South Australia

Southern State Superannuation Regulations 2009

under the *Southern State Superannuation Act 2009*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Southern State Superannuation Regulations 2009*.

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Southern State Superannuation Act 2009*;

additional invalidity/death insurance means invalidity/death insurance granted by the Board under Part 3 Division 2 Subdivision 2;

additional invalidity/death insurance benefits means benefits payable in respect of additional invalidity/death insurance;

approved form means a form approved by the Board;

contributions means contributions made pursuant to section 20 of the Act;

default invalidity/death insurance—see regulation 28;

default invalidity/death insurance benefits means benefits payable in respect of default invalidity/death insurance;

deferred superannuation contributions surcharge in relation to a member means the amount that the member is liable to pay the Commissioner of Taxation under section 15(6) or (6AA) of the Superannuation Contributions Tax Act;

employee contribution account means the division of a member's contribution account to which employee contributions are being or have been credited pursuant to regulation 16(4);

employer contribution account means the division of a member's contribution account to which employer contributions are being or have been credited pursuant to regulation 16(2);

gainful employment, of a person, means employment (including self-employment) of the person for gain or reward in a business, trade, profession, vocation, calling or occupation;

invalidity/death insurance benefits means default or additional invalidity/death insurance benefits;

legal personal representative—see subregulation (4);

medical practitioner means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

police disability pension—see regulation 38A;

preservation age has the same meaning as in Part 6 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth under the SIS Act;

PSESS Scheme means the superannuation scheme known as the Public Sector Employees Superannuation Scheme established pursuant to a deed of arrangement dated 27 September 1989 between the Treasurer and the secretary of the United Trades and Labor Council;

PSS 3 means the scheme of superannuation known as PSS 3 under the *Parliamentary Superannuation Act 1974*;

PSS 3 member means a member of PSS 3 under the *Parliamentary Superannuation Act 1974*;

retirement age of a person means—

(a) in the case of a police officer—the age of 50 years; and

(b) in any other case—the age of 55 years;

retrenchment in relation to a member means the termination of the member's employment by his or her employer for any reason except on account of—

(a) invalidity in the circumstances referred to in regulation 58(11)(a), (b), (c) or (e); or

(b) the unsatisfactory performance by the member of his or her duties (including the member's failure to meet performance standards); or

(c) the loss by the member of a qualification that is necessary for the proper performance of his or her duties; or

(d) the member's bankruptcy or insolvency; or

(e) the fact that the member has engaged in remunerative employment or an occupation or business outside the duties of his or her position; or

(f) any other conduct that justifies termination of the member's employment;

SIS Act means the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth;

special deposit account means a special deposit account established under section 8 of the *Public Finance and Audit Act 1987*;

Superannuation Contributions Tax Act means the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* of the Commonwealth;

Super SA Select means the superannuation fund of that name established under a trust deed and for which Southern Select Super Corporation is trustee;

Super SA Select member means a member of Super SA Select;

surcharge notice means a notice issued by the Commissioner of Taxation under section 15(7) of the Superannuation Contributions Tax Act;

terminal illness, of a person, means an illness or condition that is likely, in the opinion of at least 2 medical practitioners (1 of whom must have specialist expertise in the relevant field of medicine), to result in death of the person within 24 months of the day on which the opinion is given;

transitional member—see regulation 9(1a);

visiting medical officer means a person appointed to a hospital incorporated under the *Health Care Act 2008* as a senior visiting medical specialist or a visiting medical specialist by the administrative unit of the public service that is primarily responsible for assisting a Minister in the administration of that Act.

(2) For the purposes of these regulations, an amount of money rolled over for payment into the Fund under the provisions of an Act that operate in conjunction with Part VIIIB of the *Family Law Act 1975* of the Commonwealth will, subject to these regulations, be taken to be money rolled over from a superannuation scheme to the Triple S scheme.

(3) If—

(a) a person became a member of the scheme or made an election under a provision of the repealed Act (the ***earlier provision***); and

(b) a provision of these regulations corresponds to the earlier provision,

the person will be taken, for the purposes of these regulations, to be a member of the scheme by virtue of, or to have made an election under, (as the case may be) that corresponding provision.

Examples—

A person who became a member of the scheme under section 14(9) of the repealed Act will be taken to be a member of the scheme by virtue of regulation 9(5).

A person who made an election under section 15B(1) of the repealed Act will be taken to have made an election under regulation 12(1).

(4) For the purposes of these regulations, a person is the ***legal personal representative*** of a person who has died if—

(a) the person has been nominated by the deceased, by notice in writing to the Board, as his or her legal personal representative in accordance with the requirements of the Board; and

(b) the notice has effect for the purposes of the SIS Act.

4—Police members

Pursuant to section 19(3)(b) of the Act, a ***police member*** of the scheme is a police officer or police cadet who is a member of the scheme other than by virtue of regulation 9(5), (5b) or (7).

5—Spouse members

Pursuant to section 19(3)(c) of the Act, a ***spouse member*** of the scheme is a person who becomes a spouse member of the scheme by virtue of regulation 24(1).

6—Employment matters

(1) If a person resigns from a particular position, or a person's employment in a particular position is terminated, so that they can take up some other position in employment to which the Act applies, or so that they can take up employment in the same position but on a different basis, the resignation or termination will, for the purposes of the Act and these regulations, be ignored unless there is an interval of more than 1 month between the time the resignation or termination takes effect and the commencement of the new employment.

