

SOUTH AUSTRALIA

SOUTHERN STATE SUPERANNUATION REGULATIONS 1995

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APPENDIX LEGISLATIVE HISTORY

REGULATIONS UNDER THE SOUTHERN STATE SUPERANNUATION ACT 1994

Southern State Superannuation Regulations 1995

being

No. 127 of 1995: *Gaz.* 29 June 1995, p. 3070¹

as varied by

No. 14 of 1996: *Gaz.* 25 January 1996, p. 842²

No. 142 of 1997: *Gaz.* 5 June 1997, p. 2919³

- ¹ Came into operation 1 July 1995: reg. 2.
- ² Came into operation 25 January 1996: reg. 2.
- ³ Came into operation 5 June 1997: reg. 2.

Citation

1. These regulations may be cited as the *Southern State Superannuation Regulations 1995*.

Commencement

2. These regulations will come into operation on 1 July 1995.

Interpretation

3. In these regulations, unless the contrary intention appears—

"**the Act**" means the *Southern State Superannuation Act 1994*;

"**tobacco product**" means—

- (a) a cigarette; or
- (b) a cigar; or
- (c) cigarette or pipe tobacco; or
- (d) tobacco prepared for chewing or sucking; or
- (e) snuff;

"**the value of the future service benefit factor**" in relation to a member means the value of "N" in the formula in section 28(1) of the Act in relation to that member;

"**the value of the supplementary future service benefit**" in relation to a member means the value of "A" in the formulas in sections 34(2) and (3) and 35(3) and (4) of the Act in relation to that member.

Information to be provided by applicant

4. (1) Information of the following kinds is prescribed for the purposes of section 22(4) of the Act:

- (a) information relating to medical advice, examination or treatment received by the applicant;
- (b) information as to any other treatment received by the applicant for any illness, condition or disability suffered by the applicant;
- (c) information as to any illness, condition or disability suffered by the applicant or any symptoms suffered by the applicant that may indicate an illness, condition or disability;
- (d) information as to any drugs or other substances (whether legal or illegal and whether medicinal or not) taken by the applicant or to which the applicant has been exposed.

(2) A member who has applied to be accepted as a supplementary future service benefit member must provide the Board with such information relating to his or her application as is relevant and is required by the Board.

Prescribed activities

5. The smoking, chewing or sucking of a tobacco product or any other activity involving the consumption of a tobacco product is an activity of a prescribed kind for the purposes of section 22(6)(b) of the Act.

Conditions authorised for the purposes of section 22(6)

6. A condition providing that the value of the supplementary future service benefit in respect of the member in relation to whom the condition applies—

- (a) is zero if the member's invalidity or death is caused wholly or partly by a pre-existing illness, condition or disability or by an activity of a prescribed kind; or
- (b) will be less than the value of the supplementary future service benefit shown in the table in regulation 7(2) as corresponding to the value of the future service benefit factor applicable to the member,

is an authorised condition for the purposes of section 22(6) of the Act.

Value of supplementary future service benefit and future service benefit factor

7. (1) Subject to subregulation (3), the value of the supplementary future service benefit in respect of a member is one of the following values:

- 2.5
- 5.0
- 7.5
- 10.0
- 12.5,

depending on the level of supplementary future service benefits at which the member has been accepted by the Board as a supplementary future service benefit member or the level to which the benefits in respect of the member have been varied under the Act.

(1a) The value of the future service benefit factor referred to in section 28(1) of the Act in respect of a member who had reached the age of 60 years before the commencement of the financial year in respect of which the annual employer contribution is to be calculated is zero.

(2) Subject to subregulation (3), the value of the future service benefit factor in respect of a member who had not reached the age of 60 years before the end of the financial year in respect of which the annual employer contribution is to be calculated is the value set out in the right hand column of the following table opposite the value of the supplementary future service benefit applicable to the member set out in the left hand column of the table:

TABLE

Values of supplementary future service benefit	Value of corresponding future service benefit factor
2.5	0.4
5.0	0.5
7.5	0.6
10.0	0.7
12.5	0.8

(3) A condition referred to in section 22(6) of the Act may provide any other value as the value of the supplementary future service benefit or the supplementary future service benefit factor for the purposes of subregulation (2) in respect of the member to whom the condition relates.

