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STATE SUPERANNUATION ACT 2000

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**STATE SUPERANNUATION  
AMENDMENT  
REGULATIONS 2007**



State Superannuation Act 2000

## **State Superannuation Amendment Regulations 2007**

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *State Superannuation Amendment Regulations 2007*.

**2. Commencement**

- (1) Subject to this regulation, these regulations come into operation on the day on which they are published in the *Gazette*.
- (2) Regulation 70(2) is taken to have come into operation on 1 January 2007.
- (3) Regulation 70(3) is taken to have come into operation on 9 April 2006.
- (4) Regulation 70(4) is taken to have come into operation on 1 July 2006.
- (5) Regulation 70(5) is taken to have come into operation on 1 July 2002.

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- (6) Regulation 70(6) is taken to have come into operation on 31 July 2006.

**3. The regulations amended**

The amendments in these regulations, other than Part 3, are to the *State Superannuation Regulations 2001*\*.

[\* *Reprint 2 as at 2 September 2005.*

*For amendments to 15 December 2006 see Gazette 31 March, 26 May and 21 July 2006 and Act No. 43 of 2006.]*

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**Part 2**

TAP: Pension period

**Division 1****r. 4****Part 2 — Amendments State super schemes****Division 1 — TAP: Pension period****4. Regulation 196P amended**

- (1) Regulation 196P(2)(b) is deleted and the following paragraph is inserted instead —

“

- (b) not more than the greater of —

- (i) what would be the Member's life expectancy if he or she were 5 years younger; and
- (ii) 100 minus the Member's current age (in years).

”

- (2) Regulation 196P(3)(e) is deleted and the following paragraph is inserted instead —

“

- (e) not more than the greater of —

- (i) what would be the partner's life expectancy if he or she were 5 years younger; and
- (ii) 100 minus the partner's current age (in years).

”

**Division 2 — RI, TAP: Quarterly payment dates****5. Regulation 171 amended**

Regulation 171 is amended in the definition of “pension day”, in paragraph (b), by deleting “January, April, July and October;” and inserting instead —

“

each of the 4 months selected by the Member under regulation 189(1)(aa);

”

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**6. Regulation 189 amended**

After regulation 189(1)(a) the following is inserted —

“

- (aa) if the Member selects quarterly payments, whether the payments are to be made in —
    - (i) January, April, July and October; or
    - (ii) February, May, August and November; or
    - (iii) March, June, September and December;
- and

”.

**7. Regulation 196A amended**

Regulation 196A is amended in the definition of “pension day”, in paragraph (b), by deleting “January, April, July and October;” and inserting instead —

“

each of the 4 months selected by the Member under regulation 196Q(1)(aa);

”.

**8. Regulation 196Q amended**

After regulation 196Q(1)(a) the following is inserted —

“

- (aa) if the Member selects quarterly payments, whether the payments are to be made in —
    - (i) January, April, July and October; or
    - (ii) February, May, August and November; or
- or

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**Division 3****r. 9**

- (iii) March, June, September and December;  
and

”

**Division 3 — RI, RA, TAP: Membership****9. Regulation 172 amended**

Regulation 172(1) to (3a) are repealed and the following subregulations are inserted instead —

“

- (1) A person listed in subregulation (2) may apply to become a Retirement Income Member if he or she is entitled to —
- (a) immediate payment of a lump sum benefit from another scheme or another superannuation fund; or
  - (b) immediate payment of any other eligible termination payment; or
  - (c) payment of a phased retirement benefit.
- (2) A person may apply under subregulation (1) if he or she is —
- (a) a Member; or
  - (b) a Pension Scheme Member or a Provident Scheme Member; or
  - (c) in receipt of, or entitled to receive, a pension under the Pension Scheme; or
  - (d) a former member; or
  - (e) a partner or former partner of a person mentioned in paragraphs (a) to (d).

”

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**10. Regulation 175 amended**

Regulation 175(1) is amended by deleting “, lump sum or eligible termination payment (as the case requires) referred to in regulation 172.” and inserting instead —

“

or eligible termination payment referred to in regulation 172(1).

