

South Australia

## **Superannuation Variation Regulations 2008**

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 Variation of regulation 25A—Inclusion of certain allowances as component of salary
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Superannuation Variation Regulations 2008*.

#### **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(1)—before "on call allowances" insert:

remote call or

#### **5—Variation of regulation 25A—Inclusion of certain allowances as component of salary**

(1) Regulation 25A(1)(a)—delete paragraph (a) and substitute:

- (a) an Attraction and Retention Allowance payable under the *Department of Health Salaried Medical Officers Enterprise Agreement 2008* (or its successor) or otherwise payable to a person registered as a medical practitioner under the law of this State;

- (2) Regulation 25A(1)(g)—delete paragraph (g) and substitute:
- (g) Child Protection Unit - Forensic Child Protection Consultant Allowance.
- (3) Regulation 25A(2)—after "(and despite any provision to the contrary in the Act)," insert:
- but subject to subregulation (4),
- (4) Regulation 25A—after subregulation (2) insert:
- (3) If a contributor was, immediately before the commencement of the *Department of Health Salaried Medical Officers Enterprise Agreement 2008*, in receipt of an Intensive Care Unit Consultant Allowance or a Psychiatrist Attraction and Retention Loading, the period of time during which the contributor was in receipt of that allowance or loading is to be taken into account for the purposes of determining **X** in subregulation (2).
- (4) If the amount determined to be **FS** in subregulation (2) for a contributor who is a Consultant (other than an Intensive Care Unit Consultant or a Consultant Psychiatrist) is less than the amount of the contributor's notional salary, the contributor's salary for the purposes of determining benefits will be taken to be his or her notional salary.
- (5) Pursuant to section 59(1a)(d) of the Act, if an allowance to which this regulation applies absorbs, or is paid in lieu of, some other allowance (a **prior allowance**), section 4(4) of the Act does not apply in respect of any reduction of salary resulting from the discontinuation of the prior allowance.
- (6) In this regulation—
- Consultant** has the same meaning as in the *South Australian Medical Officers Award* (as in force on the day on which this regulation comes into operation);
- notional salary** of a contributor means the contributor's actual or attributed salary immediately before the cessation of his or her employment—
- (a) excluding any allowance referred to in subregulation (1); but
- (b) incorporating any loading or allowance to which he or she was entitled under an award or enterprise agreement immediately before the commencement of the *Department of Health Salaried Medical Officers Enterprise Agreement 2008*.

**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 2008

No 311 of 2008

MIR29/08CS & T&F08/077CS