

House of Assembly—No 131

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South Australia

Statutes Amendment (Ethical Investment—State Superannuation) Bill 2008

A BILL FOR

An Act to amend the *Parliamentary Superannuation Act 1974*, the *Southern State Superannuation Act 1994*, the *Superannuation Act 1988* and the *Superannuation Funds Management Corporation of South Australia Act 1995*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Ethical Investment—State Superannuation) Act 2008*.

5 2—Commencement

- (1) Subject to subsection (2), this Act will come into operation 1 month after the day on which it is assented to by the Governor.
- (2) If the *Statutes Amendment (Transition to Retirement—State Superannuation) Act 2008* has not come into operation before the day referred to in subsection (1), this Act will come into operation immediately after that Act comes into operation.

10 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Parliamentary Superannuation Act 1974*

4—Amendment of section 13B—Accretions to members' accounts

Section 13B(2a)—delete "the Board must permit a PSS 3 member, on such terms and conditions as the Board thinks fit, to nominate the class of investments, or
5 combination of classes of investments, for the purpose of determining the rate of return under this section" and substitute:

the Board must, on such terms and conditions as the Board thinks fit—

- (a) permit a PSS 3 member to nominate the class of investments, or
10 combination of classes of investments, for the purpose of determining the rate of return under this section; and
- (b) make available to a PSS 3 member the option of nominating a class of investments based on consideration of the impact of the investments on society and the environment.

Part 3—Amendment of *Southern State Superannuation Act 1994*

5—Amendment of section 7A—Accretions to members' accounts

Section 7A—after subsection (3) insert:

- (3a) If members are permitted by the Board to nominate a class or
20 combination of classes of investments, the option of nominating a class of investments based on consideration of the impact of the investments on society and the environment must be made available to members (subject to terms and conditions determined by the Board).

6—Amendment of section 26E—Accretions to spouse members' accounts

Section 26E—after subsection (3) insert:

- (3a) If spouse members are permitted by the Board to nominate a class or
25 combination of classes of investments, the option of nominating a class of investments based on consideration of the impact of the investments on society and the environment must be made available to spouse members (subject to terms and conditions determined by
30 the Board).

7—Amendment of section 27—Employer contribution accounts

Section 27—after subsection (4) insert:

- (4a) If members are permitted by the Board to nominate a class or
35 combination of classes of investments, the option of nominating a class of investments based on consideration of the impact of the investments on society and the environment must be made available to members (subject to terms and conditions determined by the Board).

8—Amendment of section 30A—Transition to retirement

- (1) Section 30A(7)—delete "The investment" and substitute:

Subject to subsection (7a), the investment

- (2) Section 30A—after subsection (7) insert:

5 (7a) The investment of a draw down benefit under subsection (4)(b)(i) must, if the member so requests, be based on consideration of the impact of the investment on society and the environment (subject to terms and conditions determined by the Board).

9—Amendment of section 30B—Early access to superannuation benefits

- 10 (1) Section 30B(8)—delete "An investment" and substitute:

Subject to subsection (8a), an investment

- (2) Section 30B—after subsection (8) insert:

15 (8a) An investment under subsection (7) must, if the member so requests, be based on consideration of the impact of the investment on society and the environment (subject to terms and conditions determined by the Board).

10—Amendment of section 47B—Post retirement investment

Section 47B—after subsection (4) insert:

20 (4a) Despite subsections (2) and (3)(a), the investment of money accepted by the Board under subsection (1) must, if the investor so requests, be based on consideration of the impact of the investment on society and the environment (subject to terms and conditions determined by the Board).

Part 4—Amendment of *Superannuation Act 1988*

11—Amendment of section 20A—Contributors' accounts

Section 20A—after subsection (4a) insert:

30 (4ab) If new scheme contributors are permitted by the Board to nominate a class or combination of classes of investments, the option of nominating a class of investments based on consideration of the impact of the investments on society and the environment must be made available to new scheme contributors (subject to terms and conditions determined by the Board).

12—Amendment of section 26A—Transition to retirement

- (1) Section 26A(4)—delete "The investment" and substitute:

35 Subject to subsection (4a), the investment

(2) Section 26A—after subsection (4) insert:

(4a) The investment of a draw down benefit under subsection (3)(b)(i) must, if the contributor so requests, be based on consideration of the impact of the investment on society and the environment (subject to terms and conditions determined by the Board).

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Part 5—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

13—Amendment of section 7—Object of Corporation in performing its functions

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Section 7—after paragraph (b) insert:

(ba) the impact of investment on society and the environment; and