”.

**11. Regulation 196B amended**

Regulation 196B(1) is repealed and the following subregulations are inserted instead —

“

- (1) A person listed in subregulation (1a) may apply to become a Term Allocated Pension Member if he or she is entitled to —
  - (a) immediate payment of a lump sum benefit from another scheme or another superannuation fund; or
  - (b) immediate payment of any other eligible termination payment; or
  - (c) payment of a phased retirement benefit.
- (1a) A person may apply under subregulation (1) if he or she is —
  - (a) a Member; or
  - (b) a Pension Scheme Member or a Provident Scheme Member; or
  - (c) in receipt of, or entitled to receive, a pension under the Pension Scheme; or
  - (d) a former member; or



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**Division 3****r. 12**

- (e) a Term Allocated Pension Member applying for a second or subsequent term allocated pension; or
- (f) a partner or former partner of a person mentioned in paragraphs (a) to (e).

”

**12. Regulation 196D amended**

Regulation 196D(1) is amended by deleting “, lump sum or eligible termination payment referred to in regulation 196B.” and inserting instead —

“

or eligible termination payment referred to in regulation 196B(1).

”

**13. Regulation 202 amended**

Regulation 202(1) to (2b) are repealed and the following subregulations are inserted instead —

“

- (1) A person listed in subregulation (2) may apply to become a Retirement Access Member if he or she is entitled to —
  - (a) immediate payment of a lump sum benefit from another scheme or another superannuation fund; or
  - (b) immediate payment of any other eligible termination payment.
- (2) A person may apply under subregulation (1) if he or she is —
  - (a) a Member; or
  - (b) a Pension Scheme Member or a Provident Scheme Member; or

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- (c) in receipt of, or entitled to receive, a pension under the Pension Scheme; or
- (d) a former member; or
- (e) a partner or former partner of a person mentioned in paragraphs (a) to (d).

”

**14. Regulation 204 amended**

Regulation 204(1) is amended by deleting “, lump sum or eligible termination payment (as the case requires) referred to in regulation 202.” and inserting instead —

“

or eligible termination payment referred to in regulation 202(1)(b).

”

**Division 4 — Contributions, accounts and investments****15. Regulation 3 amended**

Regulation 3(1) is amended by inserting in the appropriate alphabetical position —

“

**“Commonwealth payment”** means a payment from the Commonwealth Commissioner of Taxation of —

- (a) a shortfall component under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth; or
- (b) a Government co-contribution under the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* of the Commonwealth;

”

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**16. Regulation 58 replaced**

Regulation 58 is repealed and the following regulation is inserted instead —

“

**58. Acceptance of Commonwealth payments**

The Board may accept a Commonwealth payment in respect of a West State Super Member.

”.

**17. Regulation 67 amended**

Regulation 67(1) is amended as follows:

- (a) by deleting “all of the following”;
- (b) by deleting paragraph (b) and inserting instead —

“

- (b) any Commonwealth payments for the Member accepted under regulation 58; and

”.

- (c) after paragraph (c) by inserting —

“

- (ca) any interest paid to the Board under section 25 of the Act in respect of the late payment of contributions payable under this Part for the Member; and

”.

- (d) after each of paragraphs (a) and (c) by inserting —

“ and ”.

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**18. Regulation 68 amended**

(1) Regulation 68(2) is amended as follows:

- (a) by deleting the full stop after paragraph (c) and inserting instead —

“

; and

- (d) the amount of any fees payable by the Member for any product or service provided to the Member in accordance with section 6(1)(e) of the Act.

”.

- (b) after paragraph (a) by inserting —

“ and ”.

(2) Regulation 68(3) is repealed and the following subregulations are inserted instead —

“

- (3) The Board may only debit an amount to a benefit account —

- (a) under subregulation (2)(a) or (b), if an actuary has advised that it is appropriate for that amount to be debited to that account; or
- 
- (b) under subregulation (2)(d), if the Member has given the Board written consent to the debiting of that amount to the account.

