

**STATE SUPERANNUATION (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 1999**

*Council's Amendments*

Amendments made by the Council now considered.

*Consideration in Detail*

The amendments made by the Council were as follows -

No 1.

Clause 2, page 2, lines 6 and 7 - To delete the lines and insert the following subclauses -

- (1) Parts 1 and 2 and sections 34, 40, 42, 47, 50, 56, 57(b), 63, 67 and 68 come into operation on the day on which the *State Superannuation Act 2000* comes into operation.
- (2) Part 3, other than the provisions referred to in subsection (1), comes into operation on a day fixed by proclamation.
- (3) Different days may be fixed under subsection (2) for different provisions.

No 2.

Clause 3, page 2, line 10 - To delete "Act" and insert "Part".

No 3.

Clause 32, page 13, lines 2 to 5 - To delete the lines and insert instead -

- (1) Section 5AA(2)(a) of the *Builders' Registration Act 1939*\* is amended by deleting "and the *Government Employees Superannuation Act 1987*".
- (2) Section 5AA(2)(a) of the *Builders' Registration Act 1939*\* is amended by deleting "including rights under the *Superannuation and Family Benefits Act 1938*,".

No 4.

Clause 36, page 14, lines 17 to 23 - To delete the lines.

No 5.

Clause 37, page 14, line 25 to page 15, line 12 - To delete the lines and insert instead -

- (1) Clause 3 of Schedule 1 to the *Director of Public Prosecutions Act 1991*\* is amended as follows:
  - (a) in subclause (1) by deleting "or the *Government Employees Superannuation Act 1987*";
  - (b) in subclause (2) by deleting "the *Government Employees Superannuation Act 1987* and";
  - (c) by deleting subclause (3);
  - (d) in subclause (5) by deleting "Where subclause (1) does not apply" and inserting instead -

If the Director is not a contributor within the meaning of the *Superannuation and Family Benefits Act 1938* or a member under the *State Superannuation Act 2000*

- (e) in subclause (7) by deleting "enactments referred to in subclause (1)" and inserting instead -

*Superannuation and Family Benefits Act 1938* or the *State Superannuation Act 2000*
- (f) in subclause (8) by deleting "any enactment referred to in subclause (1)" and inserting instead -

the *Superannuation and Family Benefits Act 1938* or the *State Superannuation Act 2000*

- (2) Clause 3 of Schedule 1 to the *Director of Public Prosecutions Act 1991*\* is amended as follows -
- (a) subclauses (1), (2) and (4) are deleted;
  - (b) in subclause (5) by deleting “a contributor within the meaning of the *Superannuation and Family Benefits Act 1938* or”;
  - (c) in subclause (7) by deleting “*Superannuation and Family Benefits Act 1938* or the”;
  - (d) in subclause (8) by deleting “the *Superannuation and Family Benefits Act 1938* or”.

No 6.

Clause 43, page 17, line 23 to page 18, line 17 - To delete the lines and insert instead -

- (1) Schedule 2 to the *Gold Corporation Act 1987*\* is amended in clause 3(2)(c) by deleting “an employer listed in Schedule 1 of the *Government Employees Superannuation Act 1987*” and inserting instead -
- by a person who, or body that, is an Employer for the purposes of the *State Superannuation Act 2000*
- (2) Schedule 2 to the *Gold Corporation Act 1987*\* is amended as follows:
- (a) in clause 1 by deleting the definitions of “contributor” and “service”;
  - (b) in clause 3(2)(c) by deleting “in a permanent capacity by any Crown instrumentality or other body which, is or is deemed to be, a department for the purposes of the *Superannuation and Family Benefits Act 1938* or”;
  - (c) in clause 4(1) by deleting “or otherwise was a contributor to units of pension or to the Provident Account under the *Superannuation and Family Benefits Act 1938*” and “or any existing accruing rights under the *Superannuation and Family Benefits Act 1938*”;
  - (d) by deleting clause 4(2) and (3).

No 7.

Clause 45, page 19, lines 1 to 9 - To delete the clause.

No 8.

Clause 46, page 19, line 11 to page 20, line 8 - To delete the lines and insert instead -

- (1) Section 7E of the *Hospitals and Health Services Act 1927*\* is amended as follows:
- (a) in subsection (2) -
    - (i) at the end of paragraph (c) by deleting “; or” and inserting a comma instead;
    - (ii) by deleting paragraph (d);
  - (b) in subsection (5) by deleting “the *Government Employees Superannuation Act 1987*” and inserting instead -  
a superannuation scheme under the *State Superannuation Act 2000*
- (2) The *Hospitals and Health Services Act 1927*\* is amended as follows:
- (a) in section 7E(2) -
    - (i) at the end of paragraph (b) by deleting the comma and inserting a full stop instead;
    - (ii) by deleting the rest of the subsection;
  - (b) in section 7E(5) by deleting “the scheme for accrued or accruing benefits under the *Superannuation and Family Benefits Act 1938*,”;
  - (c) in section 12A(1) by deleting “contributors for the purposes of the *Superannuation and Family Benefits Act 1938*.” and inserting instead -

Members of a superannuation scheme continued by section 29(c) or (d)  
of the *State Superannuation Act 2000*.

