

Western Australia

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

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Act 1938* amended



## 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Regulation 48(3) is repealed and the following subregulations are inserted instead —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Regulation 80(3) is repealed and the following subregulations are inserted instead —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.