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FIRE BRIGADES SUPERANNUATION ACT 1985

FIRE BRIGADES
(SUPERANNUATION FUND)
REGULATIONS 1986

AND

FIRE BRIGADES
(DISABLEMENT BENEFITS
FUND) REGULATIONS 1986

WESTERN AUSTRALIA

**FIRE BRIGADES (SUPERANNUATION FUND)
REGULATIONS 1986**

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FIRE BRIGADES SUPERANNUATION ACT 1985

**FIRE BRIGADES (SUPERANNUATION FUND)
REGULATIONS 1986**

MADE by His Excellency the Governor in Executive Council.

PART I—PRELIMINARY

Citation

1. These regulations may be cited as the *Fire Brigades (Superannuation Fund) Regulations 1986*.

Commencement

2. These regulations shall come into operation on the day of the commencement of the Act.

PART II—INTERPRETATIVE PROVISIONS

Definitions and interpretation

3. (1) In these regulations unless the contrary intention appears—

“member” means—

- (a) a member of the Superannuation Fund; or
- (b) a person who has ceased to be a member of the Superannuation Fund in respect of whom a benefit is payable under these regulations,

as the context requires;

“previous superannuation fund” has the same meaning as in Part I of Schedule 3 to the Act;

“the employer”, in relation to a member, means—

- (a) in the case of a Fire Brigades Board employee, the Fire Brigades Board;
- (b) in the case of an associated employee, the associated employer which employs him.

(2) Regulations 4 to 9 shall have effect for the purposes of the application and interpretation of these regulations.

Membership

4. A reference to the membership of a member is a reference to the most recent uninterrupted period commencing not earlier than 1 October 1946 during which the member has been—

- (a) consecutively a member of the previous superannuation fund and a member of the Superannuation Fund; or
- (b) a member of the Superannuation Fund,

as the case may be.

Total permanent disablement

5. A member shall be regarded as being totally and permanently disabled—
- (a) in the event that the Superannuation Board has pursuant to section 9 of the Act effected a group life insurance or assurance policy that contains provision for payment of benefits in respect of total and permanent disablement and that policy is in force for the time being in respect of the member if the member is totally and permanently disabled within the meaning of and for the purposes of that policy;
 - (b) in the event that the Superannuation Board has pursuant to section 9 of the Act effected a group life insurance or assurance policy that contains provision for payment of benefits in respect of total and permanent disablement and that policy is not in force for the time being in respect of the member by reason only of the refusal of insurance by the insurer with which that policy has been effected, if in the opinion of the Superannuation Board, after consideration of material evidence satisfactory to it, the member is totally and permanently disabled within the terms of the definition of total and permanent disablement contained in that policy; or
 - (c) in any other event if—
 - (i) the member has been absent from the employment of the employer through illness or injury for 6 consecutive months or for such shorter period as in the circumstances the Superannuation Board considers appropriate; and
 - (ii) in the opinion of the Superannuation Board, after consideration of material evidence satisfactory to it, the member has become incapacitated to such an extent as to render the member unlikely ever to engage in, or work for reward in, any occupation or work for which the member is reasonably qualified by education, training or experience.

Partial permanent disablement

6. A member shall be regarded as partially and permanently disabled if he is not totally and permanently disabled and—
- (a) in the case of a Fire Brigades Board employee if his employment is terminated on medical grounds by the Fire Brigades Board on the basis of the report of a medical panel under regulation 132B of the Fire Brigades Act Regulations; or
 - (b) in the case of an associated employee if—
 - (i) the member has been absent from the employment of the employer through illness or injury for 6 consecutive months or for such shorter period as in the circumstances the Superannuation Board considers appropriate; and
 - (ii) in the opinion of the Superannuation Board, after consideration of material evidence satisfactory to it, the member has become incapacitated to such an extent as to render the member unlikely ever to engage in, or work for reward in, any occupation or work in the employment of the employer for which he is reasonably qualified by education, training or experience.

Superannuation salary

7. (1) In this regulation “normal rate of remuneration”, in relation to a member, means the annual rate of remuneration at which the member is employed by the employer excluding all overtime bonuses or allowances except for the following allowances—
- (a) service allowance;
 - (b) industry allowance;

- (c) shift penalty;
- (d) leading hand allowance;
- (e) tool allowance; and
- (f) any other allowance that the Fire Brigades Board and the Superannuation Board agree should be included in the superannuation salary of the member.

(2) Subject to subregulations (3) and (4) the superannuation salary of a member, during a period of his membership, is his normal rate of remuneration during the period.

(3) Subject to subregulation (4) where the normal rate of remuneration of a member (in this subregulation called "the original rate") is reduced, the superannuation salary of the member, during the period of his membership for which his normal rate of remuneration remains below the original rate, is the original rate.

(4) Where a member, the Superannuation Board and the employer agree, in any special case, that the superannuation salary of the member during a period of his membership shall be a rate other than the rate determined under subregulation (2) or (3), whichever is applicable, the superannuation salary of the member, during that period, is the rate so agreed.

Final average salary

8. (1) In this regulation "the relevant date" in relation to a member means—

- (a) the date on which he ceases to be in the employment of the employer; or
- (b) the date on which he reaches the age of 65 years,

whichever is the earlier.

(2) The final average salary of a member who has completed 3 years of membership before the relevant date is the weighted average (calculated on a daily basis) of his superannuation salary during the period of 3 years of his membership immediately preceding the relevant date.

(3) The final average salary of a member who has not completed 3 years of membership before the relevant date is the weighted average (calculated on a daily basis) of his superannuation salary during the period of his membership preceding the relevant date.

Dependants

9. (1) In this regulation—

"child", in relation to a member, includes—

- (a) a step-child of the member;
- (b) an adopted child of the member irrespective of the date of adoption;
- (c) a child of the spouse of the member;
- (d) a child recognized by the Superannuation Board as an adopted child of the member;
- (e) an illegitimate child of the member; and
- (f) a child of the member born after the death of the member;

"spouse", in relation to a member, includes a person of the opposite sex to the member who is, or was at the time of the death of the member, living with the member as a husband or wife of the member on a *bona fide* domestic basis, although not legally married to the member.

- (2) The dependants of a member are—
- (a) the spouse of the member;
 - (b) any child of the member; and
 - (c) any other person who, in the opinion of the Superannuation Board, is, or was at the time of the death of the member, wholly or partially dependent on the member or has, or had at that time, a legal or moral right to look to the member for support or a reasonable expectation of receiving support from the member.

PART III—MEMBERSHIP OF THE SUPERANNUATION FUND

Members of previous fund

10. A Fire Brigades Board employee who is a member of the previous superannuation fund immediately before the commencement of the Act shall, by virtue of this regulation, become a member of the Superannuation Fund on that commencement and shall remain a member of the Superannuation Fund so long as he continues in the employment of the Fire Brigades Board or an associated employer.

Fire Brigades Board employees

11. (1) Where a person who is not already a member of the Superannuation Fund becomes a Fire Brigades Board employee after the commencement of the Act he shall, by virtue of this regulation, become a member of the Superannuation Fund when he becomes a Fire Brigades Board employee and shall remain a member of the Superannuation Fund so long as he continues in the employment of the Fire Brigades Board or an associated employer.

(2) In subregulation (1) “Fire Brigades Board employee” does not include a person employed on a temporary basis.

(3) Where a person who is not already a member of the Superannuation Fund becomes an employee of the Fire Brigades Board on a temporary basis after the commencement of the Act he may, with the consent of the Fire Brigades Board, be accepted by the Superannuation Board as a member of the Superannuation Fund and, if so accepted, he shall remain a member of the Superannuation Fund so long as he remains in the employment of the Fire Brigades Board or an associated employer.

Associated employees

12. (1) Upon a body becoming an associated employer each person, other than a person employed on a temporary basis, who thereby becomes an associated employee shall, by virtue of this subregulation, become a member of the Superannuation Fund and shall remain a member of the Superannuation Fund so long as he continues in the employment of an associated employer or the Fire Brigades Board.

(2) Where a body becomes an associated employer each person employed on a temporary basis who thereby becomes an associated employee may, with the consent of the employer, be accepted by the Superannuation Board as a member of the Superannuation Fund and, if so accepted, he shall remain a member of the Superannuation Fund so long as he remains in the employment of an associated employer or the Fire Brigades Board.

(3) Where a person who is not already a member of the Superannuation Fund becomes an associated employee after his employer has become an associated employer he shall, by virtue of this subregulation, become a member of the Superannuation Fund when he becomes an associated employee and shall remain a member of the Superannuation Fund so long as he continues in the employment of an associated employer or the Fire Brigades Board.

(4) In subregulation (3) “associated employee” does not include a person employed on a temporary basis.

(5) Where a person who is not already a member of the Superannuation Fund becomes an employee of an associated employer on a temporary basis after his employer has become an associated employer he may, with the consent of the employer, be accepted by the Superannuation Board as a member of the Superannuation Fund and, if so accepted, he shall remain a member of the Superannuation Fund so long as he remains in the employment of an associated employer or the Fire Brigades Board.

Transfer of employment

13. (1) If a member—

- (a) leaves the employment of the Fire Brigades Board to enter the employment of an associated employer;
- (b) leaves the employment of one associated employer to enter the employment of another associated employer; or
- (c) leaves the employment of an associated employer to enter the employment of the Fire Brigades Board,

he shall remain a member so long as he continues in the second-mentioned employment.