- (4) If the Board debits an amount to a benefit account under subregulation (2)(d) in respect of a product or service that was provided by a person other than the Board, the Board must pay the amount deducted to that other person.

”.

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**19. Regulation 69C amended**

- (1) Regulation 69C(1) is amended by deleting “for West State Super Members as the default plan.” and inserting instead —  
“ as the default plan for West State Super Members. ”.
- (2) After regulation 69C(2) the following subregulation is inserted —  
“
  - (3) The Board must notify all West State Super Members of any change made under subregulation (2) before, or as soon as practicable after, the change occurs.”.

**20. Regulation 69D amended**

- (1) Regulation 69D(2) is amended by deleting “, and the Board must give effect to the notice as soon as practicable”.
- (2) After regulation 69D(2) the following subregulation is inserted —  
“
  - (2a) As soon as practicable after receiving a notice under this regulation the Board must give effect to it by investing the Member’s assets in accordance with regulation 69E.”.

**21. Regulation 69E amended**

Regulation 69E(2) is amended as follows:

- (a) in paragraph (a) by deleting “the selection was made” and inserting instead —  
“ the Board gives effect to the selection ”;

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(b) by deleting “, but” and inserting instead —

“

but, unless the Board and the Member agree otherwise,

”.

**22. Regulation 180 amended**

Regulation 180(2) is amended by deleting “benefit” and inserting instead —

“ retirement income ”.

**23. Regulation 181 amended**

(1) Regulation 181(2) is amended by deleting the full stop after paragraph (b) and inserting instead —

“

; and

(c) the amount of any fees payable by the Member for any product or service provided to the Member in accordance with section 6(1)(e) of the Act.

”.

(2) Regulation 181(3) is repealed and the following subregulations are inserted instead —

“

(3) The Board may only debit an amount to a retirement income account —

(a) under subregulation (2)(a), if an actuary has advised that it is appropriate for that amount to be debited to that account; or

(b) under subregulation (2)(c), if the Member has given the Board written consent to the debiting of that amount to the account.

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- (3a) If the Board debits an amount to a retirement income account under subregulation (2)(c) in respect of a product or service that was provided by a person other than the Board, the Board must pay the amount deducted to that other person.

”.

**24. Regulation 185 amended**

After regulation 185(2) the following subregulation is inserted —

“

- (3) The Board must notify all Retirement Income Members of any change made under subregulation (2) before, or as soon as practicable after, the change occurs.

”.

**25. Regulation 186 amended**

- (1) Regulation 186(3) is amended by deleting “, and the Board must give effect to the notice as soon as practicable”.
- (2) After regulation 186(3) the following subregulation is inserted —

“

- (3a) As soon as practicable after receiving a notice under this regulation the Board must give effect to it by investing the Member’s assets in accordance with regulation 187.

”.

**26. Regulation 187 amended**

Regulation 187(2) is amended as follows:

- (a) by deleting “the selection was made” and inserting instead —

“ the Board gives effect to the selection ”;

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(b) by deleting “, but” and inserting instead —

“

but, unless the Board and the Member agree otherwise,

”.

**27. Regulation 196G amended**

Regulation 196G(2) is amended by deleting “benefit” and inserting instead —

“ term allocated pension ”.

**28. Regulation 196H amended**

(1) Regulation 196H(2) is amended by deleting the full stop after paragraph (b) and inserting instead —

“

; and

(c) the amount of any fees payable by the Member for any product or service provided to the Member in accordance with section 6(1)(e) of the Act.

”.

(2) Regulation 196H(3) is repealed and the following subregulations are inserted instead —

“

(3) The Board may only debit an amount to a term allocated pension account —

(a) under subregulation (2)(a), if an actuary has advised that it is appropriate for that amount to be debited to that account; or

(b) under subregulation (2)(c), if the Member has given the Board written consent to the debiting of that amount to the account.



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- (3a) If the Board debits an amount to a term allocated pension account under subregulation (2)(c) in respect of a product or service that was provided by a person other than the Board, the Board must pay the amount deducted to that other person.

”.

