

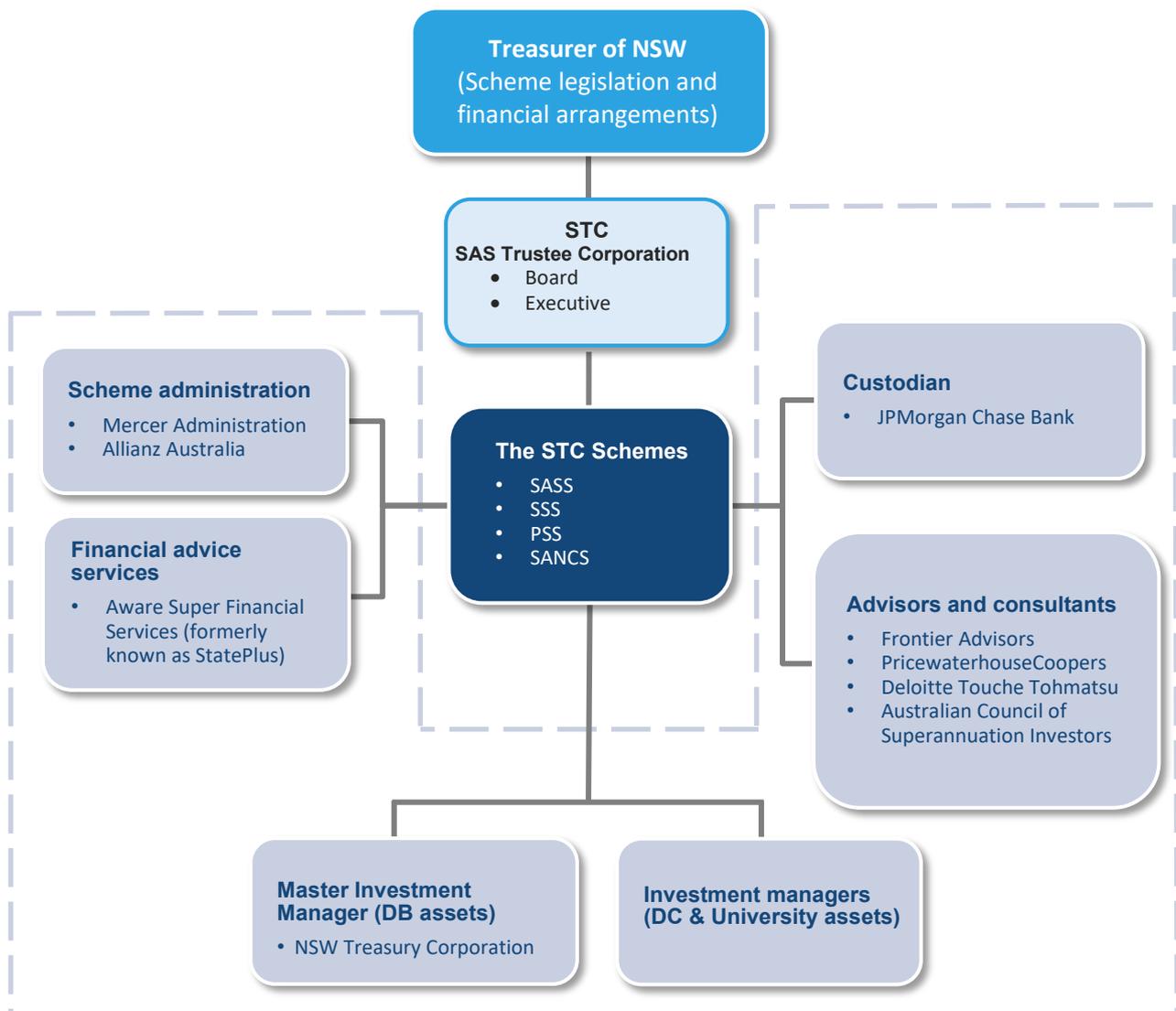


Agency Information Guide

of the SAS Trustee Corporation (STC) pursuant to section 20 of the *Government Information (Public Access) Act 2009 (NSW)* (“the GIPA Act”).

The GIPA Act requires a NSW public sector agency to adopt an agency information guide, to review its agency information guide and adopt a new guide at least every 12 months. STC is an agency for the purposes of the GIPA Act. This document is STC’s current Agency Information Guide, adopted after annual review in February 2022. The previous annual review was in February 2021.

Structure of STC as of December 2021



Functions of STC

STC is a corporation first constituted by the *Superannuation Administration Act 1987* (NSW) with the corporate name of State Authorities Superannuation Board, then continued by the *Superannuation Administration Act 1991* (NSW) and then further continued by the *Superannuation Administration Act 1996* (NSW) with the corporate name SAS Trustee Corporation. The *Superannuation Administration Act 1996* (NSW) specifically provides that SAS Trustee Corporation may also be called STC, and the corporation is also known publicly as State Super.

STC is, for the purposes of any Act, a statutory body representing the Crown.