(2) If a person is employed—

(a) pursuant to a contract for a fixed term; or

(b) pursuant to an arrangement of the kind referred to in subregulation (5); or

(c) on a temporary basis for a particular period or until the occurrence of a particular event,

and the employment is not renewed at the end of the term or period, the person's employment will be taken to have been terminated by retirement or resignation (depending on the person's age).

(3) Despite subregulation (2), if—

(a) a person is employed pursuant to a contract for a fixed term; and

(b) the person is, within the period of 3 months after the end of the term of the contract, employed under a new contract for a fixed term in the same or similar employment,

the person will, for the purposes of the Act and these regulations, be taken to have remained in the relevant employment during the period between the end of the term of the first contract and the beginning of the term of the second contract.

(4) Subject to subregulations (5) and (7), the following provisions apply for the purposes of the Act and these regulations to and in relation to a member (other than a transitional member) who is employed on a casual basis pursuant to an arrangement under which he or she is to work for 9 or more hours each week or for periods that average, over a 3 month period, 9 or more hours each week:

(a) subject to this subregulation, the member will be taken to remain in employment for a period of 12 months after the last time that he or she performed work for the employer and accordingly—

(i) if the member is incapacitated during that 12 month period, the member may be entitled to benefits under regulation 58 on account of invalidity, subject to the following:

(A) for the purposes of regulation 58, the member's employment will be taken to have been terminated on account of invalidity by the employer on the day on which the member became incapacitated;

(B) regulation 58(11) and (12) will not apply for the purposes of determining the member's entitlement to benefits;

(C) the member must, within 2 years after the day on which the member becomes incapacitated to the extent envisaged by this subparagraph, give written notice to the Board claiming that the member is entitled to benefits under regulation 58; and

(ia) if, during that 12 month period, the member suffers from a terminal illness, the member may be entitled to benefits under regulation 58(1)(b); and

(ib) if, during that 12 month period, the member is incapacitated for work on account of a disability, the member may, subject to Part 2A Division 2, be entitled to a disability pension under Part 3 Division 2 Subdivision 4; and

(ii) if the member dies during that period his or her spouse or estate will be entitled to benefits under these regulations;

(b) at the expiration of that period of 12 months the member's employment will be taken to have been terminated (if not terminated by invalidity or death) by retirement or resignation (depending on the member's age).

(5) Subregulation (4) does not apply where the member is employed pursuant to an arrangement under which the member is to work for 3 or more separate periods during a designated period or a period determined by the occurrence of a particular event.

(7) If, during the period of 12 months referred to in subregulation (4)(a)—

(a) all benefits payable under the Act or these regulations to, on behalf of or in respect of the member are paid; or

(b) all amounts standing to the credit of the member's accounts are rolled over to another superannuation fund (other than Super SA Select); or

(c) where the member is a member of the Triple S scheme by virtue of regulation 13B—all amounts standing to the credit of accounts established in Super SA Select on behalf of the member are rolled over to another superannuation fund (other than the Triple S scheme) or all benefits payable from Super SA Select to, on behalf of or in respect of the member are paid,

subregulation (4) will cease to operate in relation to the member.

(8) For the purposes of the Act and these regulations, a transitional member who is employed as a casual employee, and a person employed as a casual employee who makes a fund selection, will, despite any cessation of their membership of the Triple S scheme (if applicable), be taken to remain in employment for a period of 12 months after the last time that they performed work for their employer, and the fund selection made by the person in connection with that employment will therefore continue to apply (subject to any action occurring under Part 3A Division 3 of the Act in relation to the fund selection) in respect of that employment for the duration of that 12 month period.

(9) Subregulation (8) does not affect the application of subregulation (4) to a member.

7—Employer contribution percentage

(1) For the purposes of section 5(1) of the Act, the ***employer contribution percentage*** applicable in respect of a person (other than a person referred to in section 5(3) of the Act) is as follows:

(a) in the case of a person whose conditions of employment are specified in a contract negotiated between the person and his or her employer and which includes an agreement between the person and the employer as to the value of the employer contribution percentage—the number representing that value;

(b) in the case of a person referred to in regulation 9(2) or (3)—the amount required to reduce the charge percentage under the Commonwealth Act in respect of the member to zero;

(c) in the case of a visiting medical officer—a percentage determined by reference to and in accordance with the *Department of Health Visiting Medical Specialists Agreement 2006* (or its successor);

(d) in the case of a member referred to in regulation 9(8)—3%;

(e) in the case of a person who has elected to become a member under regulation 12(1) or 13(1), or is taken to have elected to become a member under regulation 13(1)—zero.

(2) If a member and an employer that is required to make contributions to the Treasurer on behalf of the member under section 21 of the Act enter into an agreement as to the value of the employer contribution percentage, the employing authority must give the Board written notice of the agreement.

Part 2—Membership, accounts and contributions

Division 1—Members

Subdivision 1—Membership

8—Purpose of Subdivision

Pursuant to section 19(3) of the Act, the purpose of this Subdivision is to make provision in relation to membership of the scheme.

9—Membership

(1) Subject to subregulations (2), (3) and (8), the following persons are not members of the scheme:

(a) a person employed pursuant to a fixed term contract that—

(i) requires the employer to provide for or contribute towards benefits for the employee in a scheme of superannuation other than the Triple S scheme; and

(ii) does not expressly state that the provision or contribution by the employer referred to in subparagraph (i) is in addition to the employee's membership of the Triple S scheme;

(e) a medical practitioner in respect of employment by a hospital incorporated under the *Health Care Act 2008* where the medical practitioner is paid on a "fee for service" basis.

