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**TREASURY AND FINANCE**

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TR301

State Superannuation Act 2000

**State Superannuation Amendment Regulations  
(No. 2) 2021**

SL 2021/132

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *State Superannuation Amendment Regulations (No. 2) 2021*.

**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. Regulations amended**

These regulations amend the *State Superannuation Regulations 2001*.

**4. Regulation 47 amended**

Delete regulation 47(5).

**5. Regulation 48 amended**

In regulation 48(1) in the definition of *death benefit* paragraph (c) delete “Scheme, to the extent that it has not been” and insert:

Scheme but is not

**6. Regulation 80A amended**

Delete regulation 80A(1) and (2) and insert:

- (1) A West State Super Member may apply to the Board for the early release of the balance of the Member's west state account if the Member —
  - (a) is no longer a temporary resident (as defined in the SIS Regulations regulation 6.01(2)); and
  - (b) has permanently departed from Australia.
- (2) The Board must accept the application if satisfied that, if the West State Super Scheme were a regulated superannuation fund, the Board would be required under the SIS Regulations regulation 6.20A to cash the Member's benefit.

Note: The heading to amended regulation 80A is to read:

**Early payment in case of temporary resident departing Australia**

**7. Regulation 125 amended**

Delete regulation 125(1) and (2) and insert:

- (1) A GESB Super Member may apply to the Board for the early release of the balance of the Member's GESB Super account if the Member —
  - (a) is no longer a temporary resident (as defined in the SIS Regulations regulation 6.01(2)); and
  - (b) has permanently departed from Australia.
- (2) The Board must accept the application if satisfied that, if the GESB Super Scheme were a regulated superannuation fund, the Board would be required under the SIS Regulations regulation 6.20A to cash the Member's benefit.

Note: The heading to amended regulation 125 is to read:

**Early payment in case of temporary resident departing Australia**

**8. Regulation 231 amended**

- (1) Delete regulation 231(2) and insert:
- (2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —
  - (a) the candidate is, or candidates are, elected; and

- (b) the unfilled vacancies are to be taken to be casual vacancies occurring on the day after the close of nominations.
- (2) After regulation 231(3) insert:
- (4) The returning officer must, within 7 days after a candidate is elected under subregulation (1) or (2)(a), notify the Treasurer of the election.
  - (5) The Treasurer is to cause notice of the election of a candidate to be published in the *Gazette*.

Note: The heading to amended regulation 231 is to read:

**Procedure after close of nominations**

**9. Regulation 240 amended**

- (1) In regulation 240(1):
- (a) in paragraph (b) delete “election.” and insert:  
  
election; or
  - (b) after paragraph (b) insert:  
  
(c) the election of a candidate under regulation 231(1) or (2)(a).
- (2) Delete regulation 240(2) and insert:
- (2) An appeal made under subregulation (1)(a) or (b) must be in writing and must be received by the Treasurer within 1 month of the publication of the result of the election in the *Gazette*.
  - (2A) An appeal made under subregulation (1)(c) must be in writing and must be received by the Treasurer within 1 month of the publication of the election of the candidate in the *Gazette*.

**10. Schedule 1 amended**

After Schedule 1 Division 1 item 15A insert:

- 15B. **Economic Regulation Authority** established by the *Economic Regulation Authority Act 2003*