

WESTERN AUSTRALIA

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**FIRE BRIGADES  
(SUPERANNUATION  
FUND)  
REGULATIONS 1986**

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REPRINTED AS AT 11 OCTOBER 1994

WESTERN AUSTRALIA

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**FIRE BRIGADES  
(SUPERANNUATION FUND)  
REGULATIONS 1986**

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FIRE BRIGADES SUPERANNUATION ACT 1985

FIRE BRIGADES (SUPERANNUATION FUND)  
REGULATIONS 1986

PART I — PRELIMINARY

**Citation**

1. These regulations may be cited as the *Fire Brigades (Superannuation Fund) Regulations 1986*<sup>1</sup>.

**Commencement**

2. These regulations shall come into operation on the day of the commencement of the Act.

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**PART II — INTERPRETATIVE PROVISIONS**

**Interpretation**

3. (1) In these regulations unless the contrary intention appears —

**“actuarial report”** means a report received by the Superannuation Board under section 17 (3) of the Act;

**“Category A member”** means a member other than —

- (a) a member under regulation 12A (2) or 12B; or
- (b) a member referred to in paragraph (b) of the definition of “member” in this subregulation;

**“Category B member”** means a member under regulation 12A (2) or 12B;

**“complying superannuation fund”** and **“complying superannuation scheme”** have the same meanings as they have in the *Superannuation Guarantee (Administration) Act 1992* (Cwlth);

**“instalment benefit”** means a benefit payable from the Superannuation Fund under regulation 23B;

**“maximum benefit”** in relation to a member who becomes partially and permanently disabled, means the maximum percentage of the amount by which the member’s partial and permanent disablement benefit is less than the total and permanent disablement benefit to which the member would have become entitled under regulation 20 if the member had become totally and permanently disabled;

**“maximum percentage”** means 100% or such lesser percentage as may be determined under regulation 23D;

**“member”** means —

- (a) a member of the Superannuation Fund under Part III; or



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- (b) a person who has ceased to be a Fire Brigades Board employee or an associated employee in respect of whom a pension or other benefit is payable under these regulations,

whichever is indicated by the context, or where the context indicates, either or both of those persons;

**“previous superannuation fund”** has the same meaning as in Part I of Schedule 3 to the Act;

**“Superannuation Guarantee Charge”** means a charge or tax imposed on an employer under the *Superannuation Guarantee Charge Act 1992*<sup>2</sup> for not making certain superannuation contributions;

**“temporary or casual employee”** means a Fire Brigades employee or an associated employee who is determined by the Superannuation Board to be a temporary or casual employee;

**“the employer”**, in relation to a member, means —

- (a) in the case of a Fire Brigades Board employee, the Fire Brigades Board;
- (b) in the case of an associated employee, the associated employer which employs him.

(2) Regulations 4 to 9B shall have effect for the purposes of the application and interpretation of these regulations.

*[Regulation 3 amended in Gazettes 18 August 1989 p.2766;  
15 December 1992 p.6021; 29 June 1994 pp.3206-07.]*

### **Membership**

4. A reference to the membership of a member is a reference to the most recent uninterrupted period commencing not earlier than 1 October 1946 during which the member has been —

- (a) consecutively a member of the previous superannuation fund and a member of the Superannuation Fund; or

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(b) a member of the Superannuation Fund,  
as the case may be.

**Total permanent disablement**

5. A member shall be regarded as being totally and permanently disabled —

- (a) in the event that the Superannuation Board has pursuant to section 9 of the Act effected a group life insurance or assurance policy that contains provision for payment of benefits in respect of total and permanent disablement and that policy is in force for the time being in respect of the member if the member is totally and permanently disabled within the meaning of and for the purposes of that policy;
- (b) in the event that the Superannuation Board has pursuant to section 9 of the Act effected a group life insurance or assurance policy that contains provision for payment of benefits in respect of total and permanent disablement and that policy is not in force for the time being in respect of the member by reason only of the refusal of insurance by the insurer with which that policy has been effected, if in the opinion of the Superannuation Board, after consideration of material evidence satisfactory to it, the member is totally and permanently disabled within the terms of the definition of total and permanent disablement contained in that policy; or
- (c) in any other event if —
  - (i) the member has been absent from the employment of the employer through illness or injury for 6 consecutive months or for such shorter period as in the circumstances the Superannuation Board considers appropriate; and
  - (ii) in the opinion of the Superannuation Board, after consideration of material evidence satisfactory to it, the member has become incapacitated to such an extent as to render the member unlikely ever to

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engage in, or work for reward in, any occupation or work for which the member is reasonably qualified by education, training or experience.

**Partial permanent disablement**

6. A member shall be regarded as partially and permanently disabled if he is not totally and permanently disabled and —

- (a) in the case of a Fire Brigades Board employee if his employment is terminated on medical grounds by the Fire Brigades Board on the basis of the report of a medical panel under regulation 132B of the *Fire Brigades Regulations 1943*<sup>3</sup>; or
- (b) in the case of an associated employee if —
  - (i) the member has been absent from the employment of the employer through illness or injury for 6 consecutive months or for such shorter period as in the circumstances the Superannuation Board considers appropriate; and
  - (ii) in the opinion of the Superannuation Board, after consideration of material evidence satisfactory to it, the member has become incapacitated to such an extent as to render the member unlikely ever to engage in, or work for reward in, any occupation or work in the employment of the employer for which he is reasonably qualified by education, training or experience.

**Superannuation salary**

7. (1) In this regulation “normal rate of remuneration”, in relation to a member —

- (a) includes any remuneration or benefit by way of salary or wages that is ordinarily payable to the member in the member's capacity as a Fire Brigades employee or an associated employee;

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- (b) includes any contributions that are paid to the Superannuation Fund by the member's employer on behalf of the member pursuant to an agreement between the member and the employer;
- (c) includes —
  - (i) a service allowance;
  - (ii) an industry allowance;
  - (iii) a shift penalty;
  - (iv) a leading hand allowance;
  - (v) a tool allowance; and
  - (vi) any other allowance that the Fire Brigades Board and the Superannuation Board agree should be included in the superannuation salary of the member;
- (d) does not include —
  - (i) an amount paid for overtime or as a bonus; or
  - (ii) any allowance not referred to in paragraph (c).

(2) Subject to subregulations (3), (3a) and (4) the superannuation salary of a member, during a period of his membership, is his normal rate of remuneration during the period.

(3) Subject to subregulation (4) where the normal rate of remuneration of a member (in this subregulation called "**the original rate**") is reduced, the superannuation salary of the member, during the period of his membership for which his normal rate of remuneration remains below the original rate, is the original rate.

(3a) Subject to subregulation (4), where the salary or wages of a member (in this subregulation called the "**original salary**") is increased as a consequence of the member being appointed to a position for a specified period of time and, in the opinion of the Superannuation Board and the employer, there is a reasonable expectation that at the end of that period the salary or wages of the member will be reduced to

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the original salary or to a salary or wages lower than the increased salary or wages, the superannuation salary of the member during that period is the original salary.

(4) Where a member, the Superannuation Board and the employer agree, in any special case, that the superannuation salary of the member during a period of his membership shall be a rate other than the rate determined under subregulation (2), (3) or (3a), whichever is applicable, the superannuation salary of the member, during that period, is the rate so agreed.

*[Regulation 7 amended in Gazette 29 June 1994  
pp.3208-09.]*

**Final average salary**

8. (1) In this regulation "the relevant date" in relation to a member means —

- (a) the date on which he ceases to be in the employment of the employer; or
- (b) the date on which he reaches the age of 65 years,

whichever is the earlier.

(2) The final average salary of a member who has completed 3 years of membership before the relevant date is the weighted average (calculated on a daily basis) of his superannuation salary during the period of 3 years of his membership immediately preceding the relevant date.

(3) The final average salary of a member who has not completed 3 years of membership before the relevant date is the weighted average (calculated on a daily basis) of his superannuation salary during the period of his membership preceding the relevant date.

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**Dependants**

9. (1) In this regulation —

“**child**”, in relation to a member, includes —

- (a) a step-child of the member;
- (b) an adopted child of the member irrespective of the date of adoption;
- (c) a child of the spouse of the member;
- (d) a child recognized by the Superannuation Board as an adopted child of the member;
- (e) an illegitimate child of the member; and
- (f) a child of the member born after the death of the member;

“**spouse**”, in relation to a member, includes a person of the opposite sex to the member who is, or was at the time of the death of the member, living with the member as a husband or wife of the member on a *bona fide* domestic basis, although not legally married to the member.

(2) The dependants of a member are —

- (a) the spouse of the member;
- (b) any child of the member; and
- (c) any other person who, in the opinion of the Superannuation Board, is, or was at the time of the death of the member, wholly or partially dependent on the member or has, or had at that time, a legal or moral right to look to the member for support or a reasonable expectation of receiving support from the member.

**Contribution account**

**9A.** In these regulations a reference to a “**contribution account**” in relation to a member is a reference to the contribution account established by the Superannuation Board under regulation 15 in the name of that member.

*[Regulation 9A inserted in Gazette 18 August 1989 p.2766.]*

**Net fund earning rate**

**9B.** (1) Subject to this regulation the net fund earning rate is the rate of interest (which may be positive or negative) as determined by the Superannuation Board, after obtaining the advice of the actuary, in respect of any period, for the purposes of all or any of these regulations.

(2) Notwithstanding subsection (1), the Superannuation Board may —

- (a) prospectively determine a net fund earning rate on an interim basis; and
- (b) subsequently and retrospectively determine a net fund earning rate on a final or declared basis,

in respect of a particular period and for a particular purpose.

(3) The rate of interest determined under subregulation (1) or (2) is calculated after, at the discretion of the Superannuation Board, allowing for the following matters —

- (a) administrative costs for which allowance has not otherwise been made;
- (b) averaging of the fund earnings to reduce the effect of actual or possible periodic fluctuations in those earnings; and
- (c) any other costs or losses incurred under the Act.

*[Regulation 9B inserted in Gazette 15 December 1992  
p.6021.]*

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**PART III — MEMBERSHIP OF  
THE SUPERANNUATION FUND**

**Members of previous fund**

10. A Fire Brigades Board employee who is a member of the previous superannuation fund immediately before the commencement of the Act shall, by virtue of this regulation, become a member of the Superannuation Fund on that commencement and shall remain a member of the Superannuation Fund so long as he continues in the employment of the Fire Brigades Board or an associated employer.

**Fire Brigades Board employees**

11. (1) Where a person who is not already a Category A member of the Superannuation Fund becomes a Fire Brigades Board employee after the commencement of the Act he shall, by virtue of this regulation, become a member of the Superannuation Fund when he becomes a Fire Brigades Board employee and shall remain a member of the Superannuation Fund so long as he continues in the employment of the Fire Brigades Board or an associated employer.