(1a) If—

(a) a member of the Triple S scheme makes a fund selection to a fund other than Super SA Select before their employer makes a contribution on behalf of the member under section 21 of the Act; and

(b) the first contribution made by the employer on behalf of the member is to the member's selected fund; and

(c) there are no amounts standing to the credit of any accounts maintained by the Board on behalf of the member under section 12 of the Act,

the member ceases to be a member of the scheme on the day on which the contribution referred to in paragraph (b) is made and is, until that time, a ***transitional member*** of the scheme for the purposes of these regulations.

(2) A member of—

(a) the State Scheme or of any other scheme established by or under an Act; or

(b) a scheme of superannuation established for the benefit of employees of an agency or instrumentality of the Crown,

becomes a member of the Triple S scheme whenever an entitlement to benefits needs to accrue to the member under the Triple S scheme to ensure that the Crown or an agency or instrumentality of the Crown satisfies the requirements of the Commonwealth Act.

(3) If the employer contributions pursuant to a contract referred to in subregulation (1)(a) are not sufficient to reduce the charge percentage under the Commonwealth Act to zero, the employee is a member of the Triple S scheme.

(4) A person who has made an election under regulation 10 is a member of the Triple S scheme.

(5) A person who has made an election under regulation 12(1) or 13(1), or is taken to have made an election under regulation 13(1), is a member of the Triple S scheme.

(5a) A PSS 3 member who has elected under section 36 of the *Parliamentary Superannuation Act 1974* to take out voluntary invalidity/death insurance (and who is not, at the time of making the election, a member of the Triple S scheme) becomes a member of the Triple S scheme on the making of the election.

(5b) If a contributor to the Police Superannuation Scheme who is not a member of the Triple S scheme applies for a police disability pension, the contributor becomes a member of the Triple S scheme if and when the application is accepted.

(6) If—

(a) a person who is not a member of the Triple S scheme has an entitlement to a lump sum under Part 5 or under the provisions of an Act that correspond to that Part; and

(b) that entitlement is to be retained in the Fund, or rolled over for payment into the Fund (as the case may be),

then that person becomes a member of the Triple S scheme by force of this subregulation.

(7) If a co-contribution or benefit rolled over from another superannuation fund or scheme is paid to the Board for a person who is a member of the State Scheme or the Police Superannuation Scheme but not, at the time of the payment, a member of the Triple S scheme, the person becomes a member of the Triple S scheme by virtue of this subregulation when the payment is received by the Board.

(8) The following persons are members of the Triple S scheme in order to provide them with superannuation benefits in place of benefits that would have accrued to them under the PSESS Scheme if that scheme had continued for their benefit after 30 June 1992:

(a) PSS 1 members of the superannuation scheme established by the *Parliamentary Superannuation Act 1974* who are sitting members of the Legislative Council or the House of Assembly;

(b) members of a superannuation scheme established by a hospital incorporated under the *Health Care Act 2008*;

Exception—

This paragraph does not apply to former members of—

(a) the Bordertown Memorial Hospital Incorporated Superannuation Fund; or

(b) the Kingston Soldiers' Memorial Hospital Incorporated Superannuation Fund; or

(c) the Mothers' and Babies' Health Association Superannuation Fund.

(c) those members of the SAHC Visiting Medical Officers Superannuation Fund established by a trust deed dated 24 February 1983 who were appointed as visiting medical specialists on or before the commencement of paragraph (c) of regulation 11(1) of the revoked *Southern State Superannuation Regulations 1995*;

(d) those members of the State Scheme referred to in clause 15(1)(c) of Schedule 1 of the *Superannuation Act 1988*;

(e) an employee of the Adelaide Festival Centre Trust who is a member of a scheme of superannuation established for the benefit of the employee;

(f) those contributors to the State Scheme who are employees of TransAdelaide and whose names appear in Schedule 1 of the *Superannuation (STA Employees) Regulations 2005* made under the *Superannuation Act 1988*;

(g) those persons whose names appear in Schedule 1 of the *Superannuation (Lyell McEwin Employees) Regulations 2009*;

(h) those persons whose names appear in Schedule 1 of the *Superannuation (Julia Farr Services Employees) Regulations 2003*.

(9) If a person who is a member of a scheme of superannuation other than the Triple S scheme becomes a member of the Triple S scheme by virtue of this regulation, the person's membership of the other scheme is not affected by his or her membership of the Triple S scheme (except to the extent (if any) prescribed pursuant to section 30(6) of the Act).

10—Election by contributor to State Scheme

(1) A contributor within the meaning of the *Superannuation Act 1988* may elect to become a member of the Southern State Superannuation Scheme if the employment on which his or her status as such a contributor is based has not terminated.

(2) An election takes effect on a date fixed by the Board being a date occurring within 2 months after the election was made.

(3) For the purposes of the *Superannuation Act 1988*, a contributor who has made an election under subregulation (1) will be taken—

(a) to have resigned from employment and to have preserved his or her accrued superannuation benefits (whether he or she has reached the age of 55 years or not); and

(b) not to reach the age of 55 years until he or she reaches that age and ceases to be employed in employment to which that Act applies.

