



SUPERANNUATION (MISCELLANEOUS) AMENDMENT ACT 1997

No. 45 of 1997

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ANNO QUADRAGESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1997

No. 45 of 1997

An Act to amend the Superannuation Act 1988.

[Assented to 24 July 1997]

The Parliament of South Australia enacts as follows:

Short title

- 1. (1) This Act may be cited as the *Superannuation (Miscellaneous) Amendment Act 1997*.
- (2) The *Superannuation Act 1988* is referred to in this Act as "the principal Act".

Commencement

- 2. (1) Section 8 of this Act will be taken to have come into operation on 1 July 1992.
- (2) The other provisions of this Act will come into operation when the Act is assented to by the Governor.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended—

- (a) by striking out the formula in subsection (5) and substituting the following formula:

$$A = B \times \frac{C}{D} \times P$$

- (b) by inserting the following definition after the definition of "C" in subsection (5):

P is—

- (a) in the case of a contributor who was in full-time employment throughout his or her contribution period—1;

- (b) in any other case—the numerical value arrived at by expressing the contributor's employment during his or her contribution period as a proportion of full-time employment during that period.

Amendment of s. 8—The Board's membership

4. Section 8 of the principal Act is amended—

- (a) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

- (b) two members elected by the contributors and members of the superannuation benefit scheme (established by the *Superannuation (Benefit Scheme) Act 1992*) and the Southern State Superannuation Scheme (established by the *Southern State Superannuation Act 1994*);;

- (b) by inserting ", the *Superannuation (Benefit Scheme) Act 1992* or the *Southern State Superannuation Act 1994*" after "this Act" in subsection (2);

- (c) by striking out from subsection (7) "a member elected by the contributors" and substituting "an elected member".

Amendment of s. 20A—Contributor's accounts

5. Section 20A of the principal Act is amended—

- (a) by striking out from subsection (3) "will be increased" and substituting "will be varied";

- (b) by inserting the following subsection after subsection (6):

(7) A reference in this section to "rate of return" is a reference to a positive or a negative rate of return.

Amendment of s. 28—Resignation and preservation of benefits

6. Section 28 of the principal Act is amended by striking out ", in accordance with criteria prescribed by the regulations, for the purposes of this paragraph" from paragraph (c) of subsection (1).

Amendment of s. 31—Termination of employment on invalidity

7. Section 31 of the principal Act is amended by inserting "or" after paragraph (a) of subsection (3).

Amendment of s. 34—Retirement

8. Section 34 of the principal Act is amended by inserting "(for the purposes of this definition contribution points will be taken to accrue to a contributor who is no longer making contributions because of section 23(7) at the rate of one point per month)" after "whichever is the lesser" in the definition of "n" in subsections (1) and (2).

Amendment of s. 38—Death of contributor

9. Section 38 of the principal Act is amended—

- (a) by striking out "a surviving spouse (not being a person who became the contributor's spouse after termination of the contributor's employment and less than 5 years before the date of the contributor's death)" from paragraph (a) of subsection (1) and substituting "a person referred to in subsection (1a)";

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

(1a) The following persons are entitled to a benefit under subsection (1)(a):

- (a) the deceased contributor's lawful spouse if—
 - (i) he or she became the contributor's lawful spouse before termination of the contributor's employment; or
 - (ii) he or she was the contributor's lawful spouse for a period of five years immediately preceding the contributor's death; or
 - (iii) he or she is entitled to a benefit under paragraph (b);
- (b) a person who was cohabiting with the contributor at the time of his or her death as the lawful spouse or the husband or wife *de facto* of the contributor—
 - (i) if he or she had cohabited with the contributor either as the lawful spouse or the husband or wife *de facto* of the contributor (or in both of those capacities at different times)—
 - (A) continuously for the period of five years immediately preceding the contributor's death; or
 - (B) during the period of six years immediately preceding the contributor's death for periods aggregating not less than five years; or
 - (ii) if he or she is the natural parent of a child of whom the contributor was the other natural parent.

Amendment of s. 39—Resignation and preservation of benefits

10. Section 39 of the principal Act is amended by striking out "and the age of retirement" from the definition of "NM" in subsection (7) and substituting "and the date on which the pension first became payable".

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

E. J. NEAL Governor