**29. Regulation 196L amended**

Regulation 196L(3) is amended by deleting “of the selected default plan” and inserting instead —

“ made under subregulation (2) ”.

**30. Regulation 196M amended**

- (1) Regulation 196M(3) is amended by deleting “, and the Board must give effect to the notice as soon as practicable”.

- (2) After regulation 196M(3) the following subregulation is inserted —

“

- (3a) As soon as practicable after receiving a notice under this regulation the Board must give effect to it by investing the Member’s assets in accordance with regulation 196N.

”.

**31. Regulation 196N amended**

Regulation 196N(2) is amended as follows:

- (a) by deleting “the selection was made” and inserting instead —

“ the Board gives effect to the selection ”;

- (b) by deleting “, but” and inserting instead —

“

but, unless the Board and the Member agree otherwise,

”.

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**32. Regulation 206A amended**

Regulation 206A is amended as follows:

- (a) by deleting paragraph (a) and inserting instead —

“

- (a) Commonwealth payments; and

”;

- (b) in paragraph (b) by inserting after “Part 3” —

“ or 3A ”;

- (c) by deleting the full stop after paragraph (b) and inserting instead —

“

; and

- (c) a contributions-split transfer to the Retirement Access Scheme for the Member from another scheme or other superannuation fund.

”.

**33. Regulation 208 amended**

- (1) Regulation 208(1)(ca) is amended by deleting “contributions or payments” and inserting instead —

“ amounts ”.

- (2) Regulation 208(2) is amended by deleting “benefit” and inserting instead —

“ retirement access ”.

**34. Regulation 209 amended**

- (1) Regulation 209(2) is amended by deleting the full stop after paragraph (b) and inserting instead —

“

; and

- (c) the amount of any fees payable by the Member for any product or service provided to the

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Member in accordance with section 6(1)(e) of  
the Act.

”

- (2) Regulation 209(3) is repealed and the following subregulations are inserted instead —

“

- (3) The Board may only debit an amount to a retirement access account —
- (a) under subregulation (2)(a), if an actuary has advised that it is appropriate for that amount to be debited to that account; or
  - (b) under subregulation (2)(c), if the Member has given the Board written consent to the debiting of that amount to the account.
- (4) If the Board debits an amount to a retirement access account under subregulation (2)(c) in respect of a product or service that was provided by a person other than the Board, the Board must pay the amount deducted to that other person.

”

**35. Regulation 213 amended**

After regulation 213(2) the following subregulation is inserted —

“

- (3) The Board must notify all Retirement Access Members of any change made under subregulation (2) before, or as soon as practicable after, the change occurs.

”

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**36. Regulation 214 amended**

- (1) Regulation 214(2) is amended by deleting “, and the Board must give effect to the notice as soon as practicable”.
- (2) After regulation 214(2) the following subregulation is inserted —
- “
- (2a) As soon as practicable after receiving a notice under this regulation the Board must give effect to it by investing the Member’s assets in accordance with regulation 215.

”.

**37. Regulation 215 amended**

Regulation 215(2) is amended as follows:

- (a) in paragraph (a) by deleting “the selection was made” and inserting instead —
- “ the Board gives effect to the selection ”;
- (b) by deleting “, but” and inserting instead —

“

but, unless the Board and the Member agree otherwise,

”.

**Division 5 — RA: Compulsory payment age****38. Regulation 201 amended**

Regulation 201 is amended by deleting the definition of “compulsory payment age”.

**39. Regulation 218 repealed**

Regulation 218 is repealed.

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**Part 2**

References to preserved benefits

**Division 6****r. 40****Division 6 — References to preserved benefits****40. Regulation 3 amended**

Regulation 3(1) is amended by deleting the definition of “preserved benefit” and inserting instead —

“

“**preserved**”, in relation to a benefit, means that the benefit is not yet payable to the Member who is entitled to it;

”.

**41. Regulation 12 amended and consequential amendments**

- (1) Regulation 12 is amended by inserting in the appropriate alphabetical position —

“

“**GSS withdrawal benefit**” means a benefit under regulation 44;

”.

