

Emergency Services Superannuation (MFBSF Transfer) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 11 September 1991

(Brought in by Mr Roper and Mr Pope)

A BILL

to amend the **Emergency Services Superannuation Act 1986**, to repeal the **Metropolitan Fire Brigades Superannuation Act 1976** and for other purposes.

Emergency Services Superannuation (MFBSF Transfer) Act 1991

The Parliament of Victoria enacts as follows:

1. *Purpose*

The purpose of this Act is to—

- 5 (a) amend the **Emergency Services Superannuation Act 1986** to facilitate the transfer to the Emergency Services Superannuation Scheme of the Metropolitan Fire Brigades Superannuation Fund; and
- 10 (b) amend the **Emergency Services Superannuation Act 1986** to ensure compliance with the Occupational Superannuation Standards Act 1987 of the Commonwealth and any regulations made under that Act; and

Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

(c) repeal the **Metropolitan Fire Brigades Superannuation Act 1976.**

2. Commencement

- (1) This Act, other than sections 7 and 8, comes into operation on a day to be proclaimed. 5
- (2) Section 7 comes into operation on 1 January 1992.
- (3) Section 8 is deemed to have come into operation on 1 July 1991.

3. Principal Act

Act No. 94/1986
Reprint of
Act No. 81/1988.
Subsequently
amended by
No. 72/1990.

In this Act the **Emergency Services Superannuation Act 1986** is called the Principal Act. 10

4. Transfer of MFBSF contributors

In the Principal Act—

- (a) in section 3 in the definition of “**Transferred officer**” after “choice” insert “, or is deemed to have made a choice,”; 15
- (b) in section 4 (1), paragraph (c) and “or” at the end of the paragraph are **repealed**;
- (c) after section 4 (4) insert—
 - “(5) A person who is a contributor to the Metropolitan Fire Brigades Superannuation Fund immediately before section 4 of the **Emergency Services Superannuation (MFBSF Transfer) Act 1991** comes into operation is deemed on that commencement to have chosen to contribute to the Scheme. 20 25
 - (6) A person to whom sub-section (5) applies is entitled to elect to contribute to make the same contributions and receive the same benefits that he or she would have been entitled to make and receive as a contributor to the 30

Metropolitan Fire Brigades Superannuation Fund.”.

5. Election of contributors to the Board

5 In section 7 (2) of the Principal Act for “there are more than 500 contributors to the Scheme who are” **substitute** “more than 10 per cent of the contributors to the Scheme are”.

6. New section 20A inserted

After section 20 of the Principal Act **insert—**

10 **“20A. Special payments**

- 15 (1) The Metropolitan Fire Brigades Board must pay the Board in accordance with sub-section (4) the amount determined by the Treasurer from time to time on the advice of the Board during each financial year.
- 20 (2) There must be appropriated from the Consolidated Fund and paid to the Board an amount equal to twice the amount determined under sub-section (1).
- 25 (3) The amount determined under sub-section (1) is to be calculated as a percentage of benefits payable under section 22 (2) determined by the Treasurer on the advice of the Board.
- 30 (4) Subject to a determination by the Treasurer to the contrary, the amounts payable to the Board by the Metropolitan Fire Brigades Board and from the Consolidated Fund must be paid in equal quarterly instalments, the first payment being due on 30 September in each financial year.
- (5) If a payment by the Metropolitan Fire Brigades Board or from the Consolidated Fund is not made by the relevant date referred to in sub-section (4), interest is payable on the amount

of that payment at the rate determined by the Treasurer on the advice of the Board from the relevant date until the payment is made.”.

7. Section 22 substituted

For section 22 of the Principal Act **substitute—** 5

“22. Pensions for former contributors to other funds

(1) The Board together with—

(a) the State Superannuation Board of Victoria; or

(b) the Hospitals Superannuation Board— 10

may make any arrangements which are necessary for the payment of pensions in respect of persons who are former contributors to the superannuation funds administered by the State Superannuation Board of Victoria or the Hospitals Superannuation Board. 15

(2) The Board must ensure that contributors under the Metropolitan Fire Brigades Superannuation Board Scheme who cease or have ceased to be employed and the widows, children and other dependants or legal personal representatives of contributors and former contributors under the Metropolitan Fire Brigades Superannuation Board Scheme who die or have died receive the same benefits and have the same rights under this Act as they had under the **Metropolitan Fire Brigades Superannuation Act 1976.**” 20
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8. Regulations

In section 31 of the Principal Act after paragraph (h) **insert—** 30

”; and

(i) ensuring compliance with regulations made under the Occupational Superannuation Standards Act

1987 of the Commonwealth as amended and in force for the time being.”.

9. Repeal

5 The **Metropolitan Fire Brigades Superannuation Act 1976** is repealed.

10. Amendments to Borrowing and Investment Powers Act 1987

In the **Borrowing and Investment Powers Act 1987**—

- 10 (a) in sections 5, 8, 14 (1), 20 and 21 after “1A” insert
 “, 1B”;
- 10 (b) in sections 6 (1), 11, 15 and 22 after “Schedule”
 insert “1B or”;
- 15 (c) in section 12 (1) for “or 1A” substitute “, 1A or 1B”;
- 15 (d) in Schedules 1 and 3 omit “Emergency Services
 Superannuation Board” and “Metropolitan Fire
 Brigades Superannuation Board”;
- 15 (e) after Schedule 1A insert—

“SCHEDULE 1B

Authorities to which sections 5, 6, 8, 11, 12, 14, 15, 20, 21 and 22 apply.

Emergency Services Superannuation Board”.

