

[s 1]

1 Short title

This regulation may be cited as the *Superannuation (State Public Sector) Amendment of Deed Regulation (No. 1) 2012*.

2 Commencement

Sections 4, 6 and 7 are taken to have commenced on 1 November 2011.

3 Deed amended

This regulation, including the schedule, amends the *Superannuation (State Public Sector) Deed 1990*.

4 Amendment of s 4 (Definitions)

Section 4, definition *APRA*—

omit, insert—

‘*Commonwealth decision-maker* means the decision-maker who, under the SIS Act, section 6(1), administers the parts of that Act providing for the release of benefits on compassionate grounds.’.

5 Insertion of new ch 1, pt 7D

After section 29O—

insert—

‘Part 7D Amounts forfeited under proceeds of crime legislation

‘29P Benefits affected under proceeds of crime legislation

‘(1) This section applies if, on or after the commencement of this section, all or part of a member’s benefit is forfeited (the *forfeited amount*) to the Commonwealth or a State under a forfeiture law, whether under a court order or otherwise.

‘(2) The board must—

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- (a) deduct the forfeited amount from the member's benefit; and
 - (b) pay the forfeited amount as required under the forfeiture law.

(3) In this section—

forfeiture law means a law of the Commonwealth or a State mentioned in the table in the SIS regulation, regulation 5.08(1A).

Note—

The following sections of the *Criminal Proceeds Confiscation Act 2002* are forfeiture laws—

- section 58 (Making forfeiture order)
- section 58A (Forfeiture order relating to external serious crime related activity)
- section 151 (Making forfeiture order)
- Chapter 3, part 5 (Automatic forfeiture).

6 **Amendment of s 89D (Access to accessible amount on compassionate grounds)**

Section 89D, 'APRA'—

omit, insert—

'the Commonwealth decision-maker'.

7 **Amendment of s 411 (Application for access on compassionate grounds)**

Section 411, 'APRA'—

omit, insert—

'the Commonwealth decision-maker'.

Schedule Minor amendments

section 3

- 1 **Section 4, definition *superannuation system*,
'Superannuation Industry (Supervision) Regulations 1994
(Cwlth)'**—
 omit, insert—
 'SIS regulation'.

- 2 **Section 29H, definition *non-commutable allocated
pension*, 'Superannuation Industry (Supervision)
Regulations 1994 (Cwlth)'**—
 omit, insert—
 'SIS regulation'.

- 3 **Section 68, definition *preservation cashing condition*,
'Superannuation Industry (Supervision) Regulations 1994
(Cwlth)'** —
 omit, insert—
 'SIS regulation'.

- 4 **Section 89C, definition *Commonwealth income support
payment*, 'Superannuation Industry (Supervision)
Regulations 1994 (Cwlth)'**—
 omit, insert—
 'SIS regulation'.

- 5 **Section 333, definition *approved deposit fund*,
'Superannuation Industry (Supervision) Act 1993
(Cwlth)'**—
 omit, insert—

‘SIS Act’.

**6 Section 333, definition *superannuation fund*,
‘*Superannuation Industry (Supervision) Act 1993*
(Cwlth)’—**

omit, insert—

‘SIS Act’.

ENDNOTES

- 1 Consented to by the Board of Trustees of the State Public Sector Superannuation Scheme on 15 December 2011.
- 2 Made by the Governor in Council on 25 January 2012.
- 3 Notified in the gazette on 27 January 2012.
- 4 Laid before the Legislative Assembly on . . .
- 5 The administering agency is the Treasury Department.

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