

Emergency Services Superannuation Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 12 November 1986

(Brought in by Mr Jolly and Mr Fordham)

A BILL

to establish an Emergency Services Superannuation Board and Scheme, to amend the *Superannuation Act 1958*, the *Hospitals Superannuation Act 1965* and the *Metropolitan Fire Brigades Superannuation Act 1976* and for other purposes.

Emergency Services Superannuation Act 1986

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

- 5 1. The purpose of this Act is to establish an Emergency Services Superannuation Board and Scheme to provide superannuation benefits for persons employed in the emergency services.

Commencement.

2. This Act comes into operation on 1 January 1987.

Definitions.

- 10 3. In this Act—
 “Actuary” means—
 (a) the Government Actuary; or

(b) a Fellow of the Institute of Actuaries of Australia who is approved by the Treasurer.

“**Approved superannuation arrangement**” means a superannuation arrangement which has been approved by the Minister. 5

“**Benefit**” means any amount paid or payable by the Board out of the Scheme.

“**Board**” means Emergency Services Superannuation Board.

“**Contributor**” means contributor to the Scheme.

“**Employee**” means a person who is employed permanently on a basis which requires the person to work for at least 15 hours a week and who is— 10

(a) an officer or other member of the police force of Victoria under the *Police Regulation Act 1958*; or

(b) a member of the Retired Police Reserve of Victoria under section 103 (3) of the *Police Regulation Act 1958* who has not, on retirement (on grounds other than disability) at the age of 50 or over, become entitled to a benefit under the *Superannuation Act 1958* or this Act; or 15 20

(c) an officer or employee of the Metropolitan Fire Brigades Board; or

(d) a person appointed by the Country Fire Authority under section 17 of the *Country Fire Authority Act 1958*; or

(e) an officer of the Department of Conservation, Forests and Lands who is a permanent officer who is employed full time in operational fire protection duties and is prescribed or is within a class of persons which is prescribed for the purposes of this paragraph; or 25

(f) an employee of the Ambulance Officers’ Training Centre or of Ambulance Service—Victoria within the meaning of the *Ambulance Services Act 1986* or any other prescribed ambulance service; or 30

(g) a person employed by the Board; or

(h) a person referred to in paragraph (a), (b), (c), (d), (e), (f), or (g) who has resigned or has been given leave of absence without pay to act as a full-time officer of— 35

(i) a union; or

(ii) an employee organisation—

which is approved by the Minister. 40

“**Employer**” means the employer of—

(a) an employee; or

(b) a police recruit.

“Pensioner” means a person receiving a pension under the regulations.

“Police recruit” means a person employed under section 8A of the *Police Regulation Act 1958*.

5 “Scheme” means Emergency Services Superannuation Scheme.

“Transferred officer” means a person who has made a choice under section 4 to contribute to the Scheme.

Application of Act.

10 4. (1) A person who is an employee and is entitled to any benefits from—

- (a) the Superannuation Fund; or
- (b) the Hospitals Superannuation Fund; or
- (c) the Metropolitan Fire Brigades Superannuation Fund; or
- (d) any approved superannuation arrangement—

15 may, within the prescribed period, choose to contribute to the Scheme.

(2) A person who is employed by the Ambulance Officers’ Training Centre or Ambulance Service—Victoria within the meaning of the *Ambulance Services Act 1986* and is not a contributor to the Hospitals Superannuation Fund may, within the prescribed period, choose to contribute to the Scheme.

20 (3) A person becomes a contributor to the Scheme—

- (a) if the person becomes an employee on or after the date on which this Act comes into operation, on the commencement of that employment; or
- 25 (b) if the person is a transferred officer, when that person chooses to contribute to the Scheme.

(4) A police recruit cannot become a contributor to the Scheme.

PART 2—EMERGENCY SERVICES SUPERANNUATION BOARD

Establishment of Board.

30 5. (1) There is established a body corporate called the Emergency Services Superannuation Board.

(2) The Board—

- (a) has perpetual succession; and
- (b) has a common seal; and
- 35 (c) may sue and be sued in its corporate name; and
- (d) is capable of taking, purchasing, leasing, holding, selling, exchanging and disposing of real and personal property for the purposes of this Act; and

- (e) may do and suffer all acts and things which a body corporate may by law do and suffer and which are necessary or expedient for the purposes of this Act.
- (3) The common seal of the Board—
 - (a) can only be attached to a document if the Board so resolves; and 5
 - (b) must be authenticated by the signature of one member of the Board and an officer authorized by the Board.

