

BU303*

Fire Brigades Superannuation Act 1985

Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1998

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1998*.

2. Commencement

These regulations come into operation on the day on which the *Fire and Emergency Services Authority of Western Australia Act 1998* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Fire Brigades (Superannuation Fund) Regulations 1986**.

[* Reprinted as at 11 October 1994.

For amendments to 2 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 82, and Gazette 17 April 1998 (with correction 28 April 1998).]

4. Regulation 3 amended

Regulation 3(1) is amended by inserting before the definition of “instalment benefit” the following definition —

“

“**FESA Act**” means the *Fire and Emergency Services Authority of Western Australia Act 1998*;

”.

5. Regulation 3A inserted

After regulation 3 the following regulation is inserted —

“

3A. Eligible Authority employees

For the purposes of the definition of “eligible Authority employee” in section 3(1) of the Act —

- (a) a person holds a prescribed office if the person holds office as the chief executive officer of the Authority under section 19 of the FESA Act (including a person who is taken to hold that office by the operation of clause 8(1) of Schedule 2 to that Act); and
- (b) a person is of a prescribed class if the person is appointed or engaged under section 20 of the FESA Act (including a person who is taken to be appointed or engaged under that section by the operation of clause 8(2), (3) or (4) of Schedule 2 to that Act).

”.

6. Regulation 6 amended

Regulation 6 is amended as follows:

- (a) by deleting paragraph (a) and “or” after it and inserting instead —

“

- (a) in the case of an eligible Authority employee to whom regulation 132B of the *Fire Brigades Regulations 1943* applies, if his employment is terminated on medical grounds by the chief executive officer on the basis of the report of a medical panel under that regulation; or

”;

- (b) in paragraph (b), by inserting after “in the case of” —

“

an eligible Authority employee to whom regulation 132B of the *Fire Brigades Regulations 1943* does not apply or

”.

7. **Regulation 7 amended**

Regulation 7(1)(a) is amended by deleting “a Fire Brigades employee” and inserting instead —

“ an eligible Authority employee ”.

8. **Regulation 10 amended**

Regulation 10 is amended as follows:

- (a) by deleting “A Fire Brigades Board employee who is” and inserting instead —

“

- (1) An eligible Authority employee who was a Fire Brigades Board employee and

”;

- (b) by inserting at the end of the regulation the following subregulation —

“

- (2) In subregulation (1) —

“**Fire Brigades Board employee**” means a person in the employment of the Western Australian Fire Brigades Board constituted under the *Fire Brigades Act 1942* immediately before the commencement of the FESA Act.

”.

9. **Regulation 11 amended**

Regulation 11(2) is amended as follows:

- (a) by inserting before the definition of “employment” the following definition —

“

“**eligible Authority employee**” does not include a temporary or casual employee or a person to whom regulation 12B applies;

”;

- (b) by deleting the definition of “Fire Brigades Board employee”.

10. **Regulation 12B amended**

Regulation 12B(1) is amended as follows:

- (a) in paragraph (a), by deleting “Fire Brigades Board” and inserting instead —

“ board of management of the Authority ”;

- (b) in paragraph (b), by deleting “Fire Brigades Board” and inserting instead —

“ Authority ”.

11. Regulation 13 amended

- (1) Regulation 13(1) is amended by deleting “Subject to regulation 34A(3), if” and inserting instead —
“ If ”.
- (2) Regulation 13(2) is amended by deleting “Subject to regulation 34A(3), the” and inserting instead —
“ The ”.

12. Regulation 34A amended

- (1) Regulation 34A(1) is amended by deleting “Subject to subregulation (3), the Fire Brigades Board,” and inserting instead —
“ The chief executive officer, ”.
- (2) Regulation 34A(3) and (4) are repealed.

13. Regulation 48 amended

- (1) Regulation 48(1) is amended as follows:
 - (a) by deleting “Fire Brigades Board” in the first place where it occurs and inserting instead —
“ chief executive officer ”;
 - (b) by deleting “Fire Brigades Board has given its consent” and inserting instead —
“ chief executive officer has consented ”.
- (2) Regulation 48(2)(b) is amended by deleting “Fire Brigades Board has given its consent” and inserting instead —
“ chief executive officer has consented ”.

14. Various references to “Fire Brigades Board” amended

- (1) The regulations mentioned in the Table to this subregulation are amended by deleting “the Fire Brigades Board” in each place where it occurs and inserting instead —
“ the chief executive officer ”.

Table

regulation 3(1) (in paragraph (a) of the definition of “the employer”)
 regulation 7(1)(c)(vi)
 regulation 10
 regulation 11(1)
 regulation 11(1b)(b)
 regulation 12(1)

regulation 12(3)
 regulation 12A(1)
 regulation 12A(3)(a)
 regulation 13(1)(a)
 regulation 13(1)(c)
 regulation 13(2)(a)
 regulation 13(2)(b)
 regulation 16(1) (in paragraph (b) of the definition of “actuarial amount”)
 regulation 16(1) (in the definition of “employer”)
 regulation 16(2)
 regulation 16(6) (in 2 places)
 regulation 16(7) (in 2 places)
 regulation 23B(10)
 regulation 35(1)
 regulation 36(4)
 regulation 42(3)(a)
 regulation 48(2)(a)

- (2) The regulations mentioned in the Table to this subregulation are amended by deleting “the Fire Brigades Board” and inserting instead —

“ the Authority ”.

Table

regulation 47(1) regulation 47A(2)

15. Various references to “Fire Brigades Board employee” amended

The regulations mentioned in the Table to this regulation are amended by deleting “a Fire Brigades Board employee” in each place where it occurs and inserting instead —

“ an eligible Authority employee ”.

Table

regulation 3(1) (in the definitions of “member”, “temporary or casual employee” and “the employer”)
 regulation 11(1) (in 2 places)
 regulation 11(1b)
 regulation 11(1c) (in 2 places)
 regulation 11(2) (in the definition of “listed employee”)

By Command of the Governor,

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