



State Authorities Superannuation (Transitional Provisions) Amendment Regulation 2003

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

Explanatory note

Currently, benefits are payable under the *State Authorities Superannuation (Transitional Provisions) Regulation 1988* only to spouses of former contributors under the former Local Government Pension Fund and the New South Wales Retirement Fund and, in the case of pensions, to persons who were spouses when the former contributor concerned elected to take a pension.

The objects of this Regulation are:

- (a) to extend the entitlement to a full spouse pension to persons who have been spouses or de facto partners of deceased pensioners for the period of 3 years immediately before the pensioners' deaths and, on a pro rata basis, to persons who have been spouses or partners for a lesser period, if the spouses or partners have or had a dependent child of the particular marriage or relationship or a child of a pensioner born alive after the pensioner's death, and
- (b) to extend entitlements of spouses under the provisions relating to the former contributors or pensioners to same sex de facto partners.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including section 55 (the general regulation-making power) and clause 4 of Schedule 3.

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Clause 1 State Authorities Superannuation (Transitional Provisions) Amendment
Regulation 2003

State Authorities Superannuation (Transitional Provisions) Amendment Regulation 2003

under the

State Authorities Superannuation Act 1987

1 Name of Regulation

This Regulation is the *State Authorities Superannuation (Transitional Provisions) Amendment Regulation 2003*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation is taken to have commenced on 19 January 2001.
- (2) Schedule 1 [8] is taken to have commenced on 29 November 2002.

3 Amendment of State Authorities Superannuation (Transitional Provisions) Regulation 1988

The *State Authorities Superannuation (Transitional Provisions) Regulation 1988* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 17 Pension rights—death

Insert “or de facto partner” after “spouse” wherever occurring in clause 17 (1) and (3).

[2] Clause 26 Pension rights—death

Insert “or de facto partner” after “spouse” wherever occurring in clause 26 (1) and (3).

[3] Clause 38 Election by transferred contributor to take pension benefit

Insert “or de facto partner” after “spouse” wherever occurring in clause 38 (1).

[4] Clause 39 Payment of pension benefit

Insert “or de facto partner” after “spouse” in clause 39 (2).

[5] Clause 44 Employer-financed pension—spouse or de facto partner

Insert “or de facto partner” after “spouse”.

[6] Clause 45 Duration of pensions

Insert “or de facto partner” after “spouse” wherever occurring.

[7] Clause 45 (4)

Insert “*or de facto partner*” after “*spouse*”.

[8] Clause 45A

Insert after clause 45:

45A Pensions for certain spouses and de facto partners

- (1) If a pension under clause 41 or 43 is payable to a transferred contributor, on the death of that contributor a pension as referred to in clause 45 (1) (b) is, despite clause 45 (4), payable to the spouse or de facto partner of the deceased contributor if the spouse or de facto partner:

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Schedule 1 Amendments

- (a) became such a spouse or partner after the deceased contributor elected to take the pension, and
 - (b) has or had in his or her marriage or relationship with the deceased contributor a child, being:
 - (i) a child of the spouse or de facto partner and the deceased contributor who was, in the opinion of the Board, wholly or substantially dependent on the deceased contributor at any time during the marriage or relationship, or
 - (ii) a child of the deceased contributor who was conceived before and born alive after the death of the contributor, and
 - (c) had been married to or the de facto partner of the deceased contributor for 3 years or more immediately before the death of the contributor.
- (2) If a pension under clause 41 or 43 is payable to a transferred contributor, on the death of that contributor a pension as referred to in clause 45 (1) (b), reduced on a pro rata basis according to the proportion that the period of the marriage or relationship bears to 3 years, is, despite clause 45 (4), payable to the spouse or de facto partner of the deceased contributor if the spouse or de facto partner:
- (a) satisfies the requirements of subclause (1) (a) and (b), and
 - (b) had been married to or the de facto partner of the deceased contributor for less than 3 years immediately before the death of the contributor.

[9] Clause 46 Pensions in respect of children and orphans

Insert “or de facto partner” after “spouse” wherever occurring.

BY AUTHORITY
