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**FIRE AND EMERGENCY SERVICES**

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FE301\*

Fire and Emergency Services Superannuation Act 1985

**Fire Brigades (Superannuation Fund)  
Amendment Regulations 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 2003*.

**2. The regulations amended**

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

[\* Reprinted as at 7 September 2001.]

**3. Regulation 1 amended**

Regulation 1 is amended by deleting “*Brigades*” and inserting instead —

“ *and Emergency Services* ”.

**4. Regulation 3 amended**

Regulation 3(1) is amended as follows:

- (a) in the definition of “Category A member” by inserting after paragraph (a) —

“

- (aa) a Category C member; or

”;

- (b) by inserting the following definition in its appropriate alphabetical position —

“

“**Category C member**” means a member under regulation 12C;

”;

- (c) in the definition of “member”, in paragraph (b), by deleting “an eligible Authority employee or an associated employee” and inserting instead —

“

a member of the Superannuation Fund under Part III and

”.

**5. Regulation 9 amended**

- (1) Regulation 9(1) is amended as follows:
  - (a) in the definition of “child” —
    - (i) in paragraph (c), by deleting “the spouse” and inserting instead —  
“ a spouse or de facto partner ”; and
    - (ii) at the end of paragraph (f), by deleting the semicolon and inserting a full stop instead;
  - (b) by deleting the definition of “spouse”.
- (2) Regulation 9(2)(a) is amended by deleting “the spouse” and inserting instead —  
“ any spouse or de facto partner ”.

**6. Regulation 12C inserted**

After regulation 12B the following regulation is inserted —

“

**12C. Spouses and de facto partners of members**

- (1) A Category A member or Category B member (the “**nominator**”) may nominate his or her spouse or de facto partner as a Category C member by giving notice to that effect to the Superannuation Board.
- (2) However, a person cannot nominate his or her spouse or de facto partner if that person is already a member.
- (3) When making a nomination the nominator must give to the Superannuation Board whatever information the Board reasonably requires to satisfy itself that the nominator and the person nominated are married or de facto partners.
- (4) A Category C member may withdraw from the Superannuation Fund by giving written notice to that effect to the Superannuation Board.
- (5) If a Category C member becomes a Category A member or a Category B member he or she ceases to be a Category C member.
- (6) A Category C member remains a member until —
  - (a) he or she withdraws from the Superannuation Fund under subregulation (4);
  - (b) he or she ceases to be a Category C member under subregulation (5); or
  - (c) all benefits payable to or in respect of the person have been paid or transferred under regulation 21B(2) or (3).

- (7) A Category C member does not cease to be a member merely because the nominator —
- (a) ceases to be a member; or
  - (b) ceases to be the Category C member's spouse or de facto partner.

”.

**7. Regulation 15A inserted**

After regulation 15 the following regulation is inserted —

“

**15A. Contributions for spouse or de facto partner**

- (1) A Category A member or Category B member (the “**contributor**”) whose spouse or de facto partner is a Category C member may contribute to the Superannuation Fund for the spouse or de facto partner.
- (2) The contributor need not be the person who nominated the Category C member under regulation 12C.
- (3) The contributor is to contribute the amounts, and at the times, and make the contributions in the manner, agreed between the contributor and the Superannuation Board.

”.

**8. Regulation 16C amended**

Regulation 16C(2) is amended after paragraph (fa) by deleting “and” and inserting instead —

“

- (fb) for a Category C member, all contributions made under regulation 15A for the member; and

”.

**9. Regulation 21AA inserted**

After regulation 21A the following regulation is inserted —

“

**21AA. Benefit — Category C**

- (1) If a Category C Member —
  - (a) withdraws from the Superannuation Fund under regulation 12C(4); or
  - (b) satisfies a condition of release within the meaning of Part 6 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth,

the member is entitled to a benefit equal to the balance of the member's accumulation account.

- (2) If a Category C member dies while there is still an amount in the member's accumulation account the Superannuation Board is to pay a benefit equal to the balance of the member's accumulation account.

”.

**10. Regulation 21C amended**

Regulation 21C(2) is amended by deleting “regulation 39.” and inserting instead —

“ regulation 21B(2) or (3). ”.

**11. Regulation 22 amended**

- (1) Regulation 22(1) is amended by inserting after “spouse” —

“ or de facto partner ”.

- (2) Regulation 22(4) is amended as follows:

(a) by inserting after “spouse” —

“ or de facto partner ”;

(b) by deleting “either of”.

- (3) Regulation 22(5) is amended by inserting after “spouse” —

“ or de facto partner ”.

**12. Regulation 37 amended**

Regulation 37(1) is amended by deleting “A member” and inserting instead —

“ A Category A member or a Category B member ”.

By Command of the Governor,

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