

**SUPERANNUATION ACT 1916—REGULATION**

(Superannuation (NSW Health Department Computer and Information Systems  
Branch Employees Transfer) Transitional Regulation 1991)

NEW SOUTH WALES



*[Published in Gazette No. 121 of 30 August 1991]*

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 FAHEY  
Minister for Industrial Relations,  
Minister for Further Education,  
Training and Employment.

---

**Citation**

1. This Regulation may be cited as the Superannuation (NSW Health Department Computer and Information Systems Branch Employees Transfer) Transitional Regulation 1991.

**Definitions**

2. In this Regulation:

“**Board**” means the State Authorities Superannuation Board;

“**CSA**” means Computer Sciences of Australia Pty Ltd.;

“**CSA Superannuation Plan**” means the superannuation arrangements embodied in the trust deed called the Computer Sciences of Australia Superannuation Plan;

**“CSA Trustees”** means the trustees appointed under the CSA Superannuation Plan;

**“Health CIS Branch”** means the Computer and Information Systems Branch of the NSW Health Department;

**“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;

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

- (a) is, not earlier than 5 August 1991 and not later than 30 August 1991, appointed to the staff of CSA; and
- (b) was, immediately before that appointment, an officer employed in the Health CIS Branch.

**Schedule 23 to the Act (Special provisions for preserving benefits of certain contributors) to apply to certain staff of CSA**

3. For the purposes of Schedule 23 to the Act, the transfer of employees from the Health CIS Branch to CSA is declared to be a transfer of employment to which that Schedule applies.

**Preservation of accrued benefit without transferring it to the CSA Superannuation Plan**

4. If, on being accepted as a member of the CSA Superannuation Plan, a transferred contributor:

- (a) elects to preserve his or her accrued benefit in the State Fund as provided by Division 3A of Part 4 of the Act; and
- (b) does not exercise the entitlement conferred by clause 3 of Schedule 23 to the Act,

the benefit must be preserved in accordance with that Division as from and including the contributor’s date of appointment to the staff of CSA.

**Transfer of accrued benefit to the CSA Superannuation Plan**

5. (1) If, on being accepted as a member of the CSA Superannuation Plan, a transferred contributor:

- (a) elects to preserve his or her accrued benefit in the State Fund as provided by Division 3A of Part 4 of the Act; and
- (b) exercises the entitlement conferred by clause 3 of Schedule 23 to the Act,

(b) exercises the entitlement conferred by clause 3 of Schedule 23 to the Act,

then, subject to subclause (2), the benefit so preserved must be paid to the CSA Trustees as the contributor directs.

(2) The entitlement referred to in subclause (1) (b) may be exercised not earlier than 5 August 1991 and not later than 31 October 1991.

(3) The payment must be made as soon as practicable after the date of election.

(4) The payment of a preserved benefit in accordance with this clause is a payment to which clause 3 of Schedule 23 to the Act applies and must be made in accordance with clause 6.

#### **Obligations of the Board with respect to the disposition of a preserved benefit**

6. If a transferred contributor has, in accordance with clause 5 (1), directed his or her preserved benefit to be transferred to the CSA Superannuation Plan, the Board must, before paying the preserved benefit to the CSA Trustees, satisfy itself that the CSA Superannuation Plan includes provisions that adequately provide for the disposition of amounts paid from the State Fund to the CSA Trustees and that those provisions provide for the payment to or in respect of the contributor of a benefit that will reflect the amount of the preserved benefit to be transferred in the form of:

- (a) a cash benefit to be paid when, for any reason, the contributor's appointment to the staff of CSA is terminated; or
- (b) a defined benefit in terms of the CSA Superannuation Plan.

#### **Schedule 23 not to apply unless election is made within the relevant period**

7. For the purposes of the operation of the Act (and no other purposes), a transferred contributor who does not make an election to preserve a benefit under Schedule 23 to the Act during the period beginning with 5 August 1991 and ending with 31 October 1991 will be treated as having resigned from his or her employment on the date of his or her appointment to the staff of CSA.

---

**NOTE****TABLE OF PROVISIONS**

1. Citation
  2. Definitions
  3. Schedule 23 to the Act (Special provisions for preserving benefits of certain contributors) to apply to certain staff of CSA
  4. Preservation of accrued benefit without transferring it to the CSA Superannuation Plan
  5. Transfer of accrued benefit to the CSA Superannuation Plan
  6. Obligations of the Board with respect to the disposition of a preserved benefit
  7. Schedule 23 not to apply unless election is made within the relevant period
- 

**EXPLANATORY NOTE**

The object of this Regulation is to allow certain staff of the Computer and Information Systems Branch of the NSW Health Department who are to be transferred to Computer Sciences of Australia Pty Ltd in consequence of a Government initiative to elect:

- (a) to transfer their preserved superannuation benefits from the State Superannuation Fund to the Computer Sciences of Australia Superannuation Plan; or
- (b) to preserve their superannuation benefits in the State Superannuation Fund and become members of the Computer Sciences of Australia Superannuation Plan.

Persons who do not make an election under this Regulation will be treated as having resigned from their employment on the date of their appointment to the staff of Computer Sciences of Australia Pty Ltd and in consequence will become entitled to the resignation benefits set out in the Superannuation Act 1916.

---