

SOUTH AUSTRALIA

**SUPERANNUATION (CHILD, ADOLESCENT AND FAMILY HEALTH
SERVICE EMPLOYEES) REGULATIONS 1993**

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REGULATIONS UNDER THE SUPERANNUATION ACT 1988

*Superannuation (Child, Adolescent and Family Health
Service Employees) Regulations 1993*

being

No. 204 of 1993: *Gaz.* 9 September 1993, p. 1075¹

as varied by

No. 33 of 1994: *Gaz.* 26 May 1994, p. 1304²

¹ Came into operation 9 September 1993: reg. 2.

² Came into operation 26 May 1994: reg. 2.

Citation

1. These regulations may be cited as the *Superannuation (Child, Adolescent and Family Health Service Employees) 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 Act 1988*;

"**contributor**" means a person whose name appears in the schedule;

"**the Fund**" means the Mothers' and Babies' Health Association Superannuation Fund;

"**group A contributor**" means a person whose name appears in the schedule under the heading "Group A";

"**group B₁ contributor**" means a person whose name appears in the schedule under the heading "Group B" and who was, at the commencement of these regulations, an old scheme contributor and was employed in employment to which the Act applies;

"**group B₂ contributor**" means a person whose name appears in the schedule under the heading "Group B" and who was not, at the commencement of these regulations, employed in employment to which the Act applies.

Transfer of the assets of the Fund

4. (1) The sum of \$782 540.95 being the aggregate of the amounts appearing opposite the names of the contributors in the schedule is transferred to the South Australian Superannuation Fund.

(2) A contribution account must be opened in the name of each contributor and the amount appearing opposite the contributor's name in the schedule must be credited to the account.

(3) The balance of the assets of the Fund are transferred to an account to be kept at the Treasury pursuant to an arrangement under section 5 of the Act between the Board and the Child, Adolescent and Family Health Service.

Modification of Act in relation to group A contributors

5. The provisions of the Act are modified in their application to group A contributors as follows:

(a) group A contributors are new scheme contributors;

(b) four contribution points and four contribution months are attributed to each of the group A contributors at the commencement of these regulations;

3.

(c) the following section is inserted after section 26 of the Act:

Interpretation

26a. In this Part, unless the contrary intention appears—

"**rolled over amount**" in relation to a contributor means the amount appearing in the schedule to the *Superannuation (Child, Adolescent and Family Health Service Employees) Regulations 1993* opposite the contributor's name together with that part of the interest and other accretions credited to the contributor's contribution account that are referable to that amount.;

(d) the following paragraph is substituted for section 28(1)(a) of the Act:

(a) to take immediately an amount (to be charged against the contributor's contribution account) equivalent to the amount standing to the credit of the contributor's contribution account less an amount equivalent to the rolled over amount.;

(e) the following subsection is inserted after section 28(1d) of the Act:

(1e) Where a contributor resigns and elects to take the amount referred to in subsection (1)(a), the rolled over amount will be paid to, or in relation to, the contributor at the time and in the circumstances referred to in subsection (2) as if the contributor had elected to preserve that amount and payment of the amount will be charged against the contributor's contribution account.;

(f) the following subsection is substituted for section 31(2):

(2) The employer component is—

(a) an amount calculated as follows:

$$EC = (A \times 3.86 \times FS) + Pn \left(\frac{FS \times 0.85 \times M}{300} \right)$$

Where—

EC is the amount

A is the lesser of the following—

(a) unity;

4.

(b) whichever of the following is applicable in the circumstances of the case:

(i) if the contributor is not receiving, and is not entitled to receive, weekly workers compensation payments in relation to the invalidity and was an active contributor immediately before termination of the employment—the numerical value obtained by dividing the number of the contributor's extrapolated contribution points by 360;

(ii) if the contributor is receiving, or is entitled to receive, weekly workers compensation payments in relation to the invalidity based on partial incapacity for work and was an active contributor immediately before termination of employment, the numerical value obtained from the following formula:

$$n = \frac{acp+(1-x)(ecp-acp)}{360}$$

Where—

n is the numerical value

acp is the number of the contributor's accrued contribution points

ecp is the number of the contributor's extrapolated contribution points

x is the extent of the contributor's incapacity for work expressed as a proportion of total incapacity;

(iii) in any other case—the numerical value obtained by dividing the number of the contributor's accrued contribution points by 360

FS is the contributor's actual or attributed salary immediately before termination of employment (expressed as an annual amount)

Pn is—

(a) in the case of a contributor who was in full-time employment during that part of the contribution period occurring after 30 June 1992—1;

5.

