

South Australia

Superannuation (Julia Farr Services Employees) Regulations 2003

under the *Superannuation Act 1988*

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Schedule 1—Contributors

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Superannuation (Julia Farr Services Employees) Regulations 2003*.

2—Commencement

These regulations will come into operation on 1 October 2003.

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;

Plan means the Julia Farr Centre Staff Provident Plan.

Part 2—Miscellaneous

4—Transfer of assets

The assets of the Plan are transferred to the Fund.

5—Declaration of contributors

A contributor is declared to be a new scheme contributor for the purposes of the Act.

6—Payment of benefits

Despite section 20B of the Act, any benefit or other entitlement payable under the Act as modified by Part 3 of these regulations must be paid out of the Fund.

7—Contributor taken to remain in employment

- (1) Subject to subregulation (2), for the purposes of these regulations, a contributor who, within 1 month of ceasing employment with Julia Farr Services Incorporated, commences employment with a health sector agency will be taken, for the duration of the contributor's employment with a health sector agency, to have continued his or her employment with Julia Farr Services Incorporated.
- (2) A contributor's period of employment with Julia Farr Services incorporated is taken to have ceased if there is a break in the contributor's employment with a health sector agency (or a series of health sector agencies) of 1 month or more.
- (3) In addition, if a contributor transfers to employment within a public sector agency because the contributor's position with Julia Farr Services Incorporated has become redundant, the contributor will be taken, for the duration of his or her employment within the public sector, to have continued his or her employment with Julia Farr Services Incorporated.
- (4) In this regulation—

health sector agency means—

 - (a) an agency within the Department of Human Services; or
 - (b) a hospital or health centre incorporated under the *South Australian Health Commission Act 1976*.

Part 3—Modification of *Superannuation Act 1988*

8—Modification of Act

For the purposes of clause 1(1)(b) of Schedule 1A of the Act, the provisions of the Act are modified in their application to the employees declared to be new scheme contributors under regulation 5 in the manner described in the following provisions of this Part.

9—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *age of retirement*—delete the definition and substitute:

age of retirement means 65 years;

- (2) Section 4(1), definition of *contributor*—delete the definition and substitute:

contributor means a person whose name appears in Schedule 1 of the *Superannuation (Julia Farr Services Employees) Regulations 2003*;

- (3) Section 4(1)—after the definition of *pension period* insert:

Plan means the Julia Farr Centre Staff Provident Plan;

prescribed employment means employment, or notional employment, with Julia Farr Services Incorporated (see regulation 7 of the *Superannuation (Julia Farr Services Employees) Regulations 2003*);

- (4) Section 4(1)—after the definition of *salary* insert:

Schedule means Schedule 1 of the *Superannuation (Julia Farr Services Employees) Regulations 2003*;

10—Substitution of sections 23, 24 and 25

Sections 23, 24 and 25—delete the sections and substitute:

23—Contributors

A contributor is not required to make contributions to the Treasurer for the duration of his or her prescribed employment.

11—Substitution of sections 27, 28, 28A, 28B, 28C and 29

Sections 27, 28, 28A, 28B, 28C and 29—delete the sections and substitute:

27—Retirement

- (1) A contributor who retires from prescribed employment at or over the age of retirement is entitled to a superannuation payment determined as follows:

$$A = FS \times BM$$

Where—

A is the amount

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

BM is the sum of the amount of the retirement benefit multiple (RBM) and the amount of the additional benefit multiple (ABM) (if any) appearing in the Schedule opposite the contributor's name.

- (2) A contributor who retires from prescribed employment before attaining the age of retirement is entitled to a superannuation payment determined as follows:

$$A = FS \left[\left(RBM \times \frac{M}{PM} \right) + ABM \right]$$

Where—

A is the amount

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

M is the actual period of membership (being membership of the Plan or as a contributor in prescribed employment) to the date of ceasing service (in completed months)

PM is the period of membership (as described in item M) that the contributor would have completed at the age of retirement (in completed months)

RBM is the retirement benefit multiple (RBM) appearing in the Schedule opposite the contributor's name

ABM is the additional benefit multiple (ABM) (if any) appearing in the Schedule opposite the contributor's name.