STC is the trustee for the STC schemes, which are closed defined benefit NSW public sector superannuation schemes. The STC schemes are as follows:

- State Superannuation Scheme (SSS);
- Police Superannuation Scheme (PSS);
- State Authorities Superannuation Scheme (SASS);
- State Authorities Non-contributory Superannuation Scheme (SANCS).

Section 50 of the *Superannuation Administration Act 1996* (NSW) provides that the principal functions of STC are:

- (a) to administer the STC schemes;
- (b) to invest and manage the STC funds;
- (c) to provide for the custody of the assets and securities of the STC schemes;
- (d) to ensure that benefits payable to the persons entitled to receive benefits under the STC schemes are paid in accordance with the Acts under which the schemes are established or constituted;
- (e) to determine disputes under those Acts; and
- (f) to exercise such other functions with respect to the STC schemes and STC funds as the Minister may from time to time approve by order in writing.

Further information about STC, its functions and its operations is contained in its Annual Report, which is tabled in the NSW Parliament. The latest Annual Report is the Annual Report for 2020/21 (which is accessible on the State Super website www.statesuper.nsw.gov.au under *News and Publications/Report to Parliament*).

It must be noted that Schedule 2 of the GIPA Act provides that STC has functions that are classed as “excluded functions” for the purposes of the GIPA Act. The excluded functions of STC are its investment functions. Section 19 of the GIPA Act effectively provides that information about the investment functions of STC is not open access information of STC. Section 43 of the GIPA Act prevents an application for access under the GIPA Act being made for information about or relating to the investment functions of STC.

However, it should also be noted that STC makes publicly available in its Annual Report and on its website information about its investment management structure, investment strategy and investment performance.

Effect of functions of STC on members of the public

The functions of STC may directly affect those members of the public who are NSW public sector employees and who are members of any of the STC schemes. This is because the functions concern the administration and management of the STC schemes and the investment of the schemes' assets, and by their nature these functions will affect the schemes' members.

The functions of STC may also affect any NSW Government agency or public sector entity or any private sector entity who provides services to STC. Examples of such service providers to STC are the organisations who provide administration, custodial, investment consulting or investment management services to it.

Public participation in formulation of policy and exercise of functions

Public sector employees who are members of any of the STC schemes can indirectly participate in the formulation of STC's policies and in the exercise of STC's functions through their member representatives on the STC Board. Further, STC has held two Member Advisory Forums - in October 2020 and in June 2021 - virtual events that enabled it to connect with members and provide them with a platform for sharing their view with the trustee of their superannuation funds. Information about the Forums is on the website at www.statesuper.nsw.gov.au under *News and Publications/Latest News/Healthcare members share their views at second Member Advisory Forum*.

STC also conducts regular surveys of its members. A summary of the 2020 Member Satisfaction survey results can be found on the website at www.statesuper.nsw.gov.au under *News and Publications/Latest News/State Super members very satisfied with key services*.

In keeping with the principles of good corporate governance, and because of the complexity of the statutory and regulatory environment in which STC operates, several Board committees assist the Board in relation to the formulation of policy and the exercise of STC's functions. STC and its executive officers also consult with the NSW Department of Premier & Cabinet and the NSW Treasury in relation to the formulation and development of policies, including policies concerning the STC schemes, and the exercise of STC's functions.

The types of government information STC holds

The GIPA Act defines government information as information contained in a record held by an agency. Therefore, any information held by (or on behalf of) STC is regarded as government information for the purposes of the GIPA Act. In summary, it can be said that STC holds (either directly or via an agent such as a service provider) the following types of government information:

- personal information of members, former members or beneficiaries of the STC schemes;
- general information about the STC schemes; and

- information about itself as a corporation – such as information relating to its business operations, financial situation and dealings, its employees, officers and directors, and its property and equipment.

The types of government information STC holds which can be made publicly available

In accordance with the GIPA Act, STC will make available government information it holds unless there is an overriding public interest against disclosure of that government information. The personal information of members, former members or beneficiaries of the STC schemes and personal information about STC's employees, officers and directors are subject to the protections and restrictions of privacy laws and generally such information is not made publicly available other than to the person to whom the personal information relates. In other words, if someone other than the person to whom the personal information relates, it is likely that STC will determine that there is an overriding public interest against disclosure of that information.

General information about the STC schemes is generally publicly available, often in STC's Annual Report, although there may be public interest considerations against disclosure of some information that is regarded as confidential for commercial or other business reasons. Similarly, some corporate information about STC is made publicly available, often in STC's Annual Report, but there may be public interest considerations against disclosure of some corporate information that is regarded as confidential for commercial or other business reasons.

It must be noted (as mentioned above) that information about STC's investment functions is excluded information for the purposes of the GIPA Act. Such information is therefore not open access information of STC and an application for access under the GIPA Act can't be made about such information.