(2) In subregulation (1) —

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

“**employment**” does not include temporary or casual employment or employment as a person to whom regulation 12B applies.

[*Regulation 11 amended in Gazette 29 June 1994 p.3209.*]

**Associated employees**

12. (1) Upon a body becoming an associated employer each person who thereby becomes an associated employee shall, by virtue of this subregulation, become a member of the Superannuation Fund and shall remain a member of the Superannuation Fund so long as he continues



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in the employment of an associated employer or the Fire Brigades Board.

[(2) *repealed*]

(3) Where a person who is not already a Category A member of the Superannuation Fund becomes an associated employee after his employer has become an associated employer he shall, by virtue of this subregulation, become a member of the Superannuation Fund when he becomes an associated employee and shall remain a member of the Superannuation Fund so long as he continues in the employment of an associated employer or the Fire Brigades Board.

(4) In subregulations (1) and (3) —

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

**“employment”** does not include temporary or casual employment or employment as a person to whom regulation 12B applies.

[(5) *repealed*]

[Regulation 12 amended in Gazette 29 June 1994 p.3210.]

**Temporary and casual employees**

**12A.** (1) A person who became a member of the Superannuation Fund pursuant to regulation 11 (3), 12 (2) or 12 (5) as in force before the coming into operation of the *Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1994*<sup>1</sup> shall remain a member of the Superannuation Fund so long as that person continues in the employment of the Fire Brigades Board or an associated employer.

(2) Where a person becomes a temporary or casual employee after the coming into operation of the *Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1994*<sup>1</sup>, that person shall, by virtue of this subregulation, become a Category B member of the Superannuation Fund when that person becomes a temporary or casual employee and shall remain a Category B member of the Superannuation Fund so long as he or she remains a temporary or casual employee.

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(3) In subregulation (2) “**temporary or casual employee**” means a temporary or casual employee —

- (a) who is an “employee” (within the meaning of the *Superannuation Guarantee (Administration) Act 1992* (Cwlth)) of the Fire Brigades Board or an associated employer, in relation to whom the Superannuation Guarantee Charge would be payable if there were a superannuation guarantee shortfall, within the meaning of that Act, in respect of that employee; and
- (b) in respect of whom the employer has not agreed to make contributions to another complying superannuation fund or complying superannuation scheme.

[Regulation 12A inserted in Gazette 29 June 1994  
pp.3210-11.]

**Board members etc.**

**12B.** (1) This regulation applies to a person who is —

- (a) a member of the Superannuation Board, the Fire Brigades Board or the executive body (whether described as the board of directors or otherwise) of an associated employer;
- (b) an “employee” (within the meaning of the *Superannuation Guarantee (Administration) Act 1992* (Cwlth)) of the Fire Brigades Board or an associated employer, in relation to whom the Superannuation Guarantee Charge would be payable if there were a superannuation guarantee shortfall, within the meaning of that Act, in respect of that employee;
- (c) not a Category A member of the Superannuation Fund; and
- (d) not a person in respect of whom the employer has agreed to make contributions to another complying superannuation fund or complying superannuation scheme.

(2) A person to whom this regulation applies on the coming into operation of the *Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1994*<sup>1</sup> shall, by virtue of this regulation, become a

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Category B member of the Superannuation Fund on the coming into operation of those regulations and shall remain a Category B member of the Superannuation Fund so long as that person continues to be a person to whom this regulation applies.

(3) Where a person who is not already a Category B member of the Fund becomes a person to whom this regulation applies after the coming into operation of the *Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1994*<sup>1</sup> that person shall, at the same time and by virtue of this regulation, become a Category B member of the Superannuation Fund and shall remain a Category B member of the Superannuation Fund so long as that person continues to be a person to whom this regulation applies.

*[Regulation 12B inserted in Gazette 29 June 1994  
pp.3211-12.]*

**Transfer of employment**

13. (1) Subject to regulation 34A (3), if a member —
- (a) leaves the employment of the Fire Brigades Board to enter the employment of an associated employer;
  - (b) leaves the employment of one associated employer to enter the employment of another associated employer; or
  - (c) leaves the employment of an associated employer to enter the employment of the Fire Brigades Board,

he shall remain a member so long as he continues in the second-mentioned employment.

(2) Subject to regulation 34A (3), the transfer of employment of a member —

- (a) from the Fire Brigades Board to an associated employer; or

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- (b) from an associated employer to another associated employer or to the Fire Brigades Board,

shall not be regarded as a cessation of employment for the purposes of these regulations.

*[Regulation 13 amended in Gazette 4 November 1988 p.4371.]*

**Category transfers**

14. (1) Notwithstanding regulation 13 and Part V of these regulations and subject to the Commonwealth standards, where a person who was a Category A member ceases to be eligible to be a Category A member and becomes a Category B member or *vice versa*, that member is entitled to the benefit that would have been payable to that member if the member had ceased to be in the employment of that employer.

(2) Where a benefit is payable in respect of a member under subregulation (1) —

- (a) the member may elect to take all of that benefit; or
- (b) if the member does not make an election under paragraph (a), or elects to take part of the benefit, the benefit or balance of the benefit payable to the member shall be credited to the member's contribution account.

(3) The payment or crediting of a benefit under subregulation (2) satisfies the member's entitlement to a benefit under subregulation (1) in full.

(4) A Category B member who becomes a Category A member shall, as a Category A member, be granted such rights to benefits additional to those otherwise provided under these regulations as are determined by the Superannuation Board on the advice of the actuary.

*[Regulation 14 inserted in Gazette 29 June 1994 p.3212.]*

**PART IV — CONTRIBUTIONS TO THE FUND**

**Contributions by members**

15. (1) Subject to subregulation (3) each Category A member of the Superannuation Fund shall contribute to the Superannuation Fund 6.25% of his superannuation salary.

(1a) Subject to subregulation (3), a Category B member, other than a member to whom regulation 12B applies, may, with the consent of his or her employer, contribute to the Superannuation Fund.

(1b) Where a member has entered into an agreement whereby the member's employer pays contributions to the Superannuation Fund on behalf of the member —

- (a) for the purposes of these regulations those contributions are taken to be contributions of the member under this regulation or regulation 37 (1), as the case requires; and
- (b) any tax payable in respect of the contribution under a law of the Commonwealth shall be deducted from the amount of the contribution.

(2) The contributions payable by a member under subregulation (1) or (1a) shall be —

- (a) deducted from his salary by the employer when each payment of salary is made; and
- (b) paid to the Superannuation Fund on his behalf within 3 working days of deduction.

(3) No contributions shall be payable by a member after he reaches the age of 65 years.

(4) The Superannuation Board shall establish a contribution account in the name of each member and shall maintain a record of the balance of that account which shall be calculated in accordance with subregulation (5), (6) or (6a) whichever is applicable.

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(5) In relation to a Category A member who was a member on the relevant date, the balance of his contribution account shall be calculated as if the account was established on the relevant date and shall be the total of —

(a) (i) his contributions to the Superannuation Fund made on or before the relevant date (other than his contributions under regulation 37); and

(ii) his contributions (if any) to the previous superannuation fund,

increased by  $\frac{1}{12\text{th}}$  of  $\frac{1}{15\text{th}}$  of that total for each month's membership completed on or before the relevant date;

(b) his contributions (other than his contributions under regulation 37) to the Superannuation Fund made after the relevant date; and

(c) interest upon the balance of the account credited at the end of each financial year or at such other times as determined by the Superannuation Board at the net fund earning rate.

(6) In relation to a Category A member who was not a member on the relevant date, the balance of his contribution account shall be the total of —

(a) his contributions (other than his contributions under regulation 37) to the Superannuation Fund; and

(b) interest upon the balance of the account credited at the end of each financial year or at such other times as determined by the Superannuation Board at the net fund earning rate,

and, in the case of a member who became a member before the commencement of the *Fire Brigades (Superannuation Fund) Amendment Regulations 1989*<sup>1</sup>, shall be calculated as if the account was established on the date of his first contribution to the Superannuation Fund.

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(6a) In relation to a Category B member, the balance of the member's contribution account shall be the total of —

- (a) the member's contributions to the Superannuation Fund;
- (b) contributions made by the employer under regulation 16A; and
- (c) interest upon the balance of the account credited at the end of each financial year or at such other times as determined by the Superannuation Board.

(7) In this regulation —

**"relevant date"** means 31 December 1987;

**"financial year"** includes the financial years ending 30 June 1988 and 30 June 1989.

*[Regulation 15 amended in Gazettes 18 August 1989 p.2766;  
15 December 1992 p.6022; 29 June 1994 pp.3212-14.]*

**Contributions by employers — Category A members**

16. (1) In this regulation and regulations 16A and 16B —

**"employer"** means the Fire Brigades Board or an associated employer;

**"salary day"** in relation to an employer means a day on which salary becomes payable by the employer to members employed by it.

(2) The actuary shall —

- (a) as soon as practicable after the commencement of the Act; and

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- (b) whenever he reports to the Superannuation Board the result of an actuarial review conducted under section 17 (1) of the Act,

advise the Superannuation Board of the amounts or rates of contributions required, respectively, from the Fire Brigades Board and each associated employer in order to ensure the stability of the Superannuation Fund and secure the rights of Category A members.

(3) Subject to subregulations (4), (5) and (6) each employer shall in relation to, and on or as soon as practicable after, each salary day contribute to the Superannuation Fund in respect of the Category A members of the Superannuation Fund employed by it to whom salary becomes payable on that day —

- (a) such amounts or rates of contribution as were last advised by the actuary to the Superannuation Board under subregulation (2); or
- (b) such other amounts or rates of contribution as may be agreed on by the Fire Brigades Board, the Superannuation Board and the actuary.

(4) No contributions shall be payable in respect of a Category A member after he reaches the age of 65 years.

(5) Notwithstanding subregulation (3) but subject to subregulations (6) and (7) the contributions payable by an employer to the Superannuation Fund in relation to a salary day shall not be less than 8.75% of the total amount of the superannuation salaries calculated in relation to that salary day to Category A members employed by that employer in respect of whom contributions are payable.

(6) Notwithstanding subregulation (3) or (5) the Fire Brigades Board is not obliged to pay amounts or rates of contribution to the Superannuation Fund that would result in the amounts or rates of contribution payable by it to the Superannuation Fund in relation to a salary day exceeding 1.5 times the amounts or rates of contribution payable to the Superannuation Fund under regulation 15 in relation to that salary day by Category A members in the employment of the Fire Brigades Board.



