

South Australia



**POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT ACT  
1997**

**No. 7 of 1997**

**SUMMARY OF PROVISIONS**

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**ELIZABETHAE II REGINAE**

A.D. 1997

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No. 7 of 1997

**An Act to amend the Police Superannuation Act 1990.**

[Assented to 20 March 1997]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Police Superannuation (Miscellaneous) Amendment Act 1997*.

(2) The *Police Superannuation Act 1990* is referred to in this Act as "the principal Act".

**Commencement**

2. (1) Subject to subsection (2), this Act will come into operation on a day to be fixed by proclamation.

(2) Sections 6 and 7 will be taken to have come into operation on 1 July 1996.

**Amendment of s. 4—Interpretation**

3. Section 4 of the principal Act is amended by striking out subsection (8) and substituting the following subsections:

(8) Where a new scheme contributor terminates his or her employment (except on the ground of invalidity in circumstances that entitle the contributor to a benefit under section 25)—

- (a) the contributor will be taken to have retired if he or she—
  - (i) had reached the age of 55 years; or
  - (ii) had reached the age of 50 years but not the age of 55 years and was entitled to retire under section 21(2) and (3);
- (b) in every other case the contributor will be taken to have resigned.

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(8a) Where an old scheme contributor terminates his or her employment (except on the ground of invalidity in circumstances that entitle the contributor to a benefit under section 31)—

- (a) the contributor will be taken to have retired if he or she—
  - (i) had reached the age of 55 years; or
  - (ii) —
    - (A) had reached the age of 50 years but not the age of 55 years; and
    - (B) was entitled to retire under section 28(3) and (4); and
    - (C) had, within three months after termination of the employment, informed the Board in writing that he or she had retired from employment;
- (b) in every other case the contributor will be taken to have resigned.

**Amendment of s. 25—Termination of employment on invalidity**

4. Section 25 of the principal Act is amended by striking out from subsection (5) "resigned" and substituting "retired or resigned".

**Amendment of s. 31—Invalidity pension**

5. Section 31 of the principal Act is amended by striking out from subsection (6) "resigned" and substituting "retired or resigned".

**Amendment of s. 32—Pensions payable on contributor's death**

6. Section 32 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

(1a) Where a surviving spouse would, but for an election under this subsection, be entitled to a lump sum under subsection (1)(a)(ii), the spouse may instead, by written notice given to the Board before the lump sum is paid, elect to receive a pension equal to one-third of the deceased contributor's notional pension in addition to the pension referred to in subsection (1)(a)(i).;

(b) by striking out from subsection (5) "A deceased" and substituting "Subject to subsection (6), a deceased";

(c) by inserting after subsection (5) the following subsection:

(6) A deceased contributor's notional pension will not be indexed for the purpose of determining the amount of a pension payable to a surviving spouse under subsection (1a).

**Amendment of Schedule 1—Transitional Provisions**

7. Schedule 1 of the principal Act is amended by inserting after clause 2 the following clause:

**Eligible child's pension**

**2a. Where—**

- (a) a contributor who was in receipt of a pension under the repealed Act at the commencement of this Act dies after the commencement of this Act; and
- (b) a pension is being paid to the contributor's spouse,

and there are—

- (c) no more than two eligible children—each of those children is entitled to a pension equal to four twenty sevenths of the deceased contributor's notional pension; or
- (d) three or more eligible children—each of those children is entitled to a pension calculated by dividing four-ninths of the deceased contributor's notional pension by the number of eligible children.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

**B. S. HETZEL, Governor's Deputy**