



## Procedure for Appointment and Removal of Elected Members of the Superannuation Board

The procedure for appointing and removing elected members and elected alternate members of the Superannuation Board is determined by the provisions of both the *Fire and Emergency Services Superannuation Act 1985* (the Act) and the *Fire and Emergency Services (Superannuation) Regulations 1986* (the Regulations).

The provisions of the Act state that there shall be 3 members of the Superannuation Board appointed by the FES Commissioner and 3, of whom not less than 2, are members of the Fire and Emergency Services Superannuation Fund (FES Super) who shall be elected by the members of FES Super. The Act also provides that the FES Commissioner may appoint not more than 3 persons to be alternate members of the Superannuation Board, and that members of FES Super may elect not more than 3 persons to be alternate members of the Superannuation Board.

An elected member of the Superannuation Board shall hold office for a period ending 3 years after the occurrence of the vacancy where the vacancy occurs by effluxion of time. If the vacancy occurs otherwise by effluxion of time the term of office shall be for the remainder of the period for which their predecessor in office was elected.

An elected alternate member of the Superannuation Board shall hold office for a period ending 1 year after the occurrence of the vacancy where the vacancy occurs by effluxion of time. If the vacancy occurs otherwise by effluxion of time the term of office shall be for the remainder of the period for which their predecessor in office was elected.

**The following is an extract from the *Fire and Emergency Services (Superannuation Fund) Regulations 1986* that provides for the appointment and removal of elected members of the Fire and Emergency Services Superannuation Board.**

### **“47. Elections of members of the Superannuation Board**

- (1) Elections under clause 2 of Schedule 2 to the Act to elect members of the Superannuation Board shall be conducted by the FES Commissioner by secret ballot using an optional preferential system of voting.
- (2) The FES Commissioner may, instead of conducting the election, engage the Electoral Commissioner under the Electoral Act 1907 or any other independent person to conduct the election on behalf of the FES Commissioner.
- (3) The vacancy that occurs during a year in one of the offices of the elected members of the Superannuation Board and vacancies that occur during that year in the offices of the elected alternate members of the Superannuation Board shall be filled by separate ballots conducted at the one election.
- (4) For an election referred to in sub regulation (3) a person may nominate for-
  - (a) the office of elected member of the Superannuation Board; or
  - (b) an office of elected alternate member of the Superannuation Board; or
  - (c) both the office referred to in paragraph (a) and an office referred to in paragraph (b).
- (5) Notwithstanding sub regulation (4)(c), a person shall not at the same time hold both the office of elected member of the Superannuation Board and the office of elected alternate member of the Board.
- (6) The ballot for the office of elected member of the Superannuation Board shall be counted before the ballot for an office of elected alternate member of the Board is counted.
- (7) Where a person elected in the ballot for an office of alternate member of the Superannuation Board has also been elected to the office of member of the Board, the second person elected in the ballot shall hold an office of alternate member.



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- (8) Where only one person nominates for the office of elected member of the Superannuation Board that person shall be deemed to have been elected to the office.
  - (9) Where only one person nominates for an office of elected alternate member of the Superannuation Board that person shall be deemed to have been elected to the office unless he or she has also been elected to the office of member of the Board in which case that office of elected alternate member shall remain vacant.

#### **47A. Removal of elected member**

- (1) An elected member of the Superannuation Board may be removed from office by a majority vote passed in a secret ballot of all members.
- (2) A secret ballot for the purposes of sub regulation (1) shall be conducted by the FES Commissioner at the written request of not less than 5% of all members.
  - (a) The FES Commissioner may, instead of conducting the ballot, engage the Electoral Commissioner under the Electoral Act 1907 or any other independent person to conduct the ballot on behalf of the FES Commissioner.
- (3) A ballot shall not be conducted under this regulation in respect of an elected member more than once during the term of office of that member."

There are other situations where the elected member (or elected alternate member) of the Superannuation Board will be removed from office such as upon their death, where they suffer mental or physical incapacity, where they become bankrupt, where they no longer meet one or more criteria for fitness and propriety as set out in the Australian Prudential Regulation Authority prudential standards or where they become a disqualified person as defined in the *Superannuation Industry (Supervision) Act 1993*.

If you have any queries or want more information on the procedure outlined above please contact the Fund Secretary on 08 9382 8444.