

SD301*

Fire Brigades Superannuation Act 1985

**Fire Brigades (Superannuation Fund)
Amendment Regulations 2000**

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 2000*.

2. The regulations amended

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

[* Reprinted as at 11 October 1994.

For amendments to 25 July 2000 see 1999 Index to Legislation of Western Australia, Table 4, pp. 87-9.]

3. Regulation 3 amended

(1) Regulation 3(1) is amended as follows:

(a) in the definition of “Category A member” by deleting paragraph (a) and inserting the following paragraph instead —

“ (a) a Category B member; ”;

(b) in the definition of “Category B member” by inserting after “regulation”—

“ 11(2), ”.

(2) Regulation 3(2) is amended by deleting “4” and inserting instead —

“ 3A ”.

4. Regulation 9B amended

(1) Regulation 9B(1) is amended by deleting “, for the purposes of all or any of these regulations”.

(2) After regulation 9B(1) the following subregulation is inserted —

“

(1a) Different net fund earning rates may be determined for different purposes and, if members make different choices about the investment of money credited to their accumulation accounts, the calculation of interest on their accumulation accounts is to be treated as being for different purposes.

”.

5. Regulation 11 replaced

Regulation 11 is repealed and the following regulation is inserted instead —

“

11. Membership of eligible Authority employee

(1) A person becomes a Category A member when he or she becomes an eligible Authority employee unless he or she —

(a) is already a Category A member;

(b) is a temporary or casual employee as defined in regulation 12A;

(c) is a person to whom regulation 12B applies; or

- (d) is not covered by the Western Australian Fire Services Award 1996 and, at the time of becoming an eligible Authority employee —
- (i) elects to become a Category B member; or
 - (ii) being a GES member, elects to remain a GES member.
- (2) A person who makes an election under subregulation (1)(d)(i) is taken to have become a Category B member when he or she became an eligible Authority employee.
- (3) A person who became a Category B member under subregulation (2) may, by giving notice to the employer, become a Category A member.
- (4) If an eligible Authority employee —
- (a) who made an election under subregulation (1)(d)(ii); or
 - (b) to whom subregulation (1a) as in force before the commencement of the *Fire Brigades (Superannuation Fund) Amendment Regulations 2000* applied when he or she became an eligible Authority employee,
- ceases to be a GES member, subregulation (1) applies as if the employee had become an eligible Authority employee when he or she ceased to be a GES member.
- (5) A person who becomes a member under this regulation remains a member while he or she remains an eligible Authority employee or an associated employee.
- (6) In this regulation —
- “**GES member**” means a member of the 1987 scheme or the 1993 scheme established under the *Government Employees Superannuation Act 1987*.

”.

6. Regulation 14 amended

Regulation 14(1) is repealed and the following subregulation is inserted instead —

“

- (1) If —
- (a) a Category A member who has not made an election under regulation 14A becomes a Category B member; and
 - (b) the balance of the member’s accumulation account is less than the benefit (in this subregulation called “**the member’s notional benefit**”) to which the member would have

been entitled if, on the day the member ceased to be a Category A member, the member had ceased to be in the employment of the employer in a case to which regulation 21(1) applied,

the Superannuation Board is to credit to the member's accumulation account the amount by which the accumulation account balance is less than the member's notional benefit.

”.

7. Regulation 14A inserted

After regulation 14 the following regulation is inserted in Part III —

“

14A. Category A member may elect to transfer notional defined benefit to accumulation account

- (1) A Category A member who is under 65 years of age and —
- (a) has reached 55 years of age; or
 - (b) has completed a membership period of 30 years as a Category A member,

may elect to transfer the member's notional defined benefit to the credit of the member's accumulation account.

- (2) An election under subregulation (1) is irrevocable.
- (3) If a Category A member makes an election under subregulation (1), the Superannuation Board is to credit to the member's accumulation account the member's notional defined benefit.
- (4) In this regulation —

“member's notional defined benefit” means —

- (a) if, on the election day, the member has reached 55 years of age – an amount calculated in accordance with Schedule 1 as if the member had ceased to be in the employment of the employer on the election day; or
- (b) if, on the election day, the member is under 55 years of age – an amount calculated in accordance with Schedule 4 as if the member had ceased to be in the employment of the employer on the election day;

“the election day” means the day on which the member makes an election under subregulation (1).

”.

8. Regulation 16C amended

(1) Regulation 16C(2) is amended as follows:

(a) in paragraph (a), by inserting after “regulation 14” —
“ , 14A, ”;

(b) after paragraph (d), by inserting the following paragraph —

“

(da) for a Category A member who has made an election under regulation 14A, all contributions made by or for the member after the election is made except contributions under regulation 16B;

”;

(c) in paragraph (e), by deleting “a Category A” and inserting instead —

“ any other Category A ”;

(d) after paragraph (f) by deleting “and” and inserting instead —

“

(fa) for a Category B member, the proceeds received by the Superannuation Board from any insurance policies taken out under regulation 16D in respect of the member; and

”.