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(7) Notwithstanding subregulation (3) or (5) an associated employer is not obliged to pay amounts or rates of contribution to the Superannuation Fund that would result in the amounts or rates of contribution payable by it in relation to a salary day bearing a higher proportion to the amounts or rates of contribution payable under regulation 15 in relation to that salary day by Category A members in the employment of that associated employer than the proportion that the amounts or rates of contribution payable by the Fire Brigades Board in relation to that salary day bear to the amounts or rates of contribution payable under regulation 15 in relation to that salary day by Category A members in the employment of the Fire Brigades Board.

(8) Where pursuant to subregulation (6) or (7), an employer elects to pay amounts or rates of contribution to the Superannuation Fund that are less than the amounts or rates referred to in subregulation (3) (a) the Superannuation Board shall obtain from the actuary, and furnish to the Minister, a report as to the extent (if any) to which the benefits prescribed in these regulations should be reduced having regard to the amounts or rates of contributions that the employer has elected to pay and the capacity of the Superannuation Fund to meet claims for the payment of benefits.

(9) Regulation 48 (3) does not apply to the making of a regulation amending these regulations after a report has been received under subregulation (8) so long as the reductions in benefits effected by the amending regulation do not exceed the reductions recommended in the report.

*[Regulation 16 amended in Gazettes 15 December 1992  
p.6022; 29 June 1994 p.3214.]*

**Contributions by employers — Category B members**

**16A.** Each employer shall in relation to, and on or as soon as practicable after, each salary day contribute to the Superannuation Fund in respect of the Category B members of the Superannuation Fund employed by it to whom salary becomes payable on that day —

- (a) the minimum percentage of the salary required to be contributed by the employer to avoid the Superannuation Guarantee Charge; or

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- (b) in the case of a temporary or casual employee, if a greater amount than the amount referred to in paragraph (a) has been agreed between the temporary or casual employee and the employer, that greater amount.

*[Regulation 16A inserted in Gazette 29 June 1994 p.3215.]*

**Contributions by employers — supplementary disablement benefits**

**16B.** (1) Each employer shall in relation to, and on or as soon as practicable after, each salary day contribute to the Superannuation Fund a sum equal to 1% of the total amount of the superannuation salaries payable to Category A members in relation to that salary day.

(2) If, after considering the advice contained in an actuarial report, the Superannuation Board is of the opinion that the supplementary disablement benefits to be provided under these regulations may be provided by contributions of less than 1% of the total amount of the superannuation salaries of Category A members, the Superannuation Board may advise the employers of the percentage to which contributions may be reduced, and the employers may reduce their contributions to a percentage not less than that percentage.

(3) Where the contributions of employers have previously been reduced under subregulation (2) and, after considering the advice contained in an actuarial report, the Superannuation Board is of the opinion that the contributions are insufficient to maintain the supplementary disablement benefits to be provided under these regulations, the Superannuation Board shall advise the employers of the percentage, not exceeding 1%, to which contributions should be increased and the employers shall increase their contributions to that percentage.

*[Regulation 16B inserted by Gazette 29 June 1994 p.3215.]*

**PART V — BENEFITS**

***Division 1 — Entitlement to benefits***

**Benefits on retirement on or before age 65**

**17. (1)** Subject to the Act and these regulations, where a Category A member —

- (a) retires from the employment of the employer when he reaches the age of 65 years; or
- (b) retires from the employment of the employer before he reaches the age of 65 years for a reason other than his total and permanent disablement or partial and permanent disablement and that retirement occurs when or after he reaches the age of 55 years,

there shall be paid to the member from the Superannuation Fund a lump sum retirement benefit calculated in accordance with Schedule 1.

**(2)** Subject to the Act and these regulations, where a Category B member —

- (a) retires from the employment of the employer when the member reaches the age of 65 years; or
- (b) retires from the employment of the employer before the member reaches the age of 65 years for a reason other than his or her total and permanent disablement or partial and permanent disablement and that retirement occurs when or after the member reaches the age of 55 years,

there shall be paid to the member from the Superannuation Fund a lump sum benefit equal to the balance of the contribution account of the member.

*[Regulation 17 amended in Gazette 29 June 1994 p.3216.]*

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**Benefits on retirement after age 65**

18. (1) Subject to the Act, these regulations and subregulation (3), where a Category A member continues in the employment of the employer after he reaches the age of 65 then upon his subsequent retirement from the employment of the employer there shall be paid to the member from the Superannuation Fund the sum total of —

- (a) the lump sum retirement benefit which would have been payable under regulation 17 if he had retired when he reached the age of 65 years; and
- (b) interest on that sum calculated daily and compounded yearly for the period from the date on which he reaches the age of 65 years to the date of payment of the lump sum retirement benefit.

(2) Interest added pursuant to subregulation (1) (b) shall be calculated at the net fund earning rate.

(2a) Subject to the Act, these regulations and subregulation (3), where a Category B member continues in the employment of the employer after the member reaches the age of 65 years then upon the subsequent retirement of the member from the employment of the employer there shall be paid to the member from the Superannuation Fund a lump sum benefit equal to the balance of the contribution account of the member.

(3) Subject to subregulation (4) benefits payable under this regulation shall be paid by the Superannuation Board to the member where the member —

- (a) is employed for less than 10 hours per week; or
- (b) has attained the age of 70 years and is employed for at least 10 hours per week but less than 30 hours per week.

(4) Benefits under subregulation (3) may be paid to the member even though the member may still be retained in the employment of the employer.

*[Regulation 18 amended in Gazettes 15 December 1992  
p.6022; 29 June 1994 p.3216.]*

**Death benefits**

**19.** (1) Subject to the Act and these regulations, where a Category A member dies while in the employment of the employer on or before he reaches the age of 65 years, there shall be payable from the Superannuation Fund a lump sum benefit equal to —

(a) in the case of a person who upon the commencement of the *Fire Brigades (Superannuation Fund) Amendment Regulations 1991*<sup>1</sup> was a member, the greater of —

- (i) an amount calculated in accordance with Schedule 1;
- (ii) an amount calculated in accordance with Schedule 1 using a period of membership determined in accordance with Schedule 1A; or
- (iii) an amount calculated in accordance with Schedule 1 using a period of membership determined in accordance with Schedule 2;

(b) in any other case, the greater of —

- (i) an amount calculated in accordance with Schedule 1;  
or
- (ii) an amount calculated in accordance with Schedule 1 using a period of membership determined in accordance with Schedule 1A.

(1a) Subject to the Act, and these regulations, where a Category B member dies in the employment of the employer on or before the member reaches the age of 65 years, there shall be paid to the member from the Superannuation Fund a lump sum benefit equal to the balance of the contribution account of the member.

(2) Subject to the Act and these regulations if a member dies while continuing in the employment of the employer after he reaches the age of 65 years there shall be payable from the Superannuation Fund the lump sum benefit which would have been payable under regulation 18 if the member had retired on the date of his death.

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(3) Benefits payable under this regulation shall be paid by the Superannuation Board in the manner set out in regulation 25.

*[Regulation 19 amended in Gazettes 29 December 1989 p.4681; 1 November 1991 p.5609; 29 June 1994 p.3217.]*

**Total and permanent disablement benefits**

20. Subject to the Act and these regulations if a member retires from the employment of the employer before he reaches the age of 65 years as a result of his total and permanent disablement, there shall be paid from the Superannuation Fund to that member a lump sum benefit equal to the amount that would have been payable to that member under regulation 19 if the member had died on the last day in respect of which he received remuneration from the employer.

*[Regulation 20 amended by Gazette 29 June 1994 p.3217.]*

**Partial and permanent disablement benefits**

21. Subject to the Act and these regulations if a member retires from the employment of the employer before he reaches the age of 65 years as a result of his partial and permanent disablement, there shall be paid from the Superannuation Fund to that member a benefit equal to the amount that would have been payable under regulation 17 if the member had retired on the last day in respect of which he received remuneration from the employer.

**Retirement benefits — pension option**

22. (1) A member who is entitled to a lump sum benefit under regulation 17, 18, 20 or 21 may, prior to his retirement from the employment of the employer, apply to the Superannuation Board to receive a pension benefit in lieu of all or part of that lump sum benefit (in this regulation called "**the amount commuted**").

(2) If an application by a member under subregulation (1) is approved by the Superannuation Board a pension benefit shall be payable on such terms and conditions and to such persons as are

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approved by the Superannuation Board and the Superannuation Board shall —

- (a) pay the pension benefit directly from the Superannuation Fund; or
- (b) apply the amount commuted to purchase an annuity policy or contract providing for the payment of the pension.

(2a) A person who ceased to be a member of the Superannuation Fund after 1 January 1989 and before 1 July 1993 may apply to the Superannuation Board to receive a pension benefit paid from the Superannuation Fund.

(2b) If —

- (a) an application by a person under subregulation (2a) is approved by the Superannuation Board; and
- (b) that person pays into the Superannuation Fund an amount as approved by the Superannuation Board,

a pension benefit shall be payable on such terms and conditions and to such persons as are approved by the Superannuation Board and the Superannuation Board shall pay the pension benefit directly from the Superannuation Fund.

*[(3) repealed]*

(4) Upon the application of the amount commuted in the manner referred to in subregulation (2) (b) neither the member nor any person claiming through him shall have any further claim on the Superannuation Fund or the Superannuation Board or the employer in respect of the amount so applied.

(5) Benefits that are due and payable under this regulation after the death of the member shall (unless the terms and conditions on which such benefits were granted provide otherwise) be paid by the Superannuation Board in the manner set out in regulation 25.

*[Regulation 22 amended in Gazette 29 June 1994  
pp.3204-05.]*

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**Benefits on termination of employment**

**23.** (1) Subject to the Act and these regulations, if a Category A member ceases to be in the employment of the employer before he reaches the age of 55 years otherwise than as provided in regulation 19, 20 or 21, that member shall become entitled to —

(a) subject to subregulation (1a), in the case of a member who has completed less than 2 years of membership —

(i) a lump sum benefit equal to the balance of his contribution account; and

(ii) a preserved benefit calculated in accordance with Schedule 4;

or

(b) in the case of a member who has completed 2 years of membership or more, either —

(i) a preserved benefit calculated in accordance with Schedule 4; or

(ii) the benefits specified in subparagraphs (i) and (ii) of paragraph (a),

as elected by the member at the time he ceases his employment with the employer.

(1a) The benefit payable to a member under subregulation (1) (a) shall not exceed the amount that the member would have been entitled to if the benefit had been calculated in accordance with subregulation (1) (b) (i).