- (2) The provisions listed in the Table to this subregulation are amended by deleting “preserved benefit” and inserting instead —

“ GSS withdrawal benefit ”.

**Table**

r. 23(2)(b)	r. 48(4) para (b) of defn of “death benefit”
r. 45(1), (2), (3), (4)	r. 49(2)(b) and (3)
r. 46A	

**42. Regulation 44 amended**

Regulation 44 is amended as follows:

- (a) before “A Gold” by inserting the subregulation designation “(1)”;

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- (b) by deleting “preserved”;
- (c) at the end of the regulation by inserting the following subregulation —

“

- (2) A benefit under this regulation is preserved until the criteria for payment of a benefit under regulation 45 are satisfied.

”.

**43. Regulation 46 amended**

Regulation 46 is amended as follows:

- (a) by deleting “preserved benefits — ” and inserting instead —  
“ GSS withdrawal benefit — ”;
- (b) in paragraph (b) by deleting “person” and inserting instead —  
“ Member ”.

**44. Regulation 47 amended**

- (1) Regulation 47(1)(b) is deleted and the following paragraph is inserted instead —

“

- (b) a preserved GSS withdrawal benefit,

”.

- (2) Regulation 47(4) is amended by deleting “preserved benefit” and inserting instead —

“ preserved GSS withdrawal benefit ”.

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References to preserved benefits

**Division 6****r. 45****45. Regulation 47A amended**

- (1) Regulation 47A(6)(b) is deleted and the following paragraph is inserted instead —

“

- (b) if the Member is entitled to a preserved GSS withdrawal benefit, that benefit.

”

- (2) Regulation 47A(8) is amended by deleting paragraph (b) of the definition of “discounted benefit” and inserting instead —

“

- (b) if the Member is entitled to a preserved GSS withdrawal benefit, of that benefit,

”

**46. Regulation 50 amended**

Regulation 50 is amended as follows:

- (a) by deleting the full stop after the definition of “voluntary Member” and inserting a semicolon instead;
- (b) by inserting in the appropriate alphabetical position —

“

**“WSS withdrawal benefit”** means —

- (a) a benefit under regulation 74; or
- (b) a benefit to which a Member became entitled under regulation 73, 74(2)(a) or 74B(2) before 1 December 2004.

”

**47. Regulation 51 amended**

Regulation 51(2)(a) is amended by deleting “preserved benefit that is not yet payable;” and inserting instead —

“

preserved GSS withdrawal benefit (as defined in regulation 12);

”

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**48. Regulation 74 amended**

- (1) Regulation 74(1)(c)(i) is amended by deleting “preserved”.
- (2) Regulation 74(2) is repealed and the following subregulations are inserted instead —

“

- (2) If this regulation applies the Member is entitled to a benefit of an amount equal to the greater of —
  - (a) the balance of the Member’s benefit account;  
and
  - (b) the Member’s protected amount.
- (3) If the Member satisfies the criteria for payment of a benefit under regulation 76, the Board is to pay the benefit to the Member.
- (4) If the Member does not satisfy the criteria for payment of a benefit under regulation 76, the benefit is preserved until those criteria are satisfied.

”.

**49. Regulation 76 amended**

Regulation 76(1) and (3) are amended by deleting “preserved benefit” and inserting instead —

“ WSS withdrawal benefit ”.

**50. Regulation 77 amended**

Regulation 77 is amended by deleting “preserved benefit” and inserting instead —

“ preserved WSS withdrawal benefit ”.



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**Division 6****r. 51****51. Regulation 78 amended**

Regulation 78 is amended as follows:

- (a) by deleting “preserved benefit” in the first place where it occurs and inserting instead —  
“ WSS withdrawal benefit ”;
- (b) in paragraphs (a) and (b) by deleting “preserved”.

**52. Regulation 79 amended**

- (1) Regulation 79(1)(b) is deleted and the following paragraph is inserted instead —

“

- (b) a preserved WSS withdrawal benefit,

”.

- (2) Regulation 79(2) is amended by deleting “preserved benefit” and inserting instead —

“ preserved WSS withdrawal benefit ”.