28—Resignation and preservation of benefits

- (1) If a contributor resigns from prescribed employment before reaching the age of 55 years, the contributor—
- (a) is entitled to superannuation benefits determined in accordance with the formula described in section 27(2) (as if he or she had retired); and
 - (b) is taken to have elected to preserve his or her superannuation benefits.
- (2) The contributor may at any time after reaching the age of 55 years require the Board to pay the superannuation benefits preserved under this section to the contributor and, if no such requirement has been made on or before the date on which the contributor reaches the age of retirement, the Board will make the payment.
- (3) If the contributor has become incapacitated and satisfies the Board that his or her incapacity for all kinds of work is 60 per cent or more of total incapacity and is likely to be permanent, the Board will pay the preserved superannuation benefits to the contributor.
- (4) If the contributor dies, the preserved superannuation benefits will be paid to the spouse of the deceased contributor or, if he or she left no surviving spouse, to the contributor's estate.

- (5) A payment made under any of the above subsections excludes further rights so that a claim cannot be subsequently made under some other subsection.

12—Substitution of section 30

Section 30—delete the section and substitute:

30—Disability pension

- (1) Subject to this section, a contributor who is temporarily or permanently incapacitated for work in prescribed employment, and has not reached the age of retirement, is entitled to a disability pension.
- (2) A disability pension is not payable in respect of—
- (a) a period in respect of which the contributor is entitled to sick leave; or
 - (b) a period in respect of which the contributor is entitled to weekly payments of workers compensation; or
 - (c) a period for which the contributor is on recreation leave or long service leave.
- (3) The Board will not pay a disability pension in respect of a period of incapacity unless and until the contributor has been absent from work as a result of the incapacity for a period of 3 months.
- (4) The amount of a disability pension will be 75 per cent of the contributor's notional salary.
- (5) A disability pension cannot be paid, in respect of the same incapacity, for an aggregate period of more than 2 years.

13—Substitution of sections 31 and 32

Sections 31 and 32—delete the sections and substitute:

31—Termination of employment on invalidity

If—

- (a) a contributor's prescribed employment terminates on account of invalidity before the contributor reaches the age of retirement; and
- (b) the Board is satisfied that the contributor's incapacity for all kinds of work is 60 per cent or more of total incapacity and is likely to be permanent,

the contributor is entitled to a superannuation payment determined in accordance with the following formula:

$$A = FS \times BM$$

Where—

A is the amount

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

BM is the sum of the amount of the retirement benefit multiple (RBM) and the amount of the additional benefit multiple (ABM) (if any) appearing in the Schedule opposite the contributor's name.

32—Death of contributor

- (1) If a contributor's prescribed employment is terminated by the contributor's death—
 - (a) if the contributor is survived by a spouse—a lump sum payment will be made to the spouse;
 - (b) if the contributor is not survived by a spouse—a lump sum payment will be made to the contributor's estate.
- (2) The lump sum to be paid to a surviving spouse or to the contributor's estate is to be determined in accordance with the following formula:

$$A = FS \times BM$$

Where—

A is the amount

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

BM is the sum of the amount of the retirement benefit multiple (RBM) and the amount of the additional benefit multiple (ABM) (if any) appearing in the Schedule opposite the contributor's name.

14—Repeal of section 32A

Section 32A—delete the section

Schedule 1—Contributors

Name	Retirement Benefit Multiple (RBM)	Additional Benefit Multiple (ABM)
Byerley, John Charles	7.30	—
Capozzo, Pasquale	6.88	0.71
Grous, Fani	4.74	—
Johnson, Gwenda Mary	4.95	—
Klose, Karin	7.30	—
Medder, Brigid Hannah	5.42	—
O'Grady, Mary Louise	7.84	—
Rougasche, Josephine Georgina	6.53	0.66

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
2003	195	<i>Gazette 25.9.2003 p3644</i>	1.10.2003: r 2