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**STATE SUPERANNUATION ACT 2000**

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**STATE SUPERANNUATION  
AMENDMENT REGULATIONS  
2001**



State Superannuation Act 2000

## State Superannuation Amendment Regulations 2001

Made by the Lieutenant-Governor and deputy of the Governor in  
Executive Council.

**1. Citation**

These regulations may be cited as the *State Superannuation  
Amendment Regulations 2001*.

**2. Commencement**

These regulations come into operation on 1 July 2001.

**3. The regulations amended**

The amendments in these regulations, other than regulation 31,  
are to the *State Superannuation Regulations 2001*\*.

[\* *Published in Gazette 16 February 2001, p. 921-1074.*]

**4. Regulation 3 amended**

- (1) Regulation 3 is amended by inserting the following definitions  
in the appropriate alphabetical positions —

“

“**commencement day**” means the day on which these  
regulations come into operation;

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**“earning rate”**, in respect of a West State Super Member, means the earning rate determined by the Board under regulation 69F for —

- (a) if the Member has selected a personalised investment plan, the Member; or
- (b) otherwise, the investment plan selected by the Member;

**“eligible rollover fund”** means an eligible rollover fund as defined in the SIS Act;

**“parliamentarian”** means a Member of the Legislative Council or a Member of the Legislative Assembly;

”.

- (2) Regulation 3 is amended in the definition of “remuneration” by deleting “regulation 5” and inserting instead —

“ regulations 5, 6 and 6A ”.

- (3) Regulation 3 is amended in the definition of “worker” as follows:

- (a) in paragraph (b) by inserting after “written law” —

“ , other than a parliamentarian ”;

- (b) by inserting the following paragraph after paragraph (b) —

“ (ba) a parliamentarian; ”.

**5. Regulation 5 amended**

Regulation 5(1) is amended by deleting “regulation 6” and inserting instead —

“ regulations 6 and 6A ”.

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**6. Regulation 6A inserted**

After regulation 6 the following regulation is inserted —

“

**6A. Remuneration for certain parliamentarians**

- (1) This regulation applies if there is a Ministerial determination under section 29(4) of the *Parliamentary Superannuation Act 1970* in force that nominates the West State Super Scheme as a superannuation fund to which section 29 contributions are to be, or may be, made.
- (2) When this regulation applies the remuneration of a relevant parliamentarian is the salary, allowances and benefits of the parliamentarian by reference to which the amount of section 29 contributions is calculated in accordance with the Salaries and Allowances Tribunal's determination under section 29(3)(a) of the *Parliamentary Superannuation Act 1970*.
- (3) In this regulation —  
“**relevant parliamentarian**” means a parliamentarian in respect of whom section 29 contributions are made to the West State Super Scheme;  
“**section 29 contributions**” means contributions required to be made under section 29 of the *Parliamentary Superannuation Act 1970*.

”.

**7. Regulation 8 amended**

- (1) Regulation 8(2) is amended by inserting after “written law” —  
“ , other than a parliamentarian, ”.

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(2) After regulation 8(2) the following paragraph is inserted —

“

(2a) A worker who is a parliamentarian is taken to work for the Government of Western Australia.

”.

**8. Regulation 9 amended**

(1) Regulation 9(1) is amended by inserting after “a worker” —

“ , other than a parliamentarian, ”.

(2) After regulation 9(3) the following regulation is inserted —

“

(3a) The obligations of the Government of Western Australia as the Employer of a worker who is a parliamentarian are to be discharged by the Minister to whom the administration of the *Constitution Act 1889* is for the time being committed by the Governor.

”.

**9. Regulation 50 amended**

Regulation 50 is amended by inserting in the appropriate alphabetical position the following definition —

“

“**protected amount**” in relation to a West State Super Member means —

(a) if the Member was a West State Super Member on 30 June 2001 — the balance of the Member’s benefit account at the end of that day plus interest at the rate equal to the CPI rate plus 2%; or

(b) otherwise — zero;

”.

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**r. 10****10. Regulation 51 amended**

- (1) Regulation 51(1) is amended by deleting “subregulations (2) or (3)” and inserting instead —
- “ subregulations (2), (3) or (4) ”.
- (2) After regulation 51(3) the following subregulation is inserted —
- “
- (4) A worker who is a parliamentarian is excluded by this subregulation from being a statutory Member if the worker —
- (a) is a person in respect of whom contributions are being made under section 11 of the *Parliamentary Superannuation Act 1970* to the superannuation scheme provided for by that Act; or
- (b) is a non-participant, as defined in section 29 of the *Parliamentary Superannuation Act 1970*, in respect of whom contributions are being made in accordance with a determination made under that section to a superannuation fund other than the West State Super Scheme.
- ”.

