



Family Law (Superannuation) (Provision of Information — NSW State Authorities Non-contributory Superannuation Scheme) Determination 2010

made under subregulations 64(7) and (7B) of the

Family Law (Superannuation) Regulations 2001

Compilation No. 1

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About this compilation

This compilation

This is a compilation of the *Family Law (Superannuation) (Provision of Information — NSW State Authorities Non-contributory Superannuation Scheme) Determination 2010* that shows the text of the law as amended and in force on 27 March 2019 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Determination

This Determination is the *Family Law (Superannuation) (Provision of Information — NSW State Authorities Non-contributory Superannuation Scheme) Determination 2010*.

3 Definitions

(1) In this Determination:

basic benefit has the same meaning as in subsection 3(1) of the NSW State Authorities Non-contributory Superannuation Act.

early release debt account means the account created under subregulation 9 (3) of the NSW State Authorities Non-contributory Superannuation Regulation.

employee has the same meaning as in subsection 3 (1) of the NSW State Authorities Non-contributory Superannuation Act.

final average salary has the same meaning as in subsection 21 (1) of the NSW State Authorities Non-contributory Superannuation Act.

flag lifting agreement has the same meaning as in section 90MD of the *Family Law Act 1975*.

M & F Approval means the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2003*.

NSW State Authorities Non-contributory Superannuation Act means the *State Authorities Non-contributory Superannuation Act 1987* (NSW).

NSW State Authorities Non-contributory Superannuation Regulation means the *State Authorities Non-contributory Superannuation Regulation 2010* (NSW).

NSW State Authorities Non-contributory Superannuation Scheme means the superannuation scheme constituted by the NSW State Authorities Non-contributory Superannuation Act.

Regulations means the *Family Law (Superannuation) Regulations 2001*.

splitting order has the same meaning as in section 90MD of the *Family Law Act 1975*.

superannuation agreement has the same meaning as in section 90MD of the *Family Law Act 1975*.

(2) An expression used in this Determination and in the NSW State Authorities Non-contributory Superannuation Act or in a provision of that Act has the same meaning in this Determination as it has in the NSW State Authorities Non-contributory Superannuation Act or the provision of that Act.

4 Application of Determination

This Determination applies to a superannuation interest in the NSW State Authorities Non-contributory Superannuation Scheme for which a method and factors have been approved under Part 9 of Schedule 2 to the M & F Approval.

5 Provision of information by trustee

For a superannuation interest mentioned in an item in the following table:

- (a) for paragraphs 64 (7) (a) and (7B) (a) of the Regulations, the trustee of the NSW State Authorities Non-contributory Superannuation Scheme is not required to provide the information about the interest mentioned in column 3 of the item; and
- (b) for paragraphs 64 (7) (b) and (7B) (b) of the Regulations, the trustee of the NSW State Authorities Non-contributory Superannuation Scheme must provide any information about the interest mentioned in column 4 of the item.

Item	Superannuation Interest	Information not required to be provided	Information that must be provided
1	The basic benefit component of an interest mentioned in item 1 in the table in clause 2 of Part 9 of Schedule 2 to the M & F Approval	The information mentioned in paragraphs 64 (4) (a), (b) and (d) to (i) of the Regulations	<p>The following information:</p> <ul style="list-style-type: none"> (a) C and B (as those terms are defined in item 1 in the table in clause 2 of Part 9 of Schedule 2 to the M & F Approval); (b) the date of birth of the person who has the interest mentioned in column 2; (c) the balance of the early release debt account for any benefit released to the person under paragraph 23 (1) (c) of the NSW State Authorities Non-contributory Superannuation Act; (d) for each splitting order, superannuation agreement or flag lifting agreement that has been served on the trustee of the NSW State Authorities Non-contributory Superannuation Scheme for the interest — the date of: <ul style="list-style-type: none"> (i) any payment or release, under paragraph 27AJ (3) (a) of the NSW State Authorities Non-contributory Superannuation Act, of an amount to the person with the entitlement under that order or agreement; or

Item	Superannuation Interest	Information not required to be provided	Information that must be provided
			<ul style="list-style-type: none"> (ii) any transfer or rollover, under paragraph 27AJ (3) (b) of the NSW State Authorities Non-contributory Superannuation Act, of an amount to a superannuation fund or a retirement savings account to be held for the benefit of the person with the entitlement under that order or agreement; (e) for each payment, release, transfer or rollover mentioned in paragraph (d): <ul style="list-style-type: none"> (i) the value of the entitlement of the person under the order or agreement immediately before the payment, release, transfer or rollover; and (ii) the value of the interest to which the order or agreement applies, immediately before that payment, release, transfer or rollover, determined in accordance with the method in item 1 of the Table in clause 2 of Part 9 of Schedule 2 to the M & F Approval; and (iii) the number of days, and any additional proportion of a day, of eligible service of the person who has the interest, accrued in accordance with clause 5 of the NSW State Authorities Non-contributory Superannuation Regulation, before 1 July 1988; and (iv) the number of days, and any additional proportion of a day, of eligible service of the person who has the interest, accrued in accordance with clause 5 of the NSW State Authorities Non-contributory Superannuation Regulation, after 1 July 1988
2	An interest mentioned in item 2 in the table in clause 2 of Part 9 of Schedule 2 to the M & F Approval	The information mentioned in paragraphs 64 (4) (a) to (c) of the Regulations	<i>A</i> and <i>SC</i> (as those terms are defined in item 1 in the table in clause 2 of Part 9 of Schedule 2 to the M & F Approval)

Section 5

Note: For item 1 of the table, information in respect of other components of the interest may be required to be provided under regulation 63 of the Regulations.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Family Law (Superannuation) (Provision of Information — NSW State Authorities Non- contributory Superannuation Scheme) Determination 2010	10 Jan 2011 (F2011L00027)	11 Jan 2011 (s 2)	
Family Law (Superannuation) (Provision of Information — NSW State Authorities Non- contributory Superannuation Scheme) Amendment Determination 2019	26 Mar 2019 (F2019L00413)	27 Mar 2019 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 3	am F2019L00413
s 5	am F2019L00413