

MINES

MN301

COAL INDUSTRY SUPERANNUATION ACT 1989**COAL INDUSTRY SUPERANNUATION AMENDMENT REGULATIONS 1991**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Coal Industry Superannuation Amendment Regulations 1991*.

Principal regulations

2. In these regulations the *Coal Industry Superannuation Regulations 1990** are referred to as the principal regulations—

[*Published in the Government Gazette 28 June 1990 pp. 3109-3136.]

Regulation 4 amended

3. Regulation 4 of the principal regulations is amended—

- (a) by inserting after regulation designation "4." the subregulation designation "(1)"; and
- (b) by inserting the following subregulation—

" (2) Where a person ceased employment as a mine worker and subsequently was re-employed as a mine worker the Board may include any period of that person's membership of the Fund for purposes calculating the benefits payable by the Fund. "

Regulation 11 amended

4. Regulation 11 of the principal regulations is amended—

- (a) by inserting after regulation designation "11." the subregulation designation "(1)"; and
- (b) by inserting the following subregulation—

" (2) A mineworker who is on active service as a member of the Defence Forces of the Commonwealth is deemed to continue to be a mineworker during that period. "

Regulation 14 amended

5. Regulation 14 of the principal regulations is amended by inserting after subregulation (3) the following subregulations—

- " (4) A person who is deemed to be a mineworker under regulation 11 (2) is liable to make contributions to the Fund but no employer contributions are payable in respect of such a person.

(5) A person—

- (a) who ceased to be a mineworker and was paid a benefit from the Fund; and

- (b) who subsequently becomes a member of the Fund,

may with the approval of the Board repay into the Fund any amount so paid plus interest at such rate as is fixed by the Board.

(6) A member who—

- (a) ceases to be a mineworker but retains a preserved benefit under regulation 22;

- (b) subsequently becomes a mineworker; and

- (c) has previous service as a mineworker included by the Board as membership for the purposes calculating the benefits payable by the Fund,
is not entitled to receive the preserved benefit included in any benefit payable in respect of that previous service. ”.

Regulation 21A inserted

6. After regulation 21 of the principal regulations the following regulation is inserted—

Retrenchment

- “ 21A. A member who is retrenched under a retrenchment scheme approved by the Board is entitled at the member's election—
- (a) to a preserved benefit in respect of membership calculated in accordance with Part 1 of Schedule 2A; or
 - (b) to a cash benefit in respect of membership calculated in accordance with Part 2 of Schedule 2A. ”.

Schedule 2A inserted

7. After Schedule 2 of the principal regulations the following Schedule is inserted—

“

SCHEDULE 2A

(Reg. 21A)

PART 1

**CALCULATION OF PRESERVED BENEFIT UNDER
APPROVED RETRENCHMENT SCHEME**

The formula for calculating a preserved benefit in respect of a member under an approved retrenchment scheme is—

$$PB = FAS \times AP$$

where—

PB is the preserved benefit;

FAS is the final average salary which applies to the member;

AP is the sum of all accrual products of the member at the time of cessation of employment.

PART 2

**CALCULATION OF CASH BENEFIT UNDER APPROVED
RETRENCHMENT SCHEME**

The formula for calculating a cash benefit in respect of a member under an approved retrenchment scheme is—

$$CB = (0.3 \times FAS \times AP) + [0.7 \times FAS \times AP \times (1+DR)^n]$$

where—

CB is the cash benefit;

FAS is the final average salary which applies to the member;

AP is the sum of all accrual products of the member at the time of cessation of employment;

DR is the discount rate determined by the Board.

ⁿ is the number of years or portions of a year expressed to 2 decimal places by which the age of the member is less than 55 years. ”.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.