
SUPERANNUATION BOARD

SD301*

Fire Brigades Superannuation Act 1985

**Fire Brigades (Superannuation Fund)
Amendment Regulations 1999**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 1999*.

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 1 July 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 96-8.]

3. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**accumulation account**” means the account kept for a member under regulation 16C;

“**preservation age**” in relation to a member, means the age at which, under the SIS standards, benefits which are required by those standards to be preserved, may be paid to the member;

“**SIS Act**” means the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth;

“**SIS standards**” means the standards in force under the SIS Act;

”;

- (b) in the definition of “maximum benefit” by deleting “regulation 20” and inserting instead —

“ regulation 18 ”;

- (c) in the definition of “partial and permanent disablement benefit” by deleting “regulation 21” and inserting instead —

“ regulation 19 ”.

4. Regulation 9A repealed

Regulation 9A is repealed.

5. Regulation 11 amended

- (1) Regulations 11(1a)(b), (1b) and (1c) are amended by deleting “the GESF” in each place where it occurs and inserting instead —

“ a GES scheme ”.

- (2) Regulation 11(2) is amended by deleting the definition of “GESF” and inserting instead —

“

“**GES scheme**” means the 1987 scheme or the 1993 scheme established under the *Government Employees Superannuation Act 1987*;

”.

6. Regulation 14 amended

Regulation 14(1), (2) and (3) are repealed and the following subregulation is inserted instead —

“

- (1) If a Category A member becomes a Category B member, the Superannuation Board is to credit to the member's accumulation account an amount equal to the benefit to which the member would have been entitled if the member had ceased to be in the employment of the employer on the day the member ceased to be a Category A member.

”

7. Regulation 15 amended

Regulation 15(4), (5), (6), (6a) and (7) are repealed.

8. Regulation 16C inserted

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

“

16C. Accumulation accounts

- (1) The Superannuation Board is to establish and maintain an accumulation account for each member.
- (2) The Superannuation Board is to credit to a member's accumulation account —
 - (a) any amounts to be credited to the member's accumulation account under regulation 14 or 20;
 - (b) any contributions made by the member under an agreement under regulation 37;
 - (c) any surplus funds allocated to the member under regulation 37A;
 - (d) any amounts transferred from other superannuation funds under regulation 38 that the Superannuation Board determines are to be credited to the member's accumulation account;
 - (e) for a Category A member, all contributions made by or for the member after the member has reached 65 years of age;
 - (f) for a category B member, all contributions made by or for the member; and
 - (g) interest in accordance with subregulation (4).

- (3) The Superannuation Board may debit to a member's accumulation account —
- (a) any tax payable by the Superannuation Board in respect of contributions credited to the account;
 - (b) amounts paid as benefits to, or in respect of, the member; and
 - (c) amounts transferred to other funds in satisfaction of the member's entitlement to a benefit.
- (4) At least once every year the Superannuation Board is to credit to each accumulation account interest on the balance of the account at the net fund earning rate.

”.

9. Regulations 17 to 21 replaced

Regulations 17 to 21 are repealed and the following regulations are inserted instead —

“

17. Death benefit — Category A

If a Category A member 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) an amount calculated in accordance with Schedule 1 using a membership period determined in accordance with Schedule 2; and
- (b) the balance of the member's accumulation account.

18. Total and permanent disablement benefit — Category A

If a Category A member leaves the employment of the employer as a result of total and permanent disablement before reaching 65 years of age, the member is entitled to a benefit equal to the benefit that would have been payable if the member had died on the last day on which the member received remuneration from the employer.

19. Partial and permanent disablement benefit — Category A

If a Category A member 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 —

- (a) an amount calculated in accordance with Schedule 1; and
- (b) the balance of the member's accumulation account.

20. Continuing in employment after 65 — Category A

If a Category A member remains in the employment of the employer on the member's 65th birthday, the Superannuation Board is to credit to the member's accumulation account an amount calculated in accordance with Schedule 1 as if the member had ceased employment with the employer on that day.

