

Western Australia

**Unclaimed Money (Superannuation and RSA
Providers) Amendment and Expiry Act 2014**

As at 29 Aug 2014

No. 22 of 2014

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Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Act 2014

(No. 22 of 2014)

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Western Australia

Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Act 2014

No. 22 of 2014

An Act to amend the *Unclaimed Money (Superannuation and RSA Providers) Act 2003* and the *State Superannuation Act 2000* and for related purposes.

[Assented to 29 August 2014]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Act 2014*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

**Part 2 — Unclaimed Money (Superannuation and RSA
Providers) Act 2003 amended**

3. Act amended

This Act amends the *Unclaimed Money (Superannuation and RSA Providers) Act 2003*.

4. Section 4 amended

- (1) In section 4 delete the definition of *unclaimed money*.
- (2) In section 4 insert in alphabetical order:

Commissioner has the meaning given by the Commonwealth Act section 8;

unclaimed money has the meaning given by the Commonwealth Act sections 12 and 14;

unclaimed money day has the meaning given by the Commonwealth Act section 15A;

winding-up commencement means the coming into operation of the *Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Act 2014* section 5.

5. Sections 27 and 28 inserted

At the end of Part 5 insert:

27. Winding-up

- (1) After the winding-up commencement, the Treasurer is not to make any payment under section 13(1) or (2).
- (2) For the first unclaimed money day after the winding-up commencement the Treasurer is to give the

Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Act 2014

Part 2 Unclaimed Money (Superannuation and RSA Providers) Act 2003 amended

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Commissioner a statement of unclaimed money in accordance with the Commonwealth Act section 16, as applied by the Commonwealth Act sections 18AA and 49A.

- (3) In relation to the first unclaimed money day after the winding-up commencement the Treasurer is to make a payment to the Commissioner in accordance with the Commonwealth Act section 17, as applied by the Commonwealth Act sections 18AA and 49A.
- (4) Upon or as soon as practicable after making the payment required by subsection (3), the Treasurer is to deliver to the Commissioner the register kept under Part 3 Division 1 and all ancillary records, documents and information in the Treasurer's possession or under the Treasurer's control.
- (5) Payments under this section are charged to the Consolidated Account which is appropriated accordingly.

28. Act to expire

- (1) When the Treasurer —
 - (a) has fulfilled the requirements of section 27; and
 - (b) is satisfied that there is no reason for this Act to continue,

the Treasurer is to publish a notice in the *Gazette* stating that the affairs for which this Act provides have been concluded, that the Treasurer is satisfied that there is no reason for the Act to continue and that, under subsection (2), this Act expires at the end of the day on which the notice is published.

- (2) This Act expires as stated in a notice published under subsection (1).

Part 3 — *State Superannuation Act 2000* amended

6. Act amended

This Part amends the *State Superannuation Act 2000*.

7. Section 38 amended

(1) In section 38(4):

(a) in paragraph (c)(ii) delete “order.” and insert:

order;

(b) after paragraph (c) insert:

or

(d) the regulations would reduce or provide for the reduction of a Member’s benefit in consequence of the payment to the Commissioner of an amount of unclaimed money that would otherwise have been payable to the Member.

(2) Delete section 38(5D).

(3) Delete section 38(5F).

(4) After section 38(5) insert:

(6A) Regulations may provide for the Board, in relation to any scheme that is prescribed for the purposes of the *Superannuation (Unclaimed Money and Lost Members) Act 1999* (Commonwealth) section 18AA —

(a) to give any statement; and

(b) to make any payment; and

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(c) to do any other thing,
contemplated by that Act.

(5) After section 38(8) insert:

(9) In this section —

(a) each of the following terms has the meaning given in the *Family Law Act 1975* (Commonwealth) section 90MD —

flag lifting agreement

payment split

splitting order

superannuation agreement

superannuation interest

(b) each of the following terms has the meaning given in the *Superannuation (Unclaimed Money and Lost Members) Act 1999* (Commonwealth) section 8 —

Commissioner

unclaimed money

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