Objectives and duties of Board.

- 6. (1) The following are the objectives of the Board: 10
 - (a) To collect contributions and other assets due to the Scheme;
 - (b) To manage and invest the assets of the Scheme so as to maximize the return it earns, having regard to—
 - (i) the need to provide for payments out of the Scheme; and 15
 - (ii) the need to exercise reasonable care and prudence so as to maintain the integrity of the Scheme;
 - (c) To administer the payment of benefits.
- (2) It is the duty of the Board to— 20
 - (a) establish policies for the administration of this Act and the investment of money in the Scheme and to adopt strategies for the achievement of those policies; and 20
 - (b) determine, authorize or approve programs for the administration of this Act and the investment of money in the Scheme; and 25
 - (c) ensure that the decisions and operations of the Board are directed towards achieving its objectives; and
 - (d) ensure that the Board has, or has access to, the skills, facilities and resources required to achieve its objectives; and
 - (e) subject to sub-section (3), inform contributors, about their rights and the benefits under the Scheme and about the management and investment of the Scheme including making available to contributors at least once in each year a summary of information about the management and investment of the Scheme; and 30
 - (f) subject to sub-section (3), liaise with relevant industrial organisations about the interests of contributors and inform those organisations about the management and investment of the Scheme; and 35
 - (g) ensure that the Board conducts its operations in an efficient manner. 40
- (3) The Board must, in performing its duties under paragraphs (e) and (f) of sub-section (2), consider the need to protect information the

disclosure of which could adversely affect the financial position or the commercial or other operations of the Board.

5 (4) If the Minister at any time gives the President a statement of government policy on any matter that is relevant to the performance of the duties of the Board, together with a request that the Board consider that policy in the performance of its duties, the Board must ensure that consideration is given to that policy.

10 (5) If the Minister gives a statement to the President under sub-section (4), the Board must publish that statement in its next annual report.

Membership of Board.

7. (1) The Board is to consist of six members appointed by the Governor in Council of whom—

15 (a) one is to be a contributor elected by contributors who are employed under the *Police Regulation Act 1958* or by the employee organisations representing those contributors; and

20 (b) one is to be a contributor elected by contributors who are officers or employees of the Metropolitan Fire Brigades Board or persons appointed by the Country Fire Authority under section 17 of the *Country Fire Authority Act 1958* or by the employees of the unions representing those contributors; and

(c) one is to be a contributor elected by contributors who are not employees referred to in paragraph (a) or (b).

25 (2) Despite sub-section (1), if on the date on which nominations are called for the election of a contributor under sub-section (1) (c), there are more than 500 contributors to the Scheme who are—

(a) not employees referred to in sub-section (1) (a) or (b); or

30 (b) not contributors who are employees of the Ambulance Officers' Training Centre or of Ambulance Service—Victoria within the meaning of the *Ambulance Services Act 1986* or of any union representing those contributors—

the provisions referred to in sub-section (3) apply.

(3) The provisions are as follows:

35 (a) The Board is to consist of eight members appointed by the Governor in Council;

(b) One of the members must be elected in accordance with sub-section (1) (a);

40 (c) One of the members must be elected in accordance with sub-section (1) (b);

(d) One is to be a contributor elected by contributors who are employees of the Ambulance Officers' Training Centre or of Ambulance Service—Victoria within the meaning of the

Ambulance Services Act 1986 or of the unions representing those contributors;

- (e) One is to be a contributor elected by all the contributors who are not entitled to elect a member under paragraph (b), (c) or (d). 5

(4) The Governor in Council must appoint a member to be President of the Board.

(5) Despite sub-section (1), each of the first contributor members of the Board—

- (a) must be a person who is eligible to be a contributor; and 10
 (b) is to be appointed by the Governor in Council on the Minister's nomination; and
 (c) is to be appointed without the holding of an election; and
 (d) is to be a member until 31 December 1987, unless that person ceases to be a member for any of the reasons in section 8 (1) or is suspended or removed from office. 15

(6) An elected member of the Board is to be a member for five years from the date of appointment.

(7) A member of the Board (other than an elected member or one of the first members) is to be a member for a term specified in that member's instrument of appointment of not more than five years from the date of appointment. 20

(8) A member of the Board is eligible for re-appointment.

(9) Elections of members to the Board must be held in accordance with the regulations. 25

(10) If there is no candidate at an election or no person is elected at an election, the Governor in Council may appoint a person to be a member, although that person has not been elected.

