



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.00 p.m.)

No. 25]

PERTH: FRIDAY, 10 APRIL

[1981

Local Government Superannuation Act 1980.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Rear-Admiral Sir Richard John
To Wit: } Trowbridge, Knight Commander of the Royal
RICHARD } Victorian Order, Knight of Grace of the Most
TROWBRIDGE, } Venerable Order of the Hospital of St. John of
Governor. } Jerusalem, Governor in and over the State of
[L.S.] } Western Australia and its Dependencies in the
Commonwealth of Australia.

WHEREAS it is enacted by section 2 of the Local Government Superannuation Act 1980 that the provisions of that Act shall come into operation on such day or days as is or are respectively fixed by proclamation: Now therefore, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix the day on which this proclamation is published in the *Government Gazette* as the day on which all of the provisions of the Local Government Superannuation Act 1980 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 1st day of April, Nineteen hundred and eighty-one.

By His Excellency's Command,

JUNE CRAIG,
Minister for Local Government.

GOD SAVE THE QUEEN ! ! !

LOCAL GOVERNMENT SUPERANNUATION
ACT 1980.

Notice.

Department of Local Government,
Perth, 10 April 1981.

IT is hereby notified for public information that the Minister for Local Government has under the provisions of the Local Government Superannuation Act 1980, appointed to the Local Government Superannuation Board established under that Act—

- (a) on the nomination of the Local Government Association of Western Australia (Inc.), Harry Stickland as a member and Selwyn Peter Willmott as his deputy;
- (b) on the nomination of the Country Shire Councils' Association of W.A., Ian Keith Blackburn as a member and Herbert Clement Kentish as his deputy;
- (c) on the nomination of the Municipal Officers' Association of Australia, Roy Morrish as a member and Wallace Frederick Felgate as his deputy; and
- (d) on the nomination of the Western Australian Municipal Road Boards, Parks and Racecourse Employees' Union of Workers, Perth, Adrian Frank Bennett as a member and Stephen Herbert Ellis as his deputy;

for a period commencing on 10 April 1981 and terminating on and including 9 April 1984.

P. FELLOWES,
Secretary for Local Government.

LOCAL GOVERNMENT SUPERANNUATION ACT 1980.

LOCAL GOVERNMENT SUPERANNUATION REGULATIONS 1981.

ARRANGEMENT.

Reg. No.

PART I—PRELIMINARY.

1. Citation.
2. Commencement.
3. Interpretation.
4. Annual entitlement date and annual adjustment date.

PART II—CONTRIBUTIONS.

5. Members' basic contributions.
6. Members' supplementary contributions.
7. Corporations' contributions.
8. Calculation and payment of contributions.

PART III—MEMBERS' CREDITS.

9. Member's Credit.
10. Determination of interest rates.
11. Allocation of surplus or deficiency.

PART IV—BENEFITS.

12. Insurable benefits.
13. Retirement benefit.
14. Death benefit.
15. Total and permanent disablement benefit.
16. Total and temporary disablement benefit.
17. Duration and payment of total and temporary disablement benefit.
18. Benefit on cessation of employment.
19. Adjustment of benefits.
20. Adjustment of benefits of previous scheme contributors.
21. Effect of leave without pay on insurable benefits.
22. Discretionary benefits.
23. Benefits not assignable.
24. Forfeiture or suspension of benefits.
25. Benefit to be claimed within 6 years.

PART V—MISCELLANEOUS.

26. Distribution of Annual Report.
27. Amount payable on transfer to the City of Perth scheme.
28. Board may require returns and information.

LOCAL GOVERNMENT SUPERANNUATION ACT 1980.
INTERPRETATION ACT 1918.

**LOCAL GOVERNMENT SUPERANNUATION
REGULATIONS 1981.**

MADE by His Excellency the Governor in Executive Council.

PART I—PRELIMINARY.

