

LG302**LOCAL GOVERNMENT SUPERANNUATION ACT 1980
LOCAL GOVERNMENT SUPERANNUATION AMENDMENT
REGULATIONS 1991**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Local Government Superannuation Amendment Regulations 1991*.

Commencement

2. These regulations shall come into operation on the day on which the *Local Government Superannuation Amendment Act 1989* comes into operation.

Principal regulations

3. In these regulations the *Local Government Superannuation Regulations 1981** are referred to as the principal regulations.

[*Published in the Gazette of 10 April 1981 at pp. 1155-67. For amendments to 21 January 1991 see 1989 Index to Legislation of Western Australia at p. 294.]

Regulation 14 amended

4. Regulation 14 of the principal regulations is amended—

(a) in subregulation (2) by deleting "subregulation 16" and substituting the following—

" regulation 16 "; and

(b) by repealing subregulations (5), (6) and (7).

Regulation 15 amended

5. Regulation 15 of the principal regulations is amended in subregulation (6) by deleting "regulation 14" and substituting the following—

" regulations 14 and 18C ".

Regulation 18A amended

6. Regulation 18A of the principal regulations is amended in subregulation (5) by inserting after "prior to the day" the following—

" on ".

Regulation 18B and 18C added

7. After regulation 18A of the principal regulations the following regulations are inserted—

Benefits where membership terminated under section 19A

" 18B. (1) Subject to subregulation (3), but notwithstanding any other provision of these regulations, where a member terminates his or her membership under section 19A (2) of the Act the amount in the Members' Credit of the member at the time of termination, as determined under subregulation (2), shall—

(a) be retained in the fund until it becomes payable under paragraph (b); and

(b) be paid to the former member or person entitled to receive payment under regulation 18C when the member ceases to be—

(i) an employee of the employer who employed that member at the time of the termination; and

(ii) a contributory member under the *Government Employees Superannuation Act 1987* other than by virtue of a notice under section 19A (1) of that Act.

(2) Notwithstanding any other provision of these regulations where a member terminates his or her membership under section 19A of the Act the benefit to which the member is entitled is the benefit to which the member would be entitled if the member had not less than 10 years' continuous service.

(3) Notwithstanding subregulation (1), the amount of any improvement in employer-financed benefits arising as a consequence of—

(a) the amendments to the regulations published in the *Gazette* of 15 December 1989; or

(b) the termination of a member's membership under section 19A of the Act,

and vested in the member as a consequence of that termination, shall be preserved and otherwise treated as if it were a preserved benefit under regulation 18A.

(4) An amount retained in the fund under subregulation (1) shall be—

(a) credited with interest on the value of the amount at the rate for the time being determined under regulation 10 (1) during the period commencing on the day on which the termination of membership is effected and ending on the day prior to the day on which the amount is paid under subregulation (1) (b); and

(b) credited with any surplus, and debited with any deficiency, allocated under regulation 11 (2) (a).

(5) The Board may deduct from an amount retained in the fund under subregulation (1) an administration charge of such amount as the Board may from time to time determine, levied on an annual basis.

Payment under regulations 14, 18A and 18B

18C. (1) The Board shall pay a benefit under regulation 14, and under regulations 18A and 18B if the member or former member has died, to a person nominated in writing for the purpose by the member or former member in respect of whom the benefit is due and if there is no person so nominated when the member or former member dies (whether because no nomination has been made or because any nomination so made has been revoked) the Board shall pay the benefit to the personal representative of the member or former member or to or for the benefit of any or all of the persons who were dependants of the member or former member at the time of his death in such proportions and in such manner as the Board shall determine.

(2) For the purposes of subregulation (1), a nomination may be made in favour of more than one person and in such a case the persons nominated shall benefit equally or in any other proportion that may be stipulated in the nomination.

(3) For the purposes of subregulation (1), a nomination is revoked if—

- (a) the nominated person dies prior to receiving payment of the benefit;
- (b) the member or former member revokes the nomination by writing under his hand;
- (c) the member or former member makes a further nomination in substitution for one previously made;
- (d) the member or former member marries after making the nomination; or
- (e) the nominated person is a spouse of the member or former member at the time of the nomination and the marriage is subsequently annulled or dissolved. ”.

Regulation 20 amended

8. Regulation 20 of the principal regulations is amended in subregulation (2) by deleting “regulation 14 (5)” and substituting the following—

“ regulation 18C (1) ”.

Regulation 22 amended

9. Regulation 22 of the principal regulations is amended by deleting “benefit is not payable to or in respect of a member” and substituting the following—

“ a person is not entitled to a benefit ”.

Regulation 23 amended

10. Regulation 23 of the principal regulations is amended by deleting “payable” and substituting the following—

“ arising ”.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.