

INDUSTRIAL RELATIONS ACT 1979
INDUSTRIAL RELATIONS (SUPERANNUATION)
REGULATIONS 1997

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Industrial Relations (Superannuation) Regulations 1997*.

Commencement

2. These regulations come into operation on the day on which section 13 of the *Industrial Relations Legislation Amendment and Repeal Act 1995* comes into operation.

Interpretation

3. In these regulations—

“**award employee**” means an employee who is bound by an award, order or industrial agreement which requires the employer to make superannuation contributions for the employee;

“**commencement day**” means the day on which these regulations come into operation;

“**fund**” means a complying superannuation fund or scheme as defined in section 49C of the Act.

Notification by employer

4. (1) The employer of an award employee must give to the employee—
- (a) a Notification of Choice of Superannuation Fund form in the form of Form 1 in Schedule 1; or
 - (b) a written notice setting out all of the information set out in Form 1 in such a way that it is readily comprehensible to the employee.
- (2) The Notification or written notice must be given—
- (a) if the employee is, on the commencement day, an award employee—as soon as practicable after the commencement day;
 - (b) if the employee commences employment as an award employee after the commencement day — as soon as practicable after the employment commences; or
 - (c) if the employee —
 - (i) becomes an award employee after the commencement day other than by reason of commencing employment; and
 - (ii) immediately prior to becoming an award employee was not subject to any other award, order or industrial agreement which required the employer to make superannuation contributions for the employee,as soon as practicable after the employee becomes an award employee.

Nomination of fund

5. An employee may nominate a fund as the fund to which the employer is to pay superannuation contributions made for the employee by giving notice in writing to that effect to the employer.

SCHEDULE 1—FORMS

[Regulation 4]

Industrial Relations (Superannuation) Regulations 1997, reg. 4

Form 1

Notification of Choice of Superannuation Fund

Employer to make superannuation contributions

Your employer is required by an award, order or industrial agreement to make certain superannuation contributions for you. You may also be able to make contributions of your own.

Which fund?

You are entitled to choose the superannuation fund to which your contributions will be paid. You may choose any fund that is —

- a complying fund for the purposes of the *Commonwealth Superannuation Guarantee (Administration) Act 1992*, and
- able to accept contributions from your employer.

The trustee of a fund you wish to join should be able to tell you if the fund complies with these requirements.

If you do not nominate a fund your contributions will be paid to a fund chosen by your employer.

How to nominate the fund of your choice

To nominate the fund of your choice you must give notice in writing to your employer specifying which fund you have chosen.

Changing funds

Once you have nominated a fund you cannot change your nomination and choose a different fund unless your employer agrees. However, your employer cannot unreasonably refuse to agree to a change of fund.

MAKE THE RIGHT CHOICE

Choosing the right fund is a complex decision. Before you nominate a fund read the "Information for Employees" on the back of this form and consult your accountant or an independent financial adviser to make sure it is the best fund for you.

Back of Form 1**Information for Employees**

Before you nominate a fund there are many things you need to consider to make sure the fund is suitable for you. Some of the things you should consider are —

- the type and level of **benefits** provided by the fund
- the **fees and charges** charged by the fund
- the type and level of **insurance** provided by the fund
- the **preservation** requirements applying to benefits in the fund
- any other restrictions on **access to benefits**
- the trustee's **procedure for checking that employer contributions** are being made
- whether the fund permits **additional member contributions**

- the fund's **complaint resolution procedure**
- what sort of **investment options** are available to fund members
- whether the trustee employs fund managers, actuaries, stockbrokers and other **advisers**, and if so who they are, what they do and how much they are paid
- whether there is a "**cooling-off**" **period** for new members
- the **tax** implications of making contributions and receiving benefits
- the quality and frequency of **information** about the fund's investments and performance provided to fund members by the trustee.

If you are already in a superannuation fund you should also consider the consequences of changing to a new fund. Some of the things you should consider are—

- whether you can **transfer benefits** from your current fund to the new fund, and whether there are **fees** for doing this
- whether there will be **changes in your contribution and benefit levels**
- whether there are any **fees or charges** to exit from your current fund
- whether changing funds will affect the **preservation** requirements applying to your benefit
- the **tax** implications of changing funds.

MAKE THE RIGHT CHOICE

Choosing the right fund is a complex decision. Before you nominate a fund—

- **carefully read the member booklet, prospectus or other information provided by the trustee of the fund; and**
- **consult your accountant or an independent financial adviser,**

to make sure it is the best fund for you.

By Command of the Lieutenant-Governor and deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.