

South Australia

Superannuation Variation Regulations 2006

under the *Superannuation Act 1988*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Superannuation Regulations 2001*

- 4 Variation of regulation 25—Exclusion of certain remuneration from salary
 - 5 Insertion of regulation 29C
 - 29C Determination of salary where contributor employed by more than 1 employer
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Superannuation Variation Regulations 2006*.

2—Commencement

These regulations come into operation on the day on which they are made.

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 *Superannuation Regulations 2001*

4—Variation of regulation 25—Exclusion of certain remuneration from salary

Regulation 25—after subregulation (7) insert:

- (7a) The annual overtime allowance payable under the *South Australian Government Wages Parity (Weekly Paid) Enterprise Agreement 2004* and the *Chauffers (Ministerial) Public Service Award* is, for the purposes of the definition of **salary**, a component of the salary paid to a person under the agreement or award.

5—Insertion of regulation 29C

After regulation 29B insert:

29C—Determination of salary where contributor employed by more than 1 employer

- (1) This regulation applies to a contributor who occupies more than 1 position or office by virtue of which he or she is a contributor to the Scheme.
- (2) Subject to this regulation, the salary of a contributor to whom this regulation applies will, for the purpose of determining contributions and benefits, be taken to be the aggregate of the salaries paid or payable to the contributor in respect of each position or office occupied by the contributor.
- (3) Subject to subregulations (4) and (5), if there is, by reason of an act of an employer, a reduction in the rate, or discontinuance, of the salary payable in respect of 1 or more of the positions or offices occupied by a contributor to whom this regulation applies, the contributor's salary will, for the purpose of determining contributions and benefits, be taken to be the aggregate of the salaries paid or payable to the contributor in respect of each such position or office immediately before the reduction or discontinuance occurred, adjusted from time to time to reflect changes in salary for each relevant position or office.
- (4) If a position or office by reference to which the amount taken to be salary is determined under subregulation (3) ceases to exist, or the classification of the position or office is changed, the contributor's salary in respect of that position or office will, for the purpose of determining contributions and benefits under that subregulation, be taken to be the salary payable in respect of that position or office immediately before it ceased to exist or its classification was changed, adjusted to reflect changes in the Consumer Price Index from that time.
- (5) If, following a reduction or discontinuance referred to in subregulation (3), there is an increase in the time worked by a contributor to whom this regulation applies, the following provisions apply:
 - (a) the contributor's salary in respect of the position or office in relation to which the reduction or discontinuance occurred will, for the purpose of determining contributions and benefits, be determined in accordance with subregulation (3) as if any increase in salary associated with the increase in time worked had not occurred;

- (b) however, if the contributor elects, in a manner approved by the Board, to have the increase in his or her salary taken into account, subregulation (3) will cease to apply in relation to the contributor and, instead, the contributor's salary will, for the purpose of determining contributions and benefits, be determined in accordance with subregulation (2).

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 9 February 2006

No 23 of 2006

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