(1b) Subject to the Act and these regulations, if a Category B member ceases to be in the employment of the employer before the Category B member reaches the age of 55 years otherwise than as provided in regulation 19, 20 or 21, that member shall become entitled to a lump sum benefit equal to the balance of the contribution account of the member.



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(2) Subject to the Act and these regulations, if a member entitled to a benefit under this regulation has, in the opinion of the employer, left the employment of the employer for exceptional reasons, the Superannuation Board may, at the request of the employer, increase the benefit by such amount as is specified by the employer.

(3) The total benefit payable to a member under this regulation shall not in any circumstances exceed the amount that and shall maintain a record of the balance of that account which would have been payable under regulation 17 if the member had retired as provided in that regulation.

*[Regulation 23 amended in Gazettes 18 August 1989 p.2766;  
15 December 1992 p.6023; 29 June 1994 p.3217.]*

**Preserved benefits**

**23A.** (1) Where a member becomes entitled to a preserved benefit under these regulations, the Superannuation Board shall establish a preserved benefit account in the name of the member shall be calculated in accordance with subregulation (2).

(2) Where a preserved benefit account is established under subregulation (1) the balance of that account shall be the total of —

- (a) the amount of the preserved benefit to which the member becomes entitled; and
- (b) interest upon the balance of the account credited at the end of each financial year or at such other times as determined by the Superannuation Board at the net fund earning rate.

(3) The balance of a member's preserved benefit account shall be paid by the Superannuation Board —

- (a) to the member if the member —
  - (i) reaches the age of 65 years;
  - (ii) retires from the workforce on or after reaching the age of 55 years;

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- (iii) retires from the workforce as a result of permanent incapacity or permanent invalidity as provided in subregulation (4) before reaching the age of 55 years; or
- (iv) permanently departs Australia;
- (b) to the member's dependants or legal personal representative pursuant to regulation 25 if the member dies; or
- (c) to the member —
  - (i) in such other circumstances (if any) as the Commissioner approves; or
  - (ii) if the amount of the preserved benefit is less than \$500 or any other amount prescribed for this purpose under the Commonwealth standards.

(4) For the purposes of subregulation (3) (a) (iii) a member shall be accepted by the Superannuation Board as having retired due to permanent incapacity or permanent invalidity if he provides to the Board a certificate signed by 2 persons registered as medical practitioners under a law of a State or Territory providing for the registration of medical practitioners certifying that in their opinion the member is unlikely ever again to engage in, or work for reward in, any occupation or work for which the member is reasonably qualified by education, training or experience.

(5) The Superannuation Board shall pay or transfer to any other superannuation fund, approved deposit fund, deferred annuity fund or other like fund, the balance of a member's preserved benefit account if —

- (a) the member requests in writing that the Board do so; and
- (b) the Board is satisfied that the balance paid or transferred will not be payable to the member under that fund otherwise than in circumstances similar to those provided for in subregulation (3).

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(6) Where pursuant to subregulation (5) the balance of a preserved benefit account is paid or transferred by the Superannuation Board to another fund —

- (a) the receipt of the trustees of or other persons controlling the fund shall be a sufficient discharge to the Superannuation Board; and
- (b) neither the Superannuation Board nor the employer shall be responsible for the payment, application or disposal of the balance paid or transferred, by the trustees of or other persons controlling that fund.

(7) For the purposes of subregulation (2), “financial year” includes the financial years ending 30 June 1988 and 30 June 1989.

*[Regulation 23A inserted in Gazette 18 August 1989 p.2767;  
amended in Gazettes 15 December 1992 p.6023; 29 June  
1994 p.3218.]*

**Supplementary disablement benefits**

**23B.** (1) Subject to the Act and these regulations, where a Category A member in respect of whom a contribution is made under regulation 16B —

- (a) is partially and permanently disabled, and is entitled to and is paid a partial and permanent disablement benefit under regulation 21;
- (b) has not, before the termination of employment, been offered alternative employment by the Fire Brigades Board or any other employer for which, in the opinion of the Superannuation Board, he or she is reasonably suited by education, training and experience and which, in the opinion of the Superannuation Board, provides satisfactory remuneration having regard to the employee’s previous salary; and

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- (c) has not had the benefit payable to the member reduced by determination of the Superannuation Board under regulation 33,

that member shall be paid from the Superannuation Fund either —

- (d) a benefit determined under subregulation (3); or
- (e) a benefit determined under subregulation (4),

as the member may elect.

(2) An election under subregulation (1) shall be made in writing prior to the receipt of the first payment of a supplementary disablement benefit from the Superannuation Fund and is irrevocable.

(3) Subject to these regulations, the benefit payable to a beneficiary under subregulation (1) (a) shall be a monthly instalment benefit calculated in accordance with Schedule 5.

(4) Subject to these regulations, the benefit payable to a beneficiary under subregulation (1) (b) shall be an annual instalment calculated in accordance with Schedule 6.

(5) The rate of interest referred to in Schedules 5 and 6 shall be determined from time to time by the Superannuation Board, after having considered the advice of the actuary and shall apply to all calculations made under subregulations (3) and (4) until another determination as to the rate of interest is made under this subregulation.

(6) An instalment benefit already determined under subregulation (3) or (4) shall not be recalculated by reason only of a new determination of a rate of interest under subregulation (5).

(7) The monthly instalment benefit payable under subregulation (3) shall be paid on the first day of each month for a period of 60 months commencing with the month following the relevant month.

(8) The annual instalment benefit payable under subregulation (4) shall commence on the first day of the month following the month one year after the relevant month and further payments shall be made on the anniversary of that day in each of the next 4 succeeding years.

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(9) Upon the payment of the 60th payment under subregulation (7) or the 5th payment under subregulation (8) the beneficiary shall cease to be a beneficiary and all entitlements to any benefits pursuant to these regulations shall thereupon cease.

(10) In this regulation “**relevant month**”, in relation to a beneficiary, means —

- (a) where the beneficiary has been paid a partial and permanent disablement benefit by way of an interim payment under regulation 27 (1) (a), the month during which it was determined under these regulations that the beneficiary is not totally and permanently disabled;
- (b) in any other case, the month during which the beneficiary was paid a partial and permanent disabled benefit.

*[Regulation 23B inserted in Gazette 29 June 1994  
pp.3218-19.]*

**Death benefits — supplementary disablement benefits**

**23C.** (1) Subject to these regulations, if a beneficiary who elected to receive a benefit under regulation 23B (3) dies before the 60th payment is made under regulation 23B (7) then there shall be paid from the Superannuation Fund, in the manner provided in regulation 25, a lump sum benefit calculated in accordance with Schedule 7.

(2) Subject to these regulations, if a beneficiary who elected to receive a benefit under regulation 23B (4) dies before the 5th payment is made under regulation 23B (8) then there shall be paid from the Superannuation Fund, in the manner provided in regulation 25, a lump sum death benefit calculated in accordance with Schedule 8.

*[Regulation 23C inserted in Gazette 29 June 1994  
pp.3219-20.]*

**Review of supplementary disablement benefits**

**23D.** (1) If, after considering the advice contained in an actuarial report, the Superannuation Board is of the opinion that contributions by employers of 1% of the total amount of the superannuation salaries of Category A members are insufficient to maintain the benefits to be provided under regulations 23B and 23C the Superannuation Board shall, subject to subregulation (3) —

- (a) reduce the benefits payable by way of a reduction in —
  - (i) the maximum percentage to a level determined by the Superannuation Board with the advice of the actuary; and
  - (ii) all instalment benefits which are in the course of payment at the date of the reduction, or which commence to be paid after the date of the reduction, to a level determined by a recalculation under regulation 32B (3) or 23B (4), as the case may require, using the new maximum percentage determined under subparagraph (i);

or

- (b) reduce the benefits payable in such other manner as the Superannuation Board, after considering the advice of the actuary, considers equitable.

(2) Where the benefits to be provided under regulations 23B and 23C have previously been reduced under subregulation (1) and, after considering the advice contained in an actuarial report, the Superannuation Board is of the opinion that the benefits should be increased, the Superannuation Board shall, subject to subregulation (3) —

- (a) where the benefits have been reduced under subregulation (1) (a), increase the benefits payable by way of an increase in —
  - (i) the maximum percentage to a level determined by the Superannuation Board with the advice of the actuary being a level not exceeding 100%; and

- (ii) all instalment benefits which are in the course of payment at the date of the increase, or which commence to be paid after the date of the increase, to a level determined by a recalculation under regulation 23B (3) or 23B (4), as the case may require, using the new maximum percentage determined under subparagraph (i);

or

- (b) where the benefits have been reduced under subregulation (1) (b), increase the benefits payable in such other manner as the Superannuation Board, after considering the advice of the actuary, considers equitable but not in a manner that would make the benefits exceed the benefits that were payable before the reduction under subregulation (1) (b) took place.

(3) Any reduction in benefits under subregulation (1) or increase in benefits under subregulation (2) shall not apply to benefits that have been paid to a beneficiary before the reduction or increase occurs.

*[Regulation 23D inserted in Gazette 29 June 1994  
pp.3220-21.]*

### ***Division 2 — Payment of benefits***

#### **Definition**

**24.** In this Division and Division 3, unless the contrary intention appears, “**benefit**” means a benefit payable under these regulations.

#### **Payment of benefits in respect of deceased members**

**25.** (1) Benefits payable in respect of a member upon or after his death shall be paid from the Superannuation Fund by the Superannuation Board —

- (a) to or for the benefit of the dependants of the member; or
- (b) to the legal personal representative of the member.

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(2) Any payment of a benefit under subregulation (1) may at the discretion of the Superannuation Board be made or paid —

- (a) to either the dependants of the member or his legal personal representative or both;
- (b) to any one or more of the dependants of the member to the exclusion of the others of them; and
- (c) in such shares or proportions as the Superannuation Board thinks fit and without the Board being under any obligation to ensure equality between the persons to whom payment is made.

(3) Before exercising its discretion pursuant to subregulation (2) the Superannuation Board shall consider —

- (a) the will (if available) of the member;
- (b) any nomination that the member may have made under regulation 26; and
- (c) such other matters as the Superannuation Board considers relevant.

(4) Where under this regulation any sum is payable to or for the benefit of a minor —

- (a) the Superannuation Board may pay that sum (without being responsible to see to its application) —
  - (i) to the parent or guardian of the minor or to any other person who appears to have the custody or control of the minor or with whom the minor resides; or
  - (ii) to a trustee corporation to be held in trust under such terms and conditions as determined by the Superannuation Board for the benefit of the minor until he ceased to be a minor;

and



- (b) the receipt of that parent or guardian, or that other person, or the trustee corporation for any sum so paid shall be a good discharge to the Superannuation Board for that sum.