- (b) in any other case—the numerical value arrived at by expressing the contributor's employment while an active contributor during that part of the contribution period as a proportion of full-time employment during that part of the contribution period

M is—

- (a) where the contributor was an active contributor immediately before termination of employment—the aggregate of the number of months of the contributor's contribution period occurring after 30 June 1992 and the number of months difference between the contributor's age as at the entitlement day and the age of retirement;
- (b) in any other case—the number of months of the contributor's contribution period occurring after 30 June 1992;

and

- (b) where the contributor was an active contributor immediately before termination of employment—an additional amount being the amount (if any) by which the aggregate of the employee component and the amount calculated under paragraph (a) falls short of five times the contributor's adjusted final salary (expressed as an annual amount);

- (g) the following subsections are substituted for section 32(2):

(2) The lump sum to be paid to a surviving spouse, will be made up of two components—

- (a) an employee component (to be charged against the contributor's contribution account) equivalent to the amount standing to the credit of the contributor's contribution account;

and

- (b) an employer component calculated in accordance with the following provisions of this section:

(2aaa) If the contributor had reached the age of 55 years on or before the date of death and is not survived by an eligible child—the employer component is calculated in the same way as the employer component of the lump sum that would have been payable to the contributor if he or she had retired on the date of death.

6.

(2aab) If subsection (2aaa) does not apply the employer component is—

(a) an amount calculated as follows:

$$EC = (A \times 3 \times FS) + Pn \left(\frac{FS \times 0.85 \times M}{300} \right)$$

Where—

EC is the amount

A is the lesser of the following:

(a) unity;

(b) whichever of the following is applicable in the circumstances of the case:

(i) if the spouse is not receiving, and is not entitled to receive, weekly workers compensation payments in relation to the contributor's death and the contributor was an active contributor immediately before the contributor's death—the numerical value obtained by dividing the number of the contributor's extrapolated contribution points by 420;

(ii) if the spouse is receiving, or is entitled to receive, weekly workers compensation payments in relation to the contributor's death based on partial dependency and the contributor was an active contributor immediately before his or her death—the numerical value obtained from the following formula:

$$n = \frac{acp + (1 - x)(ecp - acp)}{420}$$

Where—

n is the numerical value

acp is the number of the contributor's accrued contribution points

7.

ecp is the number of the contributor's extrapolated contribution points

x is the extent of the spouse's dependency expressed as a proportion of full dependency;

(iii) in any other case—the numerical value obtained by dividing the number of the contributor's accrued contribution points by 420

FS is the contributor's actual or attributed salary immediately before the contributor's death (expressed as an annual amount)

Pn is—

(a) in the case of a contributor who was in full-time employment during that part of the contribution period occurring after 30 June 1992—1;

(b) in any other case—the numerical value arrived at by expressing the contributor's employment while an active contributor during that part of the contribution period as a proportion of full-time employment during that part of the contribution period

M is—

(a) where the contributor was an active contributor immediately before termination of employment—the aggregate of the number of months of the contributor's contribution period occurring after 30 June 1992 and the number of months difference between the contributor's age as at the entitlement day and the age of retirement;

(b) in any other case—the number of months of the contributor's contribution period occurring after 30 June 1992;

and

(b) where the contributor was an active contributor immediately before termination of employment—an additional amount being the amount (if any) by which the aggregate of the employee component and the amount calculated under paragraph (a) falls short of five times the contributor's adjusted final salary (expressed as an annual amount).;

8.