**11. Regulation 54 amended**

- (1) Regulation 54(1) is amended by deleting “A Division 2 Employer” and inserting instead —
- “ An Employer ”.
- (2) Regulation 54(2) is repealed.
- (3) Regulation 54(3) is amended by deleting “Subregulations (1)(c) and (2) do” and inserting instead —
- “ Subregulation (1)(c) does ”.
- (4) Regulations 54(4) and (5) are repealed.

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**12. Regulation 56 amended**

- (1) Regulation 56(1) is amended by deleting “or the Crown (as the case requires)”.
- (2) Regulation 56(3) is amended as follows:
  - (a) by deleting “a Division 1 Employer” and inserting instead —  
“ an Employer ”;
  - (b) by deleting “regulation 54(2)” and inserting instead —  
“ regulation 54(1)(c) ”.

**13. Regulation 61 amended**

Regulation 61(1) is repealed and the following subregulation is inserted instead —

“

- (1) If, after receiving a contribution return under regulation 60(1), the Board considers that the Employer has paid an incorrect amount of contributions the Board is to notify the Employer of the discrepancy and —
  - (a) if the Employer has paid insufficient contributions, the Employer is to pay the difference to the Board within 7 days of receiving the notice; or
  - (b) if the Employer has paid excessive contributions —
    - (i) if the Employer so requests, refund the excess to the Employer; or
    - (ii) otherwise, hold the excess in a separate account and offset it against future contributions payable by the Employer.

”.



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**14. Regulation 62 amended**

Regulation 62(1) is amended by deleting “or (2)”.

**15. Regulation 65A inserted**

Part 3 Division 3 Subdivision 3 is amended by inserting the following regulation after regulation 65 —

“

**65A. Payment or transfer out of transferred in benefits**

- (1) If a Member has transferred a benefit from another superannuation fund to the West State Super Scheme, the Member may —
  - (a) if the transferred benefit is an unrestricted non-preserved benefit (within the meaning of the SIS Act), at any time request that the benefit be paid to the Member;
  - (b) at any time request that the benefit be transferred to another superannuation fund; or
  - (c) if the transferred benefit is a restricted non-preserved benefit (within the meaning of the SIS Act), at any time after the Member has ceased to be a worker, request that the benefit be paid to the Member.
- (2) On receipt of a request under subregulation (1) the Board is to pay to the Member or transfer to the other superannuation fund (as the case requires) —
  - (a) the amount of the benefit transferred to the Fund; and
  - (b) so much of the earnings that have been credited to the Member’s benefit account as are attributable to that amount.

”.

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**16. Regulation 67 amended**

Regulation 67(1)(f) is amended by deleting “interest” and inserting instead —

“ earnings ”.

**17. Regulation 69 amended**

Regulation 69(1) is repealed and the following subregulation is inserted instead —

“

(1) The Board is to credit earnings to each Member’s benefit account at a rate equal to the Member’s earning rate on the balance of the account —

(a) at least once every year; and

(b) when the Member becomes entitled to a benefit.

”.

**18. Division 4A inserted**

Part 3 is amended by inserting the following division after regulation 69 —

“

**Division 4A — Member investment choice****69A. Definitions**

In this Division —

“**default plan**” means the readymade investment plan selected by the Board under regulation 69C as the default plan;

“**personalised investment plan**” means an investment plan established under regulation 69B(3);

“**readymade investment plan**” means an investment plan established under regulation 69B(1).

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**r. 18****69B. Board to establish investment plans**

- (1) The Board is to establish one or more investment plans with asset allocations determined by the Board.
- (2) The Board may alter the asset allocation for a readymade investment plan whenever the Board considers it appropriate to do so.
- (3) The Board may establish an investment plan under which a Member who selects that plan may select the Member's own asset allocation subject to any conditions determined by the Board.
- (4) The Board must notify all West State Super Members of —
  - (a) the establishment of a new investment plan including, in the case of a readymade investment plan, the asset allocation for that plan;
  - (b) any material change in the asset allocation of a readymade investment plan; and
  - (c) any material change in the conditions applying to a personalised investment plan,

before, or as soon as practicable after, the establishment or change occurs.

