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**COAL INDUSTRY SUPERANNUATION BOARD**

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CZ301\*

Coal Industry Superannuation Act 1989

**Coal Industry Superannuation Amendment  
Regulations 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Coal Industry Superannuation Amendment Regulations 2003*.

**2. The regulations amended**

The amendments in these regulations are to the *Coal Industry Superannuation Regulations 1990\**.

[\* Reprinted as at 5 July 2002.]

**3. Regulation 3 amended**

Regulation 3(1) is amended by inserting the following definition in its appropriate alphabetical position —

“

“**category C member**” means a person who is a member of category C under regulation 9A;

”.

**4. Regulation 4A amended**

Regulation 4A(b)(ii) is amended by deleting “mineworker” and inserting instead —

“ mine worker ”.

**5. Regulation 9A replaced**

Regulation 9A is repealed and the following regulation is inserted instead —

“

**9A. Categories of membership**

The members of the Fund are divided into 3 categories as follows —

- (a) category A — people who became members under regulation 10 or 11 but not regulation 11(1)(a);
- (b) category B — people who became members under regulation 11A; and
- (c) category C — people who became members under regulation 11(1)(a).

”.

**6. Regulation 11 replaced**

Regulation 11 is repealed and the following regulation is inserted instead —

“

**11. Mine workers**

- (1) Where a person who is not already a member of the Fund becomes a mine worker that person shall, by virtue of this regulation, become —
  - (a) if the Board is of the opinion that the person is unlikely to remain in service as a mine worker for more than 6 months, a category C member; or
  - (b) otherwise, a category A member,when he or she becomes a mine worker.
- (2) If a category C member is still in service as a mine worker 6 months after becoming a category C member, he or she becomes a category A member from the day after the expiry of those 6 months.
- (3) However if, on the expiry of those 6 months, the Board is of the opinion that the member is unlikely to remain in service as a mine worker for more than a further 3 months, the Board may allow the person to remain a category C member for a further period of up to 3 months.
- (4) If, on the expiry of any such further period, the person is still in service as a mine worker, he or she becomes a category A member from the day after the expiry of that further period.

- (5) If the Board is of the opinion that the terms of a category C member's employment, appointment, election or contract have changed so that he or she is likely to remain in service as a mine worker for more than 6 months (or any longer period allowed under subregulation (3)), the person becomes a category A member from the day on which that change occurred.
- (6) A mine worker who is on active service as a member of the Defence Forces of the Commonwealth is deemed to continue to be in service as a mine worker during that period.

”.

**7. Regulation 14 amended**

- (1) Regulation 14(1c) is amended by deleting “Each category B member” and inserting instead —  
“ A category B member or category C member ”.
- (2) Regulation 14(4) is amended by deleting “mineworker under regulation 11(2)” and inserting instead —  
“ mine worker under regulation 11(6) ”.

**8. Regulation 15 amended**

Regulation 15(3) is amended by inserting after “category B member” —

“ and each category C member ”.

**9. Regulation 21 amended**

Regulation 21(2) and (2)(b)(i) are amended by deleting “mineworker” and inserting instead —

“ mine worker ”.

**10. Regulation 21B amended**

Regulation 21B(1) and (2) are amended by inserting after “category B member” —

“ or category C member ”.

**11. Regulation 22 amended**

Regulation 22(1) is amended by deleting “a benefit under regulation 17, 20, 21 or 21B” and inserting instead —

“ payment of a benefit ”.

**12. Regulation 22AB amended**

- (1) Regulation 22AB(1) is amended by deleting “pay a” and inserting instead —

“ pay all or part of a ”.

- (2) After regulation 22AB(1) the following subregulation is inserted —

“

- (1a) However a member who has retained a defined benefit component of a benefit under regulation 22(3) cannot request the payment or transfer of part only of that component unless the member first converts it to an accumulation benefit under regulation 22AA.

”.

- (3) Regulation 22AB(2) is amended by deleting “The amount of a retained benefit to be paid or transferred under subregulation (1) is —” and inserting instead —

“

When the whole of a retained benefit is to be paid or transferred under subregulation (1) the amount to be so paid or transferred is —

”.

- (4) After regulation 22AB(2) the following subregulation is inserted —

“

- (2a) When part only of a retained benefit is to be paid or transferred under subregulation (1) the amount to be so paid or transferred is the amount requested by the member.

”.

### 13. **Regulation 22AC inserted**

After regulation 22AB the following regulation is inserted —

“

#### **22AC. Allocated pension**

- (1) The Board may agree with a member who —
- (a) has retained a benefit under regulation 22(2) or (4); or
  - (b) having retained a benefit under regulation 22(3), has converted it to an accumulation benefit under regulation 22AA,
- to pay all or part of that benefit to the member as an allocated pension on such terms and conditions as are agreed between the member and the Board.
- (2) The terms and conditions on which it is agreed that an allocated pension is to be paid must be consistent with the SIS Act.
- (3) If the Board agrees to pay all or part of a member’s retained benefit as an allocated pension, the Board is to transfer the amount agreed to be paid as an allocated pension from the member’s accumulation account to an

account kept by the Board for the member from which the pension will be paid.

- (4) If a member to whom an allocated pension is being paid dies before all of the pension has been paid, the Board is to pay the unpaid amount in accordance with regulation 24.

”.

**14. Regulation 27A amended**

- (1) Regulation 27A(2)(a) is amended by deleting “by”.
- (2) After regulation 27A(3)(ba) the following paragraph is inserted —

“

- (bb) administrative costs attributable to the member;

”.

**15. Regulation 46 amended**

Regulation 46(8) is amended by deleting “of prescribed” and inserting instead —

“ of a prescribed ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.