1. These regulations may be cited as the Local Government Superannuation Regulations 1981. Citation.
2. (1) Parts I, II and V of these regulations shall come into operation on the same day as the Local Government Superannuation Act 1980. Commence-
ment.
- (2) Parts III and IV of these regulations shall come into operation on the commencement date designated by the Minister under section 18 of the Local Government Superannuation Act 1980.
3. In these regulations, unless the contrary intention appears— Interpreta-
tion.
 - “Act” means the Local Government Superannuation Act 1980;
 - “annual adjustment date” in relation to a member, means the annual adjustment date determined in respect of that member under regulation 4;
 - “annual entitlement date” in relation to a member, means the annual entitlement date determined in respect of that member under regulation 4;
 - “basic contribution rate” in relation to a member, means the basic contribution rate nominated by or otherwise applicable to him under regulation 5;
 - “continuous service” in relation to a member, means the period of his employment by one or more corporations and also means any period not exceeding 3 months after cessation of his employment with a corporation if before the end of 3 months he commences employment with the same or another corporation, except that continuous service shall terminate if the member receives a benefit under the scheme on account of the cessation of his employment;
 - “interest date” means the date specified under regulation 10 by the Board from time to time as the interest date for the purposes of these regulations;
 - “paragraph” means a paragraph of the regulation or subregulation in which the term is used;
 - “regulation” means a regulation of these regulations;
 - “salary” in relation to a member, means the standard salary or wage payable to him, exclusive of overtime and special allowances considered by the Board to be of a temporary nature, expressed as a fortnightly or such other periodic amount as the case requires;
 - “subparagraph” means a subparagraph of the paragraph in which the term is used;
 - “subregulation” means a subregulation of the regulation in which the term is used;
 - “supplementary contribution rate” in relation to a member, means a supplementary contribution rate nominated by him under regulation 6.

Annual entitlement date and annual adjustment date.

4. (1) Subject to subregulation (4), the Board shall determine in respect of every member for the purposes of these regulations a date in the year to be known as his annual entitlement date and the Board may determine different annual entitlement dates for different members or different groups or classes of members.

(2) Subject to subregulation (4), the Board shall determine in respect of every member for the purposes of these regulations a date to be known as his annual adjustment date, being a date not more than 3 months after the annual entitlement date of that member and the Board may determine different annual adjustment dates for different members or different groups or classes of members.

(3) The Board may vary a member's annual entitlement date or his annual adjustment date, or both, but so that in every case a member's annual adjustment date shall not be more than 3 months after his annual entitlement date.

(4) The initial annual entitlement date and the initial annual adjustment date of a person who becomes a member after the commencement date shall be the date of his election to become a member and this date shall apply in each case until the application to such member of an annual entitlement date determined under subregulation (1) and an annual adjustment date determined under subregulation (2).

PART II—CONTRIBUTIONS.

Members' basic contributions.

5. (1) At the same time as a person elects to become a member of the scheme, he shall nominate his basic contribution rate which, subject to this regulation, shall be 5% or 6% of his salary and such nomination shall apply with effect from the date he becomes a member.

(2) A member of the previous scheme who by reason of section 19 (4) of the Act will become a member of the scheme on the commencement date shall, before that date, nominate his basic contribution rate which, subject to this regulation, shall be 5% or 6% of his salary and such nomination shall apply with effect from the commencement date; but if for any reason he does not so nominate his basic contribution rate before the commencement date, he shall be deemed to have nominated the same rate as that at which he contributed to the previous scheme.

(3) A member may at any time vary his basic contribution rate to 5% or 6% of his salary and a variation under this subregulation shall take effect from the annual adjustment date of the member next following the date of his notice of variation.

(4) Notwithstanding subregulation (2), a member who immediately before the commencement date contributed to the previous scheme at a rate of less than 5% or more than 6% of his salary may nominate as his basic contribution rate the same rate as that at which he contributed to the previous scheme but, if under subregulation (3) he subsequently varies his basic contribution rate to 5% or 6% of his salary he shall not thereafter vary his basic contribution rate to a rate of less than 5% or more than 6% of his salary.

(5) A nomination, or a variation of nomination, under this regulation shall be made by the delivery of a notice in a form approved by the Board either to the Board or as otherwise may be directed by the Board.

Members' supplementary contributions.

6. (1) A member who nominates or has nominated a basic contribution rate of 6% of his salary may at any time also nominate a supplementary contribution rate of 1%, 2%, or 3% of his salary and a nomination under this subregulation shall take effect from the annual adjustment date of the member next following the date of the nomination.

(2) A member who nominates or has nominated a basic contribution rate of more than 6% of his salary may at any time also nominate a supplementary contribution rate being a percentage of his salary which when added to the percentage of his basic contribution rate is either 7%, 8% or 9% of his salary and a nomination under this regulation shall take effect from the annual adjustment date of the member next following the date of the nomination.

(3) A member who has nominated a supplementary contribution rate under this regulation may at any time vary that rate (but only to a rate permitted by subregulation (1) or (2) whichever may apply) and a variation under this subregulation shall take effect from the annual adjustment date of the member next following the date of his notice of variation.

(4) A nomination, or a variation of nomination, under this regulation shall be made by the delivery of a notice in a form approved by the Board either to the Board or as otherwise may be directed by the Board.

7. (1) A corporation shall, upon any employee of the corporation becoming a member of the scheme, adopt and nominate a contribution scheme in accordance with this regulation for its contributions in relation to employees of that corporation who are or become members of the scheme.