(5) In subregulation (4) “**trustee corporation**” means the Public Trustee in and of a State or any company authorized by an Act of a State to administer the estates of deceased persons and other trust estates.

**Nomination of dependants to receive benefits**

**26.** The Superannuation Board shall when a person becomes a member, and thereafter at such intervals as the Superannuation Board thinks fit, invite the member to nominate —

- (a) the dependants to whom he wishes benefits that may be payable upon or after his death to be paid; and
- (b) the proportions in which he wishes the benefits to be paid.

**Time and mode of payment of benefits**

**27.** (1) Notwithstanding anything contained in these regulations, the Superannuation Board may —

- (a) make an interim payment in respect of any benefit;
- (b) postpone the payment of the whole or part of any benefit for any period not exceeding 6 months after the happening of the event upon which the benefit became payable;
- (c) with the agreement of the person to whom the benefit is payable, postpone the payment of the whole or part of any benefit for any period;
- (d) make payment of any benefit itself or cause or arrange for such payment to be made for or on its behalf.

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(2) Where the payment of any amount is postponed under subregulation (1) interest at the net fund earning rate —

- (a) may, at the discretion of the Superannuation Board, be added to the amount so postponed if the duration of the postponement does not exceed one month;
- (b) shall be added to the amount so postponed if the duration of the postponement exceeds one month and does not exceed 90 days.

(2a) Where the payment of any amount is postponed under subregulation (1) for a period in excess of 90 days, interest shall be added to the amount so postponed on such terms and conditions (including rate of interest) as are determined by the Board.

(3) Where, after a benefit has been paid to a member under a regulation, it is established that the member was eligible for a benefit under another regulation, the Superannuation Board may pay to or in respect of that member the benefit payable under the latter regulation but any amount previously paid to the member shall be deducted from the benefit payable under the latter regulation.

(4) Where a person who is or may be entitled to any benefit is, in the opinion of the Superannuation Board, unable by reason of mental incapacity to manage his own affairs, the Superannuation Board may pay that benefit —

- (a) to a person appointed under the *Mental Health Act 1962* to be the manager of the estate of the first-mentioned person, or, if there is no such manager, to any other person, for or on behalf of the first-mentioned person; or
- (b) to the dependants of the first-mentioned person.

(5) A payment under subregulation (4) shall, without any thing more, be a sufficient discharge to the Superannuation Board.

*[Regulation 27 amended in Gazettes 15 December 1992 p.6024; 29 June 1994 p.3221.]*

**Proofs**

28. (1) A person appearing, purporting or claiming to be qualified for or entitled to any benefit shall on request produce to the Superannuation Board such evidence and do and execute such acts and documents as the Superannuation Board may reasonably require.

(2) Whenever it becomes necessary for the Superannuation Board to decide questions of fact the Superannuation Board may act upon such proofs and presumptions, or either, as it considers satisfactory irrespective of whether they are strictly legal proofs or presumptions.

***Division 3 — Forfeiture and reduction of,  
and deductions from, benefits***

**Benefits forfeited if deceased member has no dependants or personal representative**

29. (1) If after reasonable enquiry it appears to the Superannuation Board that a member died without dependants and that it is unlikely that any person will apply for a grant of probate of the will or administration of the estate of the member, the benefit that would otherwise be payable in respect of the member on or after his death shall be forfeited to the Superannuation Fund.

(2) If after a benefit payable in respect of a deceased member has been forfeited to the Superannuation Fund pursuant to subregulation (1) —

- (a) the Superannuation Board is subsequently satisfied that the member had dependants; or
- (b) a person subsequently applies for a grant of probate of the will or administration of the estate of the member,

the Superannuation Board at its discretion may pay out of the Superannuation Fund, in the manner set out in regulation 25, such amounts as it thinks fit, but the amounts payable under this subregulation shall not exceed in total the amount of the forfeited benefit together with interest thereon from the time of the death of the member at such rates as the Superannuation Board may determine.

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**Benefits forfeited if assigned or if recipient absent**

30. (1) No benefit or portion of a benefit shall be assignable at law or in equity.

(2) Where a benefit is or may be payable to a person and —

- (a) he does or permits to be done any act or thing; or
- (b) some event happens,

whereby the whole or any part of that benefit would, whether by his own act or by operation of law, become payable to or vested in any other person or in any statutory or other public authority, that benefit shall be forfeited to the Superannuation Fund.

(3) Subject to subregulation (4), if after reasonable enquiry the Superannuation Board cannot locate a person to whom a benefit is payable that benefit shall, if the Superannuation Board at its discretion so determines, be forfeited to the Superannuation Fund.

(4) A benefit shall not be forfeited under subregulation (3) —

- (a) within 2 years after the benefit becomes payable; or
- (b) within 2 years after the making of a payment by —
  - (i) the employer of the member to or in respect of whom the benefit is payable; or
  - (ii) the Superannuation Board,

to the person who cannot be located.

(5) Subject to subregulation (6), where a benefit has been forfeited under subregulation (2) or (3) the Superannuation Board at its discretion may at any time pay out of the Superannuation Fund such amounts as it thinks fit to or for the benefit of —

- (a) the person who but for this regulation would have been entitled to the forfeited benefit; or
- (b) any of his dependants.

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- (6) Any amounts payable under subregulation (5) —
- (a) shall not exceed in total the amount of the forfeited benefit together with interest thereon from the time the benefit first became payable at such rates as the Superannuation Board may determine; and
  - (b) may be paid to such persons as the Superannuation Board thinks fit without the Board being responsible to see to their application.

(7) Without limiting the effect of section 6 of the Act, this regulation is subject to any requirement of the Commonwealth Act governing the forfeiture of benefits.

*[Regulation 30 amended in Gazette 29 June 1994 p.3221.]*

**Deduction of tax from benefits**

31. The Superannuation Board may deduct from any benefit any taxes, levies or duties payable in respect of that benefit to the Commonwealth or any State and pay the relevant authority the amount so deducted on behalf of the person to whom the benefit is payable.

*[Regulation 31 inserted in Gazette 29 June 1994 p.3222.]*

**Reduction of benefits to the extent of any amount not insured**

32. (1) Subject to subregulations (2) and (3) a benefit payable to or in respect of a Category A member under regulation 19 (1) or 20 shall be reduced by —

- (a) the amount of any insurance sought by the Superannuation Board in respect of the death or the total and permanent disablement of the member (as the case may be) that has been —
  - (i) refused by an insurer; or
  - (ii) offered by an insurer at other than normal rates and not effected by the Superannuation Board;

and

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- (b) the amount of any claim not paid by an insurer under the terms of any policy effected by the Superannuation Board in respect of the death or the total and permanent disablement of the member (as the case may be).

(2) Notwithstanding subregulation (1) the benefit payable in respect of a Category A member under regulation 19 (1) or 20 shall not be less than the benefit that would have been payable to or in respect of that member if calculated in accordance with Schedule 1.

(3) The Superannuation Board may determine in any particular case that the reduction referred to in subregulation (1) or any part of that reduction shall not be applied and that determination shall have effect.

*[Regulation 32 amended in Gazette 29 June 1994 p.3222.]*

**Reduction of benefits in case of previous disease or disability**

33. (1) Where a person who suffers from any disease or has any disability becomes a Category A member, the Superannuation Board may by notice in writing to that person, determine that, in the event of his death, total and permanent disablement, or partial and permanent disablement arising out of that disease or disability, the benefits to be payable to or in respect of him shall be reduced in such manner as is set out in the notice and, notwithstanding any other provision of these regulations, on the death, total and permanent disablement or partial and permanent disablement of that member the benefit payable in respect of him shall be ascertained in accordance with the notice.

(2) A notice in writing under subregulation (1) shall be given to the person concerned when, or as soon as practicable after, he becomes a Category A member.

*[Regulation 33 amended in Gazette 29 June 1994 p.3222.]*

**PART VI — ASSOCIATED EMPLOYERS**

**Superannuation Board is an associated employer**

**34.** The Superannuation Board is, for the purposes of the Act, an associated employer and employees of that body shall participate in the Superannuation Fund under terms determined by the Superannuation Board.

*[Regulation 34 inserted in Gazette 14 August 1987 p.3162.]*

**Admission of other associated employers**

**34A.** (1) Subject to subregulation (3), the Fire Brigades Board, the Superannuation Board and a body mentioned in Schedule 1 to the Act other than the Superannuation Board, may at any time enter into an agreement for that body and employees of that body to participate in the Superannuation Fund and that body shall become an associated employer for the purposes of the Act and these regulations on and from a date specified in the agreement.

(2) An agreement under subregulation (1) shall be in such form as is determined by the Superannuation Board.

(3) An agreement under subregulation (1) entered into by and with the Public Service Commissioner<sup>4</sup> shall not relate to or be in respect of an employee of his other than a member of the Senior Executive Service who was an employee of the Fire Brigades Board and a member of the Superannuation Fund immediately before his employment by the Public Service Commissioner<sup>4</sup> commenced.

(4) In subregulation (3) —

**“Public Service Commissioner”** means the Public Service Commissioner<sup>4</sup> within the meaning of the *Public Service Act 1978*<sup>5</sup>; and

**“Senior Executive Service”** means the Senior Executive Service within the meaning of the *Public Service Act 1978*<sup>5</sup>.

*[Regulation 34A inserted in Gazette 14 August 1987 p.3162;  
amended in Gazette 4 November 1988 p.4371.]*

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**Release of associated employers**

35. (1) The Superannuation Board, with the approval of the Fire Brigades Board, may release a body that is an associated employer under regulation 34A and the members employed by it from participation in the Fund and —

- (a) that body shall cease to be an associated employer; and
- (b) the members employed by that body shall cease to be members,

on a date specified by the Superannuation Board and upon terms and conditions determined by the Superannuation Board.

(2) Where a body and the members employed by it are released from participation in the Superannuation Fund pursuant to subregulation (1) the interest in the Superannuation Fund of that body and those members shall be —

- (a) ascertained by the Superannuation Board on the advice of the actuary; and
- (b) dealt with in such manner as the Superannuation Board and that body consider equitable taking into account the membership of and the amounts contributed by and in respect of each of those members and any other circumstances which the Superannuation Board and that body consider relevant,

but no provision shall be made for the payment of a benefit to any of those members while he remains in the employment of that body other than for the support and maintenance of that member and his dependants in the case of hardship.

