

GZ301\*

State Superannuation Act 2000

## State Superannuation Amendment Regulations (No. 3) 2008

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *State Superannuation Amendment Regulations (No. 3) 2008*.

### 2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### 3. The regulations amended

The amendments in these regulations are to the *State Superannuation Regulations 2001*.

### 4. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) by inserting in the appropriate alphabetical positions —

“

“**GESB Super (Retirement Access) Member**” means  
a member of the GESB Super (Retirement Access)  
Scheme;

“**GESB Super (Retirement Access) Scheme**” means  
the superannuation scheme established by  
regulation 200;

”;

- (b) by deleting the definitions of “Retirement Access Member” and “Retirement Access Scheme”.

**5. Regulation 93 amended**

Regulation 93(2) is repealed and the following subregulation is inserted instead —

“

- (2) A Commonwealth payment cannot be accepted under this regulation for a person who is a West State Super Member and not already a GESB Super Member.

”.

**6. Regulation 200A inserted**

After regulation 200 the following regulation is inserted —

“

**200A. Scheme renamed as GESB Super (Retirement Access) Scheme**

When this regulation comes into operation the superannuation scheme established by regulation 200 is renamed as the GESB Super (Retirement Access) Scheme.

”.

**7. Regulation 204 repealed**

Regulation 204 is repealed.

**8. Regulation 205 amended**

Regulation 205 is amended as follows:

- (a) by inserting before “A” the subregulation designation “(1)”;  
(b) at the end of the regulation by inserting —

“

- (2) The Board must not accept a contribution for a person who is over 65 years of age if a regulated superannuation fund would be prevented by regulation 7.04 of the SIS Regulations from accepting the contribution.

”.

**9. Regulation 208 amended**

Regulation 208(1)(a) is deleted.

**10. Regulation 212 amended**

After regulation 212(2) the following subregulation is inserted —

“

- (2A) The Board must ensure that for each readymade investment plan established under regulation 106(1) there is a corresponding readymade investment plan established under this regulation with the same asset allocation.

”.

**11. Regulation 214A inserted**

After regulation 214 the following regulation is inserted —

“

**214A. Member who is also a GESB Super Member**

- (1) This regulation applies —
  - (a) in relation to each GESB Super (Retirement Access) Member who is also a GESB Super Member; and
  - (b) despite anything in regulation 214.
- (2) If the Member's selection under regulation 108 is a readymade investment plan (as defined in regulation 105), then the Member is taken to have selected under regulation 214(1) the readymade investment plan (as defined in regulation 211) with the same asset allocation as that of the plan selected under regulation 108.
- (3) If the Member's selection under regulation 108 is a personalised investment plan (as defined in regulation 105), then the Member is taken to have selected —
  - (a) under regulation 214(1), a personalised investment plan (as defined in regulation 211); and
  - (b) under regulation 214(1a), the same asset allocation as the Member has selected under regulation 108(2).

”.

**12. Regulation 217 amended**

After regulation 217(1) the following subregulations are inserted —

“

- (1A) A request under subregulation (1)(a) may be made —
  - (a) in relation to so much of the Member's account balance as constitutes an unrestricted non-preserved benefit, at any time; or
  - (b) in relation to so much of the Member's account balance as constitutes a restricted non-preserved benefit, at any time after the Member has ceased to be a worker; or
  - (c) in relation to an eligible termination payment transferred to the GESB Super (Retirement Access) Scheme from a source other than a superannuation fund, at any time.
- (1B) A request under subregulation (1)(b) may be made at any time.

”.

**13. Regulation 219 amended**

Regulation 219(3) and (4) are repealed and the following subregulations are inserted instead —

“

**(3) If the Board —**

- (a) has been unable, after making reasonable enquires, to find an administrator or executor of the Member's estate; or
- (b) considers it desirable to do so in order to relieve or avoid hardship,

the Board may pay up to \$25 000 of the benefit —

- (c) to one or more of the Member's dependants in proportions determined by the Board; or
- (d) if, after making reasonable enquiries, the Board has been unable to find any dependant of the Member, to one or more other individuals in proportions determined by the Board.

**(4) In this regulation —**

**“dependant”** has the same meaning as it has in section 10 of the SIS Act.

”.

**14. Regulation 219AA inserted**

After regulation 219 the following regulation is inserted in Part 5 —

“

**219AA. Transfer to eligible rollover fund**

The Board may transfer the balance of a Member's retirement access account to an eligible rollover fund if that fund is permitted by the SIS Act to accept the benefit, whether or not the Member has requested the transfer.

”.

**15. Various references to Scheme and Members amended**

- (1) Each provision listed in the Table to this subregulation is amended by deleting “Retirement Access Scheme” and inserting instead —

“ GESB Super (Retirement Access) Scheme ”.

**Table**

Part 5 heading	r. 206
r. 206A(c)	r. 206B
r. 208(1)(c) and (2)	r. 209(1)(b)
r. 219F(1) defn. of “accumulation scheme”	r. 220 defn. of “accumulation scheme”

Note: The headings to r. 202 and 206B are to be altered by deleting “Retirement Access Scheme” and inserting instead “GESB Super (Retirement Access) Scheme”.

- (2) Each provision listed in the Table to this subregulation is amended by deleting “Retirement Access” in each place where it occurs before “Member”, “Member’s” or “Members” and inserting instead —

“ GESB Super (Retirement Access) ”.

**Table**

r. 3(1) defn. of “accumulation account” para (d)	
defn. of “Member”	r. 202
r. 203	r. 205
r. 206	r. 206A
r. 207(1)	r. 208(1) and (2)
r. 209(1) and (2)	r. 211 defn. of “default plan”
r. 212(1), (3) and (4)	r. 213(1) and (3)
r. 214(1) and (3)	r. 215(1), (2) and (3)
r. 216(1)(b)	r. 217(1)
r. 219(1)	

Note: The heading to r. 219 is to be altered by deleting “Retirement Access Member” and inserting instead “GESB Super (Retirement Access) Member”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.