

South Australia

Police Superannuation Variation Regulations 2015

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 2015*.

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 *Police Superannuation Regulations 2002*

4—Variation of regulation 6—Right to apply for commutation

- (1) Regulation 6(1) and (2)—delete subregulations (1) and (2) and substitute:

- (1) Subject to this Part—

- (a) a contributor who is entitled to a retirement pension, or who is in receipt of an invalidity pension and has reached the age of 55 years, may apply to the Board for commutation of the whole or a part of the pension; and

- (b) a contributor who is in receipt of a retrenchment pension and has reached the age of 55 years may apply to the Board for commutation of 50% of the pension; and
- (c) the spouse of a deceased contributor who is entitled to a pension may apply to the Board for commutation of the whole or a part of the pension,

in accordance with this regulation.

- (2) Regulation 6(9)—delete "10 per cent" and substitute:
20%

5—Revocation of regulation 7

Regulation 7—delete the regulation

6—Variation of regulation 12—Salary

Regulation 12(1)—delete subregulation (1) and substitute:

- (1) The following allowances are excluded from the definition of *salary* in the Act:
 - (a) allowances for work on public holidays or weekends;
 - (b) the Patrol Tutor Allowance;
 - (c) the Prosecutors Attraction and Retention Payment;
 - (d) the Detectives Attraction and Retention Payment.

7—Insertion of regulation 12AAA

After regulation 12 insert:

12AAA—Inclusion of allowance as component of salary

- (1) Despite any other regulation (and despite any provision to the contrary in the Act), the Flexibility Allowance payable under the *South Australia Police Enterprise Agreement 2011* will be included as a component of salary for the purposes of determining benefits payable to a contributor who has received the allowance during his or her membership of the Scheme in accordance with the following formula:

$$FS = S_1 \left[\frac{CM - X}{CM} \right] + \frac{S_2 \times X}{CM}$$

where—

FS is the salary

S₁ is the contributor's actual or attributed salary, excluding the allowance, immediately before the cessation of his or her employment

S₂ is the contributor's actual or attributed salary, including the allowance, immediately before the cessation of his or her employment

CM is the number of contribution months in the contributor's contribution period

X is the number of contribution months in that part of the contributor's contribution period during which the contributor was in receipt of the allowance (with any part of a contribution month being taken to be a full contribution month).

(2) In this regulation—

salary means salary as defined in the second definition of **salary** in section 4(1) of the Act.

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 22 January 2015

No 5 of 2015

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