



Western Australia

Local Government (Employee Superannuation) Regulations 2016

Compare between:

[06 Nov 2020, 00-b0-00] and [03 Dec 2020, 00-c0-00]

Local Government (Employee Superannuation) Regulations 2016

1. Citation

These regulations are the *Local Government (Employee Superannuation) Regulations 2016*.

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. Terms used

In these regulations —

chosen fund means a fund chosen by an employee under the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) Part 3A Division 4;

City of Perth scheme means the superannuation scheme established under the *Local Government Act 1960* section 170C(1) by the City of Perth trust deed as that scheme is amended from time to time;

City of Perth trust deed means the trust deed dated 31 October 1994 made between the City of Perth and C.P.S.F. Pty Ltd (ACN 066 005 687) that governs the City of Perth scheme, as amended from time to time;

employee has the meaning given in the *Superannuation Industry (Supervision) Act 1993* (Commonwealth) section 15A;

individual superannuation guarantee shortfall has the meaning given in the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) section 19;

industry scheme means ~~the WA Local Government Superannuation Plan (formerly called the W.A. Local Government Occupational Superannuation Fund) established by a trust deed dated 21 March 1990~~ [Aware Super as maintained](#) and ~~now governed by~~ [administered under](#) the industry scheme trust deed ~~as that plan is amended from time to time~~;

industry scheme trust deed means the trust deed ~~dated 4 November 2004 made by WA Local Government Superannuation Plan Pty Ltd (ACN 066 797 162) that governs the industry scheme, as amended from time to time~~ [as defined in the *First State Superannuation Act 1992* \(NSW\) section 3](#);

local government includes a regional local government.

[\[Regulation 3 amended: SL 2020/217 r. 4.\]](#)

4. Local governments to participate in industry scheme

- (1) A local government must participate in and comply with the industry scheme in respect of its employees.
- (2) Subregulation (1) does not apply in respect of an employee if under regulation 6, or the *City of Perth Act 2016* section 23, a local government must participate in and comply with the City of Perth scheme in respect of that employee.
- (3) Subregulation (1) applies to the City of Perth only in respect of those of its employees who are not members of the City of Perth scheme.

5. City of Perth to participate in City of Perth scheme

- (1) The City of Perth must participate in and comply with the City of Perth scheme in respect of its employees.
- (2) A person who becomes an employee of the City of Perth must be a member of and subject to the City of Perth scheme unless

the person elects to be a member of the industry scheme or a chosen fund.

6. City of Perth scheme members employed by regional local government

- (1) In this regulation —
regional local government means a regional local government in which the City of Perth is a participant as defined in section 3.61 of the Act.
- (2) This regulation applies to any person who is a member of the City of Perth scheme and becomes an employee of a regional local government.
- (3) Despite regulation 4, a regional local government whose employee is a person to whom this regulation applies must, in respect of that employee, participate in and comply with the City of Perth scheme in the same way and to the same extent as the City of Perth would be required to do if the person were its employee.
- (4) Subregulation (3) ceases to apply in respect of a regional local government's employee if the employee elects to become a member of the industry scheme or a chosen fund.
- (5) A person referred to in subregulation (2) does not cease to be a member of the City of Perth scheme because they cease to be an employee of the City of Perth.

7. Amount local government to contribute to scheme to be reduced

- (1) This regulation applies in respect of an employee of a local government if, for any period —
 - (a) there is a chosen fund for the employee throughout the period; and
 - (b) the chosen fund is not the industry scheme or the City of Perth scheme; and

- (c) the local government makes at least the minimum superannuation guarantee contributions for the employee for that period to the chosen fund.
- (2) If this regulation applies, the amount that the local government would, but for this regulation, be required under regulation 4 and the industry scheme trust deed to contribute to the industry scheme for that employee for that period is reduced by the amount of those minimum superannuation guarantee contributions made to the chosen fund for that employee.
- (3) If this regulation applies, the amount that the City of Perth or a regional local government would, but for this regulation, be required under regulation 5 or 6, or the *City of Perth Act 2016* section 23, and the City of Perth trust deed to contribute to the City of Perth scheme for that employee for that period is reduced by the amount of those minimum superannuation guarantee contributions made to the chosen fund for that employee.
- (4) In this regulation a reference to a local government making a minimum superannuation guarantee contribution for an employee for a period is a reference to the local government making the contributions necessary for it to avoid incurring an individual superannuation guarantee shortfall in respect of the employee in respect of that period.

8. *Local Government (Amendment of Part VIA - Employee Superannuation) Regulations 2006 repealed*

The *Local Government (Amendment of Part VIA - Employee Superannuation) Regulations 2006* are repealed.



Notes

This is a compilation of the *Local Government (Employee Superannuation) Regulations 2016* [and includes amendments made by other written laws](#). For provisions that have come into operation see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
<i>Local Government (Employee Superannuation) Regulations 2016</i>	25 Oct 2016 p. 4871-4	r. 1 and 2: 25 Oct 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Oct 2016 (see r. 2(b))

~~Uncommenced provisions table~~

~~To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.~~

Citation	Published	Commencement
<i>Local Government (Employee Superannuation) Amendment Regulations 2020</i> r. 3 and 4	SL 2020/217 6 Nov 2020	r. 1 and 2: 6 Nov 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Dec 2020 (see r. 2(b))