Vacancies on Board.

8. (1) A member of the Board ceases to be a member if that person— 30

- (a) becomes bankrupt; or
 (b) is absent, without leave first granted by the Board, from three consecutive meetings of which reasonable notice has been given to that member personally or by post; or 35
 (c) attains the age of 70 years; or
 (d) being an elected member, ceases to be a contributor; or
 (e) resigns office by writing signed and addressed to the Governor in Council.

(2) If a member of the Board (other than an elected member) dies or otherwise ceases to be a member, the Governor in Council may 40

appoint a person to fill the vacancy, and that appointment is for the remainder of the term of the vacant office.

- 5 (3) If an elected member dies or ceases to be a member or is removed from office, the Governor in Council must as soon as possible appoint a person who has been elected to fill the vacancy.

Deputies.

- 10 9. (1) In the case of the illness, suspension or absence of the President or any other member of the Board, the Governor in Council may appoint a deputy to act for the member during that member's illness, suspension or absence, and every deputy so appointed, while so acting, has all the powers and authority of the member.

(2) If the member is an elected member, the deputy must be a person who is eligible for election to that member's position on the Board.

15 Suspension and removal of members.

10. The Governor in Council may remove or suspend a member of the Board from office for misbehaviour or incompetence whether by act or omission while performing the duties of that person as a member.

Payment of members.

- 20 11. Each member of the Board is entitled to be paid such remuneration as the Governor in Council fixes for each member from time to time.

Procedure of Board.

- 25 12. (1) Except as otherwise provided, all powers, duties and authorities of the Board may be exercised at any meeting of the Board at which a majority of members are present.

(2) A decision of the Board requires a two-thirds majority vote of the members present.

- 30 (3) During any vacancy in the Board the continuing members may act as if there were no vacancy.

(4) The Board may hold its meetings at such times and places as it appoints, and may adjourn those meetings.

(5) The President must preside at all meetings of the Board at which that person is present.

- 35 (6) If the President is not present at any meeting of the Board, the member who is senior in order of date of appointment must preside at the meeting.

Persons employed by the Board.

13. (1) With the Minister's approval, the Board—

(a) may employ any persons necessary to carry out the Board's functions; and

(b) may fix the salaries or other remuneration to be paid to those persons. 5

(2) The Board may engage an actuary to advise it about the administration of the Scheme.

(3) If a person who is employed by the Board was immediately before the appointment an officer within the meaning of the *Superannuation Act 1958*, that person may choose to continue to be an officer under that Act until the employment ceases. 10

Delegation.

14. The Board may, by instrument under its common seal, delegate to the President or a person employed by the Board any power of the Board under this Act, other than this power of delegation. 15

PART 3—EMERGENCY SERVICES SUPERANNUATION SCHEME**Establishment of Scheme.**

15. There is established a Scheme called the Emergency Services Superannuation Scheme, which is to be administered by the Board. 20

Borrowing powers of Board in relation to the Scheme.

16. (1) The Board may, with the approval of the Treasurer and subject to any terms, conditions and limits which the Treasurer imposes—

(a) borrow money from any bank by way of overdraft; and 25

(b) obtain temporary financial accommodation secured or arranged in the manner and for the period approved by the Treasurer in each particular case.

(2) The Board may borrow money from any institution, person or body approved by the Treasurer on any terms and conditions which are approved by the Treasurer and may give to the institution, person or body security for the money in any form approved by the Treasurer in each particular case. 30

(3) The Government of Victoria guarantees—

(a) the repayment of money borrowed by the Board under this section; and 35

(b) the payment of any interest, charges and expenses chargeable by the creditor against the Board; and

(c) the expenses of enforcing or obtaining or trying to enforce or obtain payment of the debt and the interest, charges and expenses.

5 (4) Any sums required by the Treasurer in fulfilling any liability arising under a guarantee by the Government of Victoria provided by this section shall be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly).

10 (5) Any sums received or recovered by the Treasurer from the Board or otherwise in respect of any sums paid by the Treasurer under a guarantee shall be paid into the Consolidated Fund.

(6) The whole or any part of the benefit of a guarantee given by the Government of Victoria under this section may be assigned with the approval of the Treasurer but not otherwise.

15 (7) A guarantee under this section has effect and may be enforced as if the guarantee were a contract made on behalf of the Crown and section 23 (1) (a) of the *Crown Proceedings Act* 1958 applied accordingly.