**69C. Default plan**

- (1) The Board is to select one of the readymade investment plans as the default plan.
- (2) The Board may change the plan selected as the default plan whenever the Board considers it appropriate to do so.

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**69D. Member to select investment plan**

- (1) A West State Super Member is to select an investment plan to be used in determining the Member's earning rate.
- (2) A Member may change his or her selection at any time by giving notice to the Board, and the Board must give effect to the notice as soon as practicable.
- (3) Until a West State Super Member selects otherwise the Member is taken to have selected —
  - (a) in the case of a person who was a West State Super Member on 1 July 2001, the plan that was the default plan on that day; and
  - (b) otherwise, the plan that was the default plan at the time the person became a West State Super Member.

**69E. Board to invest assets to reflect Member's choice**

- (1) For each West State Super Member who selects a readymade investment plan the Board must, as far as is practicable —
  - (a) invest the Member's assets in accordance with the asset allocation determined under regulation 69B for that investment plan; and
  - (b) ensure that the investment of Member's assets remains in accordance with that asset allocation until the Member selects a different investment plan.
- (2) For a West State Super Member who selects a personalised investment plan the Board must invest —
  - (a) the Member's assets as at the time the selection was made ("**selection day**"); and

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- (b) contributions made, and benefits transferred to the Fund, in respect of the Member after the selection day,

in accordance with the asset allocation selected by the Member, but the Board is not required to ensure that the investment of the Member's assets remains in accordance with asset allocation.

- (3) In this regulation —  
“**Member's assets**” means the assets of the Fund that represent the benefit account of a West State Super Member.

**69F. Determination of earning rates**

- (1) At the end of each financial year and at any other time when the Board considers it desirable to do so, an earning rate is to be determined for —
  - (a) each readymade investment plan; and
  - (b) each Member who has selected a personalised investment plan.
- (2) The earning rates are to be determined —
  - (a) by the Board; or
  - (b) on behalf of the Board in accordance with procedures or formulae determined by the Board.
- (3) In determining earning rates, or the procedures or formulae to be used to determine earning rates, the Board must have regard to —
  - (a) the nett rate of return achieved by the investment of the assets of the Fund that represent the benefit accounts of the Members to whom the earning rate will apply; and

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(b) the desirability of averaging returns in order to reduce fluctuations in earning rates.

(4) An earning rate may be positive or negative.

”.

**19. Regulation 70 amended**

Regulation 70 is amended by deleting “A is the balance of the Member’s benefit account;” and inserting instead —

“

A is the greater of —

- (i) the balance of the Member’s benefit account; and
- (ii) the Member’s protected amount;

”.

**20. Regulation 71 amended**

Regulation 71(2) is amended by deleting “the balance of the Member’s benefit account” and inserting instead —

“ the amount of A in the formula in regulation 70 ”.

**21. Regulation 72 amended**

(1) Regulation 72(1) is amended by deleting “A is the balance of the Member’s benefit account;” and inserting instead —

“

A is the greater of —

- (i) the balance of the Member’s benefit account; and
- (ii) the Member’s protected amount;

”.

(2) Regulation 72(3) is amended by deleting “the balance of the Member’s benefit account” and inserting instead —

“ the amount of A in the formula in subregulation (1) ”.

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**r. 22****22. Regulation 73 amended**

Regulation 73 is amended by deleting “the balance of the Member’s benefit account.” and inserting instead —

“

the greater of —

(c) the balance of the Member’s benefit account;  
and

(d) the Member’s protected amount.

”.

**23. Regulation 74 amended**

(1) Regulation 74(1) is amended by deleting “the balance of the Member’s benefit account.” and inserting instead —

“

the greater of —

(a) the balance of the Member’s benefit account;  
and

(b) the Member’s protected amount.

”.

(2) Regulation 74(2) is amended by deleting “the balance of the Member’s benefit account.” and inserting instead —

“

the greater of —

(c) the balance of the Member’s benefit account;  
and

(d) the Member’s protected amount.

”.

**24. Regulation 78 amended**

Regulation 78(a) is amended by deleting “CPI rate plus 2%” and inserting instead —

“ Member’s earning rate ”.

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**25. Regulation 79 amended**

Regulation 79(3) is amended by deleting “(as defined in the SIS Act)”.

