

SOUTH AUSTRALIA

SUPERANNUATION (BENEFIT SCHEME) REGULATIONS 1993

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**REGULATIONS UNDER THE SUPERANNUATION (BENEFIT SCHEME)
ACT 1992**

Superannuation (Benefit Scheme) Regulations 1993

being

No. 19 of 1993: *Gaz.* 18 February 1993, p. 640¹

as varied by

No. 164 of 1993: *Gaz.* 1 July 1993, p. 401²

No. 202 of 1993: *Gaz.* 9 September 1993, p. 1071³

No. 223 of 1993: *Gaz.* 30 September 1993, p. 1539⁴

No. 171 of 1994: *Gaz.* 20 October 1994, p. 1242⁵

No. 15 of 1996: *Gaz.* 25 January 1996, p. 845⁶

No. 143 of 1997: *Gaz.* 5 June 1997, p. 2921⁷

¹ Came into operation 18 February 1993: reg. 2.

² Came into operation 1 July 1993: reg. 2.

³ Came into operation 9 September 1993: reg. 2.

⁴ Came into operation 30 September 1993: reg. 2.

⁵ Came into operation 20 October 1994: reg. 2.

⁶ Came into operation 25 January 1996: reg. 2.

⁷ Came into operation 5 June 1997: reg. 2.

Citation

1. These regulations may be cited as the *Superannuation (Benefit Scheme) Regulations 1993*.

Commencement

2. These regulations will come into operation on the day on which they are made.

Interpretation

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

"the Act" means the *Superannuation (Benefit Scheme) Act 1992*.

Exclusion of certain employees

4. The following employees are excluded from the operation of section 4 of the Act:

- (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.

Section 4(6) members

5. (1) The following persons are members of the superannuation benefit scheme for the purposes of section 4(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) members of the S.A.H.C. Visiting Medical Officers Superannuation Fund established by a trust deed dated 24 February 1983;
- (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 Adelaide Festival Centre Trust who is the member of a scheme of superannuation established for the benefit of the employee;
- (f) those contributors to the State Scheme who are employees of Trans Adelaide and whose names appear in the schedule to the *Superannuation (STA Employees) Regulations 1991* made under the *Superannuation Act 1988*.

- (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.

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

Definition of "N" in section 8

5A. For the purposes of paragraph (b) of the definition of "N" in section 8(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 superannuation benefit 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 superannuation benefit is to be calculated;
- (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 superannuation benefit 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

6. (1) Where the amount determined under subregulation (3) or (4) is positive, the administrative charge "C" in relation to a member for the purposes of the formulas in section 7 of the Act is that amount or \$26.50, whichever is the lesser.

(2) However, where that amount is negative "C" is zero.

(3) The amount referred to in subregulation (1) for the purposes of determining the value of "C" in the second of the two formulas in section 7(2) of the Act is determined in accordance with the following formula:

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

4.

(4) The amount referred to in subregulation (1) for the purposes of determining the value of "C" in the formula in section 7(3) of the Act is determined in accordance with the following formula:

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

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

A is the amount referred to in subregulation (1)

B, ASB, I, Y and D are the factors and have the values used in the formulas in section 7 of the Act.

APPENDIX

LEGISLATIVE HISTORY

Regulation 5(1):	varied and redesignated as reg. 5(1) by 164, 1993, reg. 3(a); varied by 202, 1993, reg. 3(a); 223, 1993, reg. 3; 171, 1994, reg. 3; 15, 1996, reg. 3
Regulation 5(2):	inserted by 164, 1993, reg. 3(b)
Regulation 5(3):	inserted by 202, 1993, reg. 3(b)
Regulation 5A:	inserted by 15, 1996, reg. 4
Regulation 6:	substituted by 143, 1997, reg. 3