Investment powers of Board in relation to the Scheme.

20 17. The Board may invest money in the Scheme in any manner approved by the Treasurer, if it complies with any terms and conditions determined by the Treasurer in relation to the Board's administration of the Scheme.

Management Account of the Board.

18. (1) The Board must keep an account called the Management Account.

25 (2) The Board must credit to the Management Account any money which is appropriated by the Board from the Scheme.

(3) The following items are a liability of the Scheme and the Board must charge them to the Management Account:

(a) Remuneration paid to the members of the Board;

30 (b) Salaries or other remuneration paid to persons employed by the Board;

(c) Expenses (including rent paid for the use of premises) which the Board incurs in administering the Fund and carrying out its functions under this Act;

35 (d) Any expenses incurred before this Act comes into operation in connection with any arrangements to assist in establishing the Scheme which are approved by the Treasurer.

Accounts, records, audit and actuarial investigation of the Scheme.

19. (1) The Board must ensure that there are kept proper accounts and records of the transactions and affairs of the Board and such other records as will sufficiently explain the financial operations and financial position of the Board. 5
- (2) The Board must do all things necessary to—
- (a) ensure that all money payable to the Board is properly collected; and
 - (b) ensure that all money expended by the Board is correctly expended and properly authorized; and 10
 - (c) ensure that adequate control is maintained over assets owned by or in the custody of the Board; and
 - (d) ensure that all liabilities incurred by the Board are properly authorized; and
 - (e) ensure efficiency and economy of operations and the avoidance of waste and extravagance; and 15
 - (f) develop and maintain an adequate budgeting and accounting system; and
 - (g) develop and maintain an adequate internal audit system.
- (3) The accounts and records of the Board must be audited by the Auditor-General. 20
- (4) The Auditor-General has in respect of the audit of the accounts and records all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts.
- (5) Without limiting the generality of sub-section (4) the Auditor-General and the officers of the Auditor-General— 25
- (a) have the right of access at all times to the books and vouchers of the Board; and
 - (b) may require from any person employed by the Board any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit. 30
- (6) The Board must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General under this section. 35
- (7) The Board must arrange for an actuarial investigation into the financial position of the Scheme as at 30 June 1988 and at the end of each following period of three years to be made by an actuary appointed by the Board.
- (8) The Board must submit the actuary's report of the investigation to the Minister within twelve months after the end of each period of three years. 40

Scheme may be supplemented by Consolidated Fund.

20. If the amount to the credit of the Scheme is at any time insufficient to meet the benefits authorized to be paid out of the Scheme for—

- 5 (a) officers or other members of the police force of Victoria under the *Police Regulation Act 1958*; or
 (b) any other group of contributors which is specified by the Treasurer—

10 money may from time to time be issued and applied out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) to meet the insufficiency.

PART 4—TRANSFER FROM OTHER SUPERANNUATION FUNDS**Transfer of assets to the Scheme.**

15 21. (1) The Governor in Council must, on the Minister's recommendation, by Order published in the *Government Gazette*—

- (a) specify the value of any assets from the Superannuation Fund, Hospitals Superannuation Fund, Metropolitan Fire Brigades Superannuation Fund or any approved superannuation arrangement which—
 20 (i) are assets of that Fund or arrangement in respect of any transferred officers; and
 (ii) are to be transferred to the Scheme; and
 (b) specify the terms and conditions which apply to the transfer of those assets to the Scheme.

25 (2) After the Governor in Council has made an Order in respect of the assets of a Fund or arrangement, then the body administering that Fund or arrangement must, despite anything in the Act constituting that Fund or arrangement, transfer the assets specified in the Order to the Scheme.

30 (3) As soon as the assets have been transferred, they form part of the Scheme.

(4) The *Stamps Act 1958* and *Financial Institutions Duty Act 1983* do not apply to that transfer of assets.

35 (5) The Board may apply to the Supreme Court for an order requiring a person or body who holds any assets which are required to be transferred to the Board, to transfer any of them to the Board.

(6) The Supreme Court may make any order regarding those assets which it considers necessary or expedient to give effect to this Act.

Pensions for former contributors to other funds.

22. The Board together with—

(a) the Superannuation Board; or

(b) the Metropolitan Fire Brigades Superannuation Board; or

(c) the Hospitals Superannuation Board—

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may make any arrangements which are necessary for the payment of pensions to persons who are former contributors to the superannuation funds administered by the bodies referred to in paragraphs (a), (b) or (c).