*[Regulation 35 amended in Gazette 14 August 1987 p.3162.]*



**Dissolution of associated employers**

**36.** (1) Subject to subregulation (4) and regulation 39 (2) and (3), where an associated employer —

- (a) is wound up or dissolved; or
- (b) amalgamates with or transfers the whole of its engagements to any other person or body,

the interest in the Superannuation Fund of that associated employer and the members employed by it at the time of the winding up, dissolution, amalgamation or transfer, as the case may be, shall be ascertained by the Superannuation Board on the advice of the actuary and applied by the Superannuation Board in the manner set out in subregulation (2).

(2) Where subregulation (1) applies in relation to an associated employer the interest in the Superannuation Fund referred to in subregulation (1) shall be applied by the Superannuation Board in the following order —

- (a) in providing as far as possible through the Superannuation Fund or otherwise the benefits to which the members referred to in subregulation (1) would have been entitled had they voluntarily retired from the employment of that associated employer; and
- (b) by distributing any balance then remaining for the benefit of those members in such manner as the Superannuation Board on the advice of the actuary considers equitable.

(3) The benefits referred to in subregulation (2) shall be —

- (a) in such form and provided by such arrangements as are determined by the Superannuation Board; and
- (b) paid to the members referred to in subregulation (1) in full discharge of all claims by or in respect of them in relation to any rights or benefits under these regulations or in connection with or arising out of the Superannuation Fund.

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(4) Where a member employed by an associated employer enters the employment of another associated employer or the Fire Brigades Board as from the time of the winding up, dissolution, amalgamation or transfer of engagements of the first-mentioned associated employer this regulation does not apply to or in relation to that member.

**PART VII — MISCELLANEOUS**

**Contributions for additional benefits**

37. (1) A Category A member may enter into an agreement with the Superannuation Board to contribute to the Superannuation Fund such contributions, additional to the contributions payable by him under regulation 15, as are specified in the agreement.

(2) An agreement under subregulation (1) shall specify —

- (a) the amounts or rates of contributions to be payable under the agreement;
- (b) the intervals at which, or manner in which, contributions payable under the agreement are to be varied;
- (c) the method of payment of contributions under the agreement; and
- (d) the period of notice required for the variation or cancellation of the agreement.

(3) Where a member makes contributions under an agreement under subregulation (1) —

- (a) the contributions so made shall be used to establish and add to an accumulation in respect of that member (in this subregulation referred to as the allocated accumulation of the member);
- (b) at the end of each financial year or at such other times as determined by the Superannuation Board the allocated accumulation of the member shall be credited with interest at the net fund earning rate;
- (c) subject to these regulations if the member ceases to be in the employment of the employer and a benefit is payable to or in respect of him then the benefit shall be increased by an amount equal to the allocated accumulation of the member; and

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- (d) the allocated accumulation of the member shall not be payable to or in respect of the member except in accordance with paragraph (c).

*[Regulation 37 amended in Gazettes 15 December 1992 p.6024; 29 June 1994 p.3222.]*

**Transfers from other funds**

**38.** (1) The Superannuation Board may make and carry into effect arrangements —

- (a) with a person who becomes a member of the Superannuation Fund and who is or has been a member of another superannuation or like fund; or
- (b) in respect of him, with the trustees of or other persons controlling that other fund; or
- (c) with him and them,

under which an agreed sum or agreed assets shall be paid by or transferred from that other fund to the Superannuation Fund.

(2) A member in respect of whom arrangements have been made for the transfer to the Superannuation Fund of an agreed sum or agreed assets pursuant to subregulation (1) shall, as a member, be granted such rights to benefits additional to those otherwise provided under these regulations as are determined by the Superannuation Board on the advice of the actuary.

(3) If all or any of the sum or assets transferred pursuant to subregulation (1) are required as a condition of the transfer to be preserved pursuant to subregulation (4), then that part of the additional benefit granted to the member pursuant to subregulation (2) which is attributable to the sum or assets required to be preserved shall, in the event of the member becoming entitled to a benefit under these regulations, be payable in the form of a preserved benefit in accordance with regulation 23A.

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(4) The amount required to be preserved under subregulation (3) is the amount which is subject to preservation within the meaning prescribed under the Commonwealth standards.

*[Regulation 38 amended in Gazette 15 December 1992  
p.6024.]*

**Transfers to other funds**

**39.** (1) The Superannuation Board may, with the written consent of a member and subject to such conditions as the Superannuation Board thinks fit, pay or transfer to any other superannuation fund, or any approved deposit fund or deferred annuity fund, or any like fund, any benefit which may be payable pursuant to these regulations to or in respect of that member on the cessation of his employment with the employer.

(2) If —

- (a) an associated employer enters into arrangements to amalgamate with, or transfer any part of its engagements to, a person or body; and
- (b) pursuant to those arrangements a member ceases to be employed by the employer but enters into the employment of that other person or body,

the Superannuation Board may with the written consent of that member and subject to such conditions as the Superannuation Board thinks fit (and in lieu of paying the benefit which would otherwise be payable under these regulations) pay or transfer to a superannuation fund established or operated for the benefit of any employees of that other person or body such amount as in the opinion of the Superannuation Board on the advice of the actuary represents the interest of the member in the Superannuation Fund, to be applied by the trustees of that other superannuation fund for the benefit of that member.

(3) If the benefit payable to or in respect of a member is paid or transferred pursuant to subregulation (1) or if the interest of a member

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in the Superannuation Fund is paid or transferred pursuant to subregulation (2) —

- (a) the receipt of the trustees of or other persons controlling the fund to which the benefit or the interest of the member (as the case may be) is paid or transferred shall be a sufficient discharge to the Superannuation Board; and
- (b) neither the Superannuation Board nor the employer shall be responsible for the payment, application or disposal by the trustees or other persons controlling that fund of the benefit or the interest so paid or transferred.

*[Regulation 39 amended in Gazette 29 June 1994 p.3222.]*

**Temporary cessation of employment and leave without pay**

40. (1) If a member ceases to be in the employment of the employer in circumstances in which it is reasonable to expect that the cessation may be of a temporary nature and that he may re-enter the employment of the employer the Superannuation Board may with the consent of the employer allow him to continue to be a member on such terms and conditions as may be agreed upon by the Superannuation Board, the employer and the member.

(2) If a member is absent from the employment of the employer on leave without pay the Superannuation Board, the employer and the member may enter into an agreement as to the terms and conditions on which the member shall continue to be a member during his absence.

(3) The terms and conditions agreed upon under subregulation (1) or (2) may include terms or conditions inconsistent with the other provisions of these regulations.

(4) Subject to anything to the contrary contained in terms and conditions agreed upon under subregulation (1) or (2), as the case may be —

- (a) any period during which a member has —
  - (i) continued to be a member under subregulation (1); or

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- (ii) been absent from the employment of the employer on leave without pay,

shall unless otherwise agreed by the employer and the Superannuation Board be deducted from the membership of the member for the purposes of calculating any benefit payable under the Act or these regulations;

- (b) for the purposes of calculating any benefit that becomes payable under these regulations to or in respect of a member who has during any period —

- (i) continued to be a member under subregulation (1); or
- (ii) in the opinion of the Superannuation Board been absent from the employment of the employer on leave without pay for any reason other than medical grounds,

the superannuation salary of the member immediately before the commencement of that period shall be deemed to have continued to be the superannuation salary of the member during that period; and

- (ba) for the purposes of calculating any benefit that may become payable under these regulations to or in respect of a member who has during any period, in the opinion of the Superannuation Board, been absent from the employment of the employer on leave without pay on medical grounds, then the superannuation salary of the member during any such period of absence shall be the superannuation salary applicable to an equivalent position, as determined by the Superannuation Board, to that position in which the member was employed immediately before the commencement of that period; and

- (c) for the purpose of calculating any benefit that becomes payable to a member under regulation 20 or 21 at a time when the member —

- (i) is continuing to be a member under subregulation (1);  
or

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- (ii) is absent from the employment of the employer on leave without pay,

the member shall be deemed to have received salary on the last salary day of the employer before the benefit became payable; and

- (d) no contributions shall be made by or in respect of a member to the Superannuation Fund during any period during which the member has —

- (i) continued to be a member under subregulation (1); or
- (ii) been absent from the employment of the employer on leave without pay.

(5) In subregulation (4) (c) “**salary day**” has the meaning given by regulation 16 (1).

*[Regulation 40 amended in Gazette 15 December 1992  
pp.6024-25.]*

**Application of regulations to members employed part-time**

41. (1) If at any time a member (in this regulation called a “**prescribed member**”) is or has been classified by the employer as being employed part-time, these regulations shall apply to that prescribed member with the modifications and variations set out in this regulation.

(2) The employer shall in respect of any period during which a prescribed member is classified as being employed part-time, determine the percentage (in this regulation called “**the service percentage**”) of full-time employment being worked by that member during that period.

(3) The service percentage in respect of any period during which a prescribed member is not classified as being employed part-time shall be 100%.

(4) Whenever there is a change in the service percentage of a prescribed member the employer shall advise the Superannuation Board and the member of that change.



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(5) For the purposes of determining the superannuation salary of a prescribed member the annual rate of remuneration of the member shall be deemed to be the actual annual rate of remuneration adjusted in the ratio that 100% bears to the service percentage of the member.

(6) During any period of membership during which the service percentage of a prescribed member is less than 100% the contributions that would otherwise have been payable by the member under regulation 15 or by the employer under regulation 16 shall be reduced in the ratio that the service percentage of the member bears to 100%.

(7) Where any benefit calculated under Schedule 1 or Schedule 4 is payable under these regulations to or in respect of a prescribed member in respect of any period of membership during which the service percentage of the member was less than 100%, that benefit shall be reduced in the ratio that the service percentage of the member during that period bears to 100%.

(8) Where any benefit calculated under regulation 19 (1) (a) (iii) is payable under these regulations to or in respect of a prescribed member and, immediately before the benefit became payable, the member was classified by the employer as being employed part-time, that benefit shall be reduced in the ratio that the service percentage of the member immediately before the benefit became payable bears to 100%.

*[Regulation 41 amended in Gazettes 29 December 1989  
p.4681; 1 November 1991 p.5609; 15 December 1992 p.6025.]*

**Requirements for insurance**

42. (1) For the purposes of effecting, increasing or otherwise varying any policy of insurance or assurance as provided in section 9 of the Act, the Superannuation Board may from time to time require a member —

- (a) to be medically examined;
- (b) to submit other evidence of health;
- (c) to provide proof of age to the satisfaction of the insurer; and
- (d) to take such other steps as may be required for any of those purposes.

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(2) If a member refuses to undergo the medical examination or to undertake any other step that may reasonably be required by the Superannuation Board for the purposes of effecting, increasing or otherwise varying any policy of insurance or assurance or if he does or omits to do anything that would or may prejudice the policy or result in any of the policy proceeds not becoming payable, the Superannuation Board may adjust the benefits to be payable from the Superannuation Fund to or in respect of that member in such manner as the Superannuation Board considers appropriate.