(2) The transfer of employment of a member—

- (a) from the Fire Brigades Board to an associated employer; or
- (b) from an associated employer to another associated employer or to the Fire Brigades Board,

shall not be regarded as a cessation of employment for the purposes of these regulations.

Notification by Superannuation Board to new members

14. The Superannuation Board shall give written notice to each person who becomes a member informing him of his rights, and those of his dependants and legal personal representatives, in respect of benefits from the Superannuation Fund.

PART IV—CONTRIBUTIONS TO THE FUND

Contributions by members

15. (1) Subject to subregulation (3) each member of the Superannuation Fund shall contribute to the Superannuation Fund 6.25 per cent of his superannuation salary.

(2) The contributions payable by a member under subregulation (1) shall be—

- (a) deducted from his salary by the employer when each payment of salary is made;
and
- (b) paid to the Superannuation Fund on his behalf within 3 working days of deduction.

(3) No contributions shall be payable by a member after he reaches the age of 65 years.

Contributions by employers

16. (1) In this regulation—

“employer” means the Fire Brigades Board or an associated employer;

“salary day” in relation to an employer means a day on which salary becomes payable by the employer to members employed by it.

(2) The actuary shall—

- (a) as soon as practicable after the commencement of the Act; and
- (b) whenever he reports to the Superannuation Board the result of an actuarial review conducted under section 17 (1) of the Act,

advise the Superannuation Board of the amounts or rates of contributions required, respectively, from the Fire Brigades Board and each associated employer in order to ensure the stability of the Superannuation Fund and secure the rights of members.

(3) Subject to subregulations (4), (5) and (6) each employer shall in relation to, and on or as soon as practicable after, each salary day contribute to the Superannuation Fund in respect of the members of the Superannuation Fund employed by it to whom salary becomes payable on that day—

- (a) such amounts or rates of contribution as were last advised by the actuary to the Superannuation Board under subregulation (2); or
- (b) such other amounts or rates of contribution as may be agreed on by the Fire Brigades Board, the Superannuation Board and the actuary.

(4) No contributions shall be payable in respect of a member after he reaches the age of 65 years.

(5) Notwithstanding subregulation (3) but subject to subregulations (6) and (7) the contributions payable by an employer to the Superannuation Fund in relation to a salary day shall not be less than 8.75 per cent of the total amount of the superannuation salaries payable in relation to that salary day to members employed by that employer in respect of whom contributions are payable.

(6) Notwithstanding subregulation (3) or (5) the Fire Brigades Board is not obliged to pay amounts or rates of contribution to the Superannuation Fund that would result in the amounts or rates of contribution payable by it to the Superannuation Fund in relation to a salary day exceeding 1.5 times the amounts or rates of contribution payable to the Superannuation Fund under regulation 15 in relation to that salary day by members in the employment of the Fire Brigades Board.

(7) Notwithstanding subregulation (3) or (5) an associated employer is not obliged to pay amounts or rates of contribution to the Superannuation Fund that would result in the amounts or rates of contribution payable by it in relation to a salary day bearing a higher proportion to the amounts or rates of contribution payable under regulation 15 in relation to that salary day by members in the employment of that associated employer than the proportion that the amounts or rates of contribution payable by the Fire Brigades Board in relation to that salary day bear to the amounts or rates of contribution payable under regulation 15 in relation to that salary day by members in the employment of the Fire Brigades Board.

(8) Where pursuant to subregulation (6) or (7), an employer elects to pay amounts or rates of contribution to the Superannuation Fund that are less than the amounts or rates referred to in subregulation (3) (a) the Superannuation Board shall obtain from the actuary, and furnish to the Minister, a report as to the extent (if any) to which the benefits prescribed in these regulations should be reduced having regard to the amounts or rates of contributions that the employer has elected to pay and the capacity of the Superannuation Fund to meet claims for the payment of benefits.

(9) Regulation 48 (3) does not apply to the making of a regulation amending these regulations after a report has been received under subregulation (8) so long as the reductions in benefits effected by the amending regulation do not exceed the reductions recommended in the report.

PART V—BENEFITS

*Division 1—Entitlement to benefits***Benefits on retirement on or before age 65**

17. Subject to the Act and these regulations, where a member—
- (a) retires from the employment of the employer when he reaches the age of 65 years; or
 - (b) retires from the employment of the employer before he reaches the age of 65 years for a reason other than his total and permanent disablement or partial and permanent disablement and that retirement occurs when or after he reaches the age of 55 years,

there shall be paid to the member from the Superannuation Fund a lump sum retirement benefit calculated in accordance with Schedule 1.

Benefits on retirement after age 65

18. (1) Subject to the Act and these regulations, where a member continues in the employment of the employer after he reaches the age of 65 then upon his subsequent retirement from the employment of the employer there shall be paid to the member from the Superannuation Fund the sum total of—

- (a) the lump sum retirement benefit which would have been payable under regulation 17 if he had retired when he reached the age of 65 years; and
- (b) interest on that sum calculated daily and compounded yearly for the period from the date on which he reaches the age of 65 years to the date of his retirement.

(2) Interest added pursuant to subregulation (1)(b) shall be calculated at such rates of interest as are determined from time to time by the Superannuation Board.

Death benefits

19. (1) Subject to the Act and these regulations, where a member dies while in the employment of the employer on or before he reaches the age of 65 years, there shall be payable from the Superannuation Fund a lump sum benefit equal to the greater of—

- (a) an amount calculated in accordance with Schedule 1; or
- (b) an amount being a multiple of his superannuation salary at the time of his death, that multiple being determined in accordance with Schedule 2.

(2) Subject to the Act and these regulations if a member dies while continuing in the employment of the employer after he reaches the age of 65 years there shall be payable from the Superannuation Fund the lump sum benefit which would have been payable under regulation 18 if the member had retired on the date of his death.

(3) Benefits payable under this regulation shall be paid by the Superannuation Board in the manner set out in regulation 25.

Total and permanent disablement benefits

20. Subject to the Act and these regulations if a member retires from the employment of the employer before he reaches the age of 65 years as a result of his total and permanent disablement, there shall be paid from the Superannuation Fund to that member a lump sum benefit equal to the amount that would have been payable under regulation 19 (1) if the member had died on the last day in respect of which he received remuneration from the employer.

Partial and permanent disablement benefits

21. Subject to the Act and these regulations if a member retires from the employment of the employer before he reaches the age of 65 years as a result of his partial and permanent disablement, there shall be paid from the Superannuation Fund to that member a benefit equal to the amount that would have been payable under regulation 17 if the member had retired on the last day in respect of which he received remuneration from the employer.

Retirement benefits—pension option

22. (1) A member who is entitled to a lump sum benefit under regulation 17, 18, 20 or 21 may, prior to his retirement, from the employment of the employer, apply to the Superannuation Board to receive a pension benefit in lieu of all or part of that lump sum benefit (in this regulation called “the amount commuted”).

(2) If an application by a member under subregulation (1) is approved by the Superannuation Board a pension benefit shall be payable on such terms and conditions and to such persons as are approved by the Superannuation Board and the Superannuation Board shall—

- (a) pay the pension benefit directly from the Superannuation Fund; or
- (b) apply the amount commuted to purchase an annuity policy or contract providing for the payment of the pension.

(3) The amount payable as a pension benefit under subregulation (2)(a) shall be determined by the Superannuation Board on the advice of the actuary.

(4) Upon the application of the amount commuted in the manner referred to in subregulation (2)(b) neither the member nor any person claiming through him shall have any further claim on the Superannuation Fund or the Superannuation Board or the employer in respect of the amount so applied.

(5) Benefits that are due and payable under this regulation after the death of the member shall (unless the terms and conditions on which such benefits were granted provide otherwise) be paid by the Superannuation Board in the manner set out in regulation 25.

Benefits on termination of employment

23. (1) Subject to the Act and these regulations, if a member ceases to be in the employment of the employer before he reaches the age of 55 years otherwise than as provided in regulation 19, 20 or 21 that member shall be paid from the Superannuation Fund a lump sum benefit equal to the total of—

- (a) the member's contributions to the Superannuation Fund other than contributions under regulation 37; and
- (b) the member's contributions (if any) to the previous superannuation fund,

increased by one-fifteenth of that total for each complete year of his membership.

(2) Subject to the Act and these regulations, if a member entitled to a benefit under this regulation has, in the opinion of the employer, left the employment of the employer for exceptional reasons, the Superannuation Board may, at the request of the employer, increase the benefit by such amount as is specified by the employer.

(3) The total benefit payable to a member under this regulation shall not in any circumstances exceed the amount that would have been payable under regulation 17 if the member had retired as provided in that regulation.

*Division 2—Payment of benefits***Definition**

24. In this Division and Division 3, unless the contrary intention appears, “benefit” means a benefit payable under these regulations.

Payment of benefits in respect of deceased members

25. (1) Benefits payable in respect of a member upon or after his death shall be paid from the Superannuation Fund by the Superannuation Board—

- (a) to or for the benefit of the dependants of the member; or
- (b) to the legal personal representative of the member.

(2) Any payment of a benefit under subregulation (1) may at the discretion of the Superannuation Board be made or paid—

- (a) to either the dependants of the member or his legal personal representative or both;
- (b) to any one or more of the dependants of the member to the exclusion of the others of them; and
- (c) in such shares or proportions as the Superannuation Board thinks fit and without the Board being under any obligation to ensure equality between the persons to whom payment is made.

