behalf of the Agency must make employer superannuation contributions to that RSA as provided by subsection (7).

(h) by omitting from subsection (8) “Parts 4 and 5” and substituting “Part 5”.

**5.** Section 9 is amended as follows:

- (a) by inserting in subsection (1)(k) “or an RSA” after “superannuation scheme”;
- (b) by omitting from subsection (1A) “Part 5 of the Principal Regulations” and substituting “the *Retirement Benefits Regulations 1994*”.

**6.** Section 10 is repealed and the following section is substituted:

**10. Effect of Trust Deed**

The provisions of this Act and the Trust Deed apply to the transferring member.

**7.** Section 13 is amended as follows:

- (a) by inserting in subsection (1) “or an RSA” after “superannuation scheme”;

- (b) by inserting in subsection (2) “or RSAs” after “schemes”.

***Retirement Benefits (Parliamentary Superannuation)  
Regulations 2002***

1. Regulation 3 is amended as follows:

- (a) by inserting the following definition after the definition of “retiring benefit”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

- (b) by omitting “basis; and” from paragraph (a) of the definition of “surviving partner” and substituting “basis; or”.

2. Regulation 24 is amended by omitting subregulation (2) and substituting the following subregulation:

- (2) Subject to subregulation (3), the amount to be preserved is to be transferred to an account in the member’s name in the accumulation scheme, to a complying superannuation scheme or to an RSA nominated by the member.

3. Regulation 67 is amended by omitting subregulation (2) and substituting the following subregulation:

- (2) Subject to subregulation (3), the amount to be preserved is to be transferred to an account in the member's name in the accumulation scheme, to a complying superannuation scheme or to an RSA nominated by the member.

***Retirement Benefits (State Fire Commission Superannuation Scheme) Act 2005***

1. Section 3 is amended by inserting after the definition of "RBF Board" the following definition:

**"RSA"** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 10 is amended as follows:

- (a) by inserting in subsection (1) "an RSA or" after "member of";
- (b) by inserting in subsection (2) "or RSAs" after "schemes".

***Retirement Benefits Act 1993***

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of "contributory scheme" and substituting the following definition:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by inserting the following definition after the definition of “repealed Act”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 5(1A) is amended by omitting paragraph (e) and substituting the following paragraph:

- (e) any other specified body or organisation or the employees or former employees of any such body or organisation.

3. Section 27A(4) is amended by omitting “Fund” and substituting “subfund to which the liability relates”.

4. Section 29B is amended as follows:

- (a) by inserting in subsection (6) “an RSA or” after “a member of”;
- (b) by omitting subsection (8).

5. After section 29J, the following section is inserted in Part 4:

**29K. Validation of certain actions and decisions of Board relating to membership continuity**

Where, during the period commencing on 15 May 1999 and ending on the commencement of the *Public Sector Superannuation (Miscellaneous Amendments) Act 2005* –

- (a) the Board has made any decision allowing a member to maintain continuity of membership in respect of the whole or any part of a break in service that occurred during that period; and
- (b) that decision purports to have been made in accordance with the regulations in force under this Act at the time –

that decision is taken to have been validly made under those regulations.

***Retirement Benefits Regulations 2005***

1. Regulation 3(1) is amended by inserting after the definition of “reversionary pension” the following definition:

“**RSA**” means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Regulation 13 is amended as follows:

- (a) by inserting in subregulation (5) “an RSA or” after “member of”;
- (b) by inserting the following subregulation after subregulation (5):
  - (5A) If the CEO has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (c) by inserting in subregulation (7) “, (5A)” after “(5)”;
- (d) by omitting subregulation (8).

- 3. Regulation 34(7)(b) is amended by inserting “an RSA or” after “becomes a member of”.
- 4. Regulation 62(5)(b) is amended by inserting “, RSA” after “scheme”.
- 5. Regulation 119 is rescinded and the following regulation is substituted:

**119. Broken service**

- (1) Where the service of a contributor is broken for a period not exceeding –



- (a) 6 weeks as the result of the resignation of that person from employment in an Agency; or
  - (b) 3 months as the result of the resignation of that person from employment in an Agency on becoming a candidate for election as a member of a House of Parliament; or
  - (c) 3 months for any other reason –
- and that person requests in writing to the Board within 3 months after again becoming a permanent employee or being employed under a prescribed contract of employment, the Board may determine that the break does not affect the continuity of that person's service.
- (2) If the Board determines, under subregulation (1), that the break does not affect the continuity of that person's service, that person may purchase the period of service which, but for subregulation (1), would have constituted a break in his or her service as if it were leave without pay under regulation 39(3) or (4).
  - (3) This regulation has effect notwithstanding any other provision of these regulations.

***Solicitor-General Act 1983***

1. Section 3(1) is amended by inserting after the definition of “regulations” the following definition:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 5(1A)(b) is amended by inserting “an RSA or” after “to”.

3. Section 9A is amended as follows:

- (a) by omitting from subsection (1)(a) “established” and substituting “provided”;
- (b) by omitting subsection (2);
- (c) by inserting in subsection (4) “an RSA or” after “member of”;
- (d) by omitting from subsection (4) “the non-contributory scheme referred to in subsection (2) or”;
- (e) by inserting in subsection (5) “an RSA or” after “has become a member of”;
- (f) by omitting from subsection (5) “the non-contributory scheme or”;

- (g) by inserting the following subsection after subsection (6):

(6A) Where the Solicitor-General elects to become a member of an RSA, the Secretary must make contributions at the rate of 9% of the salary determined in accordance with section 5(1)(ab).