PART 5—REVIEW OF DECISIONS OF BOARD

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Person may request Board to reconsider decision.

23. (1) A person who is affected by a decision of the Board which relates to the entitlement of any person to any benefit may, by written notice given to the Board within 30 days after the decision comes to the notice of the person, request the Board to reconsider the decision.

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(2) The Board may, on receipt of a written application, extend or further extend, the time for the giving of notice to the Board requesting the Board to reconsider a decision.

(3) The request must set out the grounds on which the request is made.

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(4) On receipt of the request, the Board must reconsider the decision, and may confirm or vary the decision in any way the Board thinks fit.

(5) The Board must, within 30 days after receipt of the request, by written notice inform the person who made the request of the result of the Board's reconsideration of the decision.

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(6) An application may be made to the Administrative Appeals Tribunal for review of—

(a) a decision under sub-section (2); or

(b) a decision of the Board which has been confirmed or varied under sub-section (4).

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PART 6—GENERAL**Medical issues.**

24. (1) If an issue arises—

(a) about whether a contributor or former contributor is disabled; or

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(b) about the extent of any disability from which a contributor or former contributor is suffering; or

(c) about whether any disability is due to the fault of a contributor or former contributor—

the issue must be decided by the Board after receiving a report from a medical officer of the Board.

5 (2) After the Board receives a report from the medical officer and before a decision on the issue which is adverse to a contributor or former contributor is made, that person has a right to obtain a second report from a legally qualified medical practitioner who is agreed upon by the contributor or former contributor, and the Board.

10 **Bankruptcy.**

25. If a person who is entitled to receive benefits becomes bankrupt, that person ceases to have any right to those benefits and the Board is released from any liability to pay those benefits, but the Board may pay and apply from the Scheme a sum not exceeding the amount which would be payable to that person for the benefit of that person and that person's dependants or any of them.

Benefits not assignable etc.

26. (1) A person must not assign, charge, attach, anticipate or give as security any benefits.

20 (2) Any transaction purporting to assign, charge, attach, anticipate or give as security any benefits is invalid.

(3) Benefits are not capable of passing by operation of law to any person other than the person to whom they are payable.

25 (4) Any money payable out of the Scheme on the death of a person who is or was a contributor are not assets for the payment of that person's debts or liabilities.

(5) The Board may deduct from any money payable to any person as benefits out of the Scheme any money which is due to the Scheme in respect of the benefits or which is owing to the Board by that person.

30 **Recovery of money by the Board.**

27. The Board may recover money due to it in any court of competent jurisdiction.

Minors.

35 28. A minor has the same capacity as a person of full age to do anything for the purposes of this Act.

Board may require information.

29. (1) The Board may require—

- (a) any employer to provide any returns and information relating to any contributor, including the name, sex, date of birth, date of appointment, date of commencement of duty, hours of duty and changes in hours of duty, rate of salary and changes in the rate of salary of that contributor and to provide the returns and information within the times and in the form specified by the Board; or 5
- (b) any employee or pensioner or the spouse or child of any deceased employee or pensioner to furnish the returns and information the Board requires within the times specified by the Board for the purposes of this Act; or 10
- (c) a person claiming to be entitled to benefits to produce any document or provide any information it thinks necessary within the times specified by the Board before it pays the whole or part of those benefits. 15

(2) A person who, without reasonable excuse, does not provide any of the returns, information or documents required to the Board within the times specified by the Board is liable to a penalty of not more than 20 one penalty unit.

PART 7—REGULATIONS**Regulations about benefits and contributions.**

30. (1) As soon as possible after the coming into operation of this Act, the Governor in Council must, on the recommendation of the Board, make regulations providing for the establishment and operation of a Scheme— 25

- (a) for the provision of benefits for contributors and former contributors who cease to be employees, and for the spouses, children and other dependants or legal personal representatives of contributors and former contributors who die; and 30
- (b) dealing with contributions from employers and their employees.

(2) The first such regulations have effect from the coming into operation of this Act. 35

(3) The Governor in Council may, from time to time on the recommendation of the Board, make regulations amending the Scheme under sub-section (1).

(4) The regulations made under sub-section (3) may specify a date from which they come into operation, which may be any date before the day on which the regulations are made. 40

5 (5) Any regulation may make different provision for different classes of contributors or, according to different circumstances, give contributors or persons entitled to or receiving benefits or any class of such persons an option in respect of any matter, or leave any matter or thing to be determined by the Board.

