TR301

State Superannuation Act 2000

State Superannuation Amendment Regulations (No. 2) 2021

SL 2021/132

Made by the Governor in Executive Council.

1. Citation
   These regulations are the State Superannuation Amendment Regulations (No. 2) 2021.

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. Regulations amended
   These regulations amend the State Superannuation Regulations 2001.

4. Regulation 47 amended
   Delete regulation 47(5).

5. Regulation 48 amended
   In regulation 48(1) in the definition of death benefit paragraph (c) delete “Scheme, to the extent that it has not been” and insert:

   Scheme but is not

6. Regulation 80A amended
   Delete regulation 80A(1) and (2) and insert:

   (1) A West State Super Member may apply to the Board for the early release of the balance of the Member’s west state account if the Member —
   (a) is no longer a temporary resident (as defined in the SIS Regulations regulation 6.01(2)); and
(b) has permanently departed from Australia.

(2) The Board must accept the application if satisfied that, if the West State Super Scheme were a regulated superannuation fund, the Board would be required under the SIS Regulations regulation 6.20A to cash the Member’s benefit.

Note: The heading to amended regulation 80A is to read:

Early payment in case of temporary resident departing Australia

7. **Regulation 125 amended**

Delete regulation 125(1) and (2) and insert:

(1) A GESB Super Member may apply to the Board for the early release of the balance of the Member’s GESB Super account if the Member —

   (a) is no longer a temporary resident (as defined in the SIS Regulations regulation 6.01(2)); and

   (b) has permanently departed from Australia.

(2) The Board must accept the application if satisfied that, if the GESB Super Scheme were a regulated superannuation fund, the Board would be required under the SIS Regulations regulation 6.20A to cash the Member’s benefit.

Note: The heading to amended regulation 125 is to read:

Early payment in case of temporary resident departing Australia

8. **Regulation 231 amended**

(1) Delete regulation 231(2) and insert:

(2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —

   (a) the candidate is, or candidates are, elected; and

   (b) the unfilled vacancies are to be taken to be casual vacancies occurring on the day after the close of nominations.

(2) After regulation 231(3) insert:

(4) The returning officer must, within 7 days after a candidate is elected under subregulation (1) or (2)(a), notify the Treasurer of the election.
(5) The Treasurer is to cause notice of the election of a candidate to be published in the Gazette.

Note: The heading to amended regulation 231 is to read:

Procedure after close of nominations

9. Regulation 240 amended

(1) In regulation 240(1):

(a) in paragraph (b) delete “election.” and insert:

   election; or

(b) after paragraph (b) insert:

   (c) the election of a candidate under regulation 231(1) or (2)(a).

(2) Delete regulation 240(2) and insert:

   (2) An appeal made under subregulation (1)(a) or (b) must be in writing and must be received by the Treasurer within 1 month of the publication of the result of the election in the Gazette.

   (2A) An appeal made under subregulation (1)(c) must be in writing and must be received by the Treasurer within 1 month of the publication of the election of the candidate in the Gazette.

10. Schedule 1 amended

After Schedule 1 Division 1 item 15A insert:

15B. Economic Regulation Authority established by the Economic Regulation Authority Act 2003

V. MOLAN, Clerk of the Executive Council.