

South Australia

Police Superannuation Variation Regulations 2003

under the *Police Superannuation Act 1990*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Police Superannuation Variation Regulations 2003*.

2—Commencement

These regulations will come into operation on 18 December 2003.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Police Superannuation Regulations 2002*

4—Insertion of regulation 6A

After regulation 6 insert:

6A—Right of non-member spouse or legal representative to apply for commutation

- (1) For the purposes of section 38S(2)(b) of the Act, a non-member spouse who is entitled to have the whole of his or her share in a superannuation interest commuted to a lump sum must make his or her election in accordance with that section within 3 months of the operative time.
- (2) For the purposes of section 38S(7) of the Act, if a non-member spouse dies while entitled to, or in receipt of, a pension under that section (other than an associate pension), an election by the non-member spouse's legal representative for the pension to be commuted to a lump sum must be made within 6 months of the non-member spouse's death.

5—Variation of regulation 8—Commutation factors

Regulation 8—after paragraph (c) insert:

- (d) in the case of—
 - (a) a non-member spouse who elects under section 38S(2)(b) of the Act to have his or her share of a superannuation interest commuted to a lump sum; or
 - (b) the legal representative of a deceased non-member spouse who elects under section 38S(7) to have a pension that the non-member spouse was receiving, or was entitled to receive, commuted to a lump sum—

Age of member spouse at time of commutation	Amount of lump sum for each dollar of annual pension commuted
less than 55	\$11.50
55-60	\$11.50-\$10.50
60-65	\$10.50-\$ 9.50
65-70	\$ 9.50-\$ 8.20
70-75	\$ 8.20-\$ 6.70
75-80	\$ 6.70-\$ 5.30
80-85	\$ 5.30-\$ 3.90
85-90	\$ 3.90-\$ 2.80
90-95	\$ 2.80-\$ 2.10
95-100	\$ 2.10-\$ 0.00

6—Insertion of Part 2A

After Part 2 insert:

Part 2A—Non-member spouse entitlements

11A—Procedure for payment of lump sum

- (1) For the purposes of sections 38N(5) and 38T(3) of the Act, notice given by the Board to a non-member spouse of the non-member spouse's right to make an election in respect of his or her interest must—
 - (a) be in writing; and
 - (b) advise the non-member spouse of—
 - (i) his or her option to make an election and the consequences of a failure to do so within 28 days; and
 - (ii) the value of the interest; and
 - (iii) the basis of any adjustments that have been, or will be, applied to the interest; and
 - (c) notify the non-member spouse that the interest cannot be retained in the Scheme.
- (2) If a non-member spouse interest is rolled over to the credit of the non-member spouse in the Southern State Superannuation Fund because an election has not been made, the Board must, within 14 days of the interest being rolled over—
 - (a) advise the non-member spouse that his or her interest has been rolled over to the Southern State Superannuation Fund; and
 - (b) provide the non-member spouse with a membership identification number, a copy of the most recent annual report prepared in respect of the Southern State Superannuation Fund and any other information that, according to a determination of the Board, may be of assistance to the non-member spouse.

11B—Procedure for payment of pension

For the purposes of section 38T(4) of the Act, if the interest of a non-member spouse following service of a splitting instrument is a pension, and the non-member spouse has not directed that the pension be commuted to a lump sum, the following provisions apply:

- (a) the Board must—
 - (i) split the relevant pension within 14 days of receipt of the splitting instrument; and

- (ii) advise the non-member spouse of the value of the interest and the basis of any adjustments that have been, or will be, applied to the interest;
- (b) the non-member spouse must, before the Board can commence payment of the pension—
 - (i) advise the Board of his or her name, address, date of birth and bank account details; and
 - (ii) provide any other relevant information at the request of the Board (including documents verifying the non-member spouse's personal details).