(3) Before exercising its discretion pursuant to subregulation (2) the Superannuation Board shall consider—

- (a) the will (if available) of the member;
- (b) any nomination that the member may have made under regulation 26; and
- (c) such other matters as the Superannuation Board considers relevant.

(4) Where under this regulation any sum is payable to or for the benefit of a minor—

- (a) the Superannuation Board may pay that sum (without being responsible to see to its application)—
 - (i) to the parent or guardian of the minor or to any other person who appears to have the custody or control of the minor or with whom the minor resides; or
 - (ii) to a trustee corporation to be held in trust under such terms and conditions as determined by the Superannuation Board for the benefit of the minor until he ceased to be a minor; and
- (b) the receipt of that parent or guardian, or that other person, or the trustee corporation for any sum so paid shall be a good discharge to the Superannuation Board for that sum.

(5) In subregulation (4) “trustee corporation” means the Public Trustee in and of a State or any company authorized by an Act of a State to administer the estates of deceased persons and other trust estates.

Nomination of dependants to receive benefits

26. The Superannuation Board shall when a person becomes a member, and thereafter at such intervals as the Superannuation Board thinks fit, invite the member to nominate—

- (a) the dependants to whom he wishes benefits that may be payable upon or after his death to be paid; and
- (b) the proportions in which he wishes the benefits to be paid.

Time and mode of payment of benefits

27. (1) Notwithstanding anything contained in these regulations, the Superannuation Board may—

- (a) make an interim payment in respect of any benefit;
- (b) postpone the payment of the whole or part of any benefit for any period not exceeding 6 months after the happening of the event upon which the benefit became payable;
- (c) with the agreement of the person to whom the benefit is payable, postpone the payment of the whole or part of any benefit for any period;
- (d) make payment of any benefit itself or cause or arrange for such payment to be made for or on its behalf.

(2) Where the payment of any amount is postponed under subregulation (1) interest at such rates as are determined from time to time by the Superannuation Board—

- (a) may, at the discretion of the Superannuation Board, be added to the amount so postponed if the duration of the postponement does not exceed one month;
- (b) shall be added to the amount so postponed if the duration of the postponement exceeds one month.

(3) Where, after a benefit has been paid to a member under a regulation, it is established that the member was eligible for a benefit under another regulation, the Superannuation Board may pay to or in respect of that member the benefit payable under the latter regulation but any amount previously paid to the member shall be deducted from the benefit payable under the latter regulation.

(4) Where a person who is or may be entitled to any benefit is, in the opinion of the Superannuation Board, unable by reason of mental incapacity to manage his own affairs, the Superannuation Board may pay that benefit—

- (a) to a person appointed under the *Mental Health Act 1962* to be the manager of the estate of the first-mentioned person, or, if there is no such manager, to any other person, for or on behalf of the first-mentioned person; or
- (b) to the dependants of the first-mentioned person.

(5) A payment under subregulation (4) shall, without any thing more, be a sufficient discharge to the Superannuation Board.

Proofs

28. (1) A person appearing, purporting or claiming to be qualified for or entitled to any benefit shall on request produce to the Superannuation Board such evidence and do and execute such acts and documents as the Superannuation Board may reasonably require.

(2) Whenever it becomes necessary for the Superannuation Board to decide questions of fact the Superannuation Board may act upon such proofs and presumptions, or either, as it considers satisfactory irrespective of whether they are strictly legal proofs or presumptions.

*Division 3—Forfeiture and reduction of, and deductions from, benefits***Benefits forfeited if deceased member has no dependants or personal representative**

29. (1) If after reasonable enquiry it appears to the Superannuation Board that a member died without dependants and that it is unlikely that any person will apply for a grant of probate of the will or administration of the estate of the member, the benefit that would otherwise be payable in respect of the member on or after his death shall be forfeited to the Superannuation Fund.

(2) If after a benefit payable in respect of a deceased member has been forfeited to the Superannuation Fund pursuant to subregulation (1)—

- (a) the Superannuation Board is subsequently satisfied that the member had dependants; or
- (b) a person subsequently applies for a grant of probate of the will or administration of the estate of the member,

the Superannuation Board at its discretion may pay out of the Superannuation Fund, in the manner set out in regulation 25, such amounts as it thinks fit, but the amounts payable under this subregulation shall not exceed in total the amount of the forfeited benefit together with interest thereon from the time of the death of the member at such rates as the Superannuation Board may determine.

Benefits forfeited if assigned or if recipient absent

30. (1) No benefit or portion of a benefit shall be assignable at law or in equity.

(2) Where a benefit is or may be payable to a person and—

- (a) he does or permits to be done any act or thing; or
- (b) some event happens,

whereby the whole or any part of that benefit would, whether by his own act or by operation of law, become payable to or vested in any other person or in any statutory or other public authority, that benefit shall be forfeited to the Superannuation Fund.

(3) Subject to subregulation (4), if after reasonable enquiry the Superannuation Board cannot locate a person to whom a benefit is payable that benefit shall, if the Superannuation Board at its discretion so determines, be forfeited to the Superannuation Fund.

(4) A benefit shall not be forfeited under subregulation (3)—

- (a) within 2 years after the benefit becomes payable; or
- (b) within 2 years after the making of a payment by—
 - (i) the employer of the member to or in respect of whom the benefit is payable; or
 - (ii) the Superannuation Board,
 to the person who cannot be located.

(5) Subject to subregulation (6), where a benefit has been forfeited under subregulation (2) or (3) the Superannuation Board at its discretion may at any time pay out of the Superannuation Fund such amounts as it thinks fit to or for the benefit of—

- (a) the person who but for this regulation would have been entitled to the forfeited benefit; or
- (b) any of his dependants.

(6) Any amounts payable under subregulation (5)—

- (a) shall not exceed in total the amount of the forfeited benefit together with interest thereon from the time the benefit first became payable at such rates as the Superannuation Board may determine; and
- (b) may be paid to such persons as the Superannuation Board thinks fit without the Board being responsible to see to their application.

Deductions from benefits

31. (1) Subject to subregulation (3) the Superannuation Board may deduct from any benefit that but for this subregulation would be payable to or in respect of a member and pay to the employer such amount (if any) as the employer certifies is refundable to the employer under the terms and conditions of employment of the employee as the unearned pro rata portion of the value of annual leave, sick leave or long service leave granted to the employee before the completion of the period of continuous service required to accrue that leave.

(2) Subject to subregulation (3) the Superannuation Board may deduct from any benefit that but for this subregulation would be payable to or in respect of a member and pay to the Disablement Benefits Board such amount (if any) as the Disablement Benefits Board certifies is repayable by or in respect of that member under regulation 22 of the *Fire Brigades (Disablement Benefits Fund) Regulations 1986*.

(3) The Superannuation Board shall not make a deduction from a benefit under subregulation (1) or (2) unless it has first given notice of its intention to do so to the person to whom the benefit is payable.

(4) The Superannuation Board may deduct from any benefit any taxes, levies or duties payable in respect of that benefit to the Commonwealth or any State and pay the relevant authority the amount so deducted on behalf of the person to whom the benefit is payable.

Reduction of benefits to the extent of any amount not insured

32. (1) Subject to subregulations (2) and (3) a benefit payable to or in respect of a member under regulation 19 (1) or 20 shall be reduced by—

- (a) the amount of any insurance sought by the Superannuation Board in respect of the death or the total and permanent disablement of the member (as the case may be) that has been—
 - (i) refused by an insurer; or
 - (ii) offered by an insurer at other than normal rates and not effected by the Superannuation Board; and
- (b) the amount of any claim not paid by an insurer under the terms of any policy effected by the Superannuation Board in respect of the death or the total and permanent disablement of the member (as the case may be).

(2) Notwithstanding subregulation (1) the benefit payable in respect of a member under regulation 19 (1) or 20 shall not be less than the benefit that would have been payable to or in respect of that member if calculated in accordance with Schedule 1.

(3) The Superannuation Board may determine in any particular case that the reduction referred to in subregulation (1) or any part of that reduction shall not be applied and that determination shall have effect.

Reduction of benefits in case of previous disease or disability

33. (1) Where a person who suffers from any disease or has any disability becomes a member, the Superannuation Board may by notice in writing to that person, determine that, in the event of his death, total and permanent disablement, or partial and permanent disablement arising out of that disease or disability, the benefits to be payable to or in respect of him shall be reduced in such manner as is set out in the notice and, notwithstanding any other provision of these regulations, on the death, total and permanent disablement or partial and permanent disablement of that member the benefit payable in respect of him shall be ascertained in accordance with the notice.

(2) A notice in writing under subregulation (1) shall be given to the person concerned when, or as soon as practicable after, he becomes a member.

PART VI—ASSOCIATED EMPLOYERS

Admission of associated employers

34. (1) The Fire Brigades Board, the Superannuation Board and a body mentioned in Schedule 1 to the Act may at any time enter into an agreement for that body and employees of that body to participate in the Superannuation Fund and that body shall become an associated employer for the purposes of the Act and these regulations on and from a date specified in the agreement.

(2) An agreement under subregulation (1) shall be in such form as is determined by the Superannuation Board.

Release of associated employers

35. (1) The Superannuation Board, with the approval of the Fire Brigades Board, may release a body that is an associated employer and the members employed by it from participation in the Fund and—

- (a) that body shall cease to be an associated employer; and
- (b) the members employed by that body shall cease to be members,

on a date specified by the Superannuation Board and upon terms and conditions determined by the Superannuation Board.

