

South Australia

# Superannuation (Julia Farr Services Employees) Regulations 2003

under the *Superannuation Act 1988*

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## Part 1—Preliminary

### 1—Short title

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

### 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 ceases employment with Julia Farr Services but—
  - (a) continues his or her employment as a public sector employee; or
  - (b) resumes his or her employment as a public sector employee within 1 month of the cessation of his or her employment with Julia Farr Services,

will be taken, for the duration of the contributor's employment as a public sector employee, to have continued his or her employment with Julia Farr Services.

- (2) A contributor's period of employment with Julia Farr Services is taken to have ceased if there is a break in the contributor's employment as a public sector employee of 1 month or more (and if there is a break of less than 1 month then it will be taken that the contributor has continued his or her employment with Julia Farr Services).
- (3) In this regulation—

*public sector employee* has the same meaning as in the *Public Sector Act 2009*.

## 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 (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:

$$A = FS \times Pn \times BM$$

Where—

*A* is the amount

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

*Pn* is—

- (a) in the case of a contributor whose employment with Julia Farr Services is full time for the whole of the period of that employment—1; and
- (b) in any other case—the numerical value arrived at by expressing the contributor's employment, while a member of the Plan, or as a contributor in prescribed employment, to the date of ceasing service (in completed months) as a proportion of full-time employment

*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:

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

Where—

*A* is the amount

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

*Pn* is—

- (a) in the case of a contributor whose employment with Julia Farr Services is full time for the whole of the period of that employment—1; and
- (b) in any other case—the numerical value arrived at by expressing the contributor's employment, while a member of the Plan, or as a contributor in prescribed employment, to the date of ceasing service (in completed months) as a proportion of full-time employment

*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:

$$A = FS \times Pn \times BM$$

Where—

*A* is the amount

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

*Pn* is—

- (a) in the case of a contributor whose employment with Julia Farr Services is full time for the whole of the period of that employment—1; and
- (b) in any other case—the numerical value arrived at by expressing the contributor's employment, while a member of the Plan, or as a contributor in prescribed employment, to the date of ceasing service (in completed months) as a proportion of full-time employment

*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:

$$A = FS \times Pn \times BM$$

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)

*Pn* is—

- (a) in the case of a contributor whose employment with Julia Farr Services is full time for the whole of the period of that employment—1; and

- (b) in any other case—the numerical value arrived at by expressing the contributor's employment, while a member of the Plan, or as a contributor in prescribed employment, to the date of ceasing service (in completed months) as a proportion of full-time employment

*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	—
Johnson, Gwenda Mary	4.95	—
Klose, Karin	7.30	—
Rougasche, Josephine Georgina	6.53	0.66

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2003	195	<i>Gazette 25.9.2003 p3644</i>	1.10.2003: r 2
2005	2	<i>Gazette 13.1.2005 p77</i>	13.1.2005: r 2
2007	177	<i>Gazette 28.6.2007 p2834</i>	28.6.2007: r 2
<b>2010</b>	<b>11</b>	<b><i>Gazette 28.1.2010 p356</i></b>	<b>Pt 17 (r 19)—1.2.2010: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>13.1.2005</i>
Pt 2		
r 4	<i>deleted by 177/2007 r 4</i>	<i>28.6.2007</i>
r 7		
r 7(1)	substituted by 177/2007 r 5(1)	28.6.2007
r 7(2)	varied by 177/2007 r 5(2), (3)	28.6.2007
r 7(3)	substituted by 177/2007 r 5(4)	28.6.2007
	<b>varied by 11/2010 r 19</b>	<b>1.2.2010</b>
r 7(4)	<i>deleted by 177/2007 r 5(4)</i>	<i>28.6.2007</i>
Pt 3		
r 9		
r 9(3)		
prescribed employment	varied by 177/2007 r 6	28.6.2007
r 11	varied by 2/2005 r 4(1)—(4)	13.1.2005
	varied by 177/2007 r 7	28.6.2007



r 13	varied by 2/2005 r 5(1)—(4)	13.1.2005
	varied by 177/2007 r 8	28.6.2007
Sch 1	substituted by 177/2007 r 9	28.6.2007

### **Historical versions**

13.1.2005

28.6.2007