

South Australia

**SOUTHERN STATE SUPERANNUATION REGULATIONS 1995**

## **SUMMARY OF PROVISIONS**

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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. 3070<sup>1</sup>

as varied by

No. 14 of 1996: *Gaz.* 25 January 1996, p. 842<sup>2</sup>

No. 142 of 1997: *Gaz.* 5 June 1997, p. 2919<sup>3</sup>

No. 186 of 1998: *Gaz.* 8 October 1998, p. 1101<sup>4</sup>

No. 212 of 1998: *Gaz.* 17 December 1998, p. 1960<sup>5</sup>

No. 27 of 1999: *Gaz.* 15 April 1999, p. 2021<sup>6</sup>

No. 265 of 1999: *Gaz.* 23 December 1999, p. 3822<sup>7</sup>

**No. 4 of 2001: *Gaz.* 25 January 2001, p. 319<sup>8</sup>**

<sup>1</sup> Came into operation 1 July 1995: reg. 2.

<sup>2</sup> Came into operation 25 January 1996: reg. 2.

<sup>3</sup> Came into operation 5 June 1997: reg. 2.

<sup>4</sup> Came into operation (except reg. 5) 8 October 1998: reg. 2(1), reg. 5 came into operation 1 July 1998: reg. 2(2).

<sup>5</sup> Came into operation 1 January 1999: reg. 2.

<sup>6</sup> Came into operation 15 April 1999: reg. 2.

<sup>7</sup> Came into operation 23 December 1999: reg. 2.

<sup>8</sup> **Came into operation 25 January 2001: reg. 2.**

### *NOTE:*

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

**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 supplementary future service benefit component**" in relation to a member means the value of "A" in the formulas in regulation 9 in relation to the member.

**Prescription of enterprise agreements**

**3A.** The following enterprise agreements are prescribed for the purpose of section 3(3)(c) of the Act:

- (a) the Department of Administrative and Information Services—Forestry SA Enterprise Agreement 1999;
- (b) the Land Management Corporation Enterprise Agreement 2000;
- (c) the Legal Services Commission of South Australia Enterprise Agreement 1999;
- (d) the Ports Corp South Australia Enterprise Bargaining Agreement 2000-2001;
- (e) the Public Trustee Office Enterprise Agreement 2000;
- (f) the South Australian Government Wages Parity Enterprise Agreement 1999.

**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;

3.

- (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 component 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 component shown in the table in regulation 7(3) as corresponding to the value of "N" applicable to the member for the purposes of the formula in subregulation (2) of that regulation,

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

**Value of the future service benefit factor**

7. (1) This regulation prescribes the future service benefit factor pursuant to sections 34(3) and 35(4) of the Act for the purposes of section 27(7)(b) of the Act.

(2) Subject to this regulation, the future service benefit factor must be determined in respect of each member in respect of each financial year in accordance with the following formula:

$$\text{FSBF} = S \times \frac{N}{100}$$

Where—

FSBF is the future service benefit factor

S is the amount of salary paid to or in respect of the member in respect of the financial year or, where the member reached the age of 60 years during the year, the amount of salary paid to or in respect of the member for that part of the year preceding the date of his or her 60th birthday

N is—

(a) in the case of a member who is only entitled to the basic future service benefit—0.3;

(b) in the case of a member who is entitled to a supplementary future service benefit—

(i) where a condition referred to in section 22(6) of the Act in relation to the member fixes a number for the purposes of this definition—that number;

(ii) in any other case—the number set out in the table in subregulation (3) corresponding to the value of the supplementary future service benefit component set out in the table to which the member is entitled.

(3) The table referred to in the definition of "N" in subregulation (2) is as follows:

Table

N	Value of supplementary future service benefit component
0.4	2.5
0.5	5.0
0.6	7.5
0.7	10.0
0.8	12.5

(4) The future service benefit factor is zero in respect of a member who has reached the age of 60 years.