(2) Where a body and the members employed by it are released from participation in the Superannuation Fund pursuant to subregulation (1) the interest in the Superannuation Fund of that body and those members shall be—

- (a) ascertained by the Superannuation Board on the advice of the actuary; and
- (b) dealt with in such manner as the Superannuation Board and that body consider equitable taking into account the membership of and the amounts contributed by and in respect of each of those members and any other circumstances which the Superannuation Board and that body consider relevant,

but no provision shall be made for the payment of a benefit to any of those members while he remains in the employment of that body other than for the support and maintenance of that member and his dependants in the case of hardship.

Dissolution of associated employers

36. (1) Subject to subregulation (4) and regulation 39 (2) and (3), where an associated employer—

- (a) is wound up or dissolved; or
- (b) amalgamates with or transfers the whole of its engagements to any other person or body,

the interest in the Superannuation Fund of that associated employer and the members employed by it at the time of the winding up, dissolution, amalgamation or transfer, as the case may be, shall be ascertained by the Superannuation Board on the advice of the actuary and applied by the Superannuation Board in the manner set out in subregulation (2).

(2) Where subregulation (1) applies in relation to an associated employer the interest in the Superannuation Fund referred to in subregulation (1) shall be applied by the Superannuation Board in the following order—

- (a) in providing as far as possible through the Superannuation Fund or otherwise the benefits to which the members referred to in subregulation (1) would have been entitled had they voluntarily retired from the employment of that associated employer; and

- (b) by distributing any balance then remaining for the benefit of those members in such manner as the Superannuation Board on the advice of the actuary considers equitable.
- (3) The benefits referred to in subregulation (2) shall be—
 - (a) in such form and provided by such arrangements as are determined by the Superannuation Board; and
 - (b) paid to the members referred to in subregulation (1) in full discharge of all claims by or in respect of them in relation to any rights or benefits under these regulations or in connection with or arising out of the Superannuation Fund.
- (4) Where a member employed by an associated employer enters the employment of another associated employer or the Fire Brigades Board as from the time of the winding up, dissolution, amalgamation or transfer of engagements of the first-mentioned associated employer this regulation does not apply to or in relation to that member.

PART VII—MISCELLANEOUS

Contributions for additional benefits

37. (1) A member may enter into an agreement with the Superannuation Board to contribute to the Superannuation Fund such contributions, additional to the contributions payable by him under regulation 15, as are specified in the agreement.
- (2) An agreement under subregulation (1) shall specify—
 - (a) the amounts or rates of contributions to be payable under the agreement;
 - (b) the intervals at which, or manner in which, contributions payable under the agreement are to be varied;
 - (c) the method of payment of contributions under the agreement; and
 - (d) the period of notice required for the variation or cancellation of the agreement.
 - (3) Where a member makes contributions under an agreement under subregulation (1)—
 - (a) the contributions so made shall be used to establish and add to an accumulation in respect of that member (in this subregulation referred to as the allocated accumulation of the member);
 - (b) at the end of each financial year or at such other times as determined by the Superannuation Board the allocated accumulation of the member shall be credited with interest at such rates (including negative rates if the Superannuation Board so determines) as may from time to time be determined by the Superannuation Board;
 - (c) subject to these regulations if the member ceases to be in the employment of the employer and a benefit is payable to or in respect of him then the benefit shall be increased by an amount equal to the allocated accumulation of the member; and
 - (d) the allocated accumulation of the member shall not be payable to or in respect of the member except in accordance with paragraph (c).

Transfers from other funds

38. (1) The Superannuation Board may make and carry into effect arrangements—
- (a) with a person who becomes a member of the Superannuation Fund and who is or has been a member of another superannuation or like fund; or

- (b) in respect of him, with the trustees of or other persons controlling that other fund; or
- (c) with him and them,

under which an agreed sum or agreed assets shall be paid by or transferred from that other fund to the Superannuation Fund.

(2) A member in respect of whom arrangements have been made for the transfer to the Superannuation Fund of an agreed sum or agreed assets pursuant to subregulation (1) shall, as a member, be granted such rights to benefits additional to those otherwise provided under these regulations as are determined by the Superannuation Board on the advice of the actuary.

Transfers to other funds

39. (1) The Superannuation Board may, with the written consent of a member and subject to such conditions as the Superannuation Board thinks fit, pay or transfer to any other superannuation fund, or any approved deposit fund or deferred annuity fund, or any like fund, any benefit which may be payable pursuant to these regulations to or in respect of that member on the cessation of his employment with the employer.

(2) If—

- (a) an associated employer enters into arrangements to amalgamate with, or transfer any part of its engagements to, a person or body; and
- (b) pursuant to those arrangements a member ceases to be employed by the employer but enters into the employment of that other person or body,

the Superannuation Board may with the written consent of that member and subject to such conditions as the Superannuation Board thinks fit (and in lieu of paying the benefit which would otherwise be payable under these regulations) pay or transfer to a superannuation fund established or operated for the benefit of any employees of that other person or body such amount as in the opinion of the Superannuation Board on the advice of the actuary represents the interest of the member in the Superannuation Fund, to be applied by the trustees of that other superannuation fund for the benefit of that member.

(3) If the benefit payable to or in respect of a member is paid or transferred pursuant to subregulation (1) or if the interest of a member in the Superannuation Fund is paid or transferred pursuant to subregulation (2)—

- (a) the receipt of the trustees of or other persons controlling the fund to which the benefit or the interest of the member (as the case may be) is paid or transferred shall be a sufficient discharge to the Superannuation Board; and
- (b) neither the Superannuation Board nor the employer shall be responsible for the payment, application or disposal by the trustees of or other persons controlling that fund of the benefit or the interest so paid or transferred.

Temporary cessation of employment and leave without pay

40. (1) If a member ceases to be in the employment of the employer in circumstances in which it is reasonable to expect that the cessation may be of a temporary nature and that he may re-enter the employment of the employer the Superannuation Board may with the consent of the employer allow him to continue to be a member on such terms and conditions as may be agreed upon by the Superannuation Board, the employer and the member.

(2) If a member is absent from the employment of the employer on leave without pay the Superannuation Board, the employer and the member may enter into an agreement as to the terms and conditions on which the member shall continue to be a member during his absence.

(3) The terms and conditions agreed upon under subregulation (1) or (2) may include terms or conditions inconsistent with the other provisions of these regulations.

(4) Subject to anything to the contrary contained in terms and conditions agreed upon under subregulation (1) or (2), as the case may be—

- (a) any period during which a member has—
 - (i) continued to be a member under subregulation (1); or
 - (ii) been absent from the employment of the employer on leave without pay, shall unless otherwise agreed by the employer and the Superannuation Board be deducted from the membership of the member for the purposes of calculating any benefit payable under the Act or these regulations;
 - (b) for the purposes of calculating any benefit that becomes payable under these regulations to or in respect of a member who has during any period—
 - (i) continued to be a member under subregulation (1); or
 - (ii) been absent from the employment of the employer on leave without pay, the superannuation salary of the member immediately before the commencement of that period shall be deemed to have continued to be the superannuation salary of the member during that period; and
 - (c) for the purpose of calculating any benefit that becomes payable to a member under regulation 20 or 21 at a time when the member—
 - (i) is continuing to be a member under subregulation (1); or
 - (ii) is absent from the employment of the employer on leave without pay, the member shall be deemed to have received salary on the last salary day of the employer before the benefit became payable; and
 - (d) no contributions shall be made by or in respect of a member to the Superannuation Fund during any period during which the member has—
 - (i) continued to be a member under subregulation (1); or
 - (ii) been absent from the employment of the employer on leave without pay.
- (5) In subregulation (4) (c) “salary day” has the meaning given by regulation 16 (1).

Application of regulations to members employed part-time

41. (1) If at any time a member (in this regulation called a “prescribed member”) is or has been classified by the employer as being employed part-time, these regulations shall apply to that prescribed member with the modifications and variations set out in this regulation.

(2) The employer shall in respect of any period during which a prescribed member is classified as being employed part-time, determine the percentage (in this regulation called “the service percentage”) of full-time employment being worked by that member during that period.

(3) The service percentage in respect of any period during which a prescribed member is not classified as being employed part-time shall be 100 per cent.

(4) Whenever there is a change in the service percentage of a prescribed member the employer shall advise the Superannuation Board and the member of that change.

(5) For the purposes of determining the superannuation salary of a prescribed member the annual rate of remuneration of the member shall be deemed to be the actual annual rate of remuneration adjusted in the ratio that 100 per cent bears to the service percentage of the member.

(6) During any period of membership during which the service percentage of a prescribed member is less than 100 per cent the contributions that would otherwise have been payable by the member under regulation 15 or by the employer under regulation 16 shall be reduced in the ratio that the service percentage of the member bears to 100 per cent.

(7) Where any benefit calculated under Schedule 1 is payable under these regulations to or in respect of a prescribed member in respect of any period of membership during which the service percentage of the member was less than 100 per cent, that benefit shall be reduced in the ratio that the service percentage of the member during that period bears to 100 per cent.

(8) Where any benefit calculated under Schedule 2 is payable under these regulations to or in respect of a prescribed member and, immediately before the benefit became payable, the member was classified by the employer as being employed part-time, that benefit shall be reduced in the ratio that the service percentage of the member immediately before the benefit became payable bears to 100 per cent.

Requirements for insurance

42. (1) For the purposes of effecting, increasing or otherwise varying any policy of insurance or assurance as provided in section 9 of the Act, the Superannuation Board may from time to time require a member—

- (a) to be medically examined;
- (b) to submit other evidence of health;
- (c) to provide proof of age to the satisfaction of the insurer; and
- (d) to take such other steps as may be required for any of those purposes.

