

ACTS AMENDMENT
(EDUCATIONAL
INSTITUTIONS
SUPERANNUATION).

No. 77 of 1985.

AN ACT to amend the Western Australian Institute of Technology Act 1966 and the Western Australian College of Advanced Education Act 1984.

[Assented to 20 November 1985.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Educational Institutions Superannuation) Act 1985.* Short title.

No. 77.] *Acts Amendment (Educational Institutions Superannuation)*. [1985.

Commence-
ment.

2. This Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART II—WESTERN AUSTRALIAN INSTITUTE OF
TECHNOLOGY ACT 1966.

Principal
Act.
Reprinted as
approved
2 September
1975 and
amended by
Acts Nos. 61
of 1977, 37 of
1981, 59 of
1982 and
51 of 1983.

3. In this Part the Western Australian Institute of Technology Act 1966 is referred to as the principal Act.

Section 4
amended.

4. Section 4 of the principal Act is amended in subsection (1) by deleting the definition of "Scheme".

Section 29
amended.

5. Section 29 of the principal Act is amended—

(a) by inserting after the section designation "29." the subsection designation "(1)"; and

(b) by inserting the following subsection—

" (2) A person appointed under section 14 or 17, other than a person referred to in subsection (1), shall be deemed to have retained his accrued rights, if any, under the Superannuation and Family Benefits Act 1938. "

Section 30
repealed.

6. (1) Section 30 of the principal Act is repealed.

(2) Notwithstanding subsection (1), where a member of the staff, officer or employee of the Institute was, immediately before the coming into operation of that subsection, a contributor for pension, superannuation or benefits under an agreement entered into by the Council under section 30 of the principal Act as in force before the coming

1985.] *Acts Amendment (Educational Institutions Superannuation)* [No. 77.]

into operation of that subsection, he shall be entitled to continue to be such a contributor and to retain his accrued rights under the Superannuation and Family Benefits Act 1938.

(3) Nothing in subsection (1) affects any rights or liabilities of the Council under an agreement entered into by the Council under section 30 of the principal Act as in force before the coming into operation of that subsection.

7. Section 30A of the principal Act is repealed and the following section is substituted—

Section 30A.
repealed and
substituted.

“ 30A. (1) The Council may—

Super-
annuation.

(a) establish and maintain a superannuation scheme; or

(b) join or participate with other educational institutions in a superannuation scheme,

to make financial provision in respect of the retirement, invalidity or death of such members of the staff, officers and employees of the Institute as the Council decides may be members of the superannuation scheme and as become such members.

(2) The Council may—

(a) amend a superannuation scheme established under subsection (1) (a);

or

(b) agree to the amendment of a superannuation scheme in which the Council has joined or participates under subsection (1) (b),

but any such amendment shall not prejudice any right that has accrued under the superannuation scheme concerned before the amendment.

(3) A member of the staff, officer or employee of the Institute whom the Council decides may be a member of a superannuation scheme referred to in subsection (1) is not compelled to become such a member unless he is so compelled pursuant to a condition of his appointment under section 14 or 17 but, if he is such a member he may only be a member of one such scheme and he shall not be a member of the Western Australian Institute of Technology Superannuation Scheme established under section 30A as in force before the coming into operation of section 7 of the Acts Amendment (Educational Institutions Superannuation) Act 1985 or a contributor for pension, superannuation or benefits under the Superannuation and Family Benefits Act 1938. ”.

Rights of members of the former Scheme.

8. (1) Notwithstanding section 7, where a member of the staff, officer or employee of the Institute was, immediately before the coming into operation of that section, a member of the former Scheme he shall be entitled to continue to be such a member and to retain his accrued rights under the former Scheme and for the purposes of this section the Council shall and is hereby empowered to maintain and continue the former Scheme until the appointed day in order to make financial provision in respect of the retirement, invalidity or death of that person.

