

FIRE BRIGADES

FB301

**FIRE BRIGADES SUPERANNUATION ACT 1985
FIRE BRIGADES (SUPERANNUATION FUND)
AMENDMENT REGULATIONS 1992**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 1992*.

Principal regulations

2. In these regulations the *Fire Brigades (Superannuation Fund) Regulations 1986** are referred to as the principal regulations.

[* *Published in the Gazette of 29 October 1986 at pp. 3991-4016.
For amendments to 17 November 1992 see 1991 Index to Legislation
of Western Australia, pp.323-324.*]

Regulation 3 amended

3. Regulation 3 of the principal regulations is amended in subregulation (2) by deleting "9A" and substituting the following —

" 9B "

Regulation 9B inserted

4. After regulation 9A of the principal regulations the following regulation is inserted —

" **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Regulation 14 repealed

5. Regulation 14 of the principal regulations is repealed.

Regulation 15 amended

6. Regulation 15 of the principal regulations is amended in subregulations (5) (c) and (6) (b) by deleting "a rate determined from time to time by the Board (including negative rates if the Board so determines)" and in each place substituting the following —

" the net fund earning rate ".

Regulation 16 amended

7. Regulation 16 of the principal regulations is amended in subregulation (5) by deleting "payable" in the second place where it occurs and substituting the following —

" calculated ".

Regulation 18 amended

8. Regulation 18 of the principal regulations is amended —

- (a) in subregulation (1) —

- (i) by deleting "and these regulations," and substituting the following —

" , these regulations and subregulation (3),
and

- (ii) in paragraph (b) by deleting "of his retirement" and substituting the following —

" of payment of the lump sum retirement benefit ";

- (b) in subregulation (2) by deleting "such rates of interest as are determined from time to time by the Superannuation Board" and substituting the following —

" the net fund earning rate ";

and

- (c) after subregulation (2) by inserting the following subregulations —

" (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 23 amended**9. Regulation 23 of the principal regulations is amended —**

- (a) in subregulation (1) (a) by inserting before “ in” the following —
“ subject to subregulation (1a), ”; and
- (b) after subregulation (1) by inserting the following subregulation —
“ (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). ”.

Regulation 23A amended**10. Regulation 23A of the principal regulations is amended —**

- (a) in subregulation (1) by deleting “23B” and substituting the following —
“ 38 (3) ”;
- (b) by repealing subregulation (2) and substituting the following subregulation —
“ (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 under regulation 23 (1); 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
- (c) in subregulation (3) —
 - (i) in paragraph (a) (iv) by deleting “Australia; or” and substituting the following —
“ Australia; ”;
 - (ii) in paragraph (b) by deleting “ dies.” and substituting the following —
“ dies; or ”; and
 - (iii) after paragraph (b) by inserting the following paragraph —
“ (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. ”.

Regulation 23B repealed

11. Regulation 23B of the principal regulations is repealed.

Regulation 27 amended

12. Regulation 27 of the principal regulations is amended in subregulation (2) by deleting "such rates as are determined from time to time by the Superannuation Board" and substituting the following —

" the net fund earning rate ".

Regulation 31 amended

13. Regulation 31 of the principal regulations is amended —

- (a) by repealing subregulation (1); and
- (b) in subregulation (3) by deleting "(1) or".

Regulation 37 amended

14. Regulation 37 of the principal regulations is amended in subregulation (3) (b) by deleting "such rates (including negative rates if the Superannuation Board so determines) as may from time to time be determined by the Superannuation Board" and substituting the following —

" the net fund earning rate ".

Regulation 38 amended

15. Regulation 38 of the principal regulations is amended by inserting after subregulation (2) the following regulations —

" (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.

(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 40 amended

16. Regulation 40 of the principal regulations is amended in subregulation (4) —

- (a) by deleting subparagraph (b) (ii) and substituting the following subparagraph —

" (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, "

and

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

- “ (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 ”.

Regulation 41 amended

17. Regulation 41 of the principal regulations is amended —

- (a) in subregulation (7) by inserting after “Schedule 1” the following —
- “ or Schedule 4 ”; and
- (b) in subregulation (8) by deleting “ 19 (1) ” and substituting the following—
- “ 19 (1) (a) (iii) ”.

Regulation 46 repealed and a regulation substituted

18. Regulation 46 of the principal regulations is repealed and the following regulation is substituted —

“ 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.

”.

Schedule 1 amended

19. Schedule 1 to the principal regulations is amended by deleting “0.20” and substituting the following —

“ 0.21 ”.

Schedule 1A amended

20. Schedule 1A to the principal regulations is amended —

- (a) by deleting “(Regulation 19 (1))” and substituting the following —
“ (Regulation 19 (1) (a) (ii) and (b) (ii)) ”; and
- (b) by deleting “regulation 19(1) ” and substituting the following —
“ regulation 19 (1) (a) (ii) and (b) (ii) ”.

Schedule 2 amended

21. Schedule 2 to the principal regulations is amended —

- (a) by deleting “(Regulation 19 (1) (a))” and substituting the following —
“ (Regulation 19 (1) (a) (iii)) ”; and
- (b) by deleting “regulation 19 (1) (a)” and substituting the following —
“ regulation 19 (1) (a) (iii) ”.

Schedule 3 amended

22. Schedule 3 to the principal regulations is amended in item 5 (1) by deleting “60” and substituting the following —

“ 90 ”.

Schedule 4 amended**23.** Schedule 4 to the principal regulations is amended —

- (a) by deleting “(Regs. 23 and 23B)” and substituting the following —

“ (Regulation 23) ”;

- (b) in the definition of “R” by deleting paragraphs (a) and (b) and substituting the following paragraphs —

“ (a) 0.21 where regulation 23 (1) (b) (i) applies; or

(b) 0.1 where regulation 23 (1) (a) (ii) applies. ”;

and

- (c) by deleting the definition of “M” and substituting the following definition —

“ M is the membership of the member expressed in days. ”.

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.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.