
FIRE AND EMERGENCY SERVICES

FE301*

Fire and Emergency Services Superannuation Act 1985

Fire and Emergency Services (Superannuation Fund) Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fire and Emergency Services (Superannuation Fund) Amendment Regulations (No. 2) 2004*.

2. The regulations amended

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

[* Reprinted as at 7 September 2001.

For amendments to 10 November 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 118, and Gazette 29 June 2004.*]

3. Regulation 15 amended

Regulation 15(1) is repealed and the following subregulations are inserted instead —

“

(1) A Category A member who has not reached the age of 65 years —

- (a) must contribute 6.25%; and
- (b) may contribute a further 3.5%,

of his or her superannuation salary to the Superannuation Fund.

(1aa) A Category A member may elect to contribute under subregulation (1)(b), or may cancel an election, by giving written notice to the Superannuation Board.

(1ab) An election —

- (a) takes effect on the 1 July after notice of it is received by the Superannuation Board; and

- (b) remains in force until the 1 July after notice of its cancellation is received by the Superannuation Board.

”.

4. Regulation 15A replaced

Regulation 15A is repealed and the following regulation is inserted instead —

“

15A. Contributions for Category C member

- (1) Contributions may be made to the Superannuation Fund for a Category C member by either or both of —
 - (a) the Category C member;
 - (b) a non-C member who is the Category C member’s spouse or de facto partner.
- (2) A person may contribute under subregulation (1)(b) even if he or she is not the person who nominated the Category C member under regulation 12C.
- (3) The amount of the contributions, and when and how they are to be paid, is to be agreed between the person contributing and the Superannuation Board.

”.

5. Regulation 16BA inserted

After regulation 16B the following regulation is inserted —

“

16BA. Acceptance of Commonwealth payments

The Superannuation Board may accept from the Commonwealth Commissioner of Taxation payment of any of the following in respect of a member —

- (a) a shortfall component under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth;
- (b) an amount equal to the balance of the member’s account in the Superannuation Holding Accounts Reserve under the *Small Superannuation Accounts Act 1995* of the Commonwealth;
- (c) a Government co-contribution under the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* of the Commonwealth.

”.

6. Regulation 16C amended

Regulation 16C(2) is amended as follows:

- (a) in paragraph (fb) by inserting after “regulation 15A” —
“ by or ”;
- (b) after paragraph (fb) by inserting the following paragraph —
“
 - (fc) payments accepted from the Commonwealth Commissioner of Taxation under regulation 16BA in respect of the member;”.

7. Regulation 23B amended

- (1) Regulation 23B(1)(c) is amended by deleting “subregulation 10” and inserting instead —
“ subregulation (10) ”.
- (2) Regulation 23B(3) is repealed and the following subregulations are inserted instead —
“
 - (3) If a member’s maximum benefit is more than \$20 000, the member’s supplementary disablement benefit is payable to the member —
 - (a) under subregulation (3a) if the member is over 55 years of age and has at least 20 years membership when he or she becomes entitled to the benefit; or
 - (b) otherwise, under subregulation (3b).
 - (3a) A benefit payable under this subregulation is to be paid in one of the following ways, at the election of the member —
 - (a) in monthly instalments payable on the first day of each month for 60 months starting with the month following the relevant month;
 - (b) in annual instalments payable on the first day of the month following the month one year after the relevant month and on the anniversary of that day in each of the 4 following years;
 - (c) in a lump sum payable 5 years after the end of the relevant month;
 - (d) if the Superannuation Board agrees, in a lump sum payable as soon as possible after the member becomes entitled to the partial and permanent disablement benefit.”.

- (3b) A benefit payable under this subregulation is to be paid —
- (a) in the way described in subregulation (3a)(a) or (b), at the election of the member; or
 - (b) if the Board is satisfied that there are special circumstances, in the way described in subregulation (3a)(d).

”.

8. Schedules 1A and 4 amended

Schedules 1A and 4 are amended by deleting the definitions of “M1” and “M2” and inserting the following definitions instead —

“

M1 is —

- (a) the number of days in the member’s membership period before 1 July 2004; plus
- (b) the number of days for which the Member contributes under regulation 15(1)(b);

M2 is the number of days in the member’s membership period not included in M1.

”.

By Command of the Governor,

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