21. Leaving service benefit — Category A

(1) If a Category A member leaves the employment of the employer for any other reason the member is entitled to a benefit equal to —

- (a) if the member is 65 years of age or older, the balance of the members accumulation account;
- (b) if the member is over 55, but under 65, years of age —
 - (i) an amount calculated in accordance with Schedule 1; and
 - (ii) the balance of the member's accumulation account;

or

- (c) if the member is under 55 years of age —
 - (i) an amount calculated in accordance with Schedule 4; and
 - (ii) the balance of the member's accumulation account.

(2) For the purposes of subregulation (1) a Category A member is taken to have left the employment of the employer if the member —

- (a) is over 65 years of age and works for less than 10 hours a week; or
- (b) is over 70 years of age and works for less than 30 hours a week.

21A. Benefit — category B

- (1) If a category B member dies while still in the employment of the employer the Superannuation Board is to pay a benefit equal to the balance of the member's accumulation account.
- (2) If a category B member —
 - (a) leaves the employment of the employer for any other reason;
 - (b) is over 65 years of age and works for less than 10 hours a week; or
 - (c) is over 70 years of age and works for less than 30 hours a week,

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

21B. Payment of benefits

- (1) Subject to this regulation and regulations 21C and 22, when a member becomes entitled to a benefit the Superannuation Board is to pay it to the member as a lump sum.
- (2) The Superannuation Board may, at the request of a member, transfer a benefit to which the member is entitled to another complying superannuation fund.
- (3) The Superannuation Board may transfer a benefit that is payable to or in respect of a member to an eligible rollover fund (as defined in the SIS Act) if that complies with the SIS standards.
- (4) If the Superannuation Board transfers a benefit under subregulation (2) or (3) —
 - (a) the receipt of the trustee of the fund to which it is transferred is a sufficient discharge to the Superannuation Board; and
 - (b) neither the Superannuation Board nor the employer is responsible for the payment, application or disposal of the benefit by that trustee.
- (5) In subregulation (2) —

“complying superannuation fund” means —

 - (a) a regulated superannuation fund (as defined in the SIS Act);
 - (b) an exempt public sector superannuation scheme (as defined in the SIS Act);
 - (c) a regulated approved deposit (as defined in the SIS Act); or

- (d) a retirement savings account (as defined in the *Retirement Savings Accounts Act 1997* (Commonwealth));

21C. Preservation

- (1) Despite any other provision in these regulations, the Superannuation Board must not pay a benefit to a member if that would be contrary to the SIS standards.
- (2) When the Superannuation Board is prohibited under subregulation (1) from paying a benefit, the Board is to hold the benefit in the member's accumulation account until payment is permitted or the benefit is transferred under regulation 39.

”.

10. Regulations 23 and 23A replaced

Regulations 23 and 23A are repealed and the following regulation is inserted instead —

“

23. Employer may request increased benefit

The Superannuation Board may, at the request of the employer, increase the benefit to which a member is entitled if the member ceased employment with the employer —

- (a) before reaching 55 years of age;
- (b) other than as a result of death, total and permanent disablement or partial and permanent disablement; and
- (c) for what were, in the employer's opinion, exceptional reasons.

”.

11. Regulation 23B amended

In regulation 23B(1) “under regulation 21” is deleted in both places where it occurs.

12. Regulation 27 amended

Regulation 27(4) is amended by deleting “*Mental Health Act 1962* to be the manager of the estate of the first-mentioned person or, if there is no such manager,” and inserting instead —

“

Guardianship and Administration Act 1990 as the guardian of the first-mentioned person or, if no guardian has been appointed,

”.

13. Regulation 30 amended

Regulation 30(7) is amended by deleting “any requirement of the Commonwealth Act governing the forfeiture of benefits.” and inserting instead —

“ the SIS standards. ”.

14. Regulation 32 amended

Regulation 32(1) and (2) are amended by deleting “regulation 19(1) or 20” and inserting instead —

“ regulation 17 or 18 ”.

15. Regulation 37 amended

Regulation 37(1) is amended by deleting “, other than a Category B member,”.

