

Western Australia

State Superannuation Amendment Regulations (No. 3) 2002

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State Superannuation Act 2000

**State Superannuation Amendment
Regulations (No. 3) 2002**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *State Superannuation Amendment Regulations (No. 3) 2002*.

2. Commencement

These regulations come into operation on the day on which Parts 14 and 19 of the *Acts Amendment (Lesbian and Gay Law Reform) Act 2002* come into operation, or if those Parts come into operation on different days, the later of those days.

3. The regulations amended

The amendments in these regulations, other than regulation 7, are to the *State Superannuation Regulations 2001**.

[* *Published in Gazette 16 February 2001, p. 921-1074.*
For amendments to 30 May 2002 see 2001 Index to
Legislation of Western Australia, Table 4, p. 321.]

4. Regulation 3 amended

Regulation 3 is amended by deleting the definition of “spouse”.

5. Regulation 48 amended

Regulation 48(3) is repealed and the following subregulations are inserted instead —

“

(3) The Board may pay up to \$25 000 of a death benefit in accordance with subregulation (3a) if —

(a) 3 months have elapsed since the Member’s death and the Board has not been notified of —

(i) the grant of probate of the Member’s will or letters of administration of the Member’s estate; or

(ii) a person’s intention to apply for a grant of probate or letters of administration;

or

- (b) the Board considers it desirable to do so in order to relieve or avoid hardship.
- (3a) If the Board decides to pay an amount in accordance with this subregulation the Board may —
 - (a) pay the amount to a person who was a spouse, de facto partner, relative or dependant of the Member immediately before the Member's death, or to 2 or more of those people in proportions determined by the Board;
 - (b) use the amount to pay the Member's funeral expenses or reimburse a person who has paid those expenses, and pay the balance in accordance with paragraph (c); or
 - (c) in special circumstances, pay the amount, or the balance referred to in paragraph (b), to some other person.

”

6. Regulation 80 amended

Regulation 80(3) is repealed and the following subregulations are inserted instead —

“

- (3) The Board may pay up to \$25 000 of a death benefit in accordance with subregulation (3a) if —
 - (a) 3 months have elapsed since the Member's death and the Board has not been notified of —
 - (i) the grant of probate of the Member's will or letters of administration of the Member's estate; or
 - (ii) a person's intention to apply for a grant of probate or letters of administration;
 - or
 - (b) the Board considers it desirable to do so in order to relieve or avoid hardship.
- (3a) If the Board decides to pay an amount in accordance with this subregulation the Board may —
 - (a) pay the amount to a person who was a spouse, de facto partner, relative or dependant of the Member immediately before the Member's death, or to 2 or more of those people in proportions determined by the Board;
 - (b) use the amount to pay the Member's funeral expenses or reimburse a person who has paid those expenses, and pay the balance in accordance with paragraph (c); or

- (c) in special circumstances, pay the amount, or the balance referred to in paragraph (b), to some other person.

”.

7. *Superannuation and Family Benefits Act 1938 amended*

- (1) The amendments in this regulation are to the provisions of the *Superannuation and Family Benefits Act 1938** as continued in force by section 26 of the *State Superannuation (Transitional and Consequential Provisions) Act 2000*.

[* Reprinted 20 July 1999.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 367.]

- (2) Section 6AA(1) to (5) are repealed and the following subsections are inserted instead —

“

- (1) For the purposes of this Act de facto partners are to be regarded as spouses.
- (2) For the purposes of this Act a de facto relationship is to be regarded as a marriage that took place when the relationship commenced and the cessation of the relationship, other than by reason of death, is to be regarded as a divorce.

”.

Certified under section 38(4)(b) of the Act —

W. M. MERCER	5/6/2002
Actuary appointed by the Board	Date

Approved under section 38(5)(a) of the Act —

Hon. ERIC RIPPER	18/6/2002
Treasurer	Date

By Command of the Governor,

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