Corporations'
contributions.

(2) A corporation which employs members of the previous scheme who by reason of section 19 (4) of the Act will become members of the scheme on the commencement date shall as soon as possible after the date when the Act comes into operation, adopt and nominate a contribution scheme in accordance with this regulation for its contributors in relation to employees of that corporation who become members of the scheme.

(3) A nomination under subregulation (1) or (2) may adopt a uniform contribution scheme in accordance with subregulation (4) or a differential contribution scheme in accordance with subregulation (5).

(4) A corporation which adopts a uniform contribution scheme may nominate—

- (a) a contribution rate in relation to each employee of the corporation who is a member equal to one and a half times that employee's basic contribution rate; or
- (b) a contribution rate in relation to each employee of the corporation who is a member equal to one and half times that employee's basic contribution rate; or
- (c) a contribution rate of not less than 5% nor more than 9% of the respective salary of each employee of the corporation who is a member, but if in any case the application of the rate nominated under this paragraph would result in a contribution rate that exceeds one and a half times an employee's basic contribution rate, the contribution rate of the corporation in respect of that employee shall be the rate that equals one and a half times the employee's basic contribution rate.

(5) A corporation which adopts a differential contribution scheme may nominate—

- (a) a contribution rate in relation to each employee of the corporation who is a member, other than a member to whom paragraph (c) applies, equal to the amount of that employee's basic contribution rate; or
- (b) a contribution rate of not less than 5% nor more than 9% of the respective salary of each employee of the corporation who is a member, other than a member to whom paragraph (c) applies, but if in any case the application of the rate nominated under this paragraph would result in a contribution rate that exceeds one and a half times an employee's basic contribution rate, the contribution rate of the corporation in respect of that employee shall be the rate that equals one and a half times the employee's basic contribution rate; and, in addition to one of the preceding alternatives,

(c) in respect of every employee of the corporation who has been employed by that corporation for not less than a period specified generally by the corporation for the purposes of this paragraph, a special contribution rate of not less than 5% nor more than 9%, being a higher percentage than that nominated under paragraph (b), of the respective salary of the member, but if in any case the application of the rate nominated under this paragraph would result in a contribution rate that exceeds one and a half times an employee's basic contribution rate, the special contribution rate in respect of that employee shall be the rate that equals one and a half times the employee's basic contribution rate.

(6) A corporation may at any time increase a contribution rate or a special contribution rate, or both, which it nominated under this regulation (but only to a rate or rates permitted by this regulation) and a variation under this subregulation shall take effect from the annual adjustment date of each member who is an employee of that corporation next following the date of variation.

(7) A corporation may decrease a contribution rate or a special contribution rate, or both, which it nominated under this regulation not earlier than 5 years after the nomination concerned, (but only to a rate or rates permitted by this regulation) and a variation under this subregulation shall take effect from the annual adjustment date of each member who is an employee of that corporation next following the date of variation.

(8) A corporation which has adopted a differential contribution scheme and nominated a special contribution rate under paragraph (c) of subregulation (5) may—

- (a) at any time specify generally for the purposes of that paragraph a shorter period than that previously specified; or
- (b) if the period previously specified has been in force for not less than 5 years specify generally for the purposes of that paragraph a longer period than that previously specified,

but if a corporation specifies a longer period under this subregulation it shall continue to contribute at the special contribution rate in respect of every employee of the corporation previously eligible for contribution at that rate by the corporation.

(9) Notwithstanding any other provision in this regulation, in respect of a member who immediately before the commencement date contributed to the previous scheme at a rate of more than 5% of his salary and whose basic contribution rate under these regulations is and remains not less than the rate at which he contributed to the previous scheme, the contribution rate of the corporation in respect of that member shall be not less than the rate at which it contributed to the previous scheme in respect of that member.

(10) A nomination, or a variation of nomination, which has been adopted by a corporation under this regulation shall be made by the delivery of a notice in a form approved by the Board either to the Board or as otherwise may be directed by the Board.

Calculation
and payment
of
contributions.

8. (1) Subject to subregulation (2), the contributions to the scheme payable by or in respect of a person who becomes a member of the scheme shall commence and be calculated with respect to the first full period for the payment of salary to the member after the person becomes a member.

(2) The contributions to the scheme payable by or on behalf of a person who becomes a member of the scheme by reason of section 19 (4) of the Act shall commence and be calculated with respect to the period for the payment of salary to the member first terminating after the commencement date.

(3) Contributions payable to the scheme by a member shall be deducted from his salary by the corporation that employs him and the corporation shall pay the amounts so deducted and the contributions to the scheme payable by the corporation to the Board, or otherwise as the Board may direct, at such intervals and in such manner as the Board may direct.

