



New South Wales

# Superannuation Amendment (Breakdown Pensions) Regulation 2011

under the

Superannuation Act 1916

The Administrator, with the advice of the Executive Council and on the recommendation of STC, has made the following Regulation under the *Superannuation Act 1916*.

GREG PEARCE, MLC  
Minister for Finance and Services

## Explanatory note

The object of this Regulation is to amend the *Superannuation Regulation 2006* to enable the SAS Trustee Corporation to cancel a breakdown pension for a particular period at the direction of the person who is receiving the pension and to grant the pension (or some other benefit to which the person is entitled) at the end of that period. The amendment will enable a person to apply for the cancellation of such a pension during the person's term of office as a Member of Parliament and so avoid disqualification under the *Constitution Act 1902*.

This Regulation is made under the *Superannuation Act 1916*, including section 52.

## **2011 No 207**

Clause 1 Superannuation Amendment (Breakdown Pensions) Regulation 2011

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# **Superannuation Amendment (Breakdown Pensions) Regulation 2011**

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Superannuation Act 1916

### **1 Name of Regulation**

This Regulation is the *Superannuation Amendment (Breakdown Pensions) Regulation 2011*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Superannuation Regulation 2006

### Clause 11A

Insert after clause 11:

#### 11A      Cancellation of breakdown pension at direction of pensioner

- (1) A pensioner in receipt of a breakdown pension that is not payable for the remainder of the pensioner's life may direct STC, by notice in writing, to cancel the pension.
- (2) The notice may direct that the cancellation have effect only for the period stated in the notice and that STC re-determine the grant of the pension at the end of that period. The period stated in the notice may be a period ending on a specified date or ending on the happening of a specified event.
- (3) If STC receives a notice under this clause, the breakdown pension is cancelled on the date of receipt of the notice or, if a future date is specified in the notice for that purpose, on that future date.
- (4) Subject to subclause (5), when the breakdown pension is cancelled, entitlement to a further pension or other benefit under the Act is to be determined on the basis that the pensioner ceased on the cancellation to be on leave of absence without pay as provided by sections 48 and 49 of the Act.
- (5) If the notice directs that the cancellation have effect only for the period stated in the notice:
  - (a) a breakdown pension is not payable to the person concerned during that period (other than a breakdown pension payable for the remainder of the person's life), and
  - (b) at the end of that period STC may, on application, grant a breakdown pension (or other pension or benefit) for which the person concerned is eligible as if the person had continued during that period as an employee on leave of absence without pay in accordance with sections 48 and 49 of the Act.

The person may, at any time during that period, by further notice in writing to STC, extend or reduce that period.

- (6) In this clause, *breakdown pension* means a pension payable under section 29 or section 52E of the Act.