11C—Associate pension

- (1) For the purposes of section 38S(2)(a)(ii) of the Act, notice of an election by a non-member spouse to have the whole of his or her share of a superannuation interest converted to, and taken as, an associate pension must be given in writing within 3 months of the date on which notification of the non-member spouse's right to make the election is given by the Board.
- (2) For the purposes of section 38S(3) of the Act, the amount of an associate pension will be determined by applying the following method:

$$AP = \frac{P(Mx + m)}{Ny + n}$$

Where:

AP is the amount of the associate pension payable for the life of the non-member spouse

P is the amount of the non-member spouse's share of the pension determined under section 38S(1) of the Act

Mx+m is the conversion factor relating to the member spouse at age *x* completed years and *m* completed months and is derived by interpolating between age *x* and *x+1*, the factors from the relevant table in Schedule 1 for the relevant type of pension interest and gender of the member spouse

Ny+n is the conversion factor relating to the non-member spouse at age *y* completed years and *n* completed months and is derived by interpolating between age *y* and *y+1*, the factors from the relevant table in Schedule 1 for the relevant type of pension interest and gender of the non-member spouse.

For a pension payable in connection with a member spouse whose pension commenced before the commencement of the Act, the factors from table 1 of Schedule 1 must be used.

For a pension payable in connection with any other member spouse, the factors from table 2 of Schedule 1 must be used.

7—Insertion of Schedule 1

After Part 3 insert:

**Schedule 1—Factors for determination of associate
pension**

Table 1

Police Superannuation Variation Regulations 2003
 Part 2—Variation of *Police Superannuation Regulations 2002*

Conversion Factors for Determination of Associate Pension						
Police Superannuation Act 1990						
Pre-1990 Act Pensioners						
Type of Interest:-	Age Pension		Invalidity Pension		Spouse Pension	
Gender:-	Male	Female	Male	Female	Male	Female
Age						
18	28.665	29.223	25.878	26.047	28.665	29.223
19	28.540	29.128	25.785	25.983	28.540	29.128
20	28.409	29.026	25.686	25.913	28.409	29.026
21	28.271	28.917	25.582	25.838	28.271	28.917
22	28.127	28.800	25.473	25.756	28.127	28.800
23	27.977	28.676	25.357	25.668	27.977	28.676
24	27.819	28.544	25.236	25.574	27.819	28.544
25	27.655	28.405	25.107	25.474	27.655	28.405
26	27.483	28.257	24.972	25.365	27.483	28.257
27	27.302	28.094	24.828	25.245	27.302	28.094
28	27.116	27.925	24.676	25.119	27.116	27.925
29	26.922	27.751	24.517	24.988	26.922	27.751
30	26.722	27.571	24.351	24.851	26.722	27.571
31	26.515	27.385	24.176	24.709	26.515	27.385
32	26.300	27.193	23.994	24.562	26.300	27.193
33	26.078	26.994	23.803	24.408	26.078	26.994
34	25.848	26.790	23.603	24.249	25.848	26.790
35	25.611	26.578	23.396	24.084	25.611	26.578
36	25.366	26.360	23.180	23.913	25.366	26.360
37	25.113	26.135	22.957	23.737	25.113	26.135
38	24.851	25.902	22.725	23.554	24.851	25.902
39	24.581	25.662	22.486	23.365	24.581	25.662
40	24.302	25.414	22.239	23.169	24.302	25.414
41	24.015	25.159	21.983	22.967	24.015	25.159
42	23.718	24.895	21.719	22.758	23.718	24.895
43	23.413	24.624	21.447	22.542	23.413	24.624
44	23.098	24.344	21.165	22.318	23.098	24.344
45	22.774	24.056	20.874	22.086	22.774	24.056
46	22.440	23.760	20.573	21.846	22.440	23.760
47	22.097	23.455	20.262	21.597	22.097	23.455
48	21.745	23.141	19.941	21.339	21.745	23.141
49	21.383	22.818	19.608	21.071	21.383	22.818
50	21.012	22.486	19.264	20.793	21.012	22.486
51	20.631	22.146	18.908	20.505	20.631	22.146
52	20.242	21.796	18.538	20.206	20.242	21.796
53	19.843	21.436	18.155	19.895	19.843	21.436
54	19.435	21.068	17.758	19.573	19.435	21.068
55	19.017	20.689	17.345	19.239	19.017	20.689
56	18.592	20.301	16.917	18.891	18.592	20.301

Police Superannuation Variation Regulations 2003
Variation of Police Superannuation Regulations 2002—Part 2