(4) Contributions by and in respect of a member under these regulations shall be calculated for each period beginning on the member's annual adjustment date and ending on the day before his next following annual adjustment date—

- (a) in the case of the member's contributions, by applying the sum of his basic contribution rate and his supplementary contribution rate, if any, as at his annual adjustment date to his salary as at his annual entitlement date; and
- (b) in the case of the corporation's contributions, by applying the corporation's contribution rate applicable to that member as at his annual adjustment date to his salary as at his annual entitlement date.

(5) Subject to subregulations (6) and (7) and to regulation 21, contributions by and in respect of a member shall be suspended during any period when the member is in receipt of a total and temporary disablement benefit or is on approved leave without pay from his employment and the net amount of salary payable to him for the pay period in which the leave falls is less than the amount of the contributions due from him for that pay period.

(6) A member of the scheme who is on approved leave without pay from his employment may elect, by notice in writing in a form approved by the Board delivered to or as otherwise directed by the Board, to continue payment of his contributions to the scheme while he remains on leave without pay, including payment of so much (if any) of the contributions which would ordinarily be payable in respect of him by the corporation which employs him as that corporation declines to pay.

(7) When a member of the scheme elects under subregulation (6) to continue payment of his contributions while he remains on leave without pay, the corporation which employs that member may elect by notice in writing in a form approved by the Board delivered to or as otherwise directed by the Board, to continue payment during such period of all or part of the contributions which would ordinarily be payable in respect of him by the corporation.

PART III—MEMBERS' CREDITS.

9. (1) The Board shall establish and maintain in respect of each member an account to be known as his "Member's Credit".

Members' credit.

(2) The Board shall credit a Member's Credit with—

- (a) any sum transferred to the fund from the previous scheme and required to be credited to the Member's Credit of that member in accordance with Schedule 3 of the Act;
- (b) any sum transferred to the fund in respect of that member from the scheme established under the City of Perth Superannuation Fund Act 1934 or, with the approval of the Board, from a superannuation or similar plan, other than that scheme or the previous scheme;
- (c) all contributions made under these regulations in respect of the member whether made by the member or by the corporation that employs him;
- (d) any sum allocated to the Member's Credit by way of surplus under regulation 11;
- (e) the amount of interest accruing to the Member's Credit in accordance with regulation 10; and
- (f) any other sum directed by the Board in the particular circumstances to be credited to the Member's Credit.

(3) The Board shall debit a Member's Credit with—

- (a) such amounts in respect of the member's share of the expenses of administering the fund as the Board may determine;
- (b) his share, as determined by the Board, of the cost (if any) of arranging insurance in respect of insurable benefits for the member;
- (c) if the Board has resolved under section 9(2) of the Act not to arrange insurance in respect of all or part of the insurable benefits, such amount as the Board, after obtaining and considering expert advice, determines from time to time to be appropriate having regard to the risk to the fund in relation to the provision of insurable benefits for the member;
- (d) any sum allocated to the Member's Credit by way of deficiency under regulation 11; and
- (e) any sum which under these regulations is authorized or directed to be paid or applied from a Member's Credit.

(4) A Member's Credit is extinguished when a benefit can no longer be paid under these regulations to or in respect of that member.

Determina-
tion of
interest rates.

10. (1) The Board shall, at least once in every period of 12 months, determine the rate of interest which shall accrue to balances standing in Members' Credits with effect from the date specified in the determination, to be known as the interest date, until the next interest date determined under this regulation.

(2) Before making a determination under subregulation (1), the Board shall obtain and consider such independent expert advice as the Board considers necessary or desirable for the purpose and shall have regard to any valuation and recommendation procured under regulation 11.

Allocation of
surplus or
deficiency.

11. (1) The Board shall, at least once in every period of 3 years, procure—

- (a) a valuation by an actuary of the fund and all other assets and liabilities of the Board, including Members' Credits and other contingent liabilities of the Board; and
- (b) the recommendation of the actuary performing the valuation with respect to the allocation of a surplus or a deficiency by the Board under this regulation.

(2) Upon consideration of an actuarial valuation and recommendation procured in accordance with subregulation (1), the Board may—

- (a) allocate all or part of any surplus or deficiency disclosed by the valuation to Members' Credits in proportions according to the amounts of the respective balances of such Credits on the next following interest date;
- (b) apply all or part of any remaining surplus or deficiency by a determination increasing or decreasing the interest rate under regulation 10;
- (c) determine that any remaining surplus or deficiency shall be carried forward and taken into account in the next valuation under this regulation.

PART IV—BENEFITS.