(5) For the purposes of the definition of "N" in subregulation (2), a member will be taken to be entitled to a supplementary future service benefit even though he or she is not entitled to such a benefit in some circumstances because of a condition imposed by the Board under section 22(6) of the Act.

#### **Value of the disability pension factor**

8. (1) The value of the disability pension factor for the purposes of section 27(7)(c) of the Act must be determined in respect of each member in respect of each financial year in accordance with the following formula:

5.

$$\text{DPF} = S \times \frac{0.2}{100}$$

Where—

DPF is the disability pension factor

S is the amount of salary paid to or in respect of the member in respect of the financial year or, where the member reached the age of 55 years during the year, the amount of salary paid to or in respect of the member for that part of the financial year preceding the date of his or her 55th birthday.

(2) The disability pension factor is zero in respect of a member who has reached the age of 55 years.

#### **Value of future service benefits**

9. (1) This regulation prescribes the basic future service benefit or the combined basic and supplementary future service benefits in relation to a member pursuant to sections 34(3) and 35(4) of the Act.

(2) Where a member's employment terminates on account of invalidity or is terminated by the member's death and the member had been a member of the scheme for a period that included the last three complete financial years before termination of the member's employment, the basic future service benefit or the combined basic and supplementary future service benefits in relation to the member will be \$20 000 or an amount calculated as follows whichever is the greater:

$$\text{FSB} = \frac{S}{3} \times \frac{(5 + A)}{100} \times \frac{M}{12}$$

Where—

FSB is the basic or combined future service benefits

S is the amount of salary paid to the member during the last three complete financial years

A is the supplementary future service benefit component and has the value determined in accordance with subregulations (4) and (5)

M is the number of months between the member's age at the termination of his or her employment and the age of 60 years (an incomplete month being counted as a whole month).

(3) In any other case the basic future service benefit or the combined basic and supplementary future service benefits in relation to the member will be \$20 000 or an amount calculated as follows whichever is the greater:

6.

$$\text{FSB} = \frac{S}{D} \times 365 \times \frac{(5 + A)}{100} \times \frac{M}{12}$$

Where—

- FSB is the basic or combined future service benefits
- S is the amount of salary paid to the member during the period of his or her membership of the scheme
- D is the number of days of the member's membership of the scheme
- A is the supplementary future service benefit component and has the value determined in accordance with subregulations (4) and (5)
- M is the number of months between the member's age at the termination of his or her employment and the age of 60 years (an incomplete month being counted as a whole month).

(4) Subject to subregulation (5), the value of the supplementary future service benefit component 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.

(5) 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 component in respect of the member to whom the condition relates.

(6) Where a member was a member of the Benefit Scheme immediately before the commencement of the *Southern State Superannuation (Merger of Schemes) Amendment Act 1998*, the member will be taken to have been a member of the Triple S scheme during the period that he or she was a member of the Benefit Scheme when determining the period of the member's membership of the Triple S scheme for the purposes of subregulations (2) and (3).

#### **Exclusion of certain employees**

**10.** The following persons are not members of the Triple S scheme—

- (a) persons employed by the Electoral Commissioner pursuant to section 12(2) of the *Electoral Act 1985* whose remuneration in respect of that employment does not exceed \$450 per month;



7.

- (b) persons who are members of a Board or Committee that is an agency or instrumentality of the Crown and whose remuneration in respect of membership of the Board or Committee does not exceed \$450 per month;
- (c) persons employed to do work of a non recurring nature or to do seasonal work and whose remuneration in respect of that employment does not exceed \$450 per month;
- (d) a medical practitioner in respect of employment by a hospital or health centre incorporated under the *South Australian Health Commission Act 1976* where the medical practitioner is paid on a "fee for service" basis.

