

SZ301\*

State Superannuation Act 2000

## **State Superannuation Amendment Regulations (No. 2) 2008**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *State Superannuation Amendment Regulations (No. 2) 2008*.

### **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. The regulations amended**

The amendments in these regulations are to the *State Superannuation Regulations 2001*.

**4. Regulation 85 amended**

Regulation 85(2a) is repealed and the following subregulation is inserted instead —

“

(2a) Subregulation (2) does not prevent —

- (a) all or part of a transfer benefit under regulation 44B from being transferred to the GESB Super Scheme for a Gold State Super Member who is also a West State Super Member; or
- (b) a West State Super Member making a transfer under regulation 96 in circumstances described in regulation 96(2)(b).

”.

**5. Regulation 96 amended**

(1) Regulation 96(2) is repealed and the following subregulation is inserted instead —

“

(2) A West State Super Member cannot make a transfer under this regulation unless —

- (a) the person is already a GESB Super Member; or
- (b) the transfer will result in the person ceasing to be a West State Super Member.

”.

(2) Regulation 96(3)(a)(i) is amended after “another” by inserting —

“ scheme or ”.

**6. Regulation 114 amended**

Regulation 114(2) is amended by inserting after “to the Member” —

“ when requested by the Member to do so ”.

**7. Regulation 118 amended**

(1) Regulation 118(1) is amended by deleting from “until” to the end of the subregulation and inserting instead —

“

unless the Member —

- (a) is retired; or

- (b) is suffering permanent incapacity; or
- (c) is at least 65 years of age; or
- (d) has died.

”.

- (2) After regulation 118(1) the following subregulation is inserted —

“

- (1a) If a GESB Super Member —

- (a) satisfies the Board that he or she is retired; and
- (b) subsequently ceases to be retired,

the benefit to which the Member was entitled immediately before he or she ceased to be retired remains payable notwithstanding that the Member is no longer retired.

”.

- (3) Regulation 118(2)(a) and “or” after it are deleted and the following is inserted instead —

“

- (a) the benefit is payable under subregulation (1)(a), (b) or (c) or subregulation (1a); or

”.

- (4) Regulation 118(5) is amended by deleting “Member “suffers permanent” and inserting instead —

“ Member is **“suffering permanent** ”.

## 8. Regulation 122 amended

- (1) Regulation 122(1) is amended as follows:

- (a) in paragraphs (a) and (b) by inserting after “benefit” —  
“ and earnings ”;
- (b) by deleting the full stop at the end of paragraph (b) and inserting instead —

“

,

and the Board is to comply with that request.

”.

- (2) Regulation 122(2)(a) and (b) are amended after “in relation to” by inserting —

“ so much of the benefit and earnings as constitute ”.

- (3) Regulation 122(4), (5) and (6) are repealed.

**9. Regulation 122A inserted**

After regulation 122 the following regulation is inserted —

“

**122A. Payment or transfer of all or part of benefit**

- (1) A request under regulation 114(2), 118(2), 120 or 122(1) for payment or transfer of a benefit may be made in relation to all or part of the benefit.
- (2) A request cannot be made for the payment or transfer of an amount —
  - (a) that is less than \$1 000; or
  - (b) the payment or transfer of which will reduce the balance in the Member's GESB Super account to less than \$1 000,

unless the amount requested is the whole of the balance in the account or the Board otherwise agrees.

”.

**10. Regulation 202 replaced**

Regulation 202 is repealed and the following regulation is inserted instead —

“

**202. Retirement Access Scheme closed to new members**

No person can become a Retirement Access Member on or after the day on which this regulation comes into operation.

”.

By Command of the Governor,

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