(4) An election under this regulation—

(a) must be made in writing to the Board; and

(b) may specify the rate (if any) at which the member elects to contribute to the scheme.

11—Contributors to State Scheme

(1) This regulation applies to a contributor within the meaning of the *Superannuation Act 1988* who is a member of the Triple S scheme by virtue of regulation 9(2) if—

(a) he or she elects to make contributions to the Treasurer under regulation 17; or

(b) his or her employer pays an amount in respect of him or her to the Treasurer under section 21(2) of the Act.

(2) For the purposes of the *Superannuation Act 1988*, a contributor to whom this regulation applies will be taken—

(a) to have resigned from employment and to have preserved his or her accrued superannuation benefits (whether he or she has reached the age of 55 years or not); and

(b) not to reach the age of 55 years until he or she reaches that age and ceases to be employed in employment to which the Act applies.

12—Salary sacrifice by members of certain schemes

(1) A prescribed person may elect, by notice in writing to the Board, to become a member of the Triple S scheme in order to establish an entitlement to the employer component of benefits under Part 4 by sacrificing part of his or her salary in accordance with an agreement or arrangement that entitles the person to sacrifice all or part of his or her salary.

(2) Subject to subregulation (3), if a person has elected to become a member of the Triple S scheme under subregulation (1), the employer must, within 7 days after salary is paid to the member, pay to the Treasurer an amount (or arrange for the payment within that period to the Treasurer of an amount) equivalent to the member's non-monetary salary that is allocated for the purpose of the employer component of benefits under Part 4 in accordance with the agreement or arrangement.

(3) Subregulation (2) does not apply to, or in relation to, a member who is a contributor to the State Scheme during a period in which he or she is not an active contributor to that scheme except where the member is not an active contributor because of section 23(7) of the *Superannuation Act 1988*.

(4) A person who has elected to become a member of the Triple S scheme under subregulation (1)—

(a) is not entitled to make contributions under section 20(1)(a) of the Act; and

(b) is entitled to the employer component of benefits under Part 4 but is not entitled to any other benefit under the Act or these regulations in his or her capacity as a member under this regulation other than any additional invalidity/death insurance taken out under Part 3 Division 2 Subdivision 2.

(5) In this regulation—

prescribed person means—

(a) a person who is an active contributor to the State Scheme; or

(b) a person who—

(i) is employed by an incorporated hospital within the meaning of the *Health Care Act 2008*; and

(ii) is an active member of the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme; or

(ba) a person who is an active member of the SA Ambulance Service Superannuation Scheme; or

(c) a Judge (within the meaning of the *Judges' Pensions Act 1971*); or

(d) the Governor; or

(e) the Lieutenant-Governor within the meaning of the *Constitution (Appointments) Act 2009*.

13—Salary sacrifice by members of Police Superannuation Scheme

(1) A police officer who is a contributor to the Police Superannuation Scheme may elect, by notice in writing to the Board, to become a member of the Triple S scheme in order to establish an entitlement to the employer component of benefits under Part 4 by sacrificing part of his or her salary in accordance with an agreement or arrangement that entitles the person to sacrifice all or part of his or her salary.

(2) If a person has elected, or is taken to have elected, to become a member of the Triple S scheme under this regulation, the employer must, within 7 days after salary is paid to the member, pay to the Treasurer an amount (or arrange for the payment within that period to the Treasurer of an amount) equivalent to the member's non-monetary salary that is allocated for the purposes of the employer component of benefits under Part 4 in accordance with the agreement or arrangement.

(3) A person who has elected, or is taken to have elected, to become a member of the Triple S scheme under subregulation (1) is entitled to—

(a) payment, in accordance with Part 4, of the balance of each account maintained for the person by the Board as required by section 12 of the Act; and

(b) additional invalidity/death insurance taken out under Part 3 Division 2 Subdivision 2 (if any); and

(c) subject to regulation 38A, a police disability pension in the circumstances set out in that regulation,

but is not entitled to make contributions under section 20(1)(a) of the Act and is not entitled to any other benefits under the Act or these regulations in his or her capacity as a member under this regulation.

13A—Members of Parliamentary Superannuation scheme

(1) The Board must maintain a contribution account in the name of a PSS 3 member who has made an election under section 36 of the *Parliamentary Superannuation Act 1974* to take out voluntary invalidity/death insurance and is a member of the Triple S scheme.

(2) A PSS 3 member who has made an election under section 36 of the *Parliamentary Superannuation Act 1974* to take out voluntary invalidity/death insurance and is a member of the Triple S scheme is entitled to—

(a) payment, in accordance with Part 4, of the balance of the member's contribution account; and

(b) additional invalidity/death insurance taken out in accordance with the election,

but is not entitled to any other benefits under the Act or these regulations in connection with the election.

(3) An amount transferred from the Parliamentary Superannuation scheme to the Triple S scheme in respect of a PSS 3 member will be taken for the purposes of these regulations to be a contribution made in relation to the member by the member's employer.

13B—Members of Super SA Select

(1) Pursuant to section 19(3)(a) of the Act, if a person in respect of whom an employer is required to pay an amount under section 21 of the Act makes a fund selection to Super SA Select, the person is (despite section 19(2)(a) and (b) of the Act) a member of the Triple S scheme.

(2) A person's membership of the Triple S scheme under subregulation (1) is not affected by the person making a subsequent fund selection to another fund.