(2) If a member refuses to undergo the medical examination or to undertake any other step that may reasonably be required by the Superannuation Board for the purposes of effecting, increasing or otherwise varying any policy of insurance or assurance or if he does or omits to do anything that would or may prejudice the policy or result in any of the policy proceeds not becoming payable, the Superannuation Board may adjust the benefits to be payable from the Superannuation Fund to or in respect of that member in such manner as the Superannuation Board considers appropriate.

(3) The Superannuation Board shall not effect a group life insurance or assurance policy that contains provision for payment of benefits in respect of total and permanent disablement unless in the opinion of the Superannuation Board the definition of total and permanent disablement contained in that policy is such that a member of the Superannuation Fund covered by that policy would be considered by the insurer with which the policy is effected to be totally and permanently disabled if—

- (a) the member has been absent from the employment of the Fire Brigades Board or an associated employer through illness or injury for 6 consecutive months or such shorter period as in the circumstances the insurer considers appropriate; and
- (b) in the opinion of the insurer, after consideration of material evidence satisfactory to it, the member has become incapacitated to such an extent as to render the member unlikely ever to engage in or work for reward in any occupation or work for which the member is reasonably qualified by education, training or experience.

(4) In subregulation (3) "effect" includes acquire or take by assignment.

No personal claim

43. No member or person claiming through him or on his behalf or as his dependant shall be entitled to require payment of that member's interest in the Superannuation Fund except as provided in these regulations.

Notices

44. (1) A notice may be given by the Superannuation Board to any member either personally or by sending it by post to him at his last known address or to his normal place of employment.

(2) Any notice sent by post under subregulation (1) shall be deemed to have been served on the day following the day on which the envelope or wrapper containing that notice is posted and in proving such service it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed and put in the post office.

General meetings of members

45. Schedule 3 applies to and in relation to general meetings of members held under section 29 of the Act.

Annual report to be provided to members

46. 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 ensuing 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 the annual report and with a copy of any actuarial report received by the Superannuation Board under section 17 (3) of the Act since the last preceding annual general meeting of members.

Elections of members of the Superannuation Board

47. (1) Elections under clause 2 of Schedule 2 to the Act to elect members of the Superannuation Board shall be conducted by the Fire Brigades Board by secret ballot using an optional preferential system of voting.

(2) Of the persons elected at the election held under clause 2 (1) (a) of Schedule 2 to the Act—

- (a) the first elected shall, subject to that Schedule, hold office as a member of the Superannuation Board for a period of 3 years after the election;
- (b) the second elected shall, subject to that Schedule, hold office as a member of the Superannuation Board for a period of 2 years after the election;
- (c) the third elected shall, subject to that Schedule, hold office as a member of the Superannuation Board for a period of one year after the election; and
- (d) the fourth elected shall be the elected alternate member of the Superannuation Board.

(3) The vacancy that occurs during a year in one of the offices of the elected members of the Superannuation Board and the vacancy that occurs during that year in the office of the elected alternate member of the Superannuation Board shall both be filled at one election, and of the persons elected at that election—

- (a) the first elected shall be an elected member of the Superannuation Board; and
- (b) the second elected shall be the elected alternate member of the Superannuation Board.

Amendments to these regulations

48. (1) A regulation that amends these regulations in such a way as will increase the contributions payable by the Fire Brigades Board and associated employers (if any) to the Superannuation Fund shall not be made under the Act unless the Fire Brigades Board has given its consent to the amendment.

(2) A regulation that amends these regulations in such a way as will increase a benefit payable under these regulations shall not be made under the Act unless—

- (a) the actuary has certified that the amendment will not or is not likely to result in an increase in the contributions payable by the Fire Brigades Board and associated employers (if any) to the Superannuation Fund; or
- (b) the Fire Brigades Board has given its consent to the amendment.

(3) Without limiting the operation of subregulations (1) and (2), and subject to subregulation (4) and regulation 16 (9), a regulation that amends these regulations shall not be made under the Act unless—

- (a) the actuary has certified that the total value of the rights of members and their dependants accrued at the time the amendment takes effect will not be reduced by the amendment; or
- (b) at least two-thirds in number of the members for the time being have given their written consent to the amendment.

(4) Subregulation (3) does not apply to the making of a regulation that amends these regulations in order to ensure that these regulations conform with, or obtain the benefit of, a law of the State or Commonwealth governing, regulating or affecting the operation or maintenance of superannuation, pension or like funds.

Schedule 1

(Regulations 17, 19 (1) (a))

CALCULATION OF LUMP SUM BENEFIT

The formula for calculating a lump sum retirement benefit in respect of a member is

$$B = \frac{S}{365.25} \times \frac{0.175}{1} \times \frac{M}{1}$$

where

B is the lump sum benefit;

S is the final average salary of the member; and

M is the membership of the member expressed in days.

Schedule 2

(Regulation 19 (1) (b))

CALCULATION OF DEATH BENEFIT AS A MULTIPLE OF SUPERANNUATION SALARY

Where the member's age next birthday at the date of death is	The death benefit as a multiple of superannuation salary shall be—
55 or less	5.250
56	4.725
57	4.200
58	3.675
59	3.150
60	2.625
61	2.100
62	1.575
63	1.050
64	0.525
65	0.000

Schedule 3

(Regulation 45)

*General meetings of members of the Superannuation Fund***Notice of meeting**

1. Not less than 7 and not more than 30 days' notice in writing of a general meeting shall be given but the accidental omission to give notice to or the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

Quorum

2. (1) A quorum is present at a general meeting if not less than 5 per cent of the members are present.

(2) If a quorum is not present within half an hour after the time appointed for a general meeting the meeting shall stand adjourned to such other day and at such other time and place as the chairman of the meeting may determine and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting the members present shall be a quorum.

Chairman

3. The chairman of any general meeting shall be appointed by the Superannuation Board.

Board members may attend

4. Members of the Superannuation Board shall be entitled to be present at general meetings but a member of the Superannuation Board who is not a member of the Superannuation Fund shall not be entitled to vote at a general meeting.

Annual general meeting

5. (1) An annual general meeting shall be held not later than 60 days after the annual report of the Superannuation Board is submitted under section 66 of the *Financial Administration and Audit Act 1985*.

(2) An annual general meeting—

- (a) shall consider the annual report of the Superannuation Board submitted under section 66 of the *Financial Administration and Audit Act 1985* in respect of the preceding financial year;
- (b) shall consider any business of which notice has been given in the notice of meeting; and
- (c) may consider any other business that may be relevant to the operation of the Superannuation Fund.

Special general meeting

6. A special general meeting—

- (a) shall consider any business of which notice has been given in the notice of meeting; and
- (b) may consider any other business that may be relevant to the purpose of the meeting.

Mode of voting on motions

7. (1) Subject to subclause (3), at a general meeting a motion put to the vote of the meeting shall be decided—

- (a) by a simple majority of the votes of the members present and voting; and
- (b) on a show of hands unless before or on the declaration of the result of the show of hands a poll is demanded by a member present.

(2) A demand for a poll under subclause (1) (b) may be withdrawn.

(3) Where a poll on a motion is demanded under subclause (1) (b) the vote of a member not present at the general meeting shall be counted if it was lodged, in writing, with the secretary of the Superannuation Board not less than 24 hours before the general meeting.

Voting rights

8. (1) Each member present at a general meeting, or whose vote is counted at a general meeting under clause 7 (3), shall have one vote.

(2) The chairman of a general meeting shall not have a second or casting vote.

Minutes

9. Minutes shall be kept of each general meeting and such minutes if purporting to be signed by the chairman of the general meeting or of the next succeeding general meeting shall be prima facie evidence of the matters contained in those minutes.

Procedure

10. Except as provided in this Schedule a general meeting may determine its own procedure.

By His Excellency's Command,

L. E. SMITH,
Clerk of the Council.

WESTERN AUSTRALIA

**FIRE BRIGADES (DISABLEMENT BENEFITS FUND)
REGULATIONS 1986**

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FIRE BRIGADES SUPERANNUATION ACT 1985

**FIRE BRIGADES (DISABLEMENT BENEFITS FUND)
REGULATIONS 1986**

MADE by His Excellency the Governor in Executive Council.

PART I—PRELIMINARY

Citation

1. These regulations may be cited as the *Fire Brigades (Disablement Benefits Fund) Regulations 1986*.

Commencement

2. These regulations shall come into operation on the day of the commencement of the Act.

PART II—INTERPRETATIVE PROVISIONS

Definitions

3. In these regulations unless the contrary intention appears—

“actuarial report” means a report received by the Disablement Benefits Board under section 17 (3) of the Act as applied by section 26 of the Act;

“instalment benefit” means a benefit payable from the Fund pursuant to regulation 12;

“maximum benefit” in relation to a member who becomes partially and permanently disabled, means the maximum percentage of the amount by which his partial and permanent disablement benefit is less than the total and permanent disablement benefit to which he would have become entitled under regulation 20 of the superannuation regulations if he had become totally and permanently disabled;

“maximum percentage” means 100 per cent or such lesser percentage as may be determined under regulation 14;

“member” means a member of the Disablement Benefits Funds;

“partial and permanent disablement benefit” in relation to a member or beneficiary means the benefit payable to the member or beneficiary under regulation 21 of the superannuation regulations;

“persons interested in the Disablement Benefits Fund” has the same meaning as in section 30 of the Act;

“previous disablement benefits fund” has the same meaning as in Part II of Schedule 3 to the Act;

“superannuation regulations” means the *Fire Brigades (Superannuation Fund) Regulations 1986*;

“superannuation salary” has the meaning ascribed to it by regulation 7 of the superannuation regulations;

“totally and permanently disabled” has the meaning ascribed to it by regulation 5 of the superannuation regulations.

