

South Australia

Superannuation (Child, Adolescent and Family Health Service Employees) Regulations 2006

under the *Superannuation Act 1988*

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Legislative history

1—Short title

These regulations may be cited as the *Superannuation (Child, Adolescent and Family Health Service Employees) Regulations 2006*.

2—Commencement

These regulations will come into operation on 1 September 2006.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Superannuation Act 1988*;

contributor means a person whose name appears in Schedule 1;

group A contributor means the person whose name appears in Schedule 1 under the heading "Group A";

group B contributor means a person whose name appears in Schedule 1 under the heading "Group B".

4—Modification of Act in relation to group A contributor

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

- (a) the group A contributor is a new scheme contributor;
- (b) the following subsection is substituted for section 32(2):

- (2) The lump sum to be paid to a surviving spouse, will be made up of the following 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;
 - (b) an employer component calculated in accordance with the following:
 - (i) 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;
 - (ii) if subparagraph (i) 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

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 subparagraph (A) falls short of 5 times the contributor's adjusted final salary (expressed as an annual amount).

5—Modification of Act in relation to group B contributors

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

- (a) a group B 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) of the revoked *Superannuation (Child, Adolescent and Family Health Service Employees) Regulations 1993*;
- (b) a group B contributor is not obliged or entitled to make contributions in his or her capacity as a new scheme contributor;
- (c) a group B contributor, or a person in respect of a group B contributor, is not entitled to the employer component of benefits under Part 4 of the Act;
- (d) section 28A of the Act cannot apply to a group B contributor;
- (e) a group B contributor is not entitled to a disability pension under section 30 of the Act;
- (f) an eligible child in respect of a group B contributor is not entitled to a pension under section 32 of the Act;
- (g) the lump sum to be paid to the estate of a group B contributor under section 32(3a) of the Act—
 - (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).

Schedule 1—Contributors

Group A

Karen Teresa Tucker

Group B

Mary Therese Cousin

Margaret Winifred Daly

Judith Ruth Eley

Stephen Philip Nobbs

Marie Victoria O'Connor

Schedule 2—Revocation of *Superannuation (Child, Adolescent and Family Health Service Employees) Regulations 1993*

The *Superannuation (Child, Adolescent and Family Health Service Employees) Regulations 1993* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2006	213	<i>Gazette 31.8.2006 p3067</i>	1.9.2006: r 2