**26. Part 6 replaced**

Part 6 is repealed and the following Part is inserted instead —

“

**Part 6 — Information requirements**

**220. Definitions**

In this Part —

“**annual reporting day**” means the day selected under regulation 222(1);

“**contact details**” of the Board means the Board’s name and address and the name and telephone number of a person who is available to deal with inquiries directed to the Board;

“**reporting period**” means —

- (a) on and before a Member’s first annual reporting day — the period on and from the day the person became a Member to and including that first annual reporting day; and
- (b) otherwise, the period from one annual reporting day to and including the next;

“**Superannuation Complaints Tribunal**” means the Superannuation Complaints Tribunal established by the *Superannuation (Resolution of Complaints) Act 1993* of the Commonwealth.



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**221. Information to new Members**

- (1) As soon as practicable after a person becomes a Member the Board is to give the person all the information that the Board reasonably believes a person would reasonably need for the purpose of understanding —
  - (a) the main features of the Gold State Super Scheme or the West State Super Scheme (as the case requires);
  - (b) the management of the relevant scheme and financial condition of the Fund; and
  - (c) the investment performance of the Fund.
- (2) The information given under subregulation (1) is to include —
  - (a) the Board's contact details;
  - (b) a summary of the main features of the relevant scheme;
  - (c) a summary of the benefits provided under the relevant scheme and the method by which they are calculated;
  - (d) in the case of a West State Super Member —
    - (i) details of the options available to Members under Part 3 Division 4A; and
    - (ii) an outline of the fees and charges that are attributed to Members of the scheme;
  - (e) a copy of the latest information given under regulation 224 to Members of the relevant scheme; and
  - (f) a summary of —
    - (i) the arrangements that the Board has to deal with inquiries or complaints; and

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- (ii) the functions of the Superannuation Complaints Tribunal.

**222. Annual reporting day**

- (1) For each Member the Board is to select a day to be the Member's annual reporting day.
- (2) The Board may change a Member's annual reporting day but any such change must not result in a reporting period being more than 12 months.
- (3) The Board is to notify the Member of the day selected under subregulation (1) and any change in that selection.
- (4) Until the Board selects otherwise a Member's annual reporting day is 30 June.

**223. Annual Member specific information**

- (1) As soon as practicable after the last day of a Member's reporting period the Board is to give to the Member all the information that the Board reasonably believes a Member reasonably needs for the purpose of understanding the Member's benefit entitlements.
- (2) The information given under subregulation (1) is to include —
  - (a) the Board's contact details;
  - (b) details of contributions made during the reporting period including —
    - (i) the amount of contributions made by the Member; and
    - (ii) the amount of benefits transferred to the Fund for the Member, during the reporting period;

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- (c) an explanation of the circumstances in which the Member will or may become entitled to a benefit;
- (d) details of the Member's benefit entitlements (including death and disablement benefits) on the first and last days of the reporting period and the methods by which the amounts of the benefits are calculated; and
- (e) in the case of a West State Super Member —
  - (i) the amounts of fees and charges deducted from the Member's benefit account during the reporting period; and
  - (ii) the rate at which earnings were credited to the Member's benefit account during the reporting period and the amount credited.

**224. Annual Fund information**

- (1) As soon as practicable after the last day of a Member's reporting period the Board is to give to the Member all the information that the Board reasonably believes a Member would reasonably need for the purpose of understanding the management, financial condition and investment performance of the Fund.
- (2) The information given under subregulation (1) is to include —
  - (a) details about the Board including —
    - (i) the Board's contact details;
    - (ii) the names of the directors of the Board during the reporting period and details of how and by whom they were appointed or elected; and

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- (iii) a statement as to whether or not any indemnity insurance has been taken out by the Board;
- (b) investment details including —
  - (i) a description of the investment strategy of the Board;
  - (ii) the names of investment managers appointed by the Board;
  - (iii) a statement of the assets of the Fund as at the end of —
    - (I) the reporting period; and
    - (II) the immediately preceding reporting period,that includes all information that the Board reasonably believes a Member would reasonably need to understand the asset allocation of the Fund at those times; and
  - (iv) details of —
    - (I) each investment the value of which exceeds 5% of the total value of the assets of the Fund; and
    - (II) each combination of investments that the Board knows or ought reasonably to know are invested, directly or indirectly, in a single enterprise or a single group of associated enterprises, the combined value of which exceeds 5% of the total value of the assets of the Fund;

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- (c) details of the Fund's accounts being either —
    - (i) the audited Fund accounts and the auditor's report; or
    - (ii) both —
      - (I) abridged financial information about the Fund for the reporting period; and
      - (II) a statement as to when the audited Fund accounts and the auditor's report will be sent, or made available, to Members;
  - (d) in relation to the West State Super Scheme, a statement of —
    - (i) the earning rates determined for each of the readymade investment plans established under regulation 69B, for the 5 years ending at the end of the reporting period; and
    - (ii) the fees and charges that are attributed to Members of the scheme;
  - (e) a summary of —
    - (i) the arrangements that the Board has to deal with inquiries or complaints; and
    - (ii) the functions of the Superannuation Complaints Tribunal;
- and
- (f) a statement setting out the kind of information that is available on request.