Insurable
benefits.

12. (1) The benefits payable under the scheme that are insurable benefits for the purposes of the Act and the regulations are—

- (a) the portion of the death benefit described in regulation 14 (1) (b);
- (b) the portion of the total and permanent disablement benefit described in regulation 14 (1) (b) (read with regulation 15 (3)); and
- (c) the total and temporary disablement benefit.

(2) The Board may specify a class or classes of persons who upon electing to become members of the scheme are required to undergo, at their own expense, such medical examination as the Board thinks fit.

(3) Subject to these regulations, a member who does not fall within a class specified by the Board under subregulation (2) is eligible for insurable benefits immediately upon electing to become a member.

(4) Subject to these regulations, a member who falls within a class specified by the Board under subregulation (2) is not eligible for insurable benefits unless and until the Board confirms his eligibility for such benefits following consideration of the report of his medical examination.

13. (1) A member who retires from the employment of a corporation at the age of not less than 60 years is entitled to a benefit of an amount equal to the balance of his Members' Credit at the date of his retirement. Retirement benefit.

(2) A benefit under subregulation (1) is payable in a lump sum or in such other manner as the member and the Board may agree.

(3) If a member who is entitled to a benefit under subregulation (1) dies before the whole of that benefit is paid, the Board shall pay the amount payable to the person who would have been entitled and in the same manner as if it were a benefit payable on death in accordance with regulation 14.

14. (1) Subject to these regulations, if a member while employed by a corporation dies before reaching the age of 60 years, the person entitled under this regulation is entitled to— Death benefit.

(a) a benefit of an amount equal to the balance of the Members' Credit of the member at the date of his death; and

(b) a benefit of an amount equal to 12.5 per cent of the annual salary of the member as at the date of his death multiplied by a factor equal to the number of years (due account being taken of complete months) between the date of death and the date on which, if the member had lived, he would have reached the age of 60 years.

(2) In the case of a member who dies during a period when he is entitled to a benefit under subregulation 16 by reason of total and temporary disablement, the salary of that member immediately before his total and temporary disablement shall, for the purposes of subregulation (1) (b), be taken to be his salary at the date of his death.

(3) Subject to this regulation, if a member while employed by a corporation dies on or after reaching the age of 60 years, the person entitled under this regulation is entitled to a benefit of an amount equal to the balance of the Members' Credit of the member at the date of his death.

(4) In a case to which regulation 19 applies, the benefits provided for in subregulation (1) are liable to adjustment in accordance with that regulation.

(5) The Board shall pay a benefit under this regulation to a person nominated in writing for the purpose by the member in respect of whom the benefit is due and if there is no person so nominated when the member dies (whether because no nomination has been made or because any nomination so made has been revoked) the Board shall pay the benefit to the personal representative of the member or to or for the benefit of any or all of the persons who were dependents of the member at the time of his death in such proportions and in such manner as the Board shall determine.

(6) For the purposes of subregulation (5), a nomination may be made in favour of more than one person and in such a case the persons nominated shall benefit equally or in any other proportion that may be stipulated in the nomination.

- (7) For the purposes of subregulation (5), a nomination is revoked if—
- (a) the nominated person dies prior to receiving payment of the benefit; or
 - (b) the member revokes the nomination by writing under his hand; or
 - (c) the member makes a further nomination in substitution for one previously made; or
 - (d) the member marries after making the nomination; or
 - (e) the nominated person is a spouse of the member at the time of the nomination and the marriage is subsequently annulled or dissolved.

Total and permanent disablement benefit.

15. (1) Subject to this regulation, a member who becomes totally and permanently disabled and on account of such disablement is absent from his employment for 6 months, or such lesser period as the Board may in the particular circumstances allow, is entitled to a benefit under and in accordance with this regulation.

(2) For the purposes of this regulation, a member becomes totally and permanently disabled if the Board is of the opinion, after making such enquiries and considering such evidence as the Board thinks necessary, that the member is unlikely to have the ability at any future time to engage in any regular remunerative occupation for which he is fitted by reason of his education, training, or experience.

(3) A benefit payable under this regulation shall be of an amount equal to that which would have been payable under regulation 14 if the member had died on the date determined by the Board as the date on which he became totally and permanently disabled.

(4) Except for any amount which the Board may pay for the maintenance or the relief of hardship of the member or his dependants on account of the benefits payable under this regulation, a benefit under this section is not payable until the member ceases to be employed by the corporation.

(5) A benefit under this regulation is payable in a lump sum or in such other manner as the member and the Board may agree.

(6) If a member who is entitled to a benefit under this regulation dies before the whole of that benefit is paid, the Board shall pay the amount owing to the person who would have been entitled and in the same manner as if it were a benefit payable on death in accordance with regulation 14.

