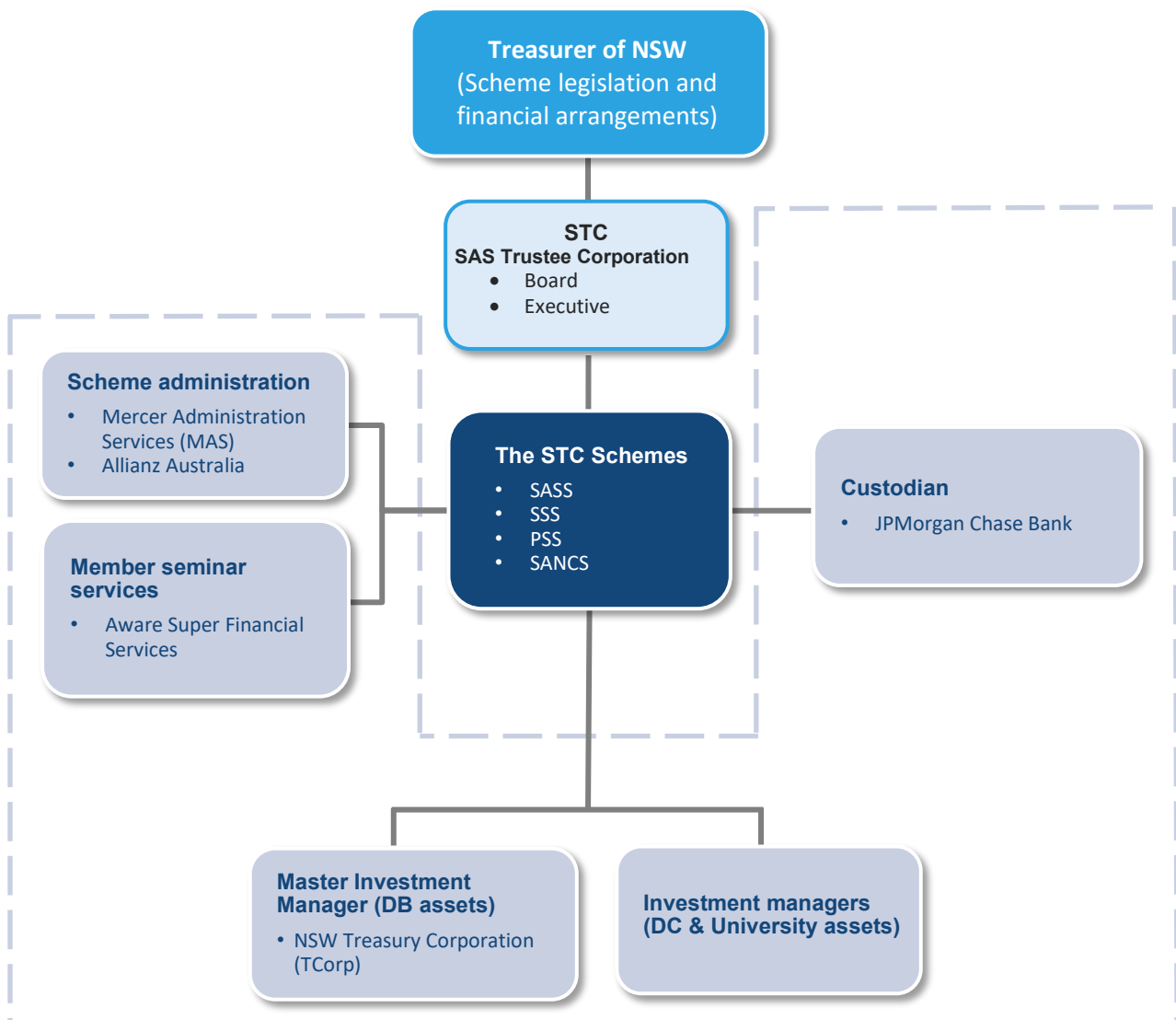


## Agency Information Guide

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 2024. The previous annual review was in February 2023.

### Structure of STC as at December 2023



## 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 2022/23 (which is accessible on the State Super website [www.statesuper.nsw.gov.au](http://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.

STC has held a number of Member Advisory Forums recently. These are events that enable it to connect with members and provide them with a platform for sharing their view with the trustee of their superannuation funds. A summary of the feedback received at recent forums can be found at <https://www.statesuper.nsw.gov.au/news-and-publications/news/balance-social-responsibility-and-retirement-incomes>. This summary contains a link to a research white paper *Member Perspectives* that was based on the member forums.

STC held its second Annual Member Meeting on 6 December 2023. At the online meeting, the STC Chairperson, Chief Executive Officer and other senior executives provided detailed presentations to members on its investment performance, objectives and the outlook for the year ahead. Scheme members were able to submit questions prior to the meeting and also online during the meeting. The questions were answered, if possible during the meeting or if not, in writing afterwards. Information, including a video of the meeting, minutes of the meeting and answers to the questions posed by members, is available on the website [www.statesuper.nsw.gov.au](http://www.statesuper.nsw.gov.au) under *News and Publications/News/Annual Member Meeting 2023*.

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](http://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](http://www.statesuper.nsw.gov.au) under *News and Publications*. The most recent review by STC of the government information it holds was during the 2023/24 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](mailto: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](http://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](http://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  
Customer Service Centre  
GPO Box 2181, Melbourne VIC 3001

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](http://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](http://www.ipc.nsw.gov.au);
- emailing an inquiry to [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au);
- writing to GPO Box 7011, Sydney NSW 2001; or
- telephoning 1800 472 679 between 9am to 5pm, Monday to Friday.