The ways that government information STC holds can be made publicly available

Under the GIPA Act, there are four ways that government information about STC or held by or on behalf of STC can be made available (subject to the assessment of public interest considerations for and against disclosure):

- mandatory release of STC's open access information;
- proactive release of information;
- release of information upon informal request; and
- release of information after formal application for access.

1. Mandatory release of STC's open access information

The government information classed as STC's 'open access information' is accessible free of charge from the website at www.statesuper.nsw.gov.au under *About us/Access to Information/Open Access Information*. STC's open access information includes:

- STC's policy documents;
- STC's Agency Information Guide, which describes the structure and functions of STC and identifies the types of government information it holds;
- a disclosure log, which records any access applications where the information released is considered by STC to be of general public interest;

- a register of STC's contracts with private sector entities that are valued at more than \$150,000;
- any documents that have been tabled in the NSW Parliament on behalf of STC, including its Annual Reports; and
- a record about any open access information (if any) that STC has decided will not be made publicly available on the basis of an overriding public interest against disclosure of the information.

2. Proactive release of information

Each year, STC reviews the types of government information it holds to assess whether there is any information that should be publicly available and can be made publicly available without imposing unreasonable additional costs on itself. After such a review, or at other times, STC may proactively release government information about itself, such as frequently requested information or information it considers to be of general public interest. Any such information will be made available via the State Super website, free of charge. STC also release information about itself in its Annual Reports, which are accessible on the website www.statesuper.nsw.gov.au under *News and Publications*. The most recent review by STC of the government information it holds was during the 2020/21 year.

3. Release of information upon informal request

STC can release some information it holds about itself in response to an informal request, generally without charge. However, depending upon the information to which access is sought, it may impose conditions on the release of information in response to an informal application or it may require the request to be made formally.

A request for information about STC that is not available on the website can be made by contacting STC's Information Access Coordinator by email on gipaofficer@statesuper.nsw.gov.au.

4. Release of information after formal application for access

STC may require a formal application to be made for access to information it holds. Examples of situations where STC requires a formal application include where there is a significant cost involved in identifying and/or providing the requested information, or where the requested information is part of the superannuation membership file of a member of an STC scheme (see *Formal application for access to membership file* below).

A formal application for access to information held by or on behalf of STC requires an application to STC that:

- is in writing;
- clearly indicates that the application is made under the GIPA Act;
- includes the application fee of \$30 paid by cheque;
- states a postal address in Australia for correspondence in connection with the application; and
- includes such information as is reasonably necessary to enable the government information applied for to be identified.

Formal application for access to information about STC

A formal application for access to information about STC can be made using the form *Application for Access to Government Information held by State Super under the GIPA Act* that is available on the website www.statesuper.nsw.gov.au under *About us/Access to Information/GIPA related Forms and Fact sheets*. The completed application form and the \$30 application fee should be sent to:

Information Access Coordinator
SAS Trustee Corporation
PO Box N259
Grosvenor Place NSW 1220

STC has the right to charge an applicant a processing charge of \$30 per hour in addition to the application fee. The processing charge may be reduced by 50% for a pensioner with a health care card, or in the case of financial hardship.

Overriding public interest against disclosure

An application for access to information may be refused by STC if it is determined that there is an overriding public interest against disclosure of the requested information or if searching for the information would require unreasonable diversion of STC's resources.

Formal application for access to membership file

A formal application for access to information is required by STC where a member of one of the NSW public sector superannuation schemes that STC is the trustee of (the STC schemes) wants to access part or all of the information in their own superannuation file.

Mercer Administration (Mercer), the administrator of those schemes, holds on behalf of STC the superannuation files of scheme members. An application by a member for access to part or all of their file should be made to Mercer, who will process the application on behalf of STC. The form for such an application; *Application for Access to the file of a Member of a NSW Public Sector Superannuation Scheme under the GIPA Act*, is available on the website www.statesuper.nsw.gov.au under *About us/Access to Information/GIPA related Forms and Fact sheets* or can be obtained by calling a Mercer Administration Information Access Officer on 1800 779 068.

The completed application form and the \$30 application fee should be sent to:

Information Access Co-ordinator
Mercer Administration
PO Box 1229
Wollongong NSW 2500

A processing charge of \$30 per hour may apply in addition to the application fee. However, applications for personal information of the applicant do not attract processing charges for the first 20 hours of processing (and 20 hours is usually more than sufficient

Further information about the GIPA Act

STC's *Government Information (Public Access) Act & Privacy Fact Sheet* contains more details about the GIPA Act and applications for access to information. The Fact Sheet is available on the website www.statesuper.nsw.gov.au under *About us/Access to Information/GIPA related Forms and Fact sheets*, as are the forms that are required for or in relation to applications for access to information. Further information about the GIPA Act is available from the Office of the Information Commissioner by:

- accessing their website at www.ipc.nsw.gov.au;
- emailing an inquiry to jpcinfo@ipc.nsw.gov.au;
- writing to GPO Box 7011, Sydney NSW 2001; or
- telephoning 1800 472 679 between 9am to 5pm, Monday to Friday.