**53. Regulation 80 amended**

Regulation 80(4) is amended in paragraph (b) of the definition of “death benefit” by deleting “preserved benefit” and inserting instead —

“ WSS withdrawal benefit ”.

**54. Regulation 81 amended**

Regulation 81(2)(b) and (3) are amended by deleting “preserved benefit” and inserting instead —

“ WSS withdrawal benefit ”.

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**55. Schedule 2 amended**

Schedule 2 clause 4(5) is repealed and the following subclause is inserted instead —

“

- (5) Despite the definition of “GSS withdrawal benefit” in regulation 12, a benefit described in subclause (1) or (2) as a preserved benefit is a GSS withdrawal benefit for the purposes of Part 2 of the regulations.

”

**56. Schedule 3 amended**

- (1) Schedule 3 clause 2 is amended by deleting the definition of “preserved benefit” and inserting in their appropriate alphabetical positions —

“

“**GSS withdrawal benefit**” includes a benefit to which the Member became entitled under the GES Act before the commencement day but which, as at that day, had not been paid by reason of the operation of section 38 of the GES Act;

“**WSS withdrawal benefit**” includes a benefit to which the Member became entitled under the GES Act before the commencement day but which, as at that day, had not been paid by reason of the operation of section 38K of the GES Act.

”

- (2) Schedule 3 clause 24(1) and (2) are amended by deleting “preserved benefit” and inserting instead —

“ GSS withdrawal benefit ”.

- (3) Schedule 3 clause 29(2) is repealed and the following subclause is inserted instead —

“

- (2) To the extent that a benefit referred to in subclause (1)(a)(ii) would have been a deferred benefit if the relevant Member

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**Division 7****r. 57**

had become entitled to it on the resignation day, the benefit is preserved and taken to be a GSS withdrawal benefit.

”

- (4) Schedule 3 clause 43(1) and (2) are amended by deleting “preserved benefit” and inserting instead —

“ WSS withdrawal benefit ”.

**Division 7 — Information requirements****57. Regulation 220 amended**

Regulation 220 is amended by inserting in the appropriate alphabetical position —

“

“**accumulation scheme**” means the West State Super Scheme, Retirement Access Scheme, Retirement Income Scheme or Term Allocated Pension Scheme;

”

**58. Regulation 221 amended**

- (1) Regulation 221(1)(a) is deleted and the following is inserted instead —

“

- (a) the main features of the scheme of which the person has become a Member; and

”

- (2) Regulation 221(2) is amended as follows:

- (a) by deleting paragraph (d) and inserting instead —

“

- (d) for a Member of an accumulation scheme —
- (i) details of the investment options available to Members of the scheme; and

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- (ii) an outline of the fees and charges that are attributed to Members of the scheme;

and

”;

- (b) after each of paragraphs (a), (b) and (c) by inserting —  
“ and ”.

**59. Regulation 223 amended**

Regulation 223(2) is amended as follows:

- (a) by deleting paragraph (b) and inserting instead —

“

- (b) details of amounts received in respect of the Member during the reporting period including —
  - (i) contributions made by the Member; and
  - (ii) contributions made for the Member by an Employer or spouse; and
  - (iii) Commonwealth payments received in respect of the Member; and
  - (iv) benefits or other eligible termination payments transferred to the scheme for the Member; and
  - (v) splittable contributions transferred for the benefit of the Member;

and

”;

- (b) in paragraph (d) by inserting after “disablement benefits” —  
“ and any other insured benefits ”;

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- (c) in paragraph (e) —
- (i) by deleting “in the case of a West State Super Member —” and inserting instead —
- “
- for a Member of an accumulation scheme —
- ”;
- (ii) in subparagraphs (i) and (ii) by deleting “benefit” and inserting instead —
- “ accumulation ”;
- (d) by inserting after each of paragraphs (a) and (c) —
- “ and ”.