57	18.157	19.903	16.473	18.530	18.157	19.903
58	17.714	19.495	16.018	18.156	17.714	19.495
59	17.263	19.077	15.559	17.767	17.263	19.077
60	16.803	18.649	15.098	17.363	16.803	18.649
61	16.336	18.210	14.634	16.943	16.336	18.210
62	15.862	17.760	14.170	16.506	15.862	17.760
63	15.381	17.300	13.705	16.053	15.381	17.300
64	14.894	16.829	13.240	15.592	14.894	16.829
65	14.400	16.348	12.778	15.126	14.400	16.348
66	13.899	15.856	12.318	14.654	13.899	15.856
67	13.398	15.357	11.861	14.177	13.398	15.357
68	12.896	14.851	11.409	13.697	12.896	14.851
69	12.395	14.339	10.961	13.213	12.395	14.339
70	11.895	13.821	10.517	12.726	11.895	13.821
71	11.397	13.298	10.079	12.238	11.397	13.298
72	10.902	12.771	9.646	11.747	10.902	12.771
73	10.410	12.241	9.218	11.256	10.410	12.241
74	9.921	11.709	8.793	10.765	9.921	11.709
75	9.436	11.176	8.374	10.275	9.436	11.176
76	8.958	10.644	7.962	9.789	8.958	10.644
77	8.489	10.116	7.559	9.310	8.489	10.116
78	8.031	9.595	7.168	8.839	8.031	9.595
79	7.586	9.083	6.791	8.379	7.586	9.083
80	7.156	8.582	6.428	7.932	7.156	8.582
81	6.743	8.092	6.082	7.499	6.743	8.092
82	6.347	7.615	5.752	7.077	6.347	7.615
83	5.971	7.150	5.440	6.668	5.971	7.150
84	5.615	6.700	5.146	6.272	5.615	6.700
85	5.279	6.266	4.871	5.891	5.279	6.266
86	4.964	5.850	4.614	5.527	4.964	5.850
87	4.672	5.457	4.377	5.184	4.672	5.457
88	4.404	5.090	4.161	4.864	4.404	5.090
89	4.160	4.750	3.967	4.570	4.160	4.750
90	3.944	4.438	3.796	4.301	3.944	4.438
91	3.757	4.155	3.651	4.057	3.757	4.155
92	3.594	3.899	3.526	3.836	3.594	3.899
93	3.448	3.667	3.411	3.633	3.448	3.667
94	3.310	3.456	3.296	3.444	3.310	3.456
95	3.180	3.265	3.180	3.265	3.180	3.265
96	3.060	3.094	3.060	3.094	3.060	3.094
97	2.933	2.928	2.933	2.928	2.933	2.928
98	2.796	2.763	2.796	2.763	2.796	2.763
99	2.643	2.592	2.643	2.592	2.643	2.592

Table 2

Conversion Factors for Determination of Associate Pension						
Police Superannuation Act 1990						
1990 Act Pensioners						
Type of Interest:-	Age Pension		Invalidity Pension		Spouse Pension	
Gender:-	Male	Female	Male	Female	Male	Female
Age						
18	23.980	24.334	21.854	21.921	23.980	24.334
19	23.905	24.278	21.800	21.886	23.905	24.278
20	23.827	24.218	21.744	21.847	23.827	24.218
21	23.744	24.153	21.684	21.804	23.744	24.153
22	23.656	24.083	21.620	21.757	23.656	24.083
23	23.564	24.008	21.551	21.706	23.564	24.008
24	23.467	23.928	21.479	21.651	23.467	23.928
25	23.365	23.843	21.401	21.591	23.365	23.843
26	23.257	23.752	21.318	21.526	23.257	23.752
27	23.143	23.652	21.229	21.454	23.143	23.652
28	23.024	23.547	21.134	21.378	23.024	23.547
29	22.900	23.438	21.033	21.297	22.900	23.438
30	22.770	23.325	20.926	21.212	22.770	23.325
31	22.634	23.207	20.812	21.123	22.634	23.207
32	22.493	23.084	20.692	21.030	22.493	23.084
33	22.345	22.956	20.564	20.932	22.345	22.956
34	22.190	22.823	20.430	20.829	22.190	22.823
35	22.029	22.684	20.288	20.722	22.029	22.684
36	21.862	22.539	20.140	20.609	21.862	22.539
37	21.687	22.389	19.985	20.492	21.687	22.389
38	21.505	22.232	19.822	20.370	21.505	22.232
39	21.315	22.069	19.653	20.243	21.315	22.069
40	21.118	21.900	19.477	20.110	21.118	21.900
41	20.913	21.723	19.293	19.972	20.913	21.723
42	20.699	21.540	19.102	19.828	20.699	21.540
43	20.478	21.350	18.903	19.677	20.478	21.350
44	20.247	21.152	18.695	19.520	20.247	21.152
45	20.008	20.947	18.478	19.356	20.008	20.947
46	19.760	20.733	18.253	19.185	19.760	20.733
47	19.503	20.512	18.017	19.005	19.503	20.512
48	19.237	20.283	17.772	18.818	19.237	20.283
49	18.962	20.046	17.517	18.622	18.962	20.046
50	18.677	19.800	17.250	18.416	18.677	19.800
51	18.383	19.546	16.971	18.201	18.383	19.546
52	18.080	19.283	16.679	17.976	18.080	19.283
53	17.767	19.010	16.374	17.741	17.767	19.010
54	17.445	18.728	16.055	17.494	17.445	18.728
55	17.113	18.437	15.720	17.235	17.113	18.437
56	16.772	18.136	15.370	16.965	16.772	18.136

