

**Legislative Council—No 46**

As received from the House of Assembly and read a first time, 29 July 2015

South Australia

**Statutes Amendment (Superannuation) Bill 2015**

A BILL FOR

An Act to amend the *Police Superannuation Act 1990* and the *Southern State Superannuation Act 2009*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Superannuation) Act 2015*.

#### 5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### 10 Part 2—Amendment of *Police Superannuation Act 1990*

#### 4—Amendment of section 4—Interpretation

Section 4(6)—delete "ten per cent" and substitute:

11%

## Part 3—Amendment of *Southern State Superannuation Act 2009*

### 5—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *salary* insert:

5                    *salary sacrifice contribution* in relation to a member means an amount or  
amounts allocated pursuant to an award or enterprise agreement of the whole  
or part of the member's non-monetary salary for the purposes of the allocated  
amount or amounts being credited to the member's contribution account;

### 6—Amendment of section 5—Employer contribution percentage

(1) Section 5(3)(a)—delete paragraph (a) and substitute:

10                    (a) in the case of—

(i) a member (other than a prescribed member) who is making  
contributions to the Treasurer as a deduction from salary  
under section 20 at a rate of at least 4.5%; or

15                    (ii) a prescribed member who is making contributions to the  
Treasurer as a deduction from salary under section 20 at a  
rate of at least 4.5%, or salary sacrifice contributions at a  
rate of at least 5.3%, (or both),

20                    10% or a percentage equal to the charge percentage applicable under  
the Commonwealth Act to the employer of the member, whichever is  
the greater; and

(2) Section 5—after subsection (3) insert:

(4) In this section—

*prescribed member* means—

25                    (a) a police member (other than a police cadet or a police  
officer employed on a contract having a fixed term); or

(b) a member or a class of members prescribed by the  
regulations for the purposes of this definition.

### 7—Amendment of section 20—Contributions

(1) Section 20(1)(b)—after "must" insert:

30                    , subject to subsection (1a),

(2) Section 20—after subsection (1) insert:

(1a) Subsection (1)(b) does not apply to a police member who is making  
salary sacrifice contributions at a rate of at least 5.3%.

## 8—Amendment of section 21—Payments by employers

Section 21(2)—delete subsection (2) and substitute:

- 5           (2) If a member makes a salary sacrifice contribution, the employer must, within 7 days after salary is paid to the member, pay to the Treasurer an amount (or arrange for the payment within that period to the Treasurer of an amount) equivalent to the member's salary sacrifice contribution.

## 9—Amendment of Schedule 1—Transitional provisions

(1) Schedule 1, clause 12(2)(b)—delete paragraph (b) and substitute:

- 10           (b) made contributions as a deduction from salary under this Act at the applicable percentage from the day on which this clause commenced until the designated day; and
- (ba) makes—
- 15           (i) contributions as a deduction from salary under this Act at the applicable percentage; or
- (ii) salary sacrifice contributions under this Act at the applicable percentage,

from the designated day until his or her retirement from employment,

(2) Schedule 1, clause 12(3)(a)—delete paragraph (a) and substitute:

- 20           (a) the *applicable percentage* is—
- (i) in relation to contributions made by a member as a deduction from salary—a percentage equal to the rate at which the member was required to contribute under the *Police Superannuation Act 1990* immediately before 1 July 2008; and
- 25           (ii) in relation to salary sacrifice contributions made by a member—a percentage determined by dividing the rate at which the member was required to contribute under the *Police Superannuation Act 1990* immediately before 1 July 2008 by—
- 30           (A) .85; or
- (B) if another amount is prescribed by regulation for the purposes of this paragraph—that amount; and
- 35           (ab) the *designated day* is the day on which section 9 of the *Statutes Amendment (Superannuation) Bill 2015* came into operation; and