**60. Regulation 224 amended**

Regulation 224(2) is amended as follows:

- (a) in paragraph (d) —
- (i) by deleting “the West State Super Scheme” and inserting instead —
- “ an accumulation scheme ”;
- (ii) in subparagraph (i) by deleting “under regulation 69B” and inserting instead —
- “ for Members of the scheme ”;
- (b) after each of subparagraphs (a)(i) and (b)(i) and (ii) and paragraphs (a), (b), (c) and (d) by inserting —
- “ and ”.

**61. Regulation 224A amended**

(1) Regulation 224A(1) is amended as follows:

- (a) by inserting after “event all” —
- “ the ”;
- (b) after paragraph (a) by inserting —
- “ and ”.

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- (2) Regulation 224A(2) is amended in paragraph (a) of the definition of “significant event” by inserting after each of subparagraphs (i), (ii) and (iii) —

“ or ”.

**62. Regulation 224C amended**

Regulation 224C(2) is repealed and the following subregulation is inserted instead —

“

- (2) If, in breach of a direction given under subregulation (1), an Employer fails to give the Board information relating to —

- (a) a Member’s entitlement to a benefit; or
- (b) the amount of a benefit to which a Member is entitled,

the Board may defer payment of the benefit until the information is provided.

”.

**63. Regulation 224D amended**

- (1) Regulation 224D(1) is amended as follows:

- (a) by inserting after “person all” —  
“ the ”;
- (b) after each of paragraphs (a), (b) and (c) by inserting —  
“ and ”.

- (2) Regulation 224D(2) is amended as follows:

- (a) by inserting after “Employer all” —  
“ the ”;
- (b) in paragraph (a) by deleting “Scheme” and inserting instead —  
“ scheme ”;

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(c) after each of paragraphs (a) and (b) by inserting —  
“ and ”.

(3) Regulation 224D(3) is amended as follows:

(a) after “benefit is paid” by deleting the comma;

(b) after each of paragraphs (a) and (b) by inserting —  
“ or ”.

**64. Regulation 224E amended**

Regulation 224E is amended as follows:

(a) in paragraph (a) by deleting “lost Member” and inserting  
instead —

“ lost member ”;

(b) after paragraph (a) by inserting —  
“ and ”.

**65. Regulation 224F amended**

Regulation 224F is amended as follows:

(a) by deleting “Division” and inserting instead —  
“ Part ”;

(b) after each of paragraphs (a) and (b)(i) by inserting —  
“ or ”.

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**66. Regulation 76 amended**

(1) Regulation 76(2) is repealed and the following subregulations  
are inserted instead —

“

(2) A West State Super Member who is entitled to a  
WSS withdrawal benefit may request payment of the  
benefit if —

(a) the benefit has become payable under  
subregulation (1)(a) or (b); or

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(b) the benefit is less than \$200 and the Member has ceased to be gainfully employed.

(2a) On receipt of a request under subregulation (2) the Board is to pay the benefit plus interest under regulation 78 to the Member.

(2) Regulation 76(4) is repealed.

**67. Regulation 79B amended**

Regulation 79B(1) is repealed and the following subregulations are inserted instead —

- “
- (1) Subject to subregulations (1a) and (1b), a West State Super Member who is at least 55 years of age may request the Board to transfer —
- (a) the balance of the Member's benefit account; or
  - (b) part of the balance of the Member's benefit account,

to another scheme or superannuation fund for the purpose of providing a phased retirement benefit for the Member and the Board is to comply with that request.

- (1a) An eligible statutory Member cannot make a request under subregulation (1)(a).
  - (1b) If a Member makes a request under subregulation (1)(b), the Board may refuse the request if transferring the amount requested would reduce the balance in the Member's benefit account to less than \$5 000.
- ”



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Miscellaneous

**Division 9****r. 68****Division 9 — Miscellaneous****68. Regulation 3 amended**

Regulation 3 is amended in the definition of “charge percentage” by deleting “section 20 or 21” and inserting instead —

“ section 19 ”.

**69. Regulation 225 amended**

Regulation 225 is amended in the definition of “organisation” by deleting “*Conciliation and Arbitration Act 1904*” and inserting instead —

“ *Workplace Relations Act 1996* ”.