- (h) section 32a(2) of the Act is amended by inserting after "elects to take the amount" "(excluding the rolled over amount)".

Modification of Act in relation to group B₁ contributors

6. The provisions of the Act are modified in their application to group B₁ contributors as follows:

- (a) a B₁ contributor is a new scheme contributor in, and only in, relation to the amounts from time to time credited to the contribution account opened in his or her name under regulation 4(2);
- (b) a B₁ contributor is not obliged or entitled to make contributions in his or her capacity as a new scheme contributor;
- (c) a B₁ contributor or a person in respect of a B₁ contributor, is not entitled to the employer component of benefits under Part IV of the Act;
- (d) upon resignation a B₁ contributor is not entitled to elect to take the amount referred to in section 28(1)(a) of the Act;
- (e) section 28a cannot apply to a B₁ contributor;
- (f) a B₁ contributor is not entitled to a disability pension under section 30 of the Act;
- (g) an eligible child in respect of a B₁ contributor is not entitled to a pension under section 32 of the Act;
- (h) the lump sum to be paid to the estate of a B₁ contributor under section 32(3a)—
 - (i) will be calculated on the basis that the contributor was not an active contributor; and
 - (ii) will not include an amount calculated under section 32(3a)(b).

Modification of Act in relation to group B₂ contributors

7. The provisions of the Act are modified in their application to group B₂ contributors as follows:

- (a) a B₂ contributor is a new scheme contributor in, and only in, relation to the amounts from time to time credited to the contribution account opened in his or her name under regulation 4(2);
- (b) a B₂ contributor is entitled to the amount standing to the credit of his or her contribution account opened under regulation 4(2) at the time and in the circumstances that would apply if the contributor had resigned from employment and elected to preserve his or her accrued superannuation benefits under section 28(1)(b) of the Act;
- (c) a B₂ contributor is not entitled to any other benefit under Part IV of the Act.

Transitional provision

8. (1) Subject to subregulation 2, for the purpose of the definition of "M" in the formulas in Part IV of the Act the 11 months from 1 July 1992 to 31 May 1993 will be taken to be 11 months of a group A contributor's contribution period and consequently it is not appropriate that a group A contributor (or the spouse or some other person in respect of such a contributor) be entitled to a benefit as a (or in respect of such a contributor as a) section 4(6) member under the *Superannuation (Benefit Scheme) Act 1992* for the period from 1 July 1992 to 31 May 1993 and accordingly section 7(2) of that Act does not apply in relation to a group A contributor named in the schedule.

(2) If a group A contributor (or the contributor's spouse or some other person) claims a benefit under the *Superannuation (Benefit Scheme) Act 1992* as a section 4(6) member (or in respect of the contributor as a section 4(6) member) under that Act, benefits payable to, or in relation to, the contributor under the *Superannuation Act 1988* will be reduced by basing the definition of "M" in the formula used to calculate the benefits on the number of months of the contributor's contribution period occurring after 31 May 1993.

SCHEDULE

Group A	Amount
Margaret Ann Ainsworth	\$ 55 770.54
Heather Fay Coutts	\$109 081.39
Pamela Anne Martin	\$135 840.06
Miriam Ella O'Shaughnessy	\$ 59 034.36
Dianne Kathleen Parham	\$ 34 788.79
Karen Teresa Tucker	Nil
Valerie Joan Tucker	Nil
 Group B	 Amount
Gladys Joan Bonsor	\$ 83 776.85
Mary Therese Cousin	\$ 14 243.95
Pamela Margaret Cribbes	\$ 23 626.04
Margaret Winifred Daly	\$ 13 967.10
Judith Ruth Eley	\$ 20 031.53
Audrey Loris Hallett-Patterson	\$ 73 395.59
Denise Margaret Latto	\$ 14 183.37
Irene Erna Lockhart	\$ 39 993.82
Stephen Philip Nobbs	\$ 35 880.26
Marie Victoria O'Connor	\$ 68 927.30

11.

APPENDIX

LEGISLATIVE HISTORY

Schedule:

varied by 33, 1994, reg. 3