(2a) However—

(a) if the person's employment with the employer in connection with which the fund selection to Super SA Select was made terminates, membership of the Triple S scheme under subregulation (1) in respect of that employment will cease and the fund selection to Super SA Select will no longer apply; and

(b) if the person's employment with the employer in connection with which the fund selection to Super SA Select was made has not terminated but their membership of Super SA Select ceases, the person's membership of the Triple S scheme under subregulation (1) in connection with the same employment ceases unless and until they again become a member of Super SA Select by virtue of a fund selection made in connection with that employment.

(3) If a Super SA Select member is a member of the Triple S scheme by virtue of subregulation (1)—

(a) the Board must continue to maintain an employer contribution account in the member's name from which insurance premiums payable by the member, and the disability pension premium, will be debited in accordance with regulation 39; and

(b) the member is entitled to—

(i) payment, in accordance with Part 4, of the balance of each account maintained for the member by the Board as required under section 12 of the Act; and

(ii) default invalidity/death insurance and additional invalidity/death insurance taken out under Part 3 Division 2 Subdivision 2 or 3 (if any); and

(iii) subject to Part 3 Division 2 Subdivisions 4 and 4A, a disability pension or police disability pension,

but is not entitled to any other benefits under the Act.

(4) Despite section 19(2)(a) of the Act, if a member of Super SA Select engages in employment to which the Act applies, the Act applies to the person in respect of that employment as if they were not a member of Super SA Select unless and until they fall within the ambit of subregulation (1) by virtue of having made a fund selection to Super SA Select in respect of that employment.

14—Duration of membership

(1) Despite any other provision of these regulations, a person who fulfils the requirements for membership of the scheme under section 19 of the Act, or under this Division, remains a member of the scheme until benefits payable under the Act or these regulations to, on behalf of, or in respect of, the member have been paid even though the member may have subsequently ceased to fulfil the requirements for membership.

(2) However, a member to whom benefits payable under the Act or these regulations have been paid under regulation 58(1)(b) because the member is suffering from a terminal illness remains a member of the scheme until the employment of the member terminates.

(3) Subject to subregulation (3a), if a member becomes a member of a scheme of superannuation established for the benefit of the employees of an agency or instrumentality of the Crown, his or her membership of the Triple S scheme that is attributable to his or her employment by the agency or instrumentality is terminated and an amount equivalent to the balance standing to the credit of each account maintained by the Board in the name of the member is to be carried over to the other superannuation scheme.

(3a) Subregulation (3) does not apply in relation to membership of Super SA Select.

(4) If an employer contribution has not accrued to a member under the Act or the repealed Act for a period of 3 years or more because the member has been an active contributor during that period under the *Superannuation Act 1988*, an amount equivalent to the balance standing to the credit of the member's contribution account and the member's rollover account (if any) may be paid by the Treasurer to the credit of the member's rollover account under the *Superannuation Act 1988* and in that event the member ceases to be a member of the Triple S scheme.

(5) However, if the Board is maintaining a co-contribution account on behalf of a member of the State Scheme because of co-contribution payments received in respect of that membership, the member does not cease to be a member of the Triple S scheme by virtue of the operation of subregulation (4).

(6) If—

(a) a person is a member of the scheme solely by virtue of being a member of the State Scheme in respect of whom a co-contribution has been paid to the Board; and

(b) the person becomes entitled to the payment of benefits under the *Superannuation Act 1988* and to the payment of the amount standing to the credit of the person's co-contribution account,

then the person ceases to be a member of the Triple S scheme on the payment of the balance of the co-contribution account.

(7) If—

(a) a person is a member of the scheme solely by virtue of being a member of the Police Superannuation Scheme—

(i) in respect of whom a co-contribution or a benefit rolled over from another fund or scheme has been paid to the Board; or

(ii) who has made an election, or is taken to have made an election, under regulation 13; and

(b) the person becomes entitled to the payment of benefits under the *Police Superannuation Act 1990* and Part 4 of these regulations,

then the person ceases to be a member of the Triple S scheme on the payment of the balance of each account maintained by the Board in his or her name.

(8) If a person who has made a fund selection ceases to be a member of the scheme under section 19(2)(b) of the Act because they have opted to have all amounts standing to the credit of their accounts rolled over to a complying superannuation fund, their membership ceases on the day on which the amounts are paid by the Board to the complying superannuation fund.

15—Members to whom section 21 does not apply

(1) Pursuant to section 21(4)(b) of the Act, that section does not apply in relation to a person who is a member of the scheme by virtue of regulation 9(5a), (5b) or (6).

Subdivision 2—Accounts

16—Contribution, co-contribution and rollover accounts

(1) A contribution account maintained by the Board in the name of a member is to consist of—

(a) if contributions are being or have been made in relation to the member by the member's employer—an employer contribution account; and

(b) if the member is making or has made monetary contributions to the scheme—an employee contribution account.

(1a) For the purposes of this regulation, a payment received by the Board from the board of the Southern Select Super Corporation on behalf of a member who is also a Super SA Select member is to be taken to be a contribution made in relation to the member by his or her employer.

Note—

Payments will be made by the board of the Southern Select Super Corporation to the Board on behalf of Super SA Select members for the purpose of ensuring that insurance premiums and the disability pension premium can be deducted from the member's employer contribution account in accordance with subregulation (3)(a).