#### **Section 14(6) members**

**11.** (1) The following persons are members of the Triple S scheme for the purposes of section 14(6) of the Act:

- (a) old scheme members of the superannuation scheme established by the *Parliamentary Superannuation Act 1974* who are sitting members of the Legislative Council or the House of Assembly;
- (b) subject to this regulation, members of a superannuation scheme established by a hospital or health centre incorporated under the *South Australian Health Commission Act 1976*;
- (c) those members of the S.A.H.C Visiting Medical Officers Superannuation Fund established by a trust deed dated 24 February 1983 who were appointed as visiting medical specialists on or before the commencement of this paragraph;
- (d) those members of the State Scheme referred to in clause 15(1)(c) of Schedule 1 of the *Superannuation Act 1988*;
- (e) an employee of the Adelaide Festival Centre Trust who is a member of a scheme of superannuation established for the benefit of the employee;
- (f) those contributors to the State Scheme who are employees of TransAdelaide and whose names appear in the schedule to the *Superannuation (STA Employees) Regulations 1991* made under the *Superannuation Act 1988*;
- (g) those persons whose names appear in the schedule to the *Superannuation (Lyell McEwin Employees) Regulations 1999*.

(2) Subregulation (1)(b) does not apply to former members of the Bordertown Memorial Hospital Incorporated Superannuation Fund or the Kingston Soldiers' Memorial Hospital Incorporated Superannuation Fund.

(3) Subregulation (1)(b) does not apply to former members of the Mothers' and Babies' Health Association Superannuation Fund.

#### **Minimum amount of contribution under s. 25A**

**11A.** The minimum amount of an additional contribution under section 25A of the Act is \$1 000.

**Value of the administrative charge**

**12.** (1) For the purposes of section 27(7)(a) of the Act the administrative charge in respect of a member is prescribed in relation to each financial year as follows:

- (a) if the member has made contributions at any time during the financial year the administrative charge is—
  - (i) where the aggregate of the balances in the member's contribution account, rollover account (if any) and employer contribution account at the end of the financial year is less than \$1 000—\$40 or one half of the prescribed amount, whichever is the lesser; or
  - (ii) in any other case—\$40;
- (b) if the member did not make contributions at any time during the financial year the administrative charge is—
  - (i) where the aggregate of the balances in the member's contribution account (if any), rollover account (if any) and employer contribution account at the end of the financial year is less than \$1 000—\$26.50 or one half of the prescribed amount, whichever is the lesser; or
  - (ii) in any other case—\$26.50.

(2) In subregulation (1)—

**"the prescribed amount"** means—

- (a) where the adjustment of the member's employer contribution account under section 27(3) of the Act for the financial year is positive—the amount of that adjustment;
- (b) in any other case—zero.

**Notice under section 34(7)**

**13.** 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 months written notice of the proposal before terminating the employment or resigning.

**APPENDIX**

*(entries in bold type indicate amendments incorporated since the last consolidation)*

**LEGISLATIVE HISTORY**

Regulation 3:	definition of "the value of the future service benefit factor" and "the value of the supplementary future service benefit" revoked by 186, 1998, reg. 3
	definition of "the value of the supplementary future service benefit component" inserted by 186, 1998, reg. 3
<b>Regulation 3A:</b>	inserted by 265, 1999, reg. 3; <b>substituted by 4, 2001, reg. 3</b>
Regulation 6:	varied by 186, 1998, reg. 4
Regulation 7:	inserted by 14, 1996, reg. 3; substituted by 186, 1998, reg. 5
Regulation 7A:	inserted by 14, 1996, reg. 4; revoked by 186, 1998, reg. 5
Regulation 8:	substituted by 142, 1997, reg. 3; revoked by 186, 1998, reg. 6; inserted by 186, 1998, reg. 5
Regulation 9:	revoked by 186, 1998, reg. 6; inserted by 186, 1998, reg. 5
Regulation 10:	substituted by 186, 1998, reg. 6
Regulation 11:	inserted by 186, 1998, reg. 6
Regulation 11(1):	varied by 212, 1998, reg. 3; 27, 1999, reg. 3
Regulation 11A:	inserted by 27, 1999, reg. 4
Regulations 12 and 13:	inserted by 186, 1998, reg. 6