Total and temporary disablement benefit.

16. (1) Subject to this regulation, a member who becomes totally and temporarily disabled is entitled to a benefit under and in accordance with this regulation.

(2) For the purposes of this regulation, a member becomes totally and temporarily disabled if the Board is of the opinion, after making such enquiries and considering such evidence as the Board thinks necessary, that—

- (a) by reason of illness or injury commencing before the member reached the age of 60 years, he has been absent from his employment for 6 months or the period of his paid sick leave, whichever is the greater; and
- (b) the member's disablement will be temporary.

(3) For the purposes of this regulation, a member ceases to be totally and temporarily disabled if—

- (a) in the opinion of the Board, he recovers from his disability; or
- (b) he engages in any work for reward; or

13

- (c) in the opinion of the Board, he becomes totally and permanently disabled for the purposes of regulation 15; or
- (d) he reaches 60 years of age; or
- (e) he dies.

(4) Subject to this regulation, a benefit payable under this regulation shall be of a monthly amount equal to one-twelfth of 12.5% of the amount of the benefit which would have been payable under regulation 14 if the member had died on the date determined by the Board as the date on which he became totally and temporarily disabled, but the amount of benefit otherwise payable under this regulation—

- (a) shall be reduced by an amount equal to the amount payable in that month by way of workers' compensation or under any law in relation to compensation for death or injury arising out of or in the course of employment; and
- (b) shall not in any event exceed 75% of the member's salary for the month next preceding the date on which he became totally and temporarily disabled.

(5) During such period as a member is entitled to a benefit under this regulation, he is not entitled to any other benefit under the scheme.

17. (1) A benefit to which a member is entitled under regulation 16 is payable monthly in advance on the first day of each month but the Board and a member may agree that such a benefit payable to the member shall be payable at intervals other than monthly.

Duration and payment of total and temporary disablement benefit.

(2) The first payment shall be made on the first day of the month next following the month in which for the purposes of regulation 16 the member becomes totally and temporarily disabled and the last payment shall be made on the first day of the month during which the member's entitlement to the benefit ceases.

(3) Notwithstanding regulation 16, the entitlement to a benefit under that regulation of a member who resigns or is dismissed from the employment of a corporation during the period of his total and temporary disablement shall continue until either he ceases to be totally and temporarily disabled (as determined under regulation 16 (3)) or he is granted a benefit under regulation 18, whichever first occurs.

18. (1) Subject to this regulation, a member who ceases to be employed by a corporation for a reason other than retirement at or above the age of 60 years, death, or total and permanent disablement is, if he does not commence employment with another corporation and he complies with subregulation (2), entitled to a benefit under and in accordance with this regulation.

Benefit on cessation of employment.

(2) A member is not eligible for a benefit under this regulation unless—

- (a) he certifies that, after cessation of his employment with a corporation, he has commenced employment with another employer, not being a corporation; or
- (b) he certifies that he is not employed by a corporation on a date 3 months after the cessation of his employment or on such earlier date as may be approved by the Board in the particular circumstances.

(3) A member who ceases to be employed by a corporation is not eligible for an insurable benefit under these regulations—

- (a) after he has given a certificate under subregulation (2); or
- (b) 3 months after the cessation of his employment,

whichever first occurs.

14

- (4) A member who ceases to be employed by a corporation—
- (a) upon his resignation after not less than 10 years' continuous service; or
 - (b) as a result of ill health or accident which in the opinion of the Board does not entitle him to a benefit under regulation 15; or
 - (c) upon termination of his employment by a corporation through no fault of that member; or
 - (d) in the case of a female member who was a member of the previous scheme on the day before the commencement date—
 - (i) upon resignation by reason of her intended marriage; or
 - (ii) upon resignation after continuous service since her marriage,

and who is otherwise entitled to a benefit under this regulation is entitled to a benefit of an amount equal to the balance of his or her Member's Credit at the date of cessation of employment.

(5) A member who ceases to be employed by a corporation in circumstances other than those set out in subregulation (4) and who is otherwise entitled to a benefit under this regulation is entitled to a benefit—

- (a) if he has less than 6 years' continuous service, of an amount equal to the sum of—
 - (i) all contributions made by him to the fund; and
 - (ii) any amount transferred to the fund in respect of that member from another superannuation or similar plan in accordance with regulation 9(2)(b); and
 - (iii) one-half of any sum transferred to the fund from the previous scheme and directed to be credited to the Member's Credit of that member in accordance with Schedule 3 of the Act or the aggregate of his contributions to the previous scheme, whichever is the greater;

and

compound interest at 5%, or such other rate as the Board may from time to time determine with the approval of the Minister, calculated with reference to the amounts referred to in subparagraphs (i), (ii), and (iii) from the date when the member first became a member of the scheme;

- (b) if he has 6 but less than 10 year's continuous service, of an amount equal to that provided for under paragraph (a) supplemented for each complete year of continuous service in excess of 5 by an amount equal to 20% of the difference between that amount and the amount of his Member's Credit at the date of cessation of his employment.