(4) The value of the future service benefit factor in respect of a member who reached the age of 60 years during the financial year in respect of which the annual employer contribution is to be calculated is calculated in accordance with the following formula:

$$A = A_1 \times \frac{D}{D_1}$$

Where

- A is the value of the future service benefit factor (calculated to two decimal places)
- A₁ is the value of the future service benefit factor that would have been applicable in relation to the member if he or she had not reached the age of 60 years before the end of the financial year
- D is the number of days in the financial year before the day on which the member reached the age of 60 years
- D₁ is the number of days in the financial year.

Value of basic future service benefit factor

7A. For the purposes of paragraph (b) of the definition of "N" in section 28(1) of the Act—

- (a) 0 is prescribed in respect of a member who had reached the age of 60 years before the commencement of the financial year in respect of which the annual employer contribution is to be calculated;
- (b) 0.3 is prescribed in respect of a member who had not reached the age of 60 years before the end of the financial year in respect of which the annual employer contribution is to be calculated;

5.

- (c) a number calculated in accordance with the following formula is prescribed in respect of a member who reached the age of 60 years during the financial year in respect of which the annual employer contribution is to be calculated:

$$A = 0.3 \times \frac{D}{D_1}$$

Where

- A is the prescribed number (calculated to two decimal places)
- D is the number of days in the financial year before the day on which the member reached the age of 60 years
- D₁ is the number of days in the financial year.

Administrative charge

8. (1) The administrative charge "C" in relation to a member for the purposes of the formulas in section 27 of the Act is \$40 except where—

- (a) the aggregate of the balance standing to the credit of the member's contribution account and the value of "B" or "B₁" for the purposes of the relevant formula in section 27 is less than \$1 000; and
- (b) the amount determined under subregulation (2), (3) or (4) is less than \$40,

in which case "C" is the amount determined under subregulation (2), (3) or (4) if that amount is positive, but if it is negative "C" is zero.

(2) The amount referred to in subregulation (1)(b) for the purposes of determining the value of "C" in the formula in section 27(2) of the Act is determined in accordance with the following formula:

$$A = \frac{1}{2} \left[\left(B + \frac{AEC}{2} \right) \times \frac{I}{100} \right] + \frac{R}{2}$$

(3) The amount referred to in subregulation (1)(b) for the purposes of determining the value of "C" in the first of the two formulas in section 27(4) of the Act is determined in accordance with the following formula:

$$A = \frac{1}{2} \left[\left(B + \frac{AEC}{2} \right) \times \frac{I}{100} \times \frac{Y}{D} \right] + \frac{R}{2}$$

6.

(4) The amount referred to in subregulation (1)(b) for the purposes of determining the value of "C" in the second of the two formulas in section 27(4) of the Act is determined in accordance with the following formula:

$$A = \frac{1}{2} \left[\left(B_1 + \frac{AEC}{2} \right) \times \frac{I}{100} \times \frac{Y}{D} \right] + \frac{R}{2}$$

(5) For the purposes of subregulations (2), (3) and (4)—

A is the amount referred to in subregulation (1)(b)

B, B₁, AEC, I, Y and D are the factors and have the values used in the formulas in section 27 of the Act

R is the adjustment (if any) made by the Board to the member's contribution account in respect of the relevant financial year under section 7(4) or (7) of the Act.

Criterion for approval of other funds and schemes

9. The criterion on which the Board may approve a superannuation fund or scheme for the purposes of subsections (1), (2) and (7) of section 32 of the Act is that the provisions governing the superannuation fund or scheme must include provisions precluding payment of the employer component carried over from the Southern State Superannuation Scheme except—

- (a) on retirement of the member on or after the age of 55; or
- (b) on the death or invalidity of the member; or
- (c) in accordance with provisions that correspond to sections 32(1)(c), 32(2)(c) or 32(7) of the Act and this regulation.

Notice under section 34(7)

10. An employer who proposes to terminate the employment of a member under section 34(7) of the Act or a member who proposes to resign under that section must give the Board at least one month's written notice of the proposal before terminating the employment or resigning.

APPENDIX

LEGISLATIVE HISTORY

Regulation 7(1a):	inserted by 14, 1996, reg. 3(a)
Regulation 7(2):	varied by 14, 1996, reg. 3(b)
Regulation 7(3):	varied by 14, 1996, reg. 3(c)
Regulation 7(4):	inserted by 14, 1996, reg. 3(d)
Regulation 7A:	inserted by 14, 1996, reg. 4
Regulation 8:	substituted by 142, 1997, reg. 3