(2) A member's employer contribution account must be credited with—

(a) amounts that are equivalent to the amounts paid or payable by the member's employer to the Treasurer under section 21 of the Act in respect of salary paid to the member; and

(ab) in the case of a member who is in receipt of a disability pension under regulation 36—a contribution replacement benefit as required under regulation 36AAB(2); and

(b) in the case of the employer contribution account of a member referred to in section 21(2) of the Act—amounts that are equivalent to the amounts paid or payable by, or on behalf of, the member's employer to the Treasurer under that subsection in respect of the member; and

(c) in the case of the employer contribution account of a person who has elected to become a member of the Triple S scheme under regulation 12 or 13, or is taken to have elected to become a member under regulation 13—amounts that are equivalent to the amounts paid or payable by, or on behalf of, the member's employer to the Treasurer under regulation 12(2) or 13(2) in respect of the member; and

(d) in the case of the employer contribution account of a PSS 3 member who has made an election under section 36 of the *Parliamentary Superannuation Act 1974* to take out voluntary invalidity/death insurance and is a member of the Triple S scheme—amounts that are equivalent to amounts transferred from the Parliamentary Superannuation scheme to the Triple S scheme in respect of the PSS 3 member; and

(e) in the case of the employer contribution account of a member who is a Super SA Select member—amounts that are equivalent to amounts transferred from Super SA Select to the Triple S scheme in respect of the member.

(3) Subject to subregulation (3a), a member's employer contribution account must be debited with—

(a) in the case of a member other than a member referred to in paragraph (b)—

(i) an administrative charge to be fixed by the Board; and

(ii) the amount of the premium fixed by or under these regulations in respect of the default invalidity/death insurance and the additional invalidity/death insurance (if any) for the member; and

(iii) a disability pension premium which, subject to subregulation (12), will be an amount fixed by the Board; and

(b) in the case of a person who has elected to become a member of the Triple S scheme under regulation 12 or 13, or is taken to have elected to become a member under regulation 13, or is a PSS 3 member who has made an election under section 36 of the *Parliamentary Superannuation Act 1974* to take out voluntary invalidity/death insurance and is a member of the Triple S scheme—

(i) an administrative charge to be fixed by the Board; and

(ii) the amount of the premium fixed by or under these regulations in respect of the additional invalidity/death insurance (if any) for the member; and

(c) any other payment that is to be charged against the account under the Act or these regulations,

to the extent that the charge, premium or other payment can be charged or debited to the account.

(3a) If there are insufficient funds in a member's employer contribution account to enable debiting of a charge, premium or other payment under subregulation (3), the member's employee contribution account, rollover account or co-contribution account may be debited with the charge, premium or payment.

(3b) However, an administrative charge may not be debited against a member's co-contribution account under subregulation (3a) if the credit balance of the member's employer contribution account, employee contribution account or rollover account (if any) is sufficient to pay the administrative charge.

(4) A member's employee contribution account must be credited with the amount of contributions made by the member.

(5) A member's rollover account must be credited with the amount of any money rolled over from another superannuation fund or scheme for the benefit of the member and must be debited with any payment that is to be charged against the account under the Act or these regulations.

(6) A member's co-contribution account must be credited with the amount of any co-contribution paid to the Board in respect of the member and must be debited with any payment that is to be charged against the account under the Act or these regulations.

(7) The Board may fix an administrative charge and apply it to any account or accounts maintained by the Board on behalf of a member by deduction of a fixed fee from, or adjustment to the investment returns allocated to, the account or accounts.

(9) The Board may, in fixing administrative charges to be debited against members' accounts under this regulation, fix different charges depending on the balance of members' accounts or any other relevant factor.

(9a) An administrative charge fixed and applied under this regulation may comprise a fee for the provision to a member of financial advice by financial planners authorised by the Board.

(10) Despite a preceding subregulation, if a member whose only account in the scheme is a co-contribution account satisfies the Board that he or she is unlikely to receive any further co-contributions that will be payable to the Board in respect of the member, the Board may allow the member to carry over the balance of the account to some other superannuation fund or scheme approved by the Board (and when the balance has been carried over by the Board the person will cease to be a member of the Triple S scheme).

(11) The Board must keep a record of the aggregate of the amounts of premiums debited against accounts under this regulation.

(12) A disability pension premium is not payable under subregulation (3)(a)(iii) in relation to—

(a) a member who is not entitled to a disability pension under regulation 36 under any circumstances; or

(b) a member who is exempted under regulation 37 from the ambit of regulation 36.

Subdivision 3—Contributions

17—Contributions (section 20 of Act)

(1) For the purposes of section 20(1)(a) of the Act, but subject to this regulation, a member may elect to make contributions to the Treasurer as a deduction from salary at a whole number percentage, or at 4.5%, of the combined value of the monetary and non-monetary salary (if any) to which the member is entitled in each period in respect of which salary is paid to the member.

(2) A person who is a member of the scheme by virtue only of regulation 9(3), (5), (5a), (5b), (6), (7) or (8) (including any combination of these provisions) is not entitled to make contributions under section 20(1)(a) of the Act.

(3) For the purposes of section 20(1)(b) of the Act, the prescribed percentage is 4.5%.

(4) A police cadet is not obliged to contribute but may elect to do so.

(5) Subject to this regulation, a member who has elected to contribute may subsequently elect to contribute at a different rate or to cease contributing.

(6) An election under this regulation must be made to the Board in writing and will operate from a date to be fixed by the Board.

