

CZ301*

Coal Industry Superannuation Act 1989

Coal Industry Superannuation Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Coal Industry Superannuation Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Coal Industry Superannuation Regulations 1990**.

[* Reprinted as at 5 July 2002.

For amendments to 21 June 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 53.*]

3. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) by inserting in the appropriate alphabetical positions —
“

“**category D member**” means a person who is a member of category D under regulation 9A;

“**partner**” means —

- (a) a spouse; or
(b) a de facto partner who is a spouse as defined in section 10 of the SIS Act;

“**SIS Regulations**” means the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth;

“**splittable contribution**” has the same meaning as it has in Division 6.7 of the SIS Regulations.

”.

- (b) in the definition of “member” by deleting “or 11A” and inserting instead —
“ , 11A, 11AA or 42(2)(a) ”;
- (c) at the end of the definition of “salary day” by deleting the full stop and inserting a semicolon instead.

4. Regulation 9A amended

Regulation 9A is amended as follows:

- (a) by deleting “3 categories” and inserting instead —
“ 4 categories ”;
- (b) after paragraph (a) by inserting “and”;
- (c) at the end of paragraph (c) by deleting the full stop and inserting instead —
“
; and
- (d) category D — people who became members under regulation 11AA or 42(2)(a).
”.

5. Regulation 11AA inserted

After regulation 11A the following regulation is inserted —

“

11AA. Partners

- (1) A member may apply for the member’s partner to become a category D member by giving written notice to the Board.
- (2) If the Board accepts the application, the partner becomes a category D member when the application is accepted.
”.

6. Regulation 11B amended

Regulation 11B is amended by deleting the full stop and inserting instead —

“

; or

- (c) in the case of a category D member, the whole of the balance in the member’s accumulation account has been paid or transferred from the Fund.
”.

7. Regulation 14 amended

- (1) Regulation 14(1c) is amended by deleting “A category B member or category C member” and inserting instead —
“ A category B, C or D member ”.

- (2) After regulation 14(1c) the following subregulation is inserted —

“

- (1d) A member whose partner is also a member may contribute to the Fund for the partner any amount agreed between the member and the Board.

”.

8. Regulations 16 and 16A inserted

After regulation 15 the following regulations are inserted —

“

16. Contribution splitting

- (1) A member for whom splittable contributions have been made to the Fund may apply to the Board to transfer some or all of those contributions for the benefit of the member's partner in accordance with Division 6.7 of the SIS Regulations.
- (2) The member may apply to transfer those contributions —
- (a) if the member's partner is also a member of the Fund, to the partner's accumulation account; or
 - (b) if the member's partner is a member of another superannuation fund that is able to accept the transfer, to that other fund.
- (3) The Board may accept an application under subregulation (1) if it is satisfied that the application complies with Division 6.7 of the SIS Regulations.
- (4) On acceptance of an application under subregulation (1) the Board is to transfer the contributions as requested.

16A. Acceptance of Commonwealth payments

The Board may accept from the Commonwealth Commissioner of Taxation payment of any of the following in respect of a member —

- (a) a shortfall component under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth;
- (b) an amount equal to the balance of the member's account in the Superannuation Holding Accounts Reserve under the *Small Superannuation Accounts Act 1995* of the Commonwealth;
- (c) a Government co-contribution under the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* of the Commonwealth.

”.

9. Regulation 21D inserted

After regulation 21C the following regulation is inserted —

“

21D. Benefits for category D members

- (1) A category D member is entitled to a benefit equal to the balance in the member's accumulation account if the member —
 - (a) satisfies a condition of release under the SIS Act, other than death; or
 - (b) gives notice to the Board that he or she wishes to withdraw from the Fund.
- (2) If a category D member dies while still a member, the Board is to pay a benefit equal to the balance in the member's accumulation account.
- (3) A category D member who is not yet entitled to a benefit under subregulation (1) and requests payment, is entitled to a benefit of up to the amount which the Board is permitted by the SIS Act to pay to the member.

”.

10. Regulation 27A amended

- (1) Regulation 27A(2) is amended as follows:

- (a) by deleting paragraphs (a) and (b) and inserting the following paragraphs instead —

“

- (a) all contributions made to the Fund by or for the member; and
- (b) the amount of any splittable contributions transferred to the member under regulation 16; and
- (ba) payments accepted from the Commissioner of Taxation under regulation 16A in respect of the member; and

”;

- (b) in paragraph (e) by deleting “or 22AA” and inserting instead —

“ , 22AA or 42(2)(b) ”;

- (c) after each of paragraphs (c) to (e) by inserting —

“ and ”.

- (2) Regulation 27A(3) is amended as follows:

- (a) after paragraph (bb) by inserting the following paragraphs —

“

- (bc) the amount of any splittable contributions transferred by the member under regulation 16; and

- (bd) any amounts to be debited to the account under regulation 42(3); and

”.

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

11. Regulation 42 inserted

The following regulation is inserted in Part 9 before regulation 43 —

“

42. Splitting of entitlements on dissolution of marriage

- (1) Terms used in this regulation have the same meanings as they have in Part 7A of the SIS Regulations.
- (2) If, under Part 7A of the SIS Regulations, the Board creates a new interest for a non-member spouse —
 - (a) the non-member spouse becomes a category D member when that interest is created; and
 - (b) the Board is to credit to the non-member spouse's accumulation account an amount equal to the value of that interest determined in accordance with the SIS Regulations.
- (3) If the Board is required under Part 7A of the SIS Regulations to reduce the value of the benefits of a member spouse the Board may —
 - (a) in relation to a category A member do either or both of the following —
 - (i) reduce the member's accrued benefit;
 - (ii) debit an amount to the member's accumulation account;
 - or
 - (b) in relation to a category B, C or D member, debit an amount to the member's accumulation account,

in a manner and to an extent permitted by the SIS Regulations.
- (4) Despite anything else in these regulations, the Board may pay or transfer the superannuation interest in the Fund of a non-member spouse if it is required or permitted to do so under Part 7A of the SIS Regulations.

”.

12. Regulation 43 amended

Regulation 43(1) is repealed and the following subregulations are inserted instead —

“

- (1) The Board may make and carry into effect arrangements under which an agreed sum or agreed assets are to be paid by or transferred from another superannuation fund to the Fund for the benefit of a member of the Fund.
- (1a) The arrangements may be made with the member or the trustee of or other persons controlling the other fund or both.

”.

13. Regulation 44 amended

Regulation 44(1) is amended by deleting “which may be payable under these regulations or in respect of that member on the cessation of that member’s service with the employer.” and inserting instead —

“ to which a member is entitled under these regulations. ”.

By Command of the Governor,

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