

TASMANIA

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**PUBLIC SECTOR SUPERANNUATION  
(MISCELLANEOUS AMENDMENTS) BILL 2013**

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# **PUBLIC SECTOR SUPERANNUATION (MISCELLANEOUS AMENDMENTS) BILL 2013**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*  
21 March 2013

*(Brought in by the Minister for Finance, the Honourable Scott  
Bacon)*

## **A BILL FOR**

**An Act to amend the *Director of Public Prosecutions Act 1973*, the *Governor of Tasmania Act 1982*, the *Magistrates Court Act 1987*, the *Parliamentary Salaries, Superannuation and Allowances Act 2012*, the *Public Sector Superannuation Reform Act 1999*, the *Solicitor-General Act 1983*, the *Supreme Court Act 1887* and the *Supreme Court Act 1959***

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:

## **PART 1 – PRELIMINARY**

### **1. Short title**

This Act may be cited as the *Public Sector Superannuation (Miscellaneous Amendments) Act 2013*.

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
*2013*  
*Act No. of*

s. 2

Part 1 – Preliminary

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**2. Commencement**

- (1) Except as provided in this section, this Act commences on the day on which this Act receives the Royal Assent.
- (2) Part 4 is taken to have commenced on 13 December 2000.

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 2 – Director of Public Prosecutions Act 1973 Amended

s. 3

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**PART 2 – DIRECTOR OF PUBLIC PROSECUTIONS  
ACT 1973 AMENDED**

**3. Principal Act**

In this Part, the *Director of Public Prosecutions Act 1973*\* is referred to as the Principal Act.

**4. Section 8A amended (Superannuation entitlements  
of Director appointed after 1 July 1999)**

Section 8A of the Principal Act is amended as follows:

(a) by omitting paragraph (d) from subsection (2) and substituting the following paragraph:

(d) the rate of employer superannuation contributions made in respect of the Director to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated –

(i) by reference to the Director's salary determined in accordance with section 5A(2); and

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\*No. 11 of 1973

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

s. 4

Part 2 – Director of Public Prosecutions Act 1973 Amended

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- (ii) by reference to the definition of *salary* under section 3AA of the *Public Sector Superannuation Reform Act 1999*; and
  - (iii) in accordance with the “charge percentage” prescribed under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, as amended from time to time; and
- (b) by omitting paragraph (d) from subsection (3) and substituting the following paragraph:
  - (d) the rate of employer superannuation contributions made in respect of the Director to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated in accordance with subsection (2)(d).
- (c) by omitting paragraph (a) from subsection (6) and substituting the following paragraph:
  - (a) in accordance with subsection (2)(d); and

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
*2013*  
*Act No. of*

Part 2 – Director of Public Prosecutions Act 1973 Amended

**s. 4**

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- (d) by omitting from subsection (6A) “at the rate of 9% of the salary determined in accordance with section 5A(2)” and substituting “in accordance with subsection (2)(d)”.

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
*2013*  
*Act No. of*

s. 5

Part 3 – Governor of Tasmania Act 1982 Amended

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**PART 3 – GOVERNOR OF TASMANIA ACT 1982  
AMENDED**

**5. Principal Act**

In this Part, the *Governor of Tasmania Act 1982*\* is referred to as the Principal Act.

**6. Section 6D amended (Superannuation benefits for Governor first appointed after 1 July 1999)**

Section 6D of the Principal Act is amended as follows:

(a) by omitting paragraph (d) from subsection (3) and substituting the following paragraph:

(d) the rate of employer superannuation contributions made in respect of the Governor to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated –

(i) by reference to the Governor's salary determined in accordance with section 4(1); and

(ii) by reference to the definition of *salary* under

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\*No. 26 of 1982



*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 3 – Governor of Tasmania Act 1982 Amended

s. 6

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section 3AA of the *Public Sector Superannuation Reform Act 1999*; and

- (iii) in accordance with the “charge percentage” prescribed under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, as amended from time to time.
- (b) by omitting paragraph (a) from subsection (6) and substituting the following paragraph:
  - (a) in accordance with subsection (3)(d); and
- (c) by omitting from subsection (6A) “at the rate of 9% of the salary determined in accordance with section 4(1)” and substituting “in accordance with subsection (3)(d)”.

