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**FIRE AND EMERGENCY SERVICES**

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FE301\*

Fire and Emergency Services Superannuation Act 1985

**Fire and Emergency Services (Superannuation Fund) Amendment Regulations 2009**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fire and Emergency Services (Superannuation Fund) Amendment Regulations 2009*.

**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 *Fire and Emergency Services (Superannuation Fund) Regulations 1986*.

**4. Regulation 3 amended**

In regulation 3(1) insert in alphabetical order:

*death benefit* means a benefit payable in respect of a member on or after his death;

**5. Regulation 21AC inserted**

After regulation 21AB insert:

**21AC. Increased death benefit in certain cases**

If —

- (a) a death benefit becomes payable; and
- (b) the Superannuation Board would be entitled to a deduction under the *Income Tax Assessment Act 1997* (Commonwealth) section 295-485 if it were to increase the amount of the benefit,

then the Superannuation Board may, if it considers it appropriate to do so, increase the amount of the death benefit by an amount not exceeding the amount of the deduction to which the Superannuation Board would be entitled.

**6. Regulation 25 amended**

- (1) In regulation 25(1) delete “Benefits payable in respect of a member upon or after his death” and insert:

A death benefit

- (2) In regulation 25(2):
- (a) delete “Any payment of a benefit under subregulation (1) may at the discretion of the Superannuation Board be made or paid —” and insert:

Unless the SIS Regulations require otherwise, a death benefit may, at the discretion of the Superannuation Board, be paid —

- (b) in paragraph (a) delete “both;” and insert:

both; and

- (3) In regulation 25(3):

- (a) in paragraph (a) delete “member;” and insert:

member; and

- (b) delete paragraph (b) and “and” after it and insert:

(b) any request made by the member as to the payment of his death benefit, other than a notice under regulation 26 that the SIS Regulations require the Superannuation Board to comply with; and

## 7. **Regulation 26 replaced**

Delete regulation 26 and insert:

### 26. **Death benefits — direction as to payment**

- (1) A member may give written notice to the Superannuation Board requiring the Superannuation Board to pay any death benefit that becomes payable in respect of the member to the legal personal representative or a dependant of the member.

Note: The SIS Regulations r. 6.17A to 6.17B make provision in respect of notices and as to their effect.

- (2) A member cannot give a notice under subregulation (1) unless the Superannuation Board has given to the member any information that the SIS Regulations require to be given to the member before he can give a notice of that kind.
- (3) The Superannuation Board must give the information mentioned in subregulation (2) to a member —
- (a) when he becomes a member; and

- (b) at the request of the member; and
- (c) at such other times as the Superannuation Board thinks fit.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.