

State Superannuation Amendment Regulations (No. 2) 2022

SL 2022/173

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *State Superannuation Amendment Regulations (No. 2) 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

Part 2 — *State Superannuation Regulations 2001* amended

3. Regulations amended

This Part amends the *State Superannuation Regulations 2001*.

4. Regulation 48 amended

Delete regulation 48(3) and (3a) and insert:

- (3) The Board may pay up to \$25 000 of a death benefit in accordance with subregulation (3A) if —
 - (a) either —
 - (i) no binding death benefit nomination is in force in respect of a Gold State Super Member when the Member dies; or
 - (ii) subregulation (1C)(a) or (b) applies;
 - and
 - (b) either —
 - (i) the Board has been unable, after making reasonable enquiries, to find an executor

- of the Member's will or administrator of the Member's estate; or
- (ii) the Board considers it desirable to make the payment in order to relieve or avoid hardship.
- (3A) If the Board decides to make a payment under subregulation (3) the Board may make the payment —
- (a) to 1 or more of the Member's dependants in proportions determined by the Board; or
- (b) if, after making reasonable enquiries, the Board has been unable to find any dependant of the Member, to 1 or more other individuals in proportions determined by the Board.

5. Schedule 1 amended

In Schedule 1 Division 2:

- (a) after item 1 insert:

1A. **Albany Cemetery Board** established under the *Cemeteries Act 1986*

- (b) after item 6 insert:

6AAA. **Bunbury Cemetery Board** established under the *Cemeteries Act 1986*

- (c) after item 22 insert:

22A. **Geraldton Cemetery Board** established under the *Cemeteries Act 1986*

- (d) after item 27 insert:

27A. **Kalgoorlie-Boulder Cemetery Board** established under the *Cemeteries Act 1986*

Part 3 — *Superannuation and Family Benefits Act 1938* amended

6. Act amended

This Part amends provisions of the *Superannuation and Family Benefits Act 1938* as continued in force by the *State Superannuation (Transitional and Consequential Provisions) Act 2000* section 26.

7. Section 38 amended

After section 38(2) insert:

- (2A) If any contributions are held in the Fund to the credit of a contributor under subsection (2) when payment of the contributor's pension commences, the Board must pay the contributions and accrued interest to the contributor on or before the later of the following —
- (a) the day that is 3 months after the day on which payment of the pension commences;
 - (b) the day that is 3 months after the commencement of the *State Superannuation Amendment Regulations (No. 2) 2022* regulation 7.

8. Section 41 amended

After section 41(3a) insert:

- (3B) If any contributions are held in the Fund to the credit of a contributor under subsection (3a) when payment of the contributor's pension commences, the Board must pay the contributions and accrued interest to the contributor on or before the later of the following —
- (a) the day that is 3 months after the day on which payment of the pension commences;
 - (b) the day that is 3 months after the commencement of the *State Superannuation Amendment Regulations (No. 2) 2022* regulation 8.

B. D'SA, Clerk of the Executive Council.