Partial permanent disablement

4. For the purposes of these regulations a member shall be regarded as partially and permanently disabled if he is not totally and permanently disabled and—

- (a) his employment is terminated on medical grounds by the Fire Brigades Board on the basis of the report of a medical panel under regulation 132B of the *Fire Brigades Act Regulations*; and
- (b) he has not, after the receipt by the Fire Brigades Board of the report mentioned in paragraph (a) and before the termination of his employment, been offered alternative employment by the Fire Brigades Board or any other employer for which, in the opinion of the Disablement Benefits Board, he is reasonably suited by education, training and experience and which, in the opinion of the Disablement Benefits Board, provides satisfactory remuneration having regard to his previous salary as a firefighter.

Dependants

5. (1) In this regulation—

“child”, in relation to a beneficiary, includes—

- (a) a step-child of the beneficiary;
- (b) an adopted child of the beneficiary irrespective of the date of adoption;
- (c) a child of the spouse of the beneficiary;
- (d) a child recognized by the Disablement Benefits Board as an adopted child of the beneficiary;
- (e) an illegitimate child of the beneficiary; and
- (f) a child of the beneficiary born after the death of the beneficiary;

“spouse”, in relation to a beneficiary, includes a person of the opposite sex to the beneficiary who is, or was at the time of the death of the beneficiary, living with the beneficiary as a husband or wife of the beneficiary or a *bona fide* domestic basis, although not legally married to the beneficiary.

(2) For the purposes of these regulations the dependants of a beneficiary are—

- (a) the spouse of the beneficiary;
- (b) any child of the beneficiary; and
- (c) any other person who, in the opinion of the Disablement Benefits Board, is, or was at the time of the death of the beneficiary, wholly or partially dependent on the beneficiary or has, or had at that time, a legal or moral right to look to the beneficiary for support or a reasonable expectation of receiving support from the beneficiary.

PART III—MEMBERSHIP OF THE DISABLEMENT BENEFITS FUND

Members of previous fund

6. A firefighter who is a member of the previous disablement benefits fund immediately before the commencement of the Act shall, by virtue of this regulation, become a member of the Disablement Benefits Fund on that commencement.

Firefighters

7. Where a person becomes a firefighter after the commencement of the Act he shall, by virtue of this regulation, become a member of the Disablement Benefits Fund when he becomes a firefighter.

Cessation of membership

8. (1) If a member ceases to be a firefighter—
- (a) the member shall thereupon cease to be a member; and
 - (b) subject to regulation 12, all entitlement of the member to any benefits from the Disablement Benefits Fund shall thereupon cease.
- (2) If at any time the maximum benefit of a member, if he were to become partially and permanently disabled, would no longer exceed zero—
- (a) the member shall thereupon cease to be a member; and
 - (b) all entitlement of the member to any benefits from the Disablement Benefits Fund shall thereupon cease.

Notification by Disablement Benefits Board to new members

9. The Disablement Benefits Board shall give written notice to each person who becomes a member informing him of his rights, and those of persons who would be his dependants if he became a beneficiary, and his legal personal representatives, in respect of benefits from the Disablement Benefits Fund.

PART IV—CONTRIBUTIONS TO THE FUND**Contributions by Fire Brigades Board**

10. (1) In this regulation “salary day” means a day on which salary becomes payable by the Fire Brigades Board to firefighters.

(2) The Fire Brigades Board shall in relation to, and on or as soon as practicable after, each salary day contribute to the Disablement Benefits Fund a sum equal to 1 per cent of the total amount of the superannuation salaries payable to members in relation to that salary day.

Review of contribution rates

11. (1) If, after considering the advice contained in an actuarial report, the Disablement Benefits Board is of the opinion that the benefits to be provided under these regulations may be provided by contributions of less than 1 per cent of the total amount of the superannuation salaries of members, the Disablement Benefits Board may advise the Fire Brigades Board of the percentage to which contributions may be reduced, and the Fire Brigades Board may reduce its contributions to a percentage not less than that percentage.

(2) Where the contributions of the Fire Brigades Board have previously been reduced under subregulation (1) and, after considering the advice contained in an actuarial report, the Disablement Benefits Board is of the opinion that the contributions are insufficient to maintain the benefits to be provided under these regulations, the Disablement Benefits Board shall advise the Fire Brigades Board of the percentage, not exceeding 1 per cent, to which contributions should be increased and the Fire Brigades Board shall increase its contributions to that percentage.

PART V—BENEFITS

*Division 1—Entitlement to benefits***Disablement benefits**

12. (1) Subject to these regulations, if a member is partially and permanently disabled, and is entitled to and is paid a partial and permanent disablement benefit, he shall be paid from the Disablement Benefits Fund either—

- (a) a benefit determined under subregulation (3); or
- (b) a benefit determined under subregulation (4),

as he may elect.

(2) Any election made under subregulation (1) shall be made in writing prior to the receipt of the first payment from the Disablement Benefits Fund and is irrevocable.

(3) Subject to these regulations, the benefit payable to a beneficiary under subregulation (1) (a) shall be a monthly instalment benefit calculated in accordance with Schedule 1.

(4) Subject to these regulations, the benefit payable to a beneficiary under subregulation (1) (b) shall be an annual instalment benefit calculated in accordance with Schedule 2.

(5) The rate of interest referred to in Schedules 1 and 2 shall be determined from time to time by the Disablement Benefits Board, after having considered the advice of the actuary and shall apply to all calculations made under subregulations (3) and (4) until another determination as to the rate of interest is made under this subregulation.

(6) An instalment benefit already determined under subregulation (3) or (4) shall not be recalculated by reason only of a new determination of a rate of interest under subregulation (5).

(7) The monthly instalment benefit payable under subregulation (3) shall be paid on the first day of each month for a period of 60 months commencing with the month following the relevant month.

(8) The annual instalment benefit payable under subregulation (4) shall commence on the first day of the month following the month one year after the relevant month and further payments shall be made on the anniversary of that day in each of the next 4 succeeding years.

(9) Upon the payment of the sixtieth payment under subregulation (7) or the fifth payment under subregulation (8) the beneficiary shall cease to be a beneficiary and all entitlements to any benefits pursuant to these regulations shall thereupon cease.

(10) In this section “relevant month”, in relation to a beneficiary, means—

- (a) where the beneficiary has been paid a partial and permanent disablement benefit by way of an interim payment under regulation 27 (1) (a) of the Superannuation regulations, the month during which it was determined under the Superannuation regulations that the beneficiary is not totally and permanently disabled;
- (b) in any other case, the month during which the beneficiary was paid a partial and permanent disabled benefit.

Death benefits

13. (1) Subject to these regulations, if a beneficiary who elected to receive a benefit under regulation 12 (3), dies before the sixtieth payment is made under regulation 12 (7) then there shall be paid from the Disablement Benefits Fund, in the manner provided in regulation 16, a lump sum death benefit calculated in accordance with Schedule 3.

(2) Subject to these regulations, if a beneficiary who elected to receive a benefit under regulation 12 (4) dies before the fifth payment is made under regulation 12 (8) then there shall be paid from the Disablement Benefits Fund, in the manner provided in regulation 16, a lump sum death benefit calculated in accordance with Schedule 4.

Review of benefits

14. (1) If, after considering the advice contained in an actuarial report, the Disablement Benefits Board is of the opinion that contributions by the Fire Brigades Board of 1 per cent of the total amount of the superannuation salaries of members are insufficient to maintain the benefits to be provided under these regulations the Disablement Benefits Board shall, subject to subregulation (3)—

- (a) reduce the benefits payable by way of a reduction in—
 - (i) the maximum percentage to a level determined by the Disablement Benefits Board with the advice of the actuary; and
 - (ii) all instalments benefits which are in the course of payment at the date of the reduction, or which commence to be paid after the date of the reduction, to a level determined by a recalculation under regulation 12 (3) or 12 (4), as the case may require, using the new maximum percentage determined under subparagraph (i);

or

- (b) reduce the benefits payable in such other manner as the Disablement Benefits Board, after considering the advice of the actuary, considers equitable.

(2) Where the benefits to be provided under these regulations have previously been reduced under subregulation (1) and, after considering the advice contained in an actuarial report, the Disablement Benefits Board is of the opinion that the benefits should be increased, the Disablement Benefits Board shall, subject to subregulation (3)—

- (a) where the benefits have been reduced under subregulation (1) (a), increase the benefits payable by way of an increase in—
 - (i) the maximum percentage to a level determined by the Disablement Benefits Board with the advice of the actuary being a level not exceeding 100 per cent; and
 - (ii) all instalment benefits which are in the course of payment at the date of the increase, or which commence to be paid after the date of the increase, to a level determined by a recalculation under regulation 12 (3) or 12 (4), as the case may require, using the new maximum percentage determined under subparagraph (i);

or

- (b) where the benefits have been reduced under subregulation (1) (b), increase the benefits payable in such other manner as the Disablement Benefits Board, after considering the advice of the actuary, considers equitable but not in a manner that would make the benefits exceed the benefits that were payable before the reduction under subregulation (1) (b) took place.