(7) If, following a change in a member's salary, it will be difficult for an employer to determine the amount of the member's contribution for the first payment period to which the new contribution applies, the Board may, by notice in writing to the employer, specify a date from which the new contribution amount will apply.

(8) A notice under subregulation (7) may be varied or revoked by the Board by subsequent notice served on the employer.

(9) If over a particular period a member receives (while remaining in employment) weekly workers compensation payments for total or partial incapacity for work, contributions will be payable as if the weekly payments were salary or a component of salary (as the case requires).

(10) Contributions are payable from the member's monetary salary on the days on which monetary salary is paid to the member.

(11) A member whose membership of the scheme commences on the commencement of the member's employment will commence making contributions on a date fixed by the Board.

18—Prescribed rate of contributions (section 20 of Act)

(1) Pursuant to section 20(2)(b) of the Act, a member employed by SA Ambulance Service Inc—

(a) who was a contributory member of the SA Ambulance Service Superannuation Scheme (the ***ambulance scheme***) before electing to become a member of the Triple S scheme and has not reached his or her normal retirement date for the purposes of the ambulance scheme; or

(b) who—

(i) commenced his or her employment with SA Ambulance Service Inc on or after 1 July 2008; and

(ii) is classified as an operations employee under the *SA Ambulance Service Award*; and

(iii) is employed other than on a casual basis in the provision of ambulance services (within the meaning of the *Health Care Act 2008*),

is required, subject to subregulation (2), to make contributions to the Treasurer at a rate of at least 4.5% of salary.

(2) If a member to whom subregulation (1) applies has made a fund selection, and the member's selected fund is Super SA Select, the member must make the contributions required under subregulation (1) to Super SA Select rather than the Treasurer.

19—Other contributions (section 20 of Act)

A monetary contribution under section 20(1)(c) or (d) of the Act must be equal to or exceed $50.

Division 2—Spouse members

20—Purpose of Division

Pursuant to sections 19(3)(c) and 20(2)(d) of the Act, the purpose of this Division is to make provision for—

(a) spouses of members to become spouse members of the scheme; and

(b) contributions to be made by or on behalf of spouse members.

21—Interpretation

In this Division—

death insurance means death insurance granted by the Board under regulation 40;

death insurance benefits means benefits payable in respect of death insurance;

eligible member means a member in respect of whom payments are being made to the Treasurer under section 20 of the Act, regulation 12 or regulation 13;

prescribed payment means payment of an amount that is a contributions-splitting superannuation benefit within the meaning of Division 6.7 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth.

22—Spouse contributions splitting (section 20 of Act)

(1) Pursuant to section 20(2)(d) of the Act, but subject to this regulation, an eligible member may apply to the Board, in the approved form, to make a prescribed payment from the member's contribution account into a rollover account established in the name, and for the benefit, of the member's spouse.

(2) An application under subregulation (1), and the making of a prescribed payment following the acceptance of an application, are subject to, and must comply with—

(a) Division 6.7 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth (as if the provisions of that Division apply to, and in relation to, the scheme); and

(b) such terms and conditions as may be specified by the Board.

(3) The Board may fix administrative charges payable in respect of applications under this regulation.

(4) Any charge payable under subregulation (3) may be deducted by the Board from—

(a) the applicant's contribution account; or

(b) if there are insufficient funds in that account—a spouse account established in the name of the applicant's spouse.

23—Other contributions for spouse members (section 20 of Act)

(1) Pursuant to section 20(2)(d) of the Act, an eligible member may make monetary contributions to the Treasurer under this regulation for crediting to a contribution account in the name of the member's spouse.

(2) A spouse member may, while the spouse member is the spouse of a member, make monetary contributions to the Treasurer under this regulation.

(3) The amount of each contribution under this regulation must be equal to or exceed $50.

24—Spouse members and spouse accounts (section 19 of Act)

(1) If a prescribed payment, or a monetary contribution under regulation 23(1), is made by a member for the benefit of a spouse in respect of whom neither a prescribed payment nor a contribution under regulation 23(1) has previously been made, the spouse becomes a ***spouse member*** of the Triple S scheme by virtue of this subregulation.

(2) A spouse member's contribution account must—

(a) be credited with the amount of contributions made by or on behalf of the spouse member; and

(b) be debited with any payment that is to be charged against the account under the Act or these regulations.

(3) In addition to maintaining a rollover account in the name of a spouse member as required under section 12(1)(b)(i) of the Act, the Board must maintain a rollover account in the name of a spouse member for the benefit of whom a prescribed payment has been made.

(4) A spouse member's rollover account must—

(a) be credited with the amount of any prescribed payment made, or money rolled over, for the spouse member; and

(b) be debited with any payment that is to be charged against the account under the Act or these regulations.

(5) A spouse member's co-contribution account must—

(a) be credited with the amount of any co-contribution paid to the Board in respect of the spouse member; and

(b) be debited with any payment that is to be charged against the account under the Act or these regulations.

(6) The Board may fix an administrative charge and apply it to any account or accounts maintained by the Board on behalf of a spouse member by deduction of a fixed fee from, or adjustment to the investment returns allocated to, the account or accounts.

(7) However, an administrative charge may not be applied to a spouse member's co-contribution account by deduction of a fixed fee from the account if the Board is maintaining a contribution account or rollover account in the name of the spouse member and the credit balance (if any) of either or both of those accounts is sufficient to pay the administrative charge.

