

As in force at 1 October 2003.

South Australia

SOUTHERN STATE SUPERANNUATION REGULATIONS 1995

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
No. 186 of 1998: *Gaz.* 8 October 1998, p. 1101⁴
No. 212 of 1998: *Gaz.* 17 December 1998, p. 1960⁵
No. 27 of 1999: *Gaz.* 15 April 1999, p. 2021⁶
No. 265 of 1999: *Gaz.* 23 December 1999, p. 3822⁷
No. 4 of 2001: *Gaz.* 25 January 2001, p. 319⁸
No. 31 of 2001: *Gaz.* 12 April 2001, p. 1603⁹
No. 189 of 2001: *Gaz.* 9 August 2001, p. 2914¹⁰
No. 30 of 2002: *Gaz.* 16 May 2002, p. 1919¹¹
No. 135 of 2002: *Gaz.* 27 June 2002, p. 2744¹²
No. 191 of 2002: *Gaz.* 3 October 2002, p. 3599¹³
No. 42 of 2003: *Gaz.* 17 April 2003, p. 1780¹⁴
No. 194 of 2003: *Gaz.* 25 September 2003, p. 3642¹⁵

- 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.
⁴ Came into operation (except reg. 5) 8 October 1998: reg. 2(1), reg. 5 came into operation 1 July 1998: reg. 2(2).
⁵ Came into operation 1 January 1999: reg. 2.
⁶ Came into operation 15 April 1999: reg. 2.
⁷ Came into operation 23 December 1999: reg. 2.
⁸ Came into operation 25 January 2001: reg. 2.
⁹ Came into operation 12 April 2001: reg. 2.
¹⁰ Came into operation 9 August 2001: reg. 2.
¹¹ Came into operation 16 May 2002: reg. 2.
¹² Came into operation 1 July 2002: reg. 2.
¹³ Came into operation 3 October 2002: reg. 2.
¹⁴ Came into operation 17 April 2003: reg. 2.
¹⁵ **Came into operation 1 October 2003: 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.

Contents

1. Short title
2. Commencement
3. Interpretation
- 3A. Prescription of enterprise agreements
4. Information to be provided by applicant
5. Prescribed activities
6. Conditions authorised for the purposes of section 22(6)
7. Amount of invalidity/death insurance benefits and amount of premiums
8. Value of the disability pension factor
10. Exclusion of certain employees
11. Section 14(6) members
- 11A. Minimum amount of contribution under s. 25A
13. Notices

Schedule—Invalidity/death insurance benefits

Appendix—Legislative history

Short title

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.

Prescription of enterprise agreements

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

- (aa) Adelaide Festival Centre, Professional and Administration Agreement 2001;
- (a) the Carclew Youth Arts Centre Enterprise Agreement No. 3;
- (b) the Country Arts SA Enterprise Agreement No. 3;
- (c) the Department of Administrative and Information Services—Forestry SA Enterprise Agreement 1999;
- (d) the Department of Human Services Medical Officers Enterprise Agreement 2001;
- (da) House of Assembly Enterprise Agreement 2002;
- (e) the Land Management Corporation Enterprise Agreement 2000;
- (f) the Legal Services Commission of South Australia Enterprise Agreement 1999;
- (faa) Legislative Council Enterprise Agreement 2002;
- (fa) the Nurses' (South Australian Public Sector) Enterprise Agreement 2001;
- (fab) Parliament (Joint Services) Act 1985 Enterprise Agreement 2002;
- (g) the Ports Corp South Australia Enterprise Bargaining Agreement 2000-2001;

5.

- (h) the Public Trustee Office Enterprise Agreement 2000;
- (ha) SA Water Corporation Enterprise Agreement 2001;
- (hb) South Australian Education Staff (Government Preschools, Schools and TAFE) Certified Agreement 2002;
- (i) the South Australian Government Wages Parity Enterprise Agreement 1999;
- (j) South Australia Police Enterprise Agreement 2001;
- (ja) State Governor's Establishment Enterprise Agreement 2002;
- (k) TransAdelaide Infrastructure Certified Agreement 2001;
- (l) TransAdelaide Maintenance Certified Agreement 2001;
- (m) TransAdelaide Operations Certified Agreement 2001;
- (n) TransAdelaide Salaried, Professional and Technical Employees Certified Agreement 2001;
- (o) West Beach Trust Enterprise Agreement 2002.

