



Western Australia

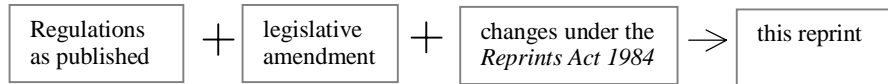
Industrial Relations Act 1979

**Industrial Relations  
(Superannuation)  
Regulations 1997**

**Reprint 1: The regulations as at 12 March 2004**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.



Reprinted under the  
*Reprints Act 1984* as  
at 12 March 2004

Western Australia

## **Industrial Relations (Superannuation) Regulations 1997**

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Industrial Relations Act 1979

## **Industrial Relations (Superannuation) Regulations 1997**

### **1. Citation**

These regulations may be cited as the *Industrial Relations (Superannuation) Regulations 1997*<sup>1</sup>.

### **2. Commencement**

These regulations come into operation on the day on which section 13 of the *Industrial Relations Legislation Amendment and Repeal Act 1995* comes into operation<sup>1</sup>.

### **3. Interpretation**

In these regulations —

**“award employee”** means an employee who is bound by an award, order or industrial agreement which requires the employer to make superannuation contributions for the employee;

**“commencement day”** means the day on which these regulations come into operation;

r. 4

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**“fund”** means a complying superannuation fund or scheme as defined in section 49C of the Act.

**4. Notification by employer**

- (1) The employer of an award employee must give to the employee —
  - (a) a Notification of Choice of Superannuation Fund form in the form of Form 1 in Schedule 1; or
  - (b) a written notice setting out all of the information set out in Form 1 in such a way that it is readily comprehensible to the employee.
  
- (2) The Notification or written notice must be given —
  - (a) if the employee is, on the commencement day, an award employee — as soon as practicable after the commencement day;
  - (b) if the employee commences employment as an award employee after the commencement day — as soon as practicable after the employment commences; or
  - (c) if the employee —
    - (i) becomes an award employee after the commencement day other than by reason of commencing employment; and
    - (ii) immediately prior to becoming an award employee was not subject to any other award, order or industrial agreement which required the employer to make superannuation contributions for the employee,as soon as practicable after the employee becomes an award employee.



**5. Nomination of fund**

An employee may nominate a fund as the fund to which the employer is to pay superannuation contributions made for the employee by giving notice in writing to that effect to the employer.

## Schedule 1 — Forms

[Regulation 4]

*Industrial Relations (Superannuation) Regulations 1997, reg. 4*

Form 1

### **Notification of Choice of Superannuation Fund**

#### **Employer to make superannuation contributions**

Your employer is required by an award, order or industrial agreement to make certain superannuation contributions for you. You may also be able to make contributions of your own.

#### **Which fund?**

You are entitled to choose the superannuation fund to which your contributions will be paid. You may choose any fund that is —

- a complying fund for the purposes of the *Commonwealth Superannuation Guarantee (Administration) Act 1992*; and
- able to accept contributions from your employer.

The trustee of a fund you wish to join should be able to tell you if the fund complies with these requirements.

Unless and until you nominate a fund, subject to any applicable award, order or industrial agreement, your contributions will be paid to a fund chosen by your employer.

#### **How to nominate the fund of your choice**

To nominate the fund of your choice you must give notice in writing to your employer specifying which fund you have chosen.

#### **Changing funds**

Once you have nominated a fund you cannot change your nomination and choose a different fund unless your employer agrees. However, your employer cannot unreasonably refuse to agree to a change of fund.

#### **MAKE THE RIGHT CHOICE**

**Choosing the right fund is a complex decision. Before you nominate a fund read the “Information for Employees” on the back of this form and consult your accountant or an independent financial adviser to make sure it is the best fund for you.**

**Back of Form 1**

**Information for Employees**

Before you nominate a fund there are many things you need to consider to make sure the fund is suitable for you. Some of the things you should consider are —

- the type and level of **benefits** provided by the fund
- the **fees and charges** charged by the fund
- the type and level of **insurance** provided by the fund
- the **preservation** requirements applying to benefits in the fund
- any other restrictions on **access to benefits**
- the trustee's **procedure for checking that employer contributions** are being made
- whether the fund permits **additional member contributions**
- the fund's **complaint resolution procedure**
- what sort of **investment options** are available to fund members
- whether the trustee employs fund managers, actuaries, stockbrokers and other **advisers**, and if so who they are, what they do and how much they are paid
- whether there is a "**cooling-off**" **period** for new members
- the **tax** implications of making contributions and receiving benefits
- the quality and frequency of **information** about the fund's investments and performance provided to fund members by the trustee.

If you are already in a superannuation fund you should also consider the consequences of changing to a new fund. Some of the things you should consider are —

- whether you can **transfer benefits** from your current fund to the new fund, and whether there are **fees** for doing this
- whether there will be **changes in your contribution and benefit levels**
- whether there are any **fees or charges** to exit from your current fund
- whether changing funds will affect the **preservation** requirements applying to your benefit
- the **tax** implications of changing funds.

**MAKE THE RIGHT CHOICE**

**Choosing the right fund is a complex decision. Before you nominate a fund —**

- **carefully read the member booklet, prospectus or other information provided by the trustee of the fund; and**
- **consult your accountant or an independent financial adviser,**

**to make sure it is the best fund for you.**

*[Schedule 1 amended in Gazette 1 Sep 1998 p. 4823.]*



### **Notes**

- <sup>1</sup> This reprint is a compilation as at 12 March 2004 of the *Industrial Relations (Superannuation) Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Industrial Relations (Superannuation) Regulations 1997</i>	31 Dec 1997 p. 7609-11	1 Jan 1998 (see r. 2 and <i>Gazette</i> 31 Dec 1997 p. 7609)
<i>Industrial Relations (Superannuation) Amendment Regulations 1998</i>	1 Sep 1998 p. 4823	1 Sep 1998
<b>Reprint 1: The <i>Industrial Relations (Superannuation) Regulations 1997</i> as at 12 Mar 2004</b> (includes amendments listed above)		