Adjustment
of benefits.

19. (1) Notwithstanding regulations 14, 15, and 16, if a medical examination discloses particular circumstances pertaining to a member such that the Board is unable to obtain insurance cover for an insurable benefit in respect of that member on the standard terms applicable in respect of other members, the Board may, with the consent or upon the request of such member, arrange insurance cover on other terms and if such an arrangement is made, the amount of any insurable benefit that may become payable to the member shall be adjusted accordingly.

(2) No arrangement shall be made under subregulation (1) requiring the member to make greater contributions than those provided for in regulation 5.

15

(3) Notwithstanding regulations 14, 15, and 16, if a member to whom subregulation (1) applies does not consent to or request an arrangement for insurance cover on other than standard terms in terms of that subregulation or if a medical examination discloses particular circumstances pertaining to a member such that the Board is unable to obtain insurance cover for an insurable benefit in respect of that member, the benefit payable in respect of the death or disablement of that member shall not include any insurable benefit.

(4) Notwithstanding regulations 14, 15, and 16, if the Board has obtained insurance cover in respect of an insurable benefit payable on the death or disablement of members and the particular circumstances pertaining to a claim by a member for a benefit under regulation 14, 15, or 16 are such that the amount of the benefit provided for in the relevant section will not be met, or wholly met, under the terms of the insurance contract, the amount of the benefit payable to the member shall be restricted to the amount, if any, payable to the Board by the insurer.

(5) Notwithstanding regulations 14, 15, and 16, if the Board under section 9 (2) of the Act has undertaken to pay insurable benefits from the fund instead of entering into an agreement under section 9 (1) of the Act for the insurance of its obligations in respect of such benefits, the Board may, if a medical examination discloses that the particular circumstances pertaining to a member are such that in the opinion of the Board it would have been unable to obtain insurance cover for that member on the standard terms applicable to other members—

- (a) with the consent or upon the request of such member, agree to an alternative arrangement and, if such an arrangement is agreed upon between the member and the Board, the amount of any insurable benefit that may become payable to the member shall be adjusted accordingly; or
- (b) if such a member and the Board do not agree on an alternative arrangement, the amount of any benefit that may become payable to the member shall not include any insurable benefit.

(6) The amount of benefit provided for under regulation 14, 15, or 16 in respect of the death or disability of a member is subject to adjustment by the Board to take account in any particular case of information furnished by the member to the Board and containing in the opinion of the Board any error, mistake, omission, or suppression of a material nature.

20. (1) Notwithstanding any provision to the contrary, if a member who was a member of the previous scheme immediately before the commencement date becomes entitled to a benefit under these regulations which is less than the amount of the benefit to which he would have been entitled in like circumstances under the previous scheme if the insurance policy or policies relating to that person in force immediately before the commencement date had remained in force and unaltered, the member shall be entitled, instead of the amount of benefit provided for elsewhere under these regulations, and provided that the rate of contributions of that member under this Act are and have continuously been not less than the rate of the contributions made by him to the previous scheme, to a benefit of an amount equal to that which he would have so received under the previous scheme.

Adjustment
of benefits
of previous
scheme con-
tributors.

(2) Notwithstanding any provision to the contrary, if a member who was a member of the previous scheme on the day before the commencement date, or a person nominated under regulation 14 (5) or the personal representative of such a member, satisfies the Board that the member has been disadvantaged by reason of his transfer from the previous scheme to the scheme with respect to the amount of benefit payable to or in respect of him on account of his retirement or death, the Board shall increase the benefit payable under the scheme to the

amount which, in the opinion of the Board, would have been payable under the previous scheme in like circumstances, due regard being given to the portion of the member's contributions to the scheme that are applicable to the provision of cover for disablement benefits.

(3) Subregulation (2) shall not apply to a benefit that becomes payable after 10 years from the commencement date.

Effect of leave without pay on insurable benefits.

21. (1) Subject to this regulation, an insurable benefit is not payable in the case of the death or disablement of a member who dies or becomes disabled at a time when he is on approved leave without pay from his employment and—

(a) 3 months has elapsed since the commencement of his leave without pay; and

(b) no election has been made under subregulation (2).