(3) Any reduction in benefits under subregulation (1) or increase in benefits under subregulation (2) shall not apply to benefits that have been paid to a beneficiary before the reduction or increase occurs.

Division 2—Payment of benefits

Definition

15. In this Division and Division 3, unless the contrary intention appears, “benefit” means a benefit payable under these regulations.

Payment of benefits in respect of deceased beneficiaries

16. (1) Benefits payable in respect of a beneficiary upon or after his death shall be paid from the Disablement Benefits Fund by the Disablement Benefits Board—

- (a) to or for the benefit of the dependants of the beneficiary; or
- (b) to the legal personal representative of the beneficiary.

(2) Any payment of a benefit under subregulation (1) may at the discretion of the Disablement Benefits Board be made or paid—

- (a) to either the dependants of the beneficiary or his legal personal representative or both;
- (b) to any one or more of the dependants of the beneficiary to the exclusion of the others of them; and
- (c) in such shares or proportions as the Disablement Benefits Board thinks fit and without the Board being under any obligation to ensure equality between the persons to whom payment is made.

(3) Before exercising its discretion pursuant to subregulation (2) the Disablement Benefits Board shall consider—

- (a) the will (if available) of the beneficiary;
- (b) any nomination that the beneficiary may have made under regulation 17; and
- (c) such other matters as the Disablement Benefits Board considers relevant.

(4) Where under this regulation any sum is payable to or for the benefit of a minor—

- (a) the Disablement Benefits Board may pay that sum (without being responsible to see to its application)—
 - (i) to the parent or guardian of the minor or to any other person who appears to have the custody or control of the minor or with whom the minor resides; or
 - (ii) to a trustee corporation to be held in trust under such terms and conditions as determined by the Disablement Benefits Board for the benefit of the minor until he ceases to be a minor; and
- (b) the receipt of that parent or guardian, or that other person, or the trustee corporation for any sum so paid shall be a good discharge to the Disablement Benefits Board for that sum.

(5) In subregulation (4) “trustee corporation” means the Public Trustee in and of a State or any company authorized by an Act of a State to administer the estates of deceased persons and other trust estates.

Nomination of dependants to receive benefits

17. The Disablement Benefits Board shall when a person becomes a beneficiary, and thereafter at such intervals as the Disablement Benefits Board thinks fit, invite the beneficiary to nominate—

- (a) the dependants to whom he wishes benefits that may be payable after his death to be paid; and
- (b) the proportions in which he wishes the benefits to be paid.

Mode of payment of benefits

18. (1) Notwithstanding anything contained in these regulations, the Disablement Benefits Board may make payment of any benefit itself or cause or arrange for such payment to be made for or on its behalf.

(2) Where a person who is or may be entitled to any benefit is, in the opinion of the Disablement Benefits Board, unable by reason of mental incapacity to manage his own affairs, the Disablement Benefits Board may pay that benefit—

- (a) to a person appointed under the *Mental Health Act 1962* to be the manager of the estate of the first-mentioned person, or, if there is no such manager, to any other person, for or on behalf of the first-mentioned person; or
- (b) to the dependants of the first-mentioned person.

(3) A payment under subregulation (2) shall, without any thing more, be a sufficient discharge to the Disablement Benefits Board.

Proofs

19. (1) A person appearing, purporting or claiming to be qualified for or entitled to any benefit shall on request produce to the Disablement Benefits Board such evidence and do and execute such acts and documents as the Disablement Benefits Board may reasonably require.

(2) Whenever it becomes necessary for the Disablement Benefits Board to decide questions of fact the Disablement Benefits Board may act upon such proofs and presumptions, or either, as it considers satisfactory irrespective of whether they are strictly legal proofs or presumptions.

Division 3—Forfeiture of, and deductions from, benefits

Benefits forfeited if deceased beneficiary has no dependants or personal representative

20. (1) If after reasonable enquiry it appears to the Disablement Benefits Board that a beneficiary died without dependants and that it is unlikely that any person will apply for a grant of probate of the will or administration of the estate of the beneficiary, the benefit that would otherwise be payable in respect of the beneficiary on or after his death shall be forfeited to the Disablement Benefits Fund.

(2) If after a benefit payable in respect of a deceased beneficiary has been forfeited to the Disablement Benefits Fund pursuant to subregulation (1)—

- (a) the Disablement Benefits Board is subsequently satisfied that the beneficiary had dependants; or
- (b) a person subsequently applies for a grant of probate of the will or administration of the estate of the beneficiary,

the Disablement Benefits Board at its discretion may pay out of the Disablement Benefits Fund, in the manner set out in regulation 16, such amounts as it thinks fit, but the amounts payable under this subregulation shall not exceed in total the amount of the forfeited benefit together with interest thereon from the time of the death of the beneficiary at such rates as the Disablement Benefits Board may determine.

Benefits forfeited if assigned or if recipient absent

21. (1) No benefit or portion of a benefit shall be assignable at law or in equity.

(2) Where a benefit is or may be payable to a person and—

- (a) he does or permits to be done any act or thing; or
- (b) some event happens,

whereby the whole or any part of that benefit would, whether by his own act or by operation of law, become payable to or vested in any other person or in any statutory or other public authority, that benefit shall be forfeited to the Disablement Benefits Fund.

(3) Subject to subregulation (4), if after reasonable enquiry the Disablement Benefits Board cannot locate a person to whom a benefit is payable that benefit shall, if the Disablement Benefits Board at its discretion so determines, be forfeited to the Disablement Benefits Fund.

(4) A benefit shall not be forfeited under subregulation (3)—

- (a) within 2 years after the benefit becomes payable; or
- (b) within 2 years after the making of a payment by the Fire Brigades Board or the Disablement Benefits Board to the person who cannot be located.

(5) Subject to subregulation (6), where a benefit has been forfeited under subregulation (2) or (3) the Disablement Benefits Board at its discretion may at any time pay out of the Disablement Benefits Fund such amounts as it thinks fit to or for the benefit of—

- (a) the person who but for this regulation would have been entitled to the forfeited benefit; or
- (b) any of his dependants.

(6) Any amounts payable under subregulation (5)—

- (a) shall not exceed in total the amount of the forfeited benefit together with interest thereon from the time the benefit first became payable at such rates as the Disablement Benefits Board may determine; and
- (b) may be paid to such persons as the Disablement Benefits Board thinks fit without the Board being responsible to see to their application.

Repayment of benefits

22. If, after the commencement of payment of a benefit to a beneficiary, it is determined that the beneficiary did not retire as a result of being partially and permanently disabled within the meaning of regulation 21 of the superannuation regulations but retired as a result of being totally and permanently disabled, any payments of the benefit made from the Disablement Benefits Fund to the beneficiary shall be repaid to the Disablement Benefits Board by the beneficiary.

Deduction of tax from benefits

23. The Disablement Benefits Board may deduct from any benefit any taxes, levies or duties payable in respect of that benefit to the Commonwealth or any State and pay the relevant authority the amount so deducted on behalf of the person to whom the benefit is payable.

PART VI—MISCELLANEOUS

Transfer of benefits to other funds

24. (1) The Disablement Benefits Board may, with the written consent of a beneficiary and subject to such conditions as the Disablement Benefits Board thinks fit, pay or transfer to any other superannuation fund, or any approved deposit fund or deferred annuity fund, or any like fund, any instalment benefit which may be payable under regulation 12 to or in respect of that beneficiary.

(2) If the benefit payable to or in respect of a beneficiary is paid or transferred pursuant to subregulation (1)—

- (a) the receipt of the trustees of or other persons controlling the fund to which the benefit is paid or transferred shall be a sufficient discharge to the Disablement Benefits Board; and
- (b) neither the Disablement Benefits Board nor the Fire Brigades Board shall be responsible for the payment, application or disposal by the trustees of or other persons controlling that fund of the benefit so paid or transferred.

Temporary cessation of employment and leave without pay

25. (1) If a member ceases to be a firefighter in circumstances in which it is reasonable to expect that the cessation may be of a temporary nature and that he may resume his employment as a firefighter the Disablement Benefits Board may with the consent of the Fire Brigades Board allow him to continue to be a member on such terms and conditions as may be agreed upon by the Disablement Benefits Board, the Fire Brigades Board and the member.

(2) If a member is absent from his employment as a firefighter on leave without pay the Disablement Benefits Board, the Fire Brigades Board and the member may enter into an agreement as to the terms and conditions on which the member shall continue to be a member during his absence.

(3) The terms and conditions agreed upon under subregulation (1) or (2) may include terms or conditions inconsistent with the other provisions of these regulations.

(4) Subject to anything to the contrary contained in the terms and conditions agreed upon under subregulation (1) or (2), as the case may be, no contributions shall be made in respect of a member to the Disablement Benefits Fund during any period during which the member has—

- (a) continued to be a member under subregulation (1); or
- (b) been absent from his employment as a firefighter on leave without pay.

No personal claim

26. No member or beneficiary or person claiming through him or on his behalf or as his dependant shall be entitled to require payment of the interest of that member or beneficiary in the Disablement Benefits Fund except as provided in these regulations.

Notices

27. (1) A notice may be given by the Disablement Benefits Board to any member or beneficiary either personally or by sending it by post to him at his last known address or to his normal place of employment.

(2) Any notice sent by post under subregulation (1) shall be deemed to have been served on the day following the day on which the envelope or wrapper containing that notice is posted and in proving such service it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed and put in the post office.

