



State Authorities Superannuation Amendment (Firefighters) Regulation 2003

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

Explanatory note

The *Crown Employees (NSW Fire Brigades Firefighting Staff Death and Disability) Award 2003* makes provision for the payment of death or incapacity benefits to or in respect of a firefighter to which it applies. The award makes provision for the payment of benefits to be offset by the amount of any employer-financed benefit payable to or in respect of the firefighter under the *State Authorities Superannuation Act 1987* and by the amount of the benefit payable under the *State Authorities Non-contributory Superannuation Act 1987*. It also makes provision for the relinquishment of coverage for the additional benefit of certain contributors.

The objects of this Regulation are:

- (a) to allow SAS Trustee Corporation to provide to New South Wales Fire Brigades or the trustees of the Death and Disability Superannuation Fund information that it obtains about an employee in the administration of the *State Authorities Superannuation Act 1987* (but only with the consent of the employee and for the purposes of complying with or giving effect to the award), and
- (b) to provide for the relinquishment of coverage for the additional benefit of certain permanent firefighters, and
- (c) to allow SAS Trustee Corporation to transfer from the State Authorities Superannuation Fund to the Death and Disability Superannuation Fund the amount of the relevant offset.

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Explanatory note

This Regulation is made under the *State Authorities Superannuation Act 1987* (as amended by the *Superannuation Legislation Further Amendment Act 2002*), including section 46AF (definition of ***firefighters award***), section 46AH and section 55 (the general regulation-making power).

State Authorities Superannuation Amendment (Firefighters) Regulation 2003

under the

State Authorities Superannuation Act 1987

1 Name of Regulation

This Regulation is the *State Authorities Superannuation Amendment (Firefighters) Regulation 2003*.

2 Amendment of State Authorities Superannuation Regulation 2000

The *State Authorities Superannuation Regulation 2000* is amended as set out in Schedule 1.

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State Authorities Superannuation Amendment (Firefighters)
Regulation 2003

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Part 3A

Insert after Part 3:

Part 3A Firefighters award

16 Meaning of “permanent firefighter” and “retained firefighter”

In this Part:

2003 firefighters award means the *Crown Employees (NSW Fire Brigades Firefighting Staff Death and Disability) Award 2003*.

permanent firefighter has the same meaning as in the 2003 firefighters award.

retained firefighter has the same meaning as in the 2003 firefighters award.

17 Prescription of firefighters award

For the purposes of the definition of *firefighters award* in section 46AF of the Act, the 2003 firefighters award is prescribed.

18 Provision of information

For the purposes of complying with or giving effect to the 2003 firefighters award, and only with the consent of the relevant employee, STC may provide to New South Wales Fire Brigades or the trustees of the Death and Disability Superannuation Fund under the 2003 firefighters award information about the employee obtained in the administration of the Act.

19 Existing firefighters may no longer apply for cover for additional benefit

- (1) This clause applies to an employee who was a permanent firefighter on 27 June 2003 and who had not, before that date, had an application for additional benefit cover approved under section 22 of the Act.

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- (2) Despite section 20 of the Act, a person to whom this clause applies is not entitled to be covered for the additional benefit while employed as a permanent firefighter.

20 Existing or new firefighters who elect to relinquish cover for additional benefit

- (1) This clause applies to a person who:
- (a) was a permanent firefighter on 27 June 2003 and elected to relinquish cover for the additional benefit on or before 26 June 2003, or
 - (b) commences employment as a permanent firefighter after 26 June 2003 and who elects to relinquish cover for the additional benefit within the period approved by NSW Fire Brigades for the purposes of this clause.
- (2) Despite section 22 of the Act, if this clause applies:
- (a) the firefighter ceases to be liable to pay the additional benefit levy in relation to any subsequent period during which the firefighter is not covered, and
 - (b) STC must effect the cessation of the additional benefit cover of the person on and from:
 - (i) 27 June 2003—in relation to a person referred to in subclause (1) (a), or
 - (ii) the date advised to STC by NSW Fire Brigades—in relation to a person referred to in subclause (1) (b), and
 - (c) the firefighter is not entitled to be covered for the additional benefit while employed as a permanent firefighter.

21 New firefighter employees covered for additional benefit

- (1) This clause applies to an employee who was not a permanent firefighter immediately before 27 June 2003 and who had not had an application for additional benefit cover approved under section 22 of the Act at the time of commencing employment as a permanent firefighter.
- (2) Despite section 20 of the Act, a person to whom this clause applies is not entitled to elect to be covered for the additional benefit while employed as a permanent firefighter.

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Schedule 1 Amendments

22 Transfer of amount to Death and Disability Superannuation Fund

STC must, for the purposes of complying with or giving effect to the 2003 firefighters award, transfer to the Death and Disability Superannuation Fund an amount required as an offset under the 2003 firefighters award but only with the consent of the firefighter concerned.

[2] Clause 16 Savings provision

Renumber as clause 23.

BY AUTHORITY