(6) At least three months before any regulations are made, the Board must supply a copy of them to each employer and may supply copies to any unions or employee organisations as the Board thinks fit.

10 (7) An amending regulation must not reduce or adversely affect the position of any person regarding any benefits which have accrued in respect of service before the date on which the amending regulation is made.

Regulations generally.

15 **31.** The Governor in Council may, on the recommendation of the Board, make regulations prescribing all matters required or permitted or necessary to be prescribed, and in particular for or with respect to—

- 20 (a) holding of elections and extraordinary elections of contributors' representatives for appointment to the Board; and
- (b) forms to be used for the purposes of this Act; and
- (c) making provision for the benefits to be paid to police recruits; and
- 25 (d) making provision for employees or police recruits who are contributors to or subject to schemes of superannuation and similar schemes already established by their employers; and
- (e) the times when contributions to the Scheme become payable and the payment of interest on late contributions; and
- 30 (f) the keeping of separate accounting records about the benefits and contributions of the employees of each employer; and
- (g) providing for payments by the Board to pensioners who resume employment; and
- (h) the prescribed period for the purposes of section 4 (1).

Regulations under sections 30 and 31.

35 **32.** Regulations made under sections 30 and 31—

- (a) may be of general or limited application; and
- (b) may differ according to differences in time, place or circumstance; and
- 40 (c) may impose penalties not exceeding five penalty units for a contravention of or an offence under the regulations; and
- (d) may apply, adopt or incorporate (with or without modification)—

- (i) the provisions of any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether as formulated, issued, prescribed or published at the time the regulations are made, or at any time before then; or 5
- (ii) the provisions of any Act of the Commonwealth or of another State or of a Territory or any matter contained in an Index published by the Commonwealth Statistician or the provisions of any subordinate instrument under any such Act, whether wholly or partially or as amended by the regulations or as in force or published at a particular time or from time to time; and 10
- (e) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Board; and 15
- (f) may confer powers or impose duties in connection with the regulations on the Board.

PART 8—AMENDMENTS TO OTHER ACTS

Amendment of *Superannuation Act 1958*. 20

No 6386

33. (1) In section 3 (1) of the *Superannuation Act 1958*, at the end of the definition of “Officer” insert “but does not include a person who is a contributor to the Emergency Services Superannuation Scheme under the *Emergency Services Superannuation Act 1986*.”.

(2) After section 32A (11) of the *Superannuation Act 1958* insert— 25

“(12) The following provisions apply to contributors who are employed by the Victoria Police or Country Fire Authority and pensioners who were employed by those bodies immediately before retirement:

- (a) In relation to elections made by any of those persons under sub-section (3) between 1 January 1987 and 31 December 1987, sub-section (3) applies as if “100 per centum of the pensioner’s fortnightly entitlement” were substituted for “50 per centum of the pensioner’s fortnightly pension entitlement or \$46.50 of the pensioner’s fortnightly pension entitlement whichever is the greater”; 30
- (b) If any of those persons made an election between 30 June 1986 and 31 December 1986 under sub-section (3) to convert 50 per centum of that person’s pension entitlement, that person may further elect to convert part or all of the balance of the pension payable to that person to an equivalent entitlement of a lump sum payment under Schedule 6; 40

- 5 (c) A person who, under paragraph (a) or (b) elects to convert 100 per centum of that person's pension entitlement, is to be treated as if that person also elected to convert 100 per centum of the fortnightly pension entitlement of that person's spouse under sub-section (5);
- (d) The Treasurer must pay into the Fund an amount equal to five-sevenths of any lump sum paid under paragraphs (a) or (b), and the Consolidated Fund is hereby to the necessary extent appropriated accordingly."

10 **Amendment of *Metropolitan Fire Brigades Superannuation Act 1976*.**

34. In section 2 of the *Metropolitan Fire Brigades Superannuation Act 1976*, at the end of the definition of "Fire Board Officer" insert "but does not include such a person if that person is a contributor to the Emergency Services Superannuation Scheme under the *Emergency Services Superannuation Act 1986*".

No 8952

15 **Amendment of *Hospitals Superannuation Act 1965*.**

35. In section 3 (1) of the *Hospitals Superannuation Act 1965*, at the end of the definition of "Contributor" insert "but does not include such a person if that person is a contributor to the Emergency Services Superannuation Scheme under the *Emergency Services Superannuation Act 1986*".

No 7354.

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