- (h) by omitting subsection (8).

4. Schedule 1 is amended by inserting after clause 11 in Part 1 the following clause:

**12. Requirement for minimum benefit**

A benefit payable under this Schedule must contain an employer component that is at least the minimum benefit that satisfies the requirements of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.

***State Service Act 2000***

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of “contributory scheme” and substituting the following definition:

“**contributory scheme**” means the superannuation arrangements provided by Part 5 of the

*Retirement Benefits Regulations  
2005;*

- (b) by inserting the following definition after the definition of “regulations”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 25 is amended as follows:

- (a) by inserting in subsection (8) “an RSA or” after “member of”;
- (b) by inserting the following subsections after subsection (8):

(8A) If the Commissioner has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

(8B) The Commissioner is entitled to employer superannuation contributions at the relevant rate specified in section 6(7) of the *Public Sector Superannuation Reform Act 1999*.

- (c) by omitting from subsection (9) “Subsections (7) and (8)” and

substituting “Subsections (7), (8), (8A) and (8B)”.

**3.** Section 31 is amended as follows:

- (a) by inserting in subsection (8) “an RSA or” after “member of”;
- (b) by inserting the following subsections after subsection (8):

(8A) If an officer has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

(8B) An officer is entitled to employer superannuation contributions at the relevant rate specified in section 6(7) of the *Public Sector Superannuation Reform Act 1999*.

- (c) by omitting from subsection (9) “Subsections (7) and (8)” and substituting “Subsections (7), (8), (8A) and (8B)”.

**4.** Section 46(4) is amended as follows:

- (a) by omitting from paragraph (a) “regulation 109 of the *Retirement*

*Benefits Regulations 1994*” and substituting “regulation 132 of the *Retirement Benefits Regulations 2005*”;

- (b) by inserting in paragraph (b) “an RSA or” after “of”.

### ***Supreme Court Act 1887***

1. Section 1 is amended by inserting after the definition of “RBF Board” the following definition:

“**RSA**” means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 7(3C)(b) is amended by inserting “an RSA or” after “to”.

3. Section 8 is amended as follows:

- (a) by omitting paragraphs (b) and (c) from subsection (2) and substituting the following paragraph:

(b) references to an employee in the *Public Sector Superannuation Reform Act 1999* are to be read as including references to a judge; and

- (b) by omitting from subsection (2)(e) “before the transfer day”;

- (c) by inserting in subsection (2)(e) “an RSA or” after “paid into”;
- (d) by omitting from subsection (2)(e) “an investment account provided by those regulations” and substituting “the accumulation scheme”;
- (e) by inserting in subsection (4) “an RSA or” after “member of”;
- (f) by omitting from subsection (4) “the non-contributory scheme referred to in subsection (2) or”;
- (g) by omitting subsection (5) and substituting the following subsection:
  - (5) If a judge has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (h) by omitting from subsection (6) “the non-contributory scheme referred to in subsection (2) or”;
- (i) by inserting the following subsection after subsection (6):
  - (6A) Where a judge elects to become a member of an RSA, the Secretary must make contributions at the rate of 9% of the salary

determined in accordance with  
section 7.

- (j) by omitting subsection (7).

***Supreme Court Act 1959***

1. Section 3 is amended by inserting after the definition of “Registrar” the following definition:

“**RSA**” means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 4(4A)(b) is amended by inserting “an RSA or” after “to”.

3. Section 4AA is amended as follows:

- (a) by omitting paragraphs (b) and (c) from subsection (2) and substituting the following paragraph:

(b) references to an employee in the *Public Sector Superannuation Reform Act 1999* are to be read as references to the Master; and

- (b) by omitting from subsection (2)(e) “before the transfer day”;

- (c) by inserting in subsection (2)(e) “an RSA or” after “paid into”;



- (d) by inserting in subsection (4) “an RSA or” after “member of”;
- (e) by omitting from subsection (4) “the non-contributory scheme referred to in subsection (2) or”;
- (f) by omitting subsection (5) and substituting the following subsection:
  - (5) If a Master has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.
- (g) by inserting the following subsection after subsection (6):
  - (6A) Where the Master elects to become a member of an RSA, the Secretary must make contributions at the rate of 9% of the salary determined in accordance with section 4(4).
- (h) by omitting subsection (8).

***TT-Line Arrangements Act 1993***

1. Section 3 is amended by omitting “*Retirement Benefits Regulations 1994*” from the definition of “contributor” and substituting “*Retirement Benefits Regulations 2005*”.

2. Section 25A is amended by omitting subsection (4).

***Tourism Tasmania Act 1996***

1. Section 3 is amended as follows:

- (a) by omitting the definition of “contributory scheme” and substituting the following definition:

**“contributory scheme”** means the superannuation arrangements provided by Part 5 of the *Retirement Benefits Regulations 2005*;

- (b) by inserting the following definition after the definition of “objective”:

**“RSA”** means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

2. Section 17 is amended as follows:

- (a) by inserting in subsection (4B) “an RSA or” after “member of”;
- (b) by inserting the following subsection after subsection (4B):

(4BA) If the chief executive officer has become a member of an RSA or a complying superannuation scheme that is not the

accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

- (c) by inserting in subsection (4D) “, (4BA)” after “(4B)”;
- (d) by omitting subsection (4E).

**3.** Clause 3 of Schedule 1 is amended as follows:

- (a) by inserting in subclause (3A) “an RSA or” after “member of”;
- (b) by inserting the following subclause after subclause (3A):

**(3AA)** If a director has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

- (c) by omitting subclause (3C).