**70. Schedule 1 amended**

(1) Schedule 1 Division 1 is amended as follows:

(a) after item 8 by inserting —

“

8a. **Commission for Occupational Safety and Health**

(WorkSafe W A) established by the *Occupational Safety and Health Act 1984*

”.

(b) by deleting item 32.

(2) Schedule 1 Division 1 item 30 is deleted and the following item is inserted instead —

“

30. **Western Australian Land Information Authority**

established by the *Land Information Authority Act 2006*

”.

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- (3) Schedule 1 Division 1 item 31 is amended by deleting “*Western Australian Planning Commission Act 1985*” and inserting instead —
- “ *Planning and Development Act 2005* ”.
- (4) Schedule 1 Division 2 is amended as follows:
- (a) by deleting items 13, 23, 50 and 58;
- (b) after item 26 by inserting —
- “
- 26A. **Housing Authority** continued under the *Housing Act 1980* ”.
- (5) Schedule 1 Division 2 item 14 is deleted.
- (6) Schedule 1 Division 2 item 60 is amended by deleting “*Tobacco Control Act 1990*” and inserting instead —
- “ *Tobacco Products Control Act 2006* ”.

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Amendments to pension scheme **Part 3**

r. 71

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## Part 3 — Amendments to pension scheme

### 71. The Act amended

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

[\* Reprinted as at 20 July 1999.

For subsequent amendments see *Western Australian Legislation Information Tables for 2005, Table 1.*]

[\*\* Act No. 43 of 2000.

For subsequent amendments see *Western Australian Legislation Information Tables for 2005, Table 1.*]

### 72. Section 6 amended

- (1) Section 6(1) is amended in the definition of “department” as follows:
  - (a) by deleting “the board of management of a public hospital financed either wholly or partly with moneys from the Hospital Fund established under the *Hospital Fund Act 1930*, every hospital board constituted under the *Hospitals and Health Services Act 1927*,” and inserting instead —

“ every hospital board ”;
  - (b) by deleting “board of management,” in the 6 other places where it occurs.
- (2) Section 6(1) is amended by inserting in the appropriate alphabetical position —

“

**“hospital board”** means —

  - (a) a hospital board constituted under the *Hospitals and Health Services Act 1927*; and

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- (b) if the Minister to whom the administration of the *Hospitals and Health Services Act 1927* is committed is deemed by section 7(2) of that Act to be the board of a hospital, the Minister in his or her capacity as that board;

”.

**73. Section 62 amended**

After section 62(3) the following subsection is inserted —

“

- (4) The Treasurer may give a direction to the Board under the *State Superannuation Regulations 2001* regulation 244 for the payment of a benefit to the widow or widower of a former contributor if —
  - (a) the former contributor died after the *State Superannuation Amendment Regulations (No. 2) 2006* came into operation; and
  - (b) the widow or widower is not entitled to the pension set out in the Sixth Schedule item 2 because of the operation of paragraph (c)(ii)(I) and (II) in column 1 of that item; and
  - (c) the Treasurer is satisfied that —
    - (i) the marriage was of a bona fide nature; and
    - (ii) the special circumstances of the case warrant the payment of a benefit to the widow or widower.

”.

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**74. Sixth Schedule amended**

The Sixth Schedule is amended in item 2 by deleting the entry in column 1 and inserting instead —

“

- Widow or widower of former contributor if—
- (a) the marriage took place after retirement; and
  - (b) the former contributor died after his or her retirement; and
  - (c) either —
    - (i) the former contributor died before the *State Superannuation Amendment Regulations (No. 3) 2006* came into operation; or
    - (ii) the former contributor died after the *State Superannuation Amendment Regulations (No. 3) 2006* came into operation and either —
      - (I) the marriage took place not less than 5 years before the former contributor died; or
      - (II) at the time the former contributor died there was at least one child of the former contributor and the widow or widower who was wholly or substantially dependent on them.

”

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

DAVID KNOX	7/2/2007
Actuary appointed by the Board	Date

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

E. RIPPER	21/3/2007
Treasurer	Date

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