Police Superannuation Variation Regulations 2003
Variation of Police Superannuation Regulations 2002—Part 2

57	16.421	17.825	15.003	16.681	16.421	17.825
58	16.061	17.504	14.625	16.384	16.061	17.504
59	15.692	17.173	14.242	16.073	15.692	17.173
60	15.314	16.830	13.853	15.746	15.314	16.830
61	14.927	16.477	13.461	15.404	14.927	16.477
62	14.531	16.112	13.066	15.046	14.531	16.112
63	14.127	15.736	12.668	14.670	14.127	15.736
64	13.715	15.349	12.269	14.285	13.715	15.349
65	13.294	14.950	11.869	13.893	13.294	14.950
66	12.865	14.539	11.469	13.494	12.865	14.539
67	12.433	14.119	11.070	13.089	12.433	14.119
68	11.998	13.690	10.673	12.678	11.998	13.690
69	11.561	13.254	10.277	12.261	11.561	13.254
70	11.123	12.809	9.885	11.840	11.123	12.809
71	10.684	12.358	9.495	11.414	10.684	12.358
72	10.245	11.900	9.107	10.985	10.245	11.900
73	9.806	11.436	8.722	10.552	9.806	11.436
74	9.368	10.968	8.338	10.116	9.368	10.968
75	8.932	10.496	7.958	9.680	8.932	10.496
76	8.499	10.023	7.582	9.245	8.499	10.023
77	8.072	9.550	7.213	8.813	8.072	9.550
78	7.653	9.081	6.854	8.386	7.653	9.081
79	7.245	8.618	6.505	7.969	7.245	8.618
80	6.849	8.162	6.169	7.561	6.849	8.162
81	6.466	7.715	5.847	7.163	6.466	7.715
82	6.099	7.277	5.539	6.775	6.099	7.277
83	5.748	6.849	5.247	6.396	5.748	6.849
84	5.414	6.431	4.971	6.028	5.414	6.431
85	5.099	6.027	4.712	5.673	5.099	6.027
86	4.803	5.639	4.470	5.332	4.803	5.639
87	4.527	5.270	4.245	5.010	4.527	5.270
88	4.273	4.924	4.040	4.709	4.273	4.924
89	4.042	4.603	3.856	4.431	4.042	4.603
90	3.836	4.308	3.694	4.177	3.836	4.308
91	3.658	4.040	3.556	3.946	3.658	4.040
92	3.503	3.796	3.438	3.735	3.503	3.796
93	3.364	3.576	3.328	3.543	3.364	3.576
94	3.233	3.374	3.220	3.362	3.233	3.374
95	3.109	3.192	3.109	3.192	3.109	3.192
96	2.995	3.029	2.995	3.029	2.995	3.029
97	2.875	2.870	2.875	2.870	2.875	2.870
98	2.744	2.711	2.744	2.711	2.744	2.711
99	2.598	2.548	2.598	2.548	2.598	2.548

Schedule 1—Transitional provision

1—Transitional provision

If the Board has, before the commencement of these regulations, been served with a splitting instrument in respect of a pension that is in the payment phase, the relevant non-member spouse may make an election under section 38S(2)(b) of the Act within 3 months after the day on which these regulations come into operation.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 18 December 2003

No 263 of 2003

AGO 0304/03 CS