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- (3) In this regulation —
- “abridged financial information”** in relation to a reporting period means information derived from the Fund’s accounts or records that gives a reasonable summary of either —
- (a) both —
    - (i) changes in the financial position of the Fund during the reporting period; and
    - (ii) the financial position of the Fund at the end of the reporting period;
  - or
  - (b) both —
    - (i) changes in the nett assets of the Fund during the reporting period; and
    - (ii) the nett assets of the Fund at the end of the reporting period.

**224A. Information about significant events**

- (1) As soon as practicable after the occurrence of a significant event the Board is to give to each Member who the Board reasonably expects has been, will or may be affected by the event all information about the event that the Board reasonably believes that the Member would reasonably expect to be provided with, including details of —
- (a) the nature of the event;
  - (b) the purpose (if any) of the event; and
  - (c) its effect on the Member’s rights and entitlements.

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- (2) In this regulation —
- “significant event”** means any event that the Board reasonably believes —
- (a) will or may have, or has had, an adverse effect on —
    - (i) a Member’s right to accrued benefits or the amount of those benefits;
    - (ii) the benefits to which a Member may become entitled;
    - (iii) the circumstances in which those benefits will or may become payable;
    - (iv) the manner in which those benefits would be calculated; or
    - (v) the security of the Member’s benefits;or
  - (b) Members would reasonably expect to be informed of.

**224B. Information to exiting Member**

- (1) When a Member ceases to be a Member other than because the Member has died, the Board is to give to the Member all the information that the Board reasonably believes the Member would reasonably need for the purpose of understanding his or her entitlements.
- (2) The information given under subregulation (1) is to include —
  - (a) the Board’s contact details;

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- (b) details of the kind referred to in regulation 223(2)(b), (d) and (e) in respect of the period from the last annual reporting day on which the person was a Member to the day on which the person ceased to be a Member; and
  - (c) a summary of —
    - (i) the arrangements that the Board has to deal with inquiries or complaints; and
    - (ii) the functions of the Superannuation Complaints Tribunal.
- (3) If a Member dies while still a Member, the Board is to give to each person to whom a death benefit is paid a statement setting out —
- (a) a summary of —
    - (i) the arrangements that the Board has to deal with inquiries or complaints; and
    - (ii) the functions of the Superannuation Complaints Tribunal;
- and
- (b) the kind of information that is available on request.

**224C. Employers to provide information to the Board**

- (1) The Board may give directions to Employers setting out the information Employers are to give to the Board about workers who are, or have applied to become, Members, and an Employer is to comply with those directions.



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- (2) If an Employer fails to comply with a direction given under subregulation (1), the Board may —
- (a) if the information relates to a worker's application to become a Gold State Super Member, refuse to accept the application; or
  - (b) if the information relates to —
    - (i) a Member's entitlement to a benefit; or
    - (ii) the amount of a benefit to which a Member is entitled,defer payment of the benefit until the information is provided.

**224D. Information to be provided on request**

- (1) If requested to do so by a Member or a person to whom a death benefit is paid the Board is to give to the person all information that the person reasonably requires for the purposes of —
- (a) understanding any benefit entitlements that the person may have, has or used to have;
  - (b) understanding the main features of the relevant scheme;
  - (c) making an informed judgment about the management and financial condition of the Fund;
  - (d) making an informed judgment about the investment performance of the Fund; and
  - (e) understanding the particular investments of the Fund.

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- (2) If requested to do so by an Employer, the Board is to give to the Employer all information that the Employer reasonably requires for the purposes of —
- (a) understanding the main features of the relevant Scheme;
  - (b) understanding the kinds of benefits to which the Employer's workers are entitled or will or may become entitled;
  - (c) making an informed judgment about the management and financial condition of the Fund; and
  - (d) making an informed judgment about the investment performance of the Fund.
- (3) If requested to do so by a Member, a person to whom a death benefit is paid, or an Employer, the Board is to give to the person a copy, or access to a copy, of —
- (a) the Act, these regulations and any other regulation under the Act;
  - (b) the most recent audited accounts of the Fund, together with (whether or not specifically requested) the auditor's report in relation to the accounts;
  - (c) the most recent actuarial report on the Fund, and any subsequent written advice by an actuary to the Board, to the extent that those documents are relevant to —
    - (i) the overall financial condition of the Fund; and
    - (ii) the entitlements of the person or, in the case of an Employer, the Employer's workers;

or

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- (d) the latest information given under regulation 223 to Members of the relevant scheme.
- (4) The Board need not give a person information or a copy of a document under this regulation if it has previously given the person the information or a copy of the document.

