

FIRE BRIGADES

FB301

FIRE BRIGADES SUPERANNUATION ACT 1985

FIRE BRIGADES (SUPERANNUATION FUND) AMENDMENT REGULATIONS 1995

Made by the deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 1995*.

Principal regulations

2. In these regulations the *Fire Brigades (Superannuation Fund) Regulations 1986** are referred to as the principal regulations.

[* Reprinted as at 11 October 1994.
For amendments to 26 October 1995 see 1994 Index to Legislation
of Western Australia, Table 4, p. 85.]

Regulation 3 amended

3. Regulation 3 (1) of the principal regulations is amended —

(a) in the definition of “Superannuation Guarantee Charge” by inserting after “1992” the following —

“ (Cwlth) ”; and

(b) in the definition of “temporary or casual employee” by inserting after “Fire Brigades” the following —

“ Board ”.

Regulation 11 amended

4. (1) Regulation 11 (1) of the principal regulations is amended by deleting “Where” and substituting the following —

“ Subject to this regulation, where ”.

(2) Regulation 11 of the principal regulations is amended by inserting after subregulation (1) the following subregulations —

“

(1a) Subregulation (1) does not apply to a person who —

(a) makes an election under subregulation (1b); and

(b) remains or becomes a member of the GESF.

(1b) If a listed employee is, at the time the employee becomes a Fire Brigades Board employee —

(a) a member of the GESF; or

(b) eligible to become a member of the GESF and the Fire Brigades Board is satisfied that the person would be financially disadvantaged if compelled to join the Superannuation Fund rather than the GESF,

the employee may elect to remain or become a member of the GESF.

(1c) If a person to whom subregulation (1a) applied at the time the person became a Fire Brigades Board employee ceases to be a member of the GESF before ceasing to be employed by the employer, then subregulation (1) applies to that person as if the person had become a Fire Brigades Board employee on the day on which the person ceased to be a member of the GESF.

(3) Regulation 11 (2) of the principal regulations is amended —

(a) by deleting “subregulation (1) —” and substituting the following —

“ this regulation — ”;

(b) in the definition of “Fire Brigades employee” by inserting after “Brigades” the following —

“ **Board** ”; and

(c) by inserting the following definitions in the appropriate alphabetical positions —

“

“**GESF**” means the Government Employees Superannuation Fund established under the *Government Employees Superannuation Act 1987*;

“**listed employee**” means a Fire Brigades Board employee who —

(a) is a firefighter to whom the Government Officers Salaries, Allowances and Conditions Award 1989 applies; or

(b) is not a firefighter;

”.

Regulation 15 amended

5. Regulation 15 (1a) of the principal regulations is amended by deleting “, with the consent of his or her employer, ”.

Regulation 22 amended

6. (1) Regulation 22 (1) of the principal regulations is amended —

(a) by inserting after “member” the following —

“ or the spouse of a member ”; and

(b) by deleting “regulation 17, 18, 20 or 21 may, prior to his retirement from the employment of the employer,” and substituting the following —

“ these regulations may ”.

(2) Regulation 22 (2) of the principal regulations is amended by deleting “by a member”.

(3) Regulation 22 (4) of the principal regulations is amended —

(a) by inserting after “member” the following —

“ , the spouse receiving the pension ”; and

(b) by deleting “through him” and substituting the following —

“ through either of them ”.

(4) Regulation 22 (5) of the principal regulations is amended by inserting, after “the member” the following —

“ or the spouse receiving the pension ”.

Regulation 23B amended

7. (1) Regulation 23B (1) of the principal regulations is amended —

(a) in paragraph (d) by inserting before “benefit” the following —

“ monthly instalment ”; and

(b) in paragraph (e) by inserting before “benefit” the following —

“ annual instalment ”.

(2) Regulation 23B (3) of the principal regulations is amended by deleting “subregulation (1) (a) shall be a monthly instalment benefit” and substituting the following —

“ subregulation (1) (d) shall be ”.

(3) Regulation 23B (4) of the principal regulations is amended by deleting “subregulation (1) (b) shall be paid an annual instalment” and substituting the following —

“ subregulation (1) (e) shall be ”.

Regulation 23D amended

8. Regulation 23D (1) (a) (ii) of the principal regulations is amended by deleting “32B (3)” and substituting the following —

“ 23B (3) ”.

Regulation 37 amended

9. (1) Regulation 37 (1) of the principal regulations is amended by deleting “Category A member” and substituting the following —

“ member, other than a Category B member, ”.

(2) Regulation 37 (3) (a) of the principal regulations is amended by deleting “the allocated accumulation of the member” and substituting the following —

“ the “allocated accumulation of the member” ”.

(3) Regulation 37 (3) (c) of the principal regulations is deleted and the following paragraph is substituted —

“ (c) an amount equal to the allocated accumulation of the member is to be added —

(i) if at the time the contributions were made the member had left the employment of the employer and was receiving a pension from the Superannuation Fund, to the pension on terms and conditions approved by the Superannuation Board;

(ii) if at the time the contributions were made the member had left the employment of the employer and had deferred payment of a lump sum benefit, to that benefit when it is paid; or

(iii) in any other case, to the benefit which becomes payable to or in respect of the member when the member ceases to be in the employment of the employer; and

”.

Schedule 1 amended

10. Schedule 1 to the principal regulations is amended in the formula by deleting "0.21" and substituting the following —

" 0.215 "

Schedule 4 amended

11. Schedule 4 to the principal regulations is amended in the definition of "R" by deleting "0.21" and substituting the following —

" 0.215 "

Transitional

12. If a member became entitled to a benefit under regulation 17 or 19 on or after 25 September 1995 and before the commencement of these regulations, the benefit payable to the member is the amount equal to the greater of —

- (a) the benefit the member would have been entitled to under the principal regulations as in force at the time the entitlement arose;
or
- (b) the benefit the member would have been entitled to if these regulations had been in force at the time the entitlement arose.

By Command of the deputy of the Governor,

J. PRITCHARD, Clerk of the Council.