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 additional invalidity/death insurance in respect of the member in relation to whom the condition applies is to be reduced, or set at zero, if the member's invalidity or death is caused wholly or partly by—

- (a) a pre-existing illness, condition or disability; or
- (b) an illness, condition or disability arising out of a pre-existing illness, condition or disability; or
- (c) an activity of a prescribed kind,

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

Amount of invalidity/death insurance benefits and amount of premiums

7. (1) This regulation fixes the amount of basic and additional invalidity/death insurance benefits and the amount of premiums in respect of those benefits.

(2) A reference in this regulation to Table 1 or Table 2 is a reference to the table so designated in the Schedule.

(3) There will be 2 classes of invalidity/death insurance—

- (a) **standard insurance cover** under Table 1 where—
 - (i) the value of a unit of cover, as designated in column 2, is determined on the basis of the member's age; and
 - (ii) the amount of corresponding premium per unit of cover is fixed at the price designated in column 3; or
- (b) **fixed insurance cover** under Table 2 where—
 - (i) the value of a unit of cover is fixed at the amount designated in column 2; and
 - (ii) the amount of corresponding premium per unit of cover, as designated in column 3, is determined on the basis of the member's age at the time the insurance cover commences.

(4) Subject to subregulation (7), the amount of basic invalidity/death insurance benefit is—

- (a) for a person who is a member immediately before 1 July 2002—
 - (i) \$20 000; or
 - (ii) 1 unit of standard insurance cover,whichever is the greater;

7.

(b) for a person who becomes a member on or after 1 July 2002—1 unit of standard insurance cover.

(5) Subject to subregulation (7), the premium for basic invalidity/death insurance is \$1 per week.

(6) An applicant for additional invalidity/death insurance may apply for either standard insurance cover or fixed insurance cover.

(7) If a member takes out fixed insurance cover, the member's basic invalidity/death insurance will be taken to be one unit of that cover with an appropriate premium fixed under column 3 of Table 2.

(8) For the purposes of section 22(3) of the Act, all members of the police force and all police cadets must have invalidity/death insurance benefits at least equal in value to five units of standard insurance cover, determined according to their current age (and will be liable for premiums in respect of that insurance in accordance with this regulation).

(9) The aggregate value of units of cover granted to a member employed on a permanent basis must not exceed \$500 000 (inclusive of the member's basic cover).

(10) The aggregate value of units of cover granted to a member employed on a casual basis must not exceed \$250 000 (inclusive of the member's basic cover).

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:

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

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.

* * * * *

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;
- (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*;
- (h) those persons whose names appear in Schedule 1 of the *Superannuation (Julia Farr Services Employees) Regulations 2003*.

(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.

* * * * *

Notices

13. (1) 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.

(2) If the employment of a member terminates (or is terminated) in circumstances that will result in—

- (a) the member being entitled to a benefit under the Act; or
- (b) the member ceasing to be liable with respect to a payment under the Act,

the member's employer at the time of the termination must give the Board written notice of the termination within 14 days after the date of the termination.