(3) The Superannuation Board shall not effect a group life insurance or assurance policy that contains provision for payment of benefits in respect of total and permanent disablement unless in the opinion of the Superannuation Board the definition of total and permanent disablement contained in that policy is such that a member of the Superannuation Fund covered by that policy would be considered by the insurer with which the policy is effected to be totally and permanently disabled if —

- (a) the member has been absent from the employment of the Fire Brigades Board or an associated employer through illness or injury for 6 consecutive months or such shorter period as in the circumstances the insurer considers appropriate; and
- (b) in the opinion of the insurer, after consideration of material evidence satisfactory to it, the member has become incapacitated to such an extent as to render the member unlikely ever to engage in or work for reward in any occupation or work for which the member is reasonably qualified by education, training or experience.

(4) In subregulation (3) “effect” includes acquire or take by assignment.

**Medical examinations**

42A. (1) For the purpose of determining a benefit to be paid to a member under these regulations the Superannuation Board may from time to time require a member —

- (a) to be medically examined;

- (b) to submit other evidence of health; and
- (c) to take such other steps as may be required for any of those purposes.

(2) If a member refuses to undergo the medical examination or to undertake any other step that may reasonably be required by the Superannuation Board for the purposes of determining a benefit to be paid to the member, the Superannuation Board may adjust the benefits to be payable from the Superannuation Fund to or in respect of that member in such manner as the Superannuation Board considers appropriate.

*[Regulation 42A inserted in Gazette 29 June 1994 p.3223.]*

#### **No personal claim**

43. No member or person claiming through him or on his behalf or as his dependant shall be entitled to require payment of that member's interest in the Superannuation Fund except as provided in these regulations.

#### **Notices**

44. (1) A notice may be given by the Superannuation Board to any member either personally or by sending it by post to him at his last known address or to his normal place of employment.

(2) Any notice sent by post under subregulation (1) shall be deemed to have been served on the day following the day on which the envelope or wrapper containing that notice is posted and in proving such service it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed and put in the post office.

#### **General meetings of members**

45. Schedule 3 applies to and in relation to general meetings of members held under section 29 of the Act.

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**Provision of information to members**

46. (1) As soon as practicable after the Superannuation Board submits its annual report under section 66 of the *Financial Administration and Audit Act 1985*, and not later than 14 days before the next annual general meeting of members is held under clause 5 (1) of Schedule 3, the Superannuation Board shall provide each member with a copy of a summary of —

- (a) the annual report; and
- (b) any actuarial report received by the Superannuation Board under section 17 (3) of the Act since the previous annual general meeting of members.

(2) The Superannuation Board shall ensure that copies of the full reports of the summaries referred to in subregulation (1) are made available to members on request.

(3) The Superannuation Board will provide or make available to each member within the time required by the Commonwealth standards any information required by the Commonwealth standards in relation to the following matters —

- (a) information to members on an annual basis regarding their benefits in the Superannuation Fund;
- (b) information to members on a regular basis regarding the operation of the Superannuation Fund;
- (c) information to employees becoming members;
- (d) information to members ceasing in the employment of the employer;
- (e) information relating to any amendment to these regulations;
- (f) any returns and certificates which the Superannuation Board is required by law to provide to the Commissioner and any notices which the Commissioner may provide to the Superannuation Board in relation to those returns and certificates;

- (g) information relating to actuarial reports, audited accounts and audit reports in respect of the Superannuation Fund; and
- (h) any other information specified in the Commonwealth standards.

(4) Notwithstanding subregulation (3) the Superannuation Board shall give written notice to each person who becomes a member informing the member of his or her rights and those of his or her dependants and legal personal representatives in respect of benefits from the Superannuation Fund.

[Regulation 46 inserted in Gazette 15 December 1992  
pp.6025-26.]

#### **Elections of members of the Superannuation Board**

47. (1) Elections under clause 2 of Schedule 2 to the Act to elect members of the Superannuation Board shall be conducted by the Fire Brigades Board by secret ballot using an optional preferential system of voting.

[(2) *repealed*]

(3) The vacancy that occurs during a year in one of the offices of the elected members of the Superannuation Board and vacancies that occur during that year in the offices of the elected alternate members of the Superannuation Board shall be filled by separate ballots conducted at the one election.

(4) For an election referred to in subregulation (3), a person may nominate for —

- (a) the office of elected member of the Superannuation Board;
- (b) an office of elected alternate member of the Superannuation Board; or
- (c) both the office referred to in paragraph (a) and an office referred to in paragraph (b).

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(5) Notwithstanding subregulation (4) (c), a person shall not at the same time hold both the office of elected member of the Superannuation Board and the office of elected alternate member of the Board.

(6) The ballot for the office of elected member of the Superannuation Board shall be counted before the ballot for an office of elected alternate member of the Board is counted.

(7) Where a person elected in the ballot for an office of alternate member of the Superannuation Board has also been elected to the office of member of the Board, the second person elected in the ballot shall hold an office of alternate member.

(8) Where only one person nominates for the office of elected member of the Superannuation Board that person shall be deemed to have been elected to the office.

(9) Where only one person nominates for an office of elected alternate member of the Superannuation Board that person shall be deemed to have been elected to the office unless he or she has also been elected to the office of member of the Board in which case that office of elected alternate member shall remain vacant.

*[Regulation 47 amended in Gazettes 13 July 1990  
pp.3375-76; 29 June 1994 pp.3223-24.]*

**Removal of elected member**

**47A.** (1) An elected member of the Superannuation Board may be removed from office by a majority vote passed in a secret ballot of all members.

(2) A secret ballot for the purposes of subregulation (1) shall be conducted by the Fire Brigades Board at the written request of not less than 5% of all members.

(3) A ballot shall not be conducted under this regulation in respect of an elected member more than once during the term of office of that member.

*[Regulation 47A inserted in Gazette 29 June 1994 p.3224.]*

**Amendments to these regulations**

48. (1) A regulation that amends these regulations in such a way as will increase the contributions payable by the Fire Brigades Board and associated employers (if any) to the Superannuation Fund shall not be made under the Act unless the Fire Brigades Board has given its consent to the amendment.

(2) A regulation that amends these regulations in such a way as will increase a benefit payable under these regulations shall not be made under the Act unless —

- (a) the actuary has certified that the amendment will not or is not likely to result in an increase in the contributions payable by the Fire Brigades Board and associated employers (if any) to the Superannuation Fund; or
- (b) the Fire Brigades Board has given its consent to the amendment.

(3) Without limiting the operation of subregulations (1) and (2), and subject to subregulation (4) and regulation 16 (9), a regulation that amends these regulations shall not be made under the Act unless —

- (a) the actuary has certified that the total value of the rights of members and their dependants accrued at the time the amendment takes effect will not be reduced by the amendment; or
- (b) at least two-thirds in number of the members for the time being have given their written consent to the amendment.

(4) Subregulation (3) does not apply to the making of a regulation that amends these regulations in order to ensure that these regulations conform with, or obtain the benefit of, a law of the State or Commonwealth governing, regulating or affecting the operation or maintenance of superannuation, pension or like funds.

**Schedule 1**

[Regulations 17 and 19 (1)]

**CALCULATION OF LUMP SUM BENEFIT**

The formula for calculating a lump sum retirement benefit in respect of a member is

$$B = \frac{S}{365.25} \times \frac{0.21}{1} \times \frac{M}{1}$$

where

B is the lump sum benefit;

S is the final average salary of the member; and

M is the membership of the member expressed in days.

*[Schedule 1 amended in Gazettes 23 October 1987 p.3941;  
29 December 1989 p.4681; 1 November 1991 p.5609;  
15 December 1992 p.6026.]*



**SCHEDULE 1A**

[Regulation 19 (1) (a) (ii) and (b) (ii)]

**DEATH BENEFITS — GENERAL METHOD FOR  
CALCULATION OF PERIOD OF MEMBERSHIP**

For the purposes of regulation 19 (1) (a) (ii) and (b) (ii), the period of membership of the member shall be calculated under Schedule 1 as —

(a) X + Y days

where —

X is the membership of the member expressed in days to the day immediately preceding the day of the member's death; and

Y is the number of days from the day of the member's death to the day immediately preceding the day on which the member would have reached the age of 65 years;

or

(b) 10 958 days,

whichever is the lesser.

*[Schedule 1A inserted in Gazette 1 November 1991 p.5610;  
amended in Gazette 15 December 1992 p.6026.]*

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**Schedule 2**

[Regulation 19 (1) (a) (iii)]

**DEATH BENEFITS — ALTERNATIVE METHOD FOR  
CALCULATION OF PERIOD OF MEMBERSHIP**

For the purposes of regulation 19 (1) (a) (iii), the period of membership of the member shall be calculated under Schedule 1 as —

(a) 3 x N days

where N is the number of days from the day of the member's death to the day immediately preceding the day on which the member would have reached the age of 65 years; or

(b) 10 958 days,

whichever is the lesser.

*[Schedule 2 inserted in Gazette 29 December 1989 p.4682;  
amended in Gazettes 1 November 1991 p.5610; 15 December  
1992 p.6026.]*

**Schedule 3**

[Regulation 45]

***General meetings of members of the Superannuation Fund***

**Notice of meeting**

1. Not less than 7 and not more than 30 days' notice in writing of a general meeting shall be given but the accidental omission to give notice to or the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

[2. *Repealed in Gazette 29 June 1994 p.3225.*]

**Chairman**

3. The chairman of any general meeting shall be appointed by the Superannuation Board.

**Board members may attend**

4. Members of the Superannuation Board shall be entitled to be present at general meetings but a member of the Superannuation Board who is not a member of the Superannuation Fund shall not be entitled to vote at a general meeting.

**Annual general meeting**

5. (1) An annual general meeting shall be held not later than 90 days after the annual report of the Superannuation Board is submitted under section 66 of the *Financial Administration and Audit Act 1985*.

(2) An annual general meeting —

- (a) shall consider the annual report of the Superannuation Board submitted under section 66 of the *Financial Administration and Audit Act 1985* in respect of the preceding financial year;
- (b) shall consider any business of which notice has been given in the notice of meeting; and
- (c) may consider any other business that may be relevant to the operation of the Superannuation Fund.

**Special general meeting**

6. A special general meeting —

- (a) shall consider any business of which notice has been given in the notice of meeting; and
- (b) may consider any other business that may be relevant to the purpose of the meeting.