General meetings of members and beneficiaries

28. Schedule 5 applies to and in relation to general meetings of persons interested in the Disablement Benefits Fund held under section 30 of the Act.

Annual report to be provided to members and beneficiaries

29. As soon as practicable after the Disablement Benefits Board submits its annual report under section 66 of the *Financial Administration and Audit Act 1985*, and not later than 14 days before the ensuing annual general meeting of persons interested in the Disablement Benefits Fund is held under clause 5 (1) of Schedule 5, the Disablement Benefits Board shall provide each member and beneficiary with a copy of the annual report and with a copy of any actuarial report received by the Disablement Benefits Board since the last preceding annual general meeting of persons interested in the Disablement Benefits Fund.

Elections of members of the Disablement Benefits Board

30. (1) Elections under clause 2 of Schedule 2 to the Act to elect members of the Disablement Benefits Board shall be conducted by the Fire Brigades Board by secret ballot using an optional preferential system of voting.

(2) Of the persons elected at the election held under clause 2 (1) (b) of Schedule 2 to the Act—

- (a) the first elected shall, subject to that Schedule, hold office as a member of the Disablement Benefits Board for a period of 3 years after the election;
- (b) the second elected shall, subject to that schedule, hold office as a member of the Disablement Benefits Board for a period of 2 years after the election;
- (c) the third elected shall, subject to that Schedule, hold office as a member of the Disablement Benefits Board for a period of one year after the election; and
- (d) the fourth elected shall be the elected alternate member of the Disablement Benefits Board.

(3) The vacancy that occurs during a year in one of the offices of the elected members of the Disablement Benefits Board and the vacancy that occurs during that year in the office of the elected alternate member of the Disablement Benefits Board shall both be filled at one election, and of the persons elected at that election—

- (a) the first elected shall be an elected member of the Disablement Benefits Board; and
- (b) the second elected shall be the elected alternate member of the Disablement Benefits Board.

Amendments to these regulations

31. (1) A regulation that amends these regulations in such a way as will increase the contributions payable by the Fire Brigades Board to the Disablement Benefits Fund to a percentage exceeding 1 per cent of the total amount of the superannuation salaries of members shall not be made under the Act unless the Fire Brigades Board has given its consent to the amendment.

(2) A regulation that amends these regulations in such a way as will increase the benefits payable under these regulations shall not be made under the Act unless—

- (a) the actuary has certified that the amendment will not or is not likely to result in an increase in the contributions payable by the Fire Brigades Board to the Disablement Benefits Fund; or
- (b) the Fire Brigades Board has given its consent to the amendment.

(3) Without limiting the operation of subregulations (1) and (2), and subject to subregulation (4), a regulation that amends these regulations shall not be made under the Act unless—

- (a) the actuary has certified that the total value of the rights of members, beneficiaries and their dependants accrued at the time the amendment takes effect will not be reduced by the amendment; or
- (b) at least two-thirds in number of the persons interested in the Disablement Benefits Fund for the time being have given their written consent to the amendment.

(4) Subregulation (3) does not apply to the making of a regulation that amends these regulations in order to ensure that these regulations conform with, or obtain the benefit of, a law of the State or Commonwealth governing, regulating or affecting the operation or maintenance of superannuation, pension or like funds.

Schedule 1

(Regulation 12 (3))

CALCULATION OF MONTHLY BENEFIT

The formula for calculating a monthly instalment benefit in respect of a beneficiary is

$$IB = \frac{MB}{1} \times \frac{i}{1-v^{60}}$$

where

IB is the monthly instalment benefit to be determined, (expressed in dollars);

MB is the beneficiary's maximum benefit (expressed in dollars);

i is one-twelfth of the rate of interest expressed as a percentage per annum, determined under regulation 12 (5) and applicable on the date of payment of the beneficiary's partial and permanent disablement benefit; and

$$v = \frac{1}{1+i}$$

Schedule 2

(Regulation 12 (4))

CALCULATION OF ANNUAL BENEFIT

The formula for calculating an annual instalment benefit in respect of a beneficiary is

$$IB = \frac{MB}{1} \times \frac{i}{1-v^5}$$

where

IB is the annual instalment benefit to be determined, (expressed in dollars);

MB is the beneficiary's maximum benefit (expressed in dollars);

i is the rate of interest expressed as a percentage per annum, determined under regulation 12 (5) and applicable on the date of payment of the beneficiary's partial and permanent disablement benefit; and

$$v = \frac{1}{1+i}$$

Schedule 3

(Regulation 13 (1))

CALCULATION OF DEATH BENEFIT AFTER PAYMENT OF
MONTHLY BENEFITS

The formula for calculating a lump sum death benefit in respect of a beneficiary who elected to receive a monthly instalment benefit is

$$DB = \frac{IB}{1} \times \frac{1-v^n}{i}$$

where

DB is the death benefit to be determined (expressed in dollars);

IB is—

- (a) where a monthly instalment benefit became payable to the beneficiary on the day on which he died, the amount of that instalment benefit (expressed in dollars); or
- (b) in any other case, the amount of the instalment benefit that would have been payable to the beneficiary on the day on which he died if a monthly instalment benefit had become payable to him on that day (expressed in dollars);

n is the difference between 60 and the number of monthly instalment benefit payments which the beneficiary had received up to the time of his death;

i is one-twelfth of the rate of interest expressed as a percentage per annum used in the initial calculation of the beneficiary's monthly instalment benefit for the purposes of regulation 12 (3); and

$$v = \frac{1}{1+i}$$

Schedule 4

(Regulation 13 (2))

CALCULATION OF DEATH BENEFIT AFTER PAYMENT
OF ANNUAL BENEFITS

The formula for calculating a lump sum death benefit in respect of a beneficiary who elected to receive an annual instalment benefit is

$$DB = \frac{IB}{1} \times \frac{1-v^n}{i}$$

where

DB is the death benefit to be determined (expressed in dollars);

IB is—

- (a) where an annual instalment benefit became payable to the beneficiary on the day on which he died, the amount of that instalment benefit (expressed in dollars); or
- (b) in any other case, the amount of the instalment benefit that would have been payable to the beneficiary on the day on which he died if an annual instalment benefit had become payable to him on that day (expressed in dollars);

n is the difference between 5 and the number of annual instalment benefit payments which the beneficiary had received up to the time of his death;

i is the rate of interest expressed as a percentage per annum used in the initial calculation of the beneficiary's instalment benefit pursuant to regulation 12 (4); and

$$v = \frac{1}{1+i}$$

Schedule 5

(Regulation 28)

*General meetings of persons interested in
the Disablement Benefits Fund***Notice of meeting**

1. Not less than 7 and not more than 30 days' notice in writing of a general meeting shall be given but the accidental omission to give notice to or the non-receipt of the notice by any member or beneficiary shall not invalidate the proceedings at any general meeting.

Quorum

2. (1) A quorum is present at a general meeting if not less than 5 per cent of the persons interested in the Disablement Benefits Fund are present.

(2) If a quorum is not present within half an hour after the time appointed for a general meeting the meeting shall stand adjourned to such other day and at such other time and place as the chairman of the meeting may determine and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting the persons interested in the Disablement Benefits Fund present shall be a quorum.

Chairman

3. The chairman of any general meeting shall be appointed by the Disablement Benefits Board.

Board members may attend

4. Members of the Disablement Benefits Board shall be entitled to be present at general meetings but a member of the Disablement Benefits Board who is not a member or beneficiary of the Disablement Benefits Fund shall not be entitled to vote at a general meeting.

Annual general meeting

5. (1) An annual general meeting shall be held not later than 60 days after the annual report of the Disablement Benefits Board is submitted under section 66 of the *Financial Administration and Audit Act 1985*.

(2) An annual general meeting—

- (a) shall consider the annual report of the Disablement Benefits Board submitted under section 66 of the *Financial Administration and Audit Act 1985* in respect of the preceding financial year;
- (b) shall consider any business of which notice has been given in the notice of meeting; and
- (c) may consider any other business that may be relevant to the operation of the Disablement Benefits Fund.

Special general meeting

6. A special general meeting—

- (a) shall consider any business of which notice has been given in the notice of meeting; and
- (b) may consider any other business that may be relevant to the purpose of the meeting.

Mode of voting on motions

7. (1) Subject to subclause (3), at a general meeting a motion put to the vote of the meeting shall be decided—

- (a) by a simple majority of the votes of the persons interested in the Disablement Benefits Fund present and voting; and
- (b) on a show of hands unless before or on the declaration of the result of the show of hands a poll is demanded by a member or beneficiary present.

(2) A demand for a poll under subclause (1) (b) may be withdrawn.

(3) Where a poll on a motion is demanded under subclause (1) (b) the vote of a member or beneficiary not present at the general meeting shall be counted if it was lodged, in writing, with the secretary of the Disablement Benefits Board not less than 24 hours before the general meeting.

Voting rights

8. (1) Each member or beneficiary present at a general meeting, or whose vote is counted at a general meeting under clause 7 (3), shall have one vote.

(2) The chairman of a general meeting shall not have a second or casting vote.

Minutes

9. Minutes shall be kept of each general meeting and such minutes if purporting to be signed by the chairman of the general meeting or of the next succeeding general meeting shall be prima facie evidence of the matters contained in those minutes.

Procedure

10. Except as provided in this Schedule a general meeting may determine its own procedure.

By His Excellency's Command,
L. E. SMITH,
Clerk of the Council.