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**TREASURY AND FINANCE**

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TR301

State Superannuation Act 2000

**State Superannuation Amendment  
Regulations 2018**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *State Superannuation Amendment Regulations 2018*.

**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* (*gazettal day*);
- (b) regulations 12 to 16 — on 1 November 2018;
- (c) the rest of the regulations — on the day after gazettal day.

**3. Regulations amended**

These regulations amend the *State Superannuation Regulations 2001*.

**4. Regulation 3 amended**

In regulation 3(1) insert in alphabetical order:

*AFCA scheme* has the meaning given in the Corporations Act section 761A (which refers to the external dispute resolution scheme provided for in Part 7.10A of that Act);

*Australian Financial Complaints Authority* means the operator of the AFCA scheme;

*commutation authority* means a commutation authority issued by the Commonwealth Commissioner of Taxation under the *Taxation Administration Act 1953* (Commonwealth) Schedule 1 Division 136;

**5. Regulation 67 amended**

In regulation 67(1):

- (a) in paragraph (e) delete “guidelines.” and insert:

guidelines; and

- (b) after paragraph (e) insert:

- (f) any amount that the Board transfers from a retirement income account under regulation 181(1)(f) or from a term allocated pension account under regulation 196H(1)(b) to comply with a commutation authority issued to the Board in respect of the Member.

**6. Regulation 85 amended**

- (1) Delete regulation 85(1)(c).  
(2) After regulation 85(1) insert:

- (1A) A person for whom the Board transfers an amount to the GESB Super Scheme under regulation 96(5) becomes a voluntary GESB Super Member when the amount is transferred.

**7. Regulation 96 amended**

- (1) In regulation 96(1) and (2) delete “this regulation” and insert:  
subregulation (3)

- (2) After regulation 96(3) insert:
- (4) Subject to subregulation (6), subregulation (5) applies to any amount (the *relevant amount*) that the Board transfers from a retirement income account under regulation 181(1)(f) or from a term allocated pension account under regulation 196H(1)(b) to comply with a commutation authority issued to the Board in respect of a Member.
  - (5) The Board is to transfer the relevant amount to the GESB Super Scheme for the Member and credit that amount to a GESB Super account established for the Member.
  - (6) Subregulation (5) does not apply to the relevant amount if regulation 67(1)(f) or 102(1)(i) applies to that amount.

Note: The heading to amended regulation 96 is to read:

**Transfers to GESB Super Scheme**

**8. Regulation 102 amended**

In regulation 102(1):

- (a) in paragraph (h) delete “guidelines.” and insert:  
  
guidelines; and
- (b) after paragraph (h) insert:
  - (i) any amount that the Board transfers from a retirement income account under regulation 181(1)(f) or from a term allocated pension account under regulation 196H(1)(b) to comply with a commutation authority issued to the Board in respect of the Member.

**9. Regulation 181 amended**

In regulation 181(1):

- (a) in paragraph (e) delete “regulation 196AC.” and insert:  
  
regulation 196AC; and

(b) after paragraph (e) insert:

- (f) any amount transferred from the account to comply with a commutation authority issued to the Board in respect of the Member.

**10. Regulation 196H amended**

Delete regulation 196H(1) and insert:

- (1) The Board is to debit to a Term Allocated Pension Member's term allocated pension account —
  - (a) any amounts paid to, or in respect of, the Member under Division 5; and
  - (b) any amount transferred from the account to comply with a commutation authority issued to the Board in respect of the Member.

**11. Regulation 219D amended**

Delete regulation 219D(3)(c) and insert:

- (c) if —
  - (i) neither paragraph (a) nor (b) applies; and
  - (ii) the ex-spouse is a member of the GESB Super Scheme, the Gold State Super Scheme or the Pension Scheme,  
the GESB Super Scheme; or
- (d) if none of paragraphs (a), (b) and (c) applies, an eligible rollover fund determined by the Board to which an amount may be rolled over or transferred under the SIS Regulations regulation 7A.03H.

**12. Regulation 220 amended**

- (1) In regulation 220 delete the definition of *Superannuation Complaints Tribunal*.
- (2) In regulation 220 in the definition of *reporting period* paragraph (b) delete “next;” and insert:

next.

**13. Regulation 221 amended**

Delete regulation 221(2)(f)(ii) and insert:

- (ii) the operation of the AFCA scheme.

**14. Regulation 224 amended**

Delete regulation 224(2)(e)(ii) and insert:

- (ii) the operation of the AFCA scheme;

**15. Regulation 224B amended**

- (1) Delete regulation 224B(2)(c)(ii) and insert:

- (ii) the operation of the AFCA scheme.

- (2) Delete regulation 224B(3)(a)(ii) and insert:

- (ii) the operation of the AFCA scheme;

**16. Regulation 250 replaced**

Delete regulation 250 and insert:

**250. Independent review by AFCA of Board's decisions**

- (1) For the purposes of the independent review mentioned in section 13(3)(b) of the Act, the Australian Financial Complaints Authority is prescribed.
- (2) Subject to the Corporations Act Part 7.10A, a person refers a matter under section 13(3)(b) of the Act by making a complaint under the AFCA scheme in relation to the matter.

Note for this regulation:

The Superannuation Complaints Tribunal will continue to deal with complaints, relating to decisions of the Board, that are made to it but not finalised before the commencement of the *State Superannuation Amendment Regulations 2018* regulation 16 until the *Superannuation (Resolution of Complaints) Act 1993* (Commonwealth) is repealed.

R. KENNEDY, Clerk of the Executive Council.

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