(2) Before the period of 3 months referred to in subregulation (1) has elapsed, a member of the scheme who is on approved leave without pay from his employment may elect by the delivery of notice in a form approved by the Board either to the Board or as otherwise may be directed by the Board, to continue his eligibility for insurable benefits in which case the Board shall continue to debit his Member's Credit in accordance with paragraph (b) or (c) of regulation 9 (3) and his eligibility for insurable benefits shall continue while he remains on approved leave without pay from his employment, except that such eligibility shall cease at the end of any period covered by debits under regulation 9 (3) if further debits cannot be made by reason of the exhaustion of his Member's Credit.

(3) Subregulation (1) shall not apply—

(a) if the Board is satisfied in a particular case that the member's leave without pay was occasioned by an event that occurred or symptoms that became manifest before the commencement of that leave and which subsequently caused the member's death or disablement; or

(b) in a case to which regulation 8 (6) applies.

Discretionary benefits.

22. Where upon a strict construction of the provisions of these regulations, a benefit is not payable to or in respect of a member in the circumstances of any particular case, the Board may, nevertheless, grant such a benefit as it thinks fit if satisfied that the grant is consistent with the general scope and intent of the scheme and is just and equitable.

Benefits not assignable.

23. A benefit payable under these regulations shall not be in any way assigned or charged or passed by operation of law to any person other than the person entitled thereto under these regulations, or his personal representative, nor shall entitlement to any such benefit be an asset for the payment of the debts or liabilities of the person entitled to the benefit.

Forfeiture or suspension of benefits.

24. (1) Where a person to whom a benefit under these regulations is payable is in the opinion of the Board incapable of managing his own affairs by reason of illness or any other cause, payment of the benefit shall, subject to this regulation, be suspended.

(2) Where a person to whom a benefit under these regulations is payable becomes a bankrupt or assigns his property for the benefit of his creditors, the benefit shall subject to this regulation, be forfeited.

(3) The Board may pay the whole or any part of a benefit, payment of which is suspended under subregulation (1) or which is forfeited under subregulation (2), to or for the benefit of the person who but for this regulation would have been entitled to the benefit, or to any dependant of such person, or to any one or more of such persons, and payment of a benefit under this subsection may be made in such instalments and proportion as the Board thinks fit.

(4) A suspension under subregulation (1) shall cease to have effect when the person concerned dies or is in the opinion of the Board capable of managing his own affairs.

25. A person who is or claims to be entitled to a benefit under these regulations shall make his claim in writing to the Board or as otherwise directed by the Board and in such manner as may be specified by the Board and a benefit which is not the subject of a valid claim within 6 years of the entitlement to that benefit arising shall be forfeited.

Benefit to be claimed within 6 years.

PART V—MISCELLANEOUS.

26. (1) Upon submitting an annual report to the Minister in accordance with section 17 of the Act, the Board—

Distribution of Annual Report.

- (a) shall supply a copy, including all statements and accounts accompanying the report and the report of the Auditor General, to—
- (i) the Local Government Association of Western Australia (Inc.);
 - (ii) the Country Shire Councils' Association of W.A.;
 - (iii) the Municipal Officers' Association of Australia; and
 - (iv) the Western Australian Municipal Road Boards, Parks and Racecourse Employees' Union of Workers, Perth;
- (b) shall supply not less than 2 copies to each corporation participating in the scheme; and
- (c) may supply other copies as the Board thinks fit.

(2) Every corporation participating in the scheme shall make one copy of every report received under subregulation (1) available for the inspection of members of the scheme employed by the corporation.

27. If a member of the scheme who ceases to be employed by a corporation and does not claim a benefit under this Act on account of the cessation of his employment within 6 years commences employment with the City of Perth and becomes a member of the scheme established under the City of Perth Superannuation Fund Act 1934, the Board shall pay to that scheme on account of that member an amount equal to the balance of his Member's Credit.

Amount payable on transfer to the City of Perth scheme.

28. The Board may require a corporation, a member or a person electing to become a member to furnish, within such time as is specified by the Board, any returns or information in relation to the scheme that is, in the opinion of the Board, required to enable it to perform its functions or exercise its powers under the Act and these regulations and, without prejudice to the generality of the foregoing, the Board may require—

Board may require returns and information.

- (a) from corporations, information as to—
- (i) names and addresses of employees;
 - (ii) details of salaries;
 - (iii) dates of commencement of employment;
 - (iv) dates of cessation of employment;
 - (v) their contribution rates under the previous scheme; and
- (b) from a member or a person electing to become a member—
- (i) full name and address;
 - (ii) date of birth; and
 - (iii) in the case of a female who was a member of the previous scheme, her date of marriage.