(7a) An administrative charge fixed and applied under this regulation may comprise a fee for the provision to a spouse member of financial advice by financial planners authorised by the Board.

(8) The Board may, for the purposes of subregulation (6), fix different charges depending on the balance of spouse members' accounts or any other relevant factor.

25—Amalgamation of accounts

(1) If a person who is a spouse member is, or becomes, a member of the scheme, the Board may transfer the amounts standing to the credit of the person's spouse accounts to a contribution account, rollover account or co-contribution account, as appropriate, maintained by the Board in the name of the person (and the Board may, if necessary for the purposes of this subregulation, establish such an account in the name of the person).

(2) If all amounts standing to the credit of the person's spouse accounts are transferred from those accounts under this regulation—

(a) the person ceases to be a spouse member of the scheme; and

(b) the person's death insurance under Part 3 Division 3 (if any) is taken to be additional invalidity/death insurance under Part 3 Division 2 Subdivision 2.

Part 2A—Portability and fund selection

Division 1—General

25A—Definitions (section 21A of Act)

(1) For the purposes of the definition of ***designated member*** in section 21A of the Act, the following members are prescribed:

(a) a police member;

(b) a member employed by SA Ambulance Service to whom regulation 18 applies.

(2) For the purposes of paragraph (c) of the definition of ***eligible fund*** in section 21A of the Act, Super SA Select is prescribed.

25B—Transfer of funds (section 21B of Act)

(1) Subject to subregulation (2), only 1 application to transfer funds may be made by a member under section 21B(1) of the Act in a financial year.

(2) The Board may permit a member to make more than 1 application to transfer funds under section 21B(1) of the Act in a financial year if the Board considers that the member's circumstances are exceptional.

(3) An application to transfer funds under section 21B(1) of the Act may not be made in relation to an amount that is less than the minimum transfer amount fixed by the Board for the purposes of this regulation.

(4) If a member applies to the Board under section 21B of the Act to transfer an amount standing to the credit of an account maintained by the Board on behalf of the member to Super SA Select, the Board may not accept the application unless the member is a member of Super SA Select at the time the application is made.

(5) For the purposes of section 21B(3)(a) of the Act, $25 000 is prescribed as the minimum amount.

(6) The Board may determine the eligible contribution account or accounts from which amounts are to be deducted on behalf of a member for the purposes of section 21B of the Act.

25C—Exclusion from operation of section 21C of Act

Pursuant to section 21C(1)(c) of the Act, persons who are members of the Triple S scheme solely by virtue of regulation 9(2), (5) or (8) are excluded from the operation of that section.

25D—Employer obligations (section 21E of Act)

A notification required to be given by a person's employer to the Board under section 21E(3) of the Act must be given within 14 days of the day on which the employer first makes a contribution to the person's selected fund.

25E—Matters affecting eligibility of funds (section 21F of Act)

(1) For the purposes of section 21F(c) of the Act, the prescribed period is 14 days from the day on which the person receives a fund selection notice from their employer (as required under section 21E(1)(c) of the Act).

(2) If, under section 21F of the Act, section 21 of the Act applies to a person as if a fund selection had not been made by the person, the person will, if they are not already a member of the Triple S scheme, become a member of the scheme on the day on which a contribution is first made on behalf of the member to the Treasurer by the member's employer pursuant to section 21 of the Act.

25F—Commencement of membership if direction given under section 21G of Act

If a person who gives a direction under section 21G(1) of the Act becomes a member of the Triple S scheme by virtue of subsection (3)(a) of that section, the person's membership of the scheme commences on the day on which the member's employer first makes a contribution on behalf of the member in accordance with subsection (3)(b) of that section.

25G—Fund selection takes effect when first contribution made

For the purposes of these regulations, if a person makes or varies a fund selection, the selection or variation takes effect on the day on which a contribution is first made by the employer of the person who made the selection or variation to the person's selected fund in accordance with the requirements of the Act.

Division 2—Insurance and income protection

25H—Operation of insurance and income protection provisions

(1) This regulation applies to—

(a) a person who has made or varied a fund selection or given a direction under section 21G of the Act; and

(b) a person to whom section 21 of the Act applies, as if the person had not made a fund selection, by virtue of the operation of section 21F of the Act.

(2) Part 3 and any other regulation relevant to insurance and income protection cover operate in relation to a person to whom this regulation applies, subject to regulation 25I.

(3) A premium for insurance or income protection cover paid or payable by a person to whom this regulation applies may be refunded or waived (as the case requires) in circumstances determined by the Board.

25I—Effect of fund selection on entitlement to insurance and income protection

(1) If—

(a) a person makes a fund selection under section 21C(5) of the Act to an eligible fund other than Super SA Select; or

(b) under section 21C(7) of the Act, a person varies a fund selection to Super SA Select by selecting another eligible fund (other than the Triple S scheme),

the following provisions apply:

(c) the person's entitlement to a disability pension under Part 3 Division 2 Subdivision 4 in connection with the employer to which the fund selection or variation relates will cease when the fund selection or variation takes effect;

(d) the fund selection or variation does not affect the person's entitlement to a disability pension insofar as that entitlement arises in connection with other employment to which the Act applies (but the person's salary from the employer to which the fund selection or variation relates is not to be taken into account when calculating the member's notional salary for the purposes of determining the amount of any such disability pension).

(2) If a person's membership of the Triple S scheme in connection with a particular employer under subregulation (1) ceases by virtue of regulation