Schedule—Invalidity/death insurance benefits**Table 1—Standard Insurance Cover**

| Age last Birthday | One Unit \$ | Cost/Week \$ |
|--------------------------|--------------------|---------------------|
| Up to 34 | 50 000 | 1.00 |
| 35 | 48 000 | 1.00 |
| 36 | 46 000 | 1.00 |
| 37 | 44 000 | 1.00 |
| 38 | 42 000 | 1.00 |
| 39 | 40 000 | 1.00 |
| 40 | 38 000 | 1.00 |
| 41 | 36 000 | 1.00 |
| 42 | 34 000 | 1.00 |
| 43 | 32 000 | 1.00 |
| 44 | 30 000 | 1.00 |
| 45 | 28 000 | 1.00 |
| 46 | 26 000 | 1.00 |
| 47 | 24 000 | 1.00 |
| 48 | 22 000 | 1.00 |
| 49 | 20 000 | 1.00 |
| 50 | 18 000 | 1.00 |
| 51 | 16 000 | 1.00 |
| 52 | 14 000 | 1.00 |
| 53 | 12 000 | 1.00 |
| 54 | 10 000 | 1.00 |
| 55 | 9 000 | 1.00 |
| 56 | 8 000 | 1.00 |
| 57 | 7 000 | 1.00 |
| 58 | 6 000 | 1.00 |
| 59 | 5 000 | 1.00 |

Table 2—Fixed Insurance Cover

| Age last Birthday | One Unit \$ | Cost/week \$ |
|--------------------------|--------------------|---------------------|
| 20 and under | 50 000 | 1.10 |
| 21 | 50 000 | 1.15 |
| 22 | 50 000 | 1.20 |
| 23 | 50 000 | 1.25 |
| 24 | 50 000 | 1.30 |
| 25 | 50 000 | 1.40 |
| 26 | 50 000 | 1.50 |
| 27 | 50 000 | 1.70 |
| 28 | 50 000 | 1.80 |
| 29 | 50 000 | 1.90 |
| 30 | 50 000 | 2.00 |
| 31 | 50 000 | 2.10 |
| 32 | 50 000 | 2.30 |
| 33 | 50 000 | 2.40 |
| 34 | 50 000 | 2.60 |
| 35 | 50 000 | 2.70 |
| 36 | 50 000 | 2.90 |
| 37 | 50 000 | 3.10 |
| 38 | 50 000 | 3.30 |
| 39 | 50 000 | 3.50 |
| 40 | 50 000 | 3.70 |
| 41 | 50 000 | 3.90 |
| 42 | 50 000 | 4.10 |
| 43 | 50 000 | 4.30 |
| 44 | 50 000 | 4.60 |
| 45 | 50 000 | 4.90 |
| 46 | 50 000 | 5.10 |
| 47 | 50 000 | 5.40 |
| 48 | 50 000 | 5.70 |
| 49 | 50 000 | 6.00 |

12.

| Age last Birthday | One Unit \$ | Cost/week \$ |
|--------------------------|--------------------|---------------------|
| 50 | 50 000 | 6.30 |
| 51 | 50 000 | 6.70 |
| 52 | 50 000 | 7.00 |
| 53 | 50 000 | 7.40 |
| 54 | 50 000 | 7.70 |
| 55 | 50 000 | 8.20 |
| 56 | 50 000 | 8.60 |
| 57 | 50 000 | 9.00 |
| 58 | 50 000 | 9.50 |
| 59 | 50 000 | 10.10 |

APPENDIX**LEGISLATIVE HISTORY**

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

| | |
|--------------------------|--|
| 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; revoked by 135, 2002, reg. 3 |
| Regulation 3A: | inserted by 265, 1999, reg. 3; substituted by 4, 2001, reg. 3; 31, 2001, reg. 3; varied by 189, 2001, reg. 3; 30, 2002, reg. 3; 191, 2002, reg. 3; 42, 2003, reg. 4 |
| Regulation 6: | varied by 186, 1998, reg. 4; substituted by 135, 2002, reg. 4 |
| Regulation 7: | inserted by 14, 1996, reg. 3; substituted by 186, 1998, reg. 5; 135, 2002, reg. 4 |
| 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; revoked by 135, 2002, 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; 194, 2003, reg. 4 |
| Regulation 11A: | inserted by 27, 1999, reg. 4 |
| Regulation 12: | inserted by 186, 1998, reg. 6; revoked by 135, 2002, reg. 6 |
| Regulation 13: | inserted by 186, 1998, reg. 6; redesignated as reg. 13(1) by 135, 2002, reg. 7 |
| Regulation 13(2): | inserted by 135, 2002, reg. 7 |
| Schedule: | inserted by 135, 2002, reg. 8 |