

ADDENDUM

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

SUPERANNUATION LEGISLATION AMENDMENT BILL 1985

(Amendments to be moved on behalf of the Government)

ADDENDUM TO EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Finance
Senator the Hon Peter Walsh)

OUTLINE

The majority of the amendments to the Superannuation Legislation Amendment Bill 1985 take up the amendments recommended by the Senate Standing Committee on Finance and Government Operations in its report on the Bill, except for the amendment proposed in the Standing Committee's Recommendation 3. The Standing Committee's report was tabled in the Senate on 15 May 1985.

These amendments are intended to:

- . further enhance the accountability of the Superannuation Fund Investment Trust to both the Parliament and to contributors to the Commonwealth Superannuation Scheme; and
- . ensure that nominations to the union-nominated member positions on the Trust are restricted to persons whose names have been put forward by the relevant industrial organisations.

Other amendments are moved to:

- . clarify a point of drafting in clause 7;
- . delete clause 23 and incorporate the reference to the Merit Protection (Australian Government Employees) Act 1984 previously made by that clause in clause 22; and
- . provide that all provisions of the Bill will come into effect on the day on which it receives Royal Assent.

NOTES ON CLAUSES

- (1) Amendment to page 1, clause 2, lines 8 to 12 (inclusive) of the Bill.

Clause 2 is omitted and a new clause 2 inserted which provides for all provisions of the Bill to come into effect on the day on which it receives the Royal Assent.

The previous division in clause 2 between the commencement of clause 23 and the commencement of all other clauses is no longer required as clause 23 is being deleted - see amendment (5) below. Clause 23, would have had the effect of applying the provisions of the Merit Protection (Australian Government Employees) Act 1984 concerning the establishment, constitution and operations of Promotion Appeal Committees established by the Merit Protection and Review Agency once the relevant provisions of the Merit Protection (Australian Government Employees) Act 1984 came into effect. Those provisions were proclaimed and came into effect on 21 July 1985.

Reference to the Merit Protection (Australian Government Employees) Act 1984 is proposed to be included in clause 22 - see amendment (4) below.

- (2) Amendment to page 5, clause 7, lines 9 to 12 (inclusive) of the Bill.

Paragraph 7(1)(b) is amended by deleting the sub-section 30(4) proposed for insertion in the Principal Act and substituting a new sub-section 30(4).

The new sub-section 30(4) will bind the ACTU to nominate for the offices of the full-time or part-time Trust members nominated by the ACTU only persons whose names have been submitted to the ACTU by relevant industrial organisations, and then only after consultation with relevant industrial organisations.

- (3) Amendment to page 5, clause 7, line 24 of the Bill.

Paragraph 7(1)(g) is amended by deleting the term "person" and inserting the term "member", thus clarifying a point of drafting.

- (4) Amendment to page 14, clause 22, line 25 of the Bill.

Clause 22 is amended by inserting in the proposed paragraph 44B(4)(a) reference to the Merit Protection (Australian Government Employees) Act 1984. This reference was previously included in clause 23 of the Bill which, in conjunction with sub-clause 2(2), provided for the amendment of the proposed paragraph 44B(4)(a) to include the reference once relevant provisions of the Merit Protection (Australian Government Employees) Act 1984 came into operation.

The relevant provisions of the Merit Protection (Australian Government Employees) Act 1984 were proclaimed and came into operation on 21 July 1985.

- (5) Amendment to page 16, clause 23, lines 1 to 5 (inclusive) of the Bill.

Clause 23 is omitted consequent upon the amendment proposed to clause 22 to include reference to the Merit Protection (Australian Government Employees) Act 1984 in the proposed paragraph 44B(4)(a).

- (6) Amendment to page 18, clause 25, lines 16 to 20 (inclusive) of the Bill.

Clause 25 is amended by deleting the sub-section 161(6) proposed to be inserted in the Principal Act and substituting new sub-sections 161(6) and 161(7).

Sub-section 161(6) will require that, when the Trust furnishes the Minister an interim report on its management of the Fund together with interim financial statements, the Minister shall:

- . lay the interim report and financial statements before each House of the Parliament within 15 sitting days of its being received; and
- . make available copies of the interim report and financial statements to the ACTU and, on request, to relevant industrial organisations.

Sub-section 161(7) will require that any report made by the Trust, ie, an Annual Report or an interim report, include particulars of any statement of Government policy furnished to the principal member of the Trust under sub-section 29A(6) by the Minister. Details of both the consideration given by the Trust to the matter(s) and the action taken (if any) are to be reported.