(2) In this section—

“the appointed day” means such day as may be fixed by the Minister by notice published in the *Government Gazette* certifying that—

- (a) there is no longer a person who is entitled to be a member of the former Scheme; and
- (b) there is no further need for the Council to administer the former Scheme; and

1985.] *Acts Amendment (Educational Institutions Superannuation)* [No. 77.]

“the former Scheme” means the Western Australian Institute of Technology Superannuation Scheme established under section 30A of the principal Act as in force before the coming into operation of section 7.

9. Expressions used in this Part have the meanings given to them respectively in section 4 of the principal Act.

Interpretation.

PART III—WESTERN AUSTRALIAN COLLEGE OF
ADVANCED EDUCATION ACT 1984.

10. In this Part the Western Australian College of Advanced Education Act 1984 is referred to as the principal Act.

Principal Act.
Act No. 18
of 1984.

11. Section 3 of the principal Act is amended by deleting the definitions of “section” and “subsection”.

Section 3
amended.

12. Section 32 of the principal Act is amended—

Section 32
amended.

(a) by inserting after the section designation “32.” the subsection designation “(1)”;

(b) by deleting “and retirement and subject to sections 35 and 36 of the Colleges Act as incorporated by section 34 of this Act,” and substituting the following—

“ retirement and ”; and

(c) by inserting the following subsection—

“ (2) A person appointed or engaged under section 30 or 31, other than a person referred to in subsection (1), shall retain his rights, if any, under the Superannuation and Family Benefits Act 1938. ”.

No. 77.] *Acts Amendment (Educational Institutions Superannuation)* [1985.]

Section 34
repealed and
substituted.

13. Section 34 of the principal Act is repealed and the following section is substituted—

Super-
annuation.

“ 34 (1) The Council may—

- (a) establish and maintain a superannuation scheme; or
- (b) join or participate with other educational institutions in a superannuation scheme,

to make financial provision in respect of the retirement, invalidity or death of such members of the staff of the College as the Council decides may be members of the superannuation scheme and as become such members.

(2) The Council may—

- (a) amend a superannuation scheme established under subsection (1) (a);
or
- (b) agree to the amendment of a superannuation scheme in which the Council has joined or participates under subsection (1) (b),

but any such amendment shall not prejudice any right that has accrued under the superannuation scheme concerned before the amendment.

(3) A member of the staff of the College whom the Council decides may be a member of a superannuation scheme referred to in subsection (1) is not compelled to become such a member unless he is so compelled pursuant to a condition of his appointment under section 30 or 31 but, if he is such a member, he may only be a member of one such scheme and he shall not be a member

of the Western Australian Post-Secondary Education Superannuation Scheme established under section 36 of the Colleges Act as incorporated by section 34 as in force before the coming into operation of section 13 of the Acts Amendment (Educational Institutions Superannuation) Act 1985 or a contributor for pension, superannuation or benefits under the Superannuation and Family Benefits Act 1938. ”.

14. (1) Notwithstanding section 13, where a member of the staff of the College was, immediately before the coming into operation of that section—

Rights of contributors to The Superannuation Fund and the Western Australian Post Secondary Education Superannuation Scheme.

- (a) a contributor for pension, superannuation or benefits under an agreement entered into by the Council under section 35 of the Colleges Act as incorporated by section 34 of the principal Act as in force before the coming into operation of section 13, he shall be entitled to continue to be such a contributor and to retain his accrued rights under the Superannuation and Family Benefits Act 1938; or
- (b) a member of the Western Australian Post Secondary Education Superannuation Scheme established under section 36 of the Colleges Act as incorporated by section 34 of the principal Act as in force before the coming into operation of section 13, he shall be entitled to continue to be such a member and to retain his accrued rights under that superannuation scheme.

15. Nothing in section 13 affects any rights or liabilities of the Council under an agreement entered into by the Council under section 35 of the Colleges Act as incorporated by section 34 of the principal Act as in force before the coming into operation of section 13.

Rights and liabilities of the Council not affected.

Interpreta-
tion.

16. Expressions used in this Part have the meanings given to them respectively in section 3 of the principal Act.