No 9.

Clause 58, page 24, lines 26 to 29 - To delete the lines and insert instead -

- (1) Section 25(1)(g)(i) of the *Retirement Villages Act 1992*\* is amended by deleting “and the *Government Employees Superannuation Act 1987*”.
- (2) Section 25(1)(g)(i) of the *Retirement Villages Act 1992*\* is amended by deleting “, and in particular his or her rights, if any, under the *Superannuation and Family Benefits Act 1938*”.

No 10.

Clause 59, page 25, lines 3 to 6 - To delete the lines and insert instead -

- (1) Section 51(2)(b) of the *Rural Adjustment and Finance Corporation Act 1993*\* is amended by deleting “or the *Government Employees Superannuation Act 1987*”.
- (2) Section 51(2)(b) of the *Rural Adjustment and Finance Corporation Act 1993*\* is amended by deleting “, including any under the *Superannuation and Family Benefits Act 1938*”.

No 11.

Clause 73, page 29, line 17 - To insert after “Sch.2,” in the Table “Part B”.

No 12.

Clause 73, page 29 - To delete in the Table -

<i>Coroners Act 1996</i>	s. 6(5)
<i>Corporations (Western Australia) Act 1990</i>	s. 83

No 13.

Clause 73, page 29 - To delete in the Table -

<i>Family Court Act 1997</i>	s. 17
------------------------------	-------

No 14.

Clause 73, page 30 - To delete in the Table -

<i>Liquor Licensing Act 1988</i>	s. 9(7)
----------------------------------	---------

No 15.

Clause 73, page 30 - To insert after “Sch.2,” appearing on the last line of the Table -  
Part B,

No 16.

New Clause 26, page 10, after line 7 - To insert the following new clause -

**26. Continuation of rules for continued schemes**

- (1) Despite the repeals effected by section 39 of the *State Superannuation Act 2000* —
  - (a) the provisions of Parts I (including Schedule 1), VIIA, VIIB and VIII (including Schedule 4) of the GES Act continue to apply to and in relation to the superannuation scheme continued by section 29(a) of the *State Superannuation Act 2000*;
  - (b) Parts I (including Schedule 1), IV, V, VI, VII, VIIB and VIII (including Schedule 4) of the GES Act continue to apply to and in relation to the superannuation scheme continued by section 29(b) of the *State Superannuation Act 2000*; and
  - (c) the provisions of the S&FB Act continue to apply to and in relation to the superannuation schemes continued by section 29(c) and (d) of the *State Superannuation Act 2000*.
- (2) The provisions referred to in subsection (1)(a), (b) or (c) continue to apply —

- (a) as if they were regulations made under section 38 of the *State Superannuation Act 2000*; and
  - (b) only to the extent that they are not inconsistent with that Act.
- (3) Regulations may be made under section 38 of the *State Superannuation Act 2000* to amend, or to discontinue the application of, the provisions of the GES Act and the S&FB Act continued by this section.
- (4) While any provisions of the GES Act or S&FB Act continue to apply under this section a reference in an Act amended by Part 3 to the *Government Employees Superannuation Act 1987* or the *Superannuation and Family Benefits Act 1938* is to be read, where it is appropriate in the context to do so, as including a reference to the provisions of that Act as so continuing.

No 17.

New Clauses 35 and 36, page 13, after line 28 - To insert the following new clauses -

**35. Coroners Act 1996 amended**

- (1) Section 6(5) of the *Coroners Act 1996*\* is amended by deleting “or a member within the meaning of the *Government Employees Superannuation Act 1987*”.
- (2) Section 6(5) of the *Coroners Act 1996*\* is repealed.

[\* Act 2 of 1996.

For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, pp. 53 and Act No. 8 of 2000.]

**36. Corporations (Western Australia) Act 1990 amended**

- (1) Section 83 of the *Corporations (Western Australia) Act 1990*\* is amended as follows —
- (a) at the end of subsection (1)(b)(i) by deleting “; or” and inserting a comma instead;
  - (b) by deleting subsection (1)(b)(ii).
- (2) Section 83 of the *Corporations (Western Australia) Act 1990*\* is repealed.

[\* Act 2 of 1996.

For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, pp. 53 and Act No. 8 of 2000.]

No 18.

New Clause 41, page 16, after line 27 - To insert the following new clause -

**41. Family Court Act 1997 amended**

- (1) Section 17 of the *Family Court Act 1997*\* is amended by deleting “or a member within the meaning of the *Government Employees Superannuation Act 1987*”.
- (2) Section 17 of the *Family Court Act 1997*\* is repealed.

[\* Act 40 of 1997.]

Mr KIERATH: I move -

That the amendments made by the Council be agreed to.

Mr RIPPER: These amendments are part of the overall package to which my previous remarks applied. I see no further need to elaborate on them.

**Question put and passed; the Council’s amendments agreed to.**

**The Council acquainted accordingly.**