**224E. Information to be provided on transfer to eligible rollover fund**

If the Board transfers a benefit to an eligible rollover fund the Board is to give to the trustee of that fund —

- (a) if the Member entitled to the benefit is a lost Member (as defined under the SIS Act), a statement to that effect;
- (b) if the Member has specifically asked the Board not to disclose information of a specified kind — a statement to that effect; and
- (c) all information in the possession of the Board that could reasonably help the trustee of the eligible rollover fund to locate or identify the Member, other than information of a kind referred to in paragraph (b).

**224F. Confidential information**

Nothing in this Division requires or authorises the disclosure of —

- (a) internal working documents of the Board;
- (b) information or documents that would disclose, or tend to disclose —
  - (i) personal information of another person if, in the circumstances, the disclosure would be unreasonable;

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(ii) trade secrets or other information having a commercial value that would be reduced or destroyed by the disclosure;

or

(c) information or documents in relation to which the Board owes to another person a duty of non-disclosure.

”.

**27. Regulation 243 amended**

Regulation 243(a) is deleted and the following paragraph is inserted instead —

“

(a) at a rate equal to —

(i) for a West State Super Member, the Member's earning rate; and

(ii) otherwise, the CPI rate plus 2%;

”.

**28. Regulation 248A inserted**

After regulation 248 the following regulation is inserted —

“

**248A. Payment to be made in accordance with deed**

The Crown is to make payments to the Board in accordance with the deed between the Treasurer and the Board entered into in June 2001 relating to the under-funding of the West State Super Scheme which occurred between 1 July 1992 and 30 June 1998.

”.

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**r. 29****29. Schedule 1 amended**

After Schedule 1 Division 1 item 3 the following item is inserted —

“

**3a. The Government of Western Australia** in relation to a worker who is a parliamentarian

”.

**30. Schedule 3 amended**

- (1) Schedule 3 clause 50 is amended by deleting “regulation 223(1).” and inserting instead —  
“ regulation 224C(1). ”.
- (2) Schedule 3 clause 51 is amended by deleting “regulation 224(1).” and inserting instead —  
“ regulation 224D(1) or (3). ”.
- (3) Schedule 3 clause 54(1) is amended by deleting paragraphs (a) and (b) and inserting the following paragraphs instead —  
“
  - (a) for a Gold State Member —
    - (i) from the day on which the benefit became payable up to, but not including, the commencement day, at a rate equal to the CPI rate plus 1%; and
    - (ii) on and after the commencement day, at a rate equal to the CPI rate plus 2%;
  - or
  - (b) for a West State Member —
    - (i) from the day on which the benefit became payable up to, but not including 1 July 2001, at a rate equal to the CPI rate plus 2%; and”

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- (ii) on and after 1 July 2001, at a rate equal to the Member's earning rate.

”.

**31. Pension Scheme 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*.
- (2) Section 7 is amended by inserting the following subsections after subsection (2) —

“

- (2a) A declaration under subsection (2) comes into force, or is taken to have come into force, on the day on which the person's hours of work are or were so reduced.
- (2b) The Board may make a declaration under subsection (2) in respect of a person who was formerly a contributor for units of pension or a contributor or subscriber to the Provident Account and any such declaration comes into force and has effect as if this section had been in operation on the day on which the person's hours of work were so reduced.

”.

- (3) Section 83N(2) is amended as follows:
- (a) at the end of paragraph (a), by deleting “and”;
- (b) after paragraph (a), by inserting the following —
- “
- (aa) the earning rate applicable to the contributor for the purposes of regulation 69 of the *State Superannuation Regulations 2001* was the CPI rate (as defined in those regulations) plus 2%; and

”.

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

**WILLIAM M. MERCER**

Actuary appointed by the Board

Date 18 June 2001

Approved under section 38(5) of the Act —

**ERIC RIPPER**

Treasurer

Date 20 June 2001

By Command of the Lieutenant Governor and  
deputy of the Governor,

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

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