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
*2013*  
*Act No. of*

s. 7

Part 4 – Magistrates Court Act 1987 Amended

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**PART 4 – MAGISTRATES COURT ACT 1987**  
**AMENDED**

**7. Principal Act**

In this Part, the *Magistrates Court Act 1987*\* is referred to as the Principal Act.

**8. Section 10 amended (Terms and conditions of service of magistrates)**

Section 10 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) A magistrate is an employee for the purposes of the *Retirement Benefits Act 1993*.

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\*No. 45 of 1987

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 5 – Parliamentary Salaries, Superannuation and Allowances Act 2012  
Amended

**s. 9**

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**PART 5 – PARLIAMENTARY SALARIES,  
SUPERANNUATION AND ALLOWANCES ACT 2012  
AMENDED**

**9. Principal Act**

In this Part, the *Parliamentary Salaries, Superannuation and Allowances Act 2012*\* is referred to as the Principal Act.

**10. Schedule 3 amended (Superannuation for Members of Parliament Elected After 1 July 1999)**

Clause 1 of Schedule 3 to the Principal Act is amended as follows:

(a) by omitting paragraph (c) from subclause (2) and substituting the following paragraph:

(c) the rate of employer superannuation contributions made in respect of the member of Parliament to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated –

(i) by reference to the member of Parliament's salary determined in

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\*No. 18 of 2012

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

**s. 10**      Part 5 – Parliamentary Salaries, Superannuation and Allowances Act 2012  
Amended

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- accordance                      with  
section 4; and
- (ii) by reference to the definition of *salary* under section 3AA of the *Public Sector Superannuation Reform Act 1999*; and
- (iii) in accordance with the “charge percentage” prescribed under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, as amended from time to time; and
- (b) by omitting paragraph (d) from subclause (3) and substituting the following paragraph:
- (d) the rate of employer superannuation contributions made in respect of the member of Parliament to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated in accordance with subclause (2)(c).

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 5 – Parliamentary Salaries, Superannuation and Allowances Act 2012  
Amended

**s. 10**

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- (c) by omitting paragraph (a) from subclause (6) and substituting the following paragraph:
    - (a) in accordance with subclause (2)(c); and
  - (d) by omitting from subclause (7) “at the rate of 9% of the parliamentary salary determined in accordance with section 4” and substituting “in accordance with subclause (2)(c)”.

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
2013  
*Act No. of*

s. 11                      Part 6 – Public Sector Superannuation Reform Act 1999 Amended

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**PART 6 – PUBLIC SECTOR SUPERANNUATION  
REFORM ACT 1999 AMENDED**

**11. Principal Act**

In this Part, the *Public Sector Superannuation Reform Act 1999*\* is referred to as the Principal Act.

**12. Section 6 amended (Election for scheme and payment into scheme)**

Section 6 of the Principal Act is amended as follows:

- (a) by omitting subsection (5A);
- (b) by omitting subsection (7) and substituting the following subsection:
  - (7) The rate of employer superannuation contributions to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated by reference to the employee's salary as defined under section 3AA and in accordance with the "charge percentage" prescribed under the *Superannuation Guarantee (Administration) Act 1992* of the

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\*No. 19 of 1999

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 6 – Public Sector Superannuation Reform Act 1999 Amended

**s. 12**

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Commonwealth, as amended  
from time to time.

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
*2013*  
*Act No. of*

s. 13

Part 7 – Solicitor-General Act 1983 Amended

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**PART 7 – SOLICITOR-GENERAL ACT 1983**  
**AMENDED**

**13. Principal Act**

In this Part, the *Solicitor-General Act 1983*\* is referred to as the Principal Act.