**Mode of voting on motions**

7. (1) Subject to subclause (3), at a general meeting a motion put to the vote of the meeting shall be decided —

- (a) by a simple majority of the votes of the members present and voting; and
- (b) on a show of hands unless before or on the declaration of the result of the show of hands a poll is demanded by a member present.

(2) A demand for a poll under subclause (1) (b) may be withdrawn.

(3) Where a poll on a motion is demanded under subclause (1) (b) the vote of a member not present at the general meeting shall be counted if it was lodged, in writing, with the secretary of the Superannuation Board not less than 24 hours before the general meeting.

**Voting rights**

8. (1) Each member present at a general meeting, or whose vote is counted at a general meeting under clause 7 (3), shall have one vote.

(2) The chairman of a general meeting shall not have a second or casting vote.

**Minutes**

9. Minutes shall be kept of each general meeting and such minutes if purporting to be signed by the chairman of the general meeting or of the next succeeding general meeting shall be *prima facie* evidence of the matters contained in those minutes.

**Procedure**

10. Except as provided in this Schedule a general meeting may determine its own procedure.

*[Schedule 3 amended in Gazettes 15 December 1992 p.6026;  
29 June 1994 p.3225.]*

Schedule 4

[Regulation 23]

**CALCULATION OF PRESERVED BENEFIT**

The formula for calculating a preserved benefit in respect of a member is —

$$P = \frac{S}{365.25} \times \frac{R}{1} \times \frac{M}{1} \times \frac{1}{\frac{(n)}{(365.25)}} \\ (1 + i)$$

where —

- P is the preserved benefit;
- S is the final average salary of the member;
- R is (a) 0.21 where regulation 23 (1) (b) (i) applies; or  
(b) 0.1 where regulation 23 (1) (a) (ii) applies.
- M is the membership of the member expressed in days.
- n is the number of days between the date on which the member ceased to be in the employment of the employer and his 55th birthday;
- i is a rate of interest expressed as a percentage per annum determined by the Superannuation Board on the advice of the actuary.

*[Schedule 4 inserted in Gazette 18 August 1989 pp.2767-68;  
amended in Gazettes 29 December 1989 p.4682;  
15 December 1992 p.6027.]*

**SCHEDULE 5**

[Regulation 23B (3)]

**CALCULATION OF MONTHLY BENEFIT**

The formula for calculating a monthly instalment benefit in respect of a beneficiary is —

$$IB = \frac{MB}{I} \times \frac{i}{1 - v^{60}}$$

where —

IB is the monthly instalment benefit to be determined, (expressed in dollars);

MB is the beneficiary's maximum benefit (expressed in dollars);

i is one-twelfth of the rate of interest expressed as a percentage per annum, determined under regulation 23B (5) and applicable on the date of payment of the beneficiary's partial and permanent disablement benefit; and

$$v = \frac{1}{1 + i}$$

[Schedule 5 inserted in Gazette 29 June 1994 p.3225.]

**SCHEDULE 6**

[Regulation 23B (4)]

**CALCULATION OF ANNUAL BENEFIT**

The formula for calculating an annual instalment benefit in respect of a beneficiary is —

$$IB = \frac{MB}{1} \times \frac{i}{1 - v^6}$$

where —

IB is the annual instalment benefit to be determined, (expressed in dollars);

MB is the beneficiary's maximum benefit (expressed in dollars);

i is the rate of interest expressed as a percentage per annum, determined under regulation 23B (5) and applicable on the date of payment of the beneficiary's partial and permanent disablement benefit; and

$$v = \frac{1}{1 + i}$$

[Schedule 6 inserted in Gazette 29 June 1994 p.3226.]

**SCHEDULE 7**

[Regulation 23C (1)]

**CALCULATION OF DEATH BENEFIT AFTER PAYMENT OF  
MONTHLY BENEFITS**

The formula for calculating a lump sum death benefit in respect of a beneficiary who elected to receive a monthly instalment benefit is —

$$DB = \frac{IB}{1} \times \frac{1 - v^n}{i}$$

where —

DB is the death benefit to be determined (expressed in dollars);

IB is —

- (a) where a monthly instalment benefit became payable to the beneficiary on the day on which he died, the amount of that instalment benefit (expressed in dollars); or
- (b) in any other case, the amount of the instalment benefit that would have been payable to the beneficiary on the day on which he died if a monthly instalment benefit had become payable to him on that day (expressed in dollars);

n is the difference between 60 and the number of monthly instalment benefit payments which the beneficiary had received up to the time of his death;

i is one-twelfth of the rate of interest expressed as a percentage per annum used in the initial calculation of the beneficiary's monthly instalment benefit for the purposes of regulation 23B (3); and

$$v = \frac{1}{1 + i}$$

[Schedule 7 inserted in Gazette 29 June 1994 p.3227.]



**SCHEDULE 8**

[Regulation 23C (2)]

**CALCULATION OF DEATH BENEFIT AFTER PAYMENT OF ANNUAL BENEFITS**

The formula for calculating a lump sum death benefit in respect of a beneficiary who elected to receive an annual instalment benefit is —

$$DB = \frac{IB}{1} \times \frac{1 - v^n}{i}$$

where —

DB is the death benefit to be determined (expressed in dollars);

IB is —

- (a) where an annual instalment benefit became payable to the beneficiary on the day on which he died, the amount of that instalment benefit (expressed in dollars); or
- (b) in any other case, the amount of the instalment benefit that would have been payable to the beneficiary on the day on which he died if an annual instalment benefit had become payable to him on that day (expressed in dollars);

n is the difference between 5 and the number of annual instalment benefit payments which the beneficiary had received up to the time of his death;

i is the rate of interest expressed as a percentage per annum used in the initial calculation of the beneficiary's instalment benefit pursuant to regulation 23B (4); and

$$v = \frac{1}{1 + i}$$

[Schedule 8 inserted in Gazette 29 June 1994 p.3228.]

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**NOTES**

<sup>1.</sup> This reprint is a compilation as at 11 October 1994 of the *Fire Brigades (Superannuation Fund) Regulations 1986* and includes amendments effected by the regulations referred to in the following Table.

**Table of Regulations**

Regulation	Gazettal	Commencement	Miscellaneous
<i>Fire Brigades (Superannuation Fund) Regulations 1986</i>	29 October 1986 pp.3991-4016	3 November 1986	
<i>Fire Brigades (Superannuation Fund) Amendment Regulations 1987</i>	14 August 1987 p.3162	14 August 1987	
<i>Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1987</i>	23 October 1987 p.3941	23 October 1987	
<i>Fire Brigades (Superannuation Fund) Amendment Regulations 1988</i>	4 November 1988 pp.4370-71	4 November 1988	Regulation 5 saving and transitional <sup>6</sup>
<i>Fire Brigades (Superannuation Fund) Amendment Regulations 1989</i>	18 August 1989 pp.2766-68	18 August 1989	
<i>Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1989</i>	29 December 1989 pp.4681-82	29 December 1989	

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Regulation	Gazettal	Commencement	Miscellaneous
<i>Fire Brigades (Superannuation Fund) Amendment Regulations 1990</i>	13 July 1990 pp.3375-76	13 July 1990	
<i>Fire Brigades (Superannuation Fund) Amendment Regulations 1991</i>	1 November 1991 pp.5608-11	1 November 1991	Regulation 8 transitional <sup>7</sup>
<i>Fire Brigades (Superannuation Fund) Amendment Regulations 1992</i>	15 December 1992 pp.6021-27	15 December 1992	Regulation 24 transitional <sup>8</sup>
<i>Fire Brigades (Superannuation Fund) Amendment Regulations 1994</i>	29 June 1994 pp.3204-05	29 June 1994 (see regulation 2 and Gazette 29 June 1994 p.3201)	
<i>Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1994</i>	29 June 1994 pp.3206-28	1 July 1994 (see regulation 2 and Gazette 29 June 1994 p.3201)	

<sup>2</sup> This refers to the *Superannuation Guarantee Charge Act* of the Commonwealth.

<sup>3</sup> Title as changed by regulation 4 of the *Fire Brigades Amendment Regulations 1982* published in *Gazette* 30 June 1982 p.2262 substituted under section 7 (3) (gb) of the *Reprints Act 1984*.

<sup>4</sup> Under section 112 (2) of the *Public Sector Management Act 1994* (Act No. 31 of 1994) this is to be read as a reference to the Minister for Public Sector Management.

<sup>5</sup> Under section 112 (1) of the *Public Sector Management Act 1994* (Act No. 31 of 1994) this is to be read as a reference to the *Public Sector Management Act 1994*.

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<sup>6</sup> Regulation 5 of the *Fire Brigades (Superannuation Fund) Amendment Regulations 1988* published in *Gazette* 4 November 1988 p.4371 reads as follows —

“ **Saving and transitional**

5. (1) A person whose membership of the Superannuation Fund terminated prior to the commencement of these regulations only by reason of the transfer of his employment from the Fire Brigades Board to the Senior Executive Service of the Public Service Commissioner and whose employment by the Public Service Commissioner in the Senior Executive Service continues until the day on which the Public Service Commissioner commences to be an associated employer, shall be deemed to have remained a member from the day of such transfer of employment until the day the Public Service Commissioner commences to be an associated employer, and the principal regulations shall apply to and in relation to that person in respect of that period as if he had continued to be an employee of the Fire Brigades Board.

(2) In subregulation (1) —

“**Public Service Commissioner**” means the Public Service Commissioner within the meaning of the *Public Service Act 1978*; and

“**Senior Executive Service**” means the Senior Executive Service within the meaning of the *Public Service Act 1978*. ”.

<sup>7</sup> Regulation 8 of the *Fire Brigades (Superannuation Fund) Amendment Regulations 1991* published in *Gazette* 1 November 1991 p.5611 reads as follows —

“ **Transitional**

8. Where a member became entitled to a benefit under regulation 19 or 20 on or after 1 October 1990 and before the commencement of these regulations, the benefit payable

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to the member shall be an amount equal to the greater of —

- (a) the benefit the member was 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 at the time the entitlement arose, these regulations had been in force. ”.

<sup>6</sup> Regulation 24 of the *Fire Brigades (Superannuation Fund) Amendment Regulations 1992* published in *Gazette* 15 December 1992 p.6027 reads as follows —

“ **Transitional**

24. Where a member became entitled to a benefit under —

- (a) regulation 17 or 19 on or after 1 October 1992; or
- (b) regulation 23 (1) on or after 1 July 1992,

and before the commencement of these regulations, the benefit payable to the member shall be the amount equal to the greater of —

- (c) the benefit the member was entitled to under the principal regulations as in force at the time the entitlement arose; or
- (d) the benefit the member would have been entitled to, if at the time the entitlement arose, these regulations had been in force. ”.