16. Regulation 37A amended

Regulation 37A is amended by deleting “, in accordance with regulation 37B,”.

17. Regulation 37B repealed

Regulation 37B is repealed.

18. Regulation 38 amended

- (1) Regulation 38(3) is amended by deleting “, 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.” and inserting instead —

“

not be paid to the member unless payment is permitted under the SIS standards.

”.

- (2) Regulation 38(4) is repealed.

19. Regulation 39 amended

- (1) Regulation 39(1),(1a) and (4) are repealed.
- (2) Regulation 39(3) is amended by deleting “the benefit payable to or in respect of a member is paid or transferred pursuant to subregulation (1) or (1a) or if”.

20. Regulation 40 amended

Regulation 40(4)(c) is amended by deleting “regulation 20 or 21” and inserting instead —

“ regulation 18 or 19 ”.

21. Regulation 41 amended

Regulation 41(8) is amended by deleting “regulation 19(1)(a)(iii)” and inserting instead —

“

regulation 17 using a membership period determined under Schedule 2 paragraph (a)(iii)

”.

22. Regulation 46 amended

Regulation 46(3) is amended as follows:

- (a) by deleting “Commonwealth” in the 3 places where it occurs and inserting instead —

“ SIS ”;

- (b) in paragraph (f), by deleting “Commissioner” in the first place where it occurs and inserting instead —

“

Insurance and Superannuation Commissioner
appointed under the *Insurance and
Superannuation Commissioner Act 1987*
(Commonwealth)

”.

23. Regulation 47 amended

After regulation 47(1) the following subregulation is inserted —

“

- (2) The Authority may, instead of conducting the election itself, engage the Electoral Commissioner under the *Electoral Act 1907* or any other independent person to conduct the election on behalf of the Authority.

”.

24. Regulation 47A amended

After regulation 47A(2) the following subregulation is inserted —

“

- (2a) The Authority may, instead of conducting the ballot itself, engage the Electoral Commissioner under the *Electoral Act 1907* or any other independent person to conduct the ballot on behalf of the Authority.

”.

25. Schedules 1, 1A and 2 replaced

Schedules 1, 1A and 2 are repealed and the following Schedules are inserted instead —

“

Schedule 1 — Defined benefit

[rr.17 - 21]

The amount calculated in accordance with this Schedule is B in the formula —

$$B = \frac{S}{365.25} \times 0.215 \times M$$

where —

S is the member's final average salary;

M is the number of days in the member's membership period.

Schedule 2 — Membership period for death benefits

[r. 17]

The number of days in a Category A member's membership period to be used for calculating the member's death benefit is —

(a) if the member was a member on 1 November 1991 the greater of —

(i) M;

(ii) the lesser of —

(A) M + F; and

(B) 10 958 days;

and

(iii) the lesser of —

(A) 3 x F; and

(B) 10 958 days;

or

(b) otherwise, the greater of —

(i) M; and

(ii) the lesser of —

(A) M + F; and

(B) 10 958 days,

where —

M is the number of days in the member's membership period up to the day before the member died;

F is the number of days from the day the member died to the day before the day that would have been the member's 65th birthday.

”.

26. Schedule 4 replaced

Schedule 4 is repealed and the following Schedule is inserted instead —

“

**Schedule 4 — Leaving service benefit —
Category A**

[r. 21(c)]

The amount calculated in accordance with this Schedule is B in the formula —

$$B = \frac{S}{365.25} \times 0.215 \times M \times \frac{1}{(1+r)^{\frac{n}{365.25}}}$$

where —

- S is the member's final average salary;
- M is the number of days in the member's membership period;
- r is a rate of interest, expressed as a percentage per annum, determined by the Superannuation Board on the advice of the actuary;
- n is the number of days from the day the member ceased employment with the employer to the member's 55th birthday.

”.

27. Schedules 6C and 6D amended

Schedules 6C and 6D are amended as follows:

- (a) at the end of the definition of variable “i”, by deleting “; and” and inserting a full stop instead;
- (b) by deleting “ $V = \frac{1}{1+i}$ ”.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.