**14. Section 9A amended (Superannuation entitlements of Solicitor-General appointed after 1 July 1999)**

Section 9A of the Principal Act is amended as follows:

(a) by omitting paragraph (d) from subsection (3) and substituting the following paragraph:

(d) the rate of employer superannuation contributions made in respect of the Solicitor-General to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated –

(i) by reference to the Solicitor-General's salary determined in accordance with section 5(1)(ab); and

(ii) by reference to the definition of *salary* under

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\*No. 13 of 1983



*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 7 – Solicitor-General Act 1983 Amended

s. 14

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section 3AA of the *Public Sector Superannuation Reform Act 1999*; and

- (iii) in accordance with the “charge percentage” prescribed under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, as amended from time to time.
- (b) by omitting from subsection (6) “non-contributory scheme referred to in subsection (2) or the”;
- (c) by omitting paragraph (a) from subsection (6) and substituting the following paragraph:
  - (a) in accordance with subsection (3)(d); and
- (d) by omitting from subsection (6A) “at the rate of 9% of the salary determined in accordance with section 5(1)(ab)” and substituting “in accordance with subsection (3)(d)”.

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

s. 15

Part 8 – Supreme Court Act 1887 Amended

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**PART 8 – SUPREME COURT ACT 1887 AMENDED**

**15. Principal Act**

In this Part, the *Supreme Court Act 1887*\* is referred to as the Principal Act.

**16. Section 8 amended (Superannuation entitlements of judge appointed after 1 July 1999)**

Section 8 of the Principal Act is amended as follows:

(a) by omitting paragraph (d) from subsection (2) and substituting the following paragraph:

(d) the rate of employer superannuation contributions made in respect of the judge to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated –

(i) by reference to the judge's salary determined in accordance with section 7; and

(ii) by reference to the definition of *salary* under section 3AA of the *Public*

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\*No. 36 of 1887

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 8 – Supreme Court Act 1887 Amended

s. 16

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*Sector Superannuation  
Reform Act 1999; and*

- (iii) in accordance with the “charge percentage” prescribed under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, as amended from time to time; and
- (b) by omitting paragraph (d) from subsection (3) and substituting the following paragraph:
  - (d) the rate of employer superannuation contributions made in respect of a judge to the accumulation scheme is to be calculated in accordance with subsection (2)(d).
- (c) by omitting paragraph (a) from subsection (6) and substituting the following paragraph:
  - (a) in accordance with subsection (2)(d); and
- (d) by omitting from subsection (6A) “at the rate of 9% of the salary determined in accordance with section 7” and substituting “to that RSA in accordance with subsection (2)(d)”.

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

s. 17

Part 9 – Supreme Court Act 1959 Amended

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**PART 9 – SUPREME COURT ACT 1959 AMENDED**

**17. Principal Act**

In this Part, the *Supreme Court Act 1959*\* is referred to as the Principal Act.

**18. Section 4AA amended (Superannuation entitlements of Associate Judge appointed after 1 July 1999)**

Section 4AA of the Principal Act is amended as follows:

(a) by omitting paragraph (d) from subsection (2) and substituting the following paragraph:

(d) the rate of employer superannuation contributions made in respect of the Associate Judge to the accumulation scheme, RSA or another complying superannuation scheme is to be calculated –

(i) by reference to the Associate Judge's salary determined in accordance with section 4(4); and

(ii) by reference to the definition of *salary* under

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\*No. 41 of 1959

*Public Sector Superannuation (Miscellaneous Amendments) Act  
2013  
Act No. of*

Part 9 – Supreme Court Act 1959 Amended

s. 18

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section 3AA of the *Public Sector Superannuation Reform Act 1999*; and

- (iii) in accordance with the “charge percentage” prescribed under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, as amended from time to time; and
- (b) by omitting paragraph (d) from subsection (3) and substituting the following paragraph:
  - (d) the rate of employer superannuation contributions made in respect of the Associate Judge to the accumulation scheme is to be calculated in accordance with subsection (2)(d).
- (c) by omitting from subsection (6) “the non-contributory scheme referred to in subsection (2) or”;
- (d) by omitting paragraph (a) from subsection (6) and substituting the following paragraph:
  - (a) in accordance with subsection (2)(d); and

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
*2013*  
*Act No. of*

**s. 18**

Part 9 – Supreme Court Act 1959 Amended

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- (e) by omitting from subsection (6A) “at the rate of 9% of the salary determined in accordance with section 4(4)” and substituting “to that RSA in accordance with subsection (2)(d)”.

*Public Sector Superannuation (Miscellaneous Amendments) Act*  
*2013*  
*Act No. of*

Part 10 – Miscellaneous

**s. 19**

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**PART 10 – MISCELLANEOUS**

**19. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.