(2) After regulation 16C(3)(a) the following paragraphs are inserted —

“

(aa) for a Category B member, the costs and premiums payable by the Superannuation Board for any insurance policies taken out under regulation 16D in respect of the member;

(ab) if the member is a category A member who has made an election under regulation 14A, any fee that the Superannuation Board, on the advice of its actuary, considers it is appropriate to charge for insuring for the cost of paying any benefit under regulation 17 or 18 in excess of the balance of the member’s accumulation account;

”.

9. Regulation 16D inserted

After regulation 16C the following regulation is inserted in Part IV —

“

16D. Insurance for Category B members

(1) The Superannuation Board may take out such policies of insurance in respect of a Category B member who

became a Category B member under regulation 11(2) as the Superannuation Board considers appropriate.

- (2) In addition to any policies taken out under subregulation (1) the Superannuation Board may take out such policies of insurance in respect of a Category B member as the Board and member agree.
- (3) In this regulation —
“insurance” means life insurance, disability insurance or life and disability insurance.

”.

10. Regulation 17 amended

- (1) Regulation 17 is amended as follows:
 - (a) by inserting before “If” the subregulation designation “(1)”; and
 - (b) by inserting after “Category A member” —

“

who has not made an election under regulation 14A

”.

- (2) At the end of regulation 17 the following subregulation is inserted —

“

- (2) If a Category A member who has made an election under regulation 14A dies while still in the employment of the employer and before reaching 65 years of age, the Superannuation Board is to pay a benefit equal to —
 - (a) the balance of the member’s accumulation account; and
 - (b) if the accumulation account balance is less than the benefit that would have been payable under subregulation (1) had the member not made the election, the amount by which the accumulation account balance is less than that benefit.

”.

11. Regulation 19 amended

- (1) Regulation 19 is amended as follows:
 - (a) by inserting before “If” the subregulation designation “(1)”; and
 - (b) by inserting after “Category A member” —

“

who has not made an election under regulation 14A

”.

- (2) At the end of regulation 19 the following subregulation is inserted —

“

- (2) If a Category A member who has made an election under regulation 14A leaves the employment of the employer as a result of partial and permanent disablement before reaching 65 years of age, the member is entitled to a benefit equal to the balance of the member's accumulation account.

”.

12. Regulation 20 amended

Regulation 20 is amended by inserting after “Category A member” —

“ who has not made an election under regulation 14A ”.

13. Regulation 21 amended

- (1) Regulation 21(1) is amended by deleting “leaves the employment of the employer for any reason” and inserting instead —

“

who has not made an election under regulation 14A ceases to be in the employment of the employer in a case to which neither regulation 17, 18, nor 19 applies,

”.

- (2) After regulation 21(1) the following subregulation is inserted —

“

- (1a) If a category A member who has made an election under regulation 14A ceases to be in the employment of the employer in a case to which neither regulation 17, 18, nor 19 applies, the member is entitled to a benefit equal to the balance of the member's accumulation account.

”.

- (3) In regulation 21(2), the following is inserted after “subregulation (1)” —

“ or (1a) ”.

14. Regulation 21A amended

Regulation 21A(2)(a) is deleted and the following paragraph is inserted instead —

“

- (a) ceases to be in the employment of the employer other than as a result of death;

”.

15. Regulation 32 amended

- (1) Regulation 32(1) is amended by deleting “regulation 17 or 18” and inserting instead —
- “ regulation 17(1) ”.
- (2) Regulation 32(2) is amended as follows:
- (a) by deleting “regulation 17 or 18” and inserting instead —
- “ regulation 17(1) ”;
- (b) by deleting “calculated in accordance with Schedule 1.” and inserting instead the following —
- “
- the amount under regulation 17(1)(a) were calculated in accordance with Schedule 1 without applying Schedule 2.
- ”.
- (3) After regulation 32(2) the following subregulation is inserted —
- “
- (2a) Subregulation (2) does not apply for the purposes of calculating the benefit that would have been payable under regulation 17(1) in order to determine —
- (a) a benefit under regulation 17(2); or
- (b) an amount calculated by direct or indirect reference to a benefit under regulation 17(2).
- ”.

16. Regulation 37A amended

Regulation 37A is amended as follows:

- (a) by inserting after “of Category A members” —
- “
- who have not made elections under regulation 14A
- ”;
- (b) by inserting after “distribution is made” —
- “
- and who had not made elections under regulation 14A before that day
- ”.

17. Regulation 41 amended

Regulation 41(8) is amended as follows:

- (a) by deleting “any benefit calculated under regulation 17” and inserting instead —
- “ an amount has to be calculated ”;

(b) by inserting before “is payable” —

“

in order to determine a benefit under or by reference to
regulation 17 that

”;

(c) by deleting “benefit shall be reduced” and inserting
instead —

“ amount shall be reduced ”.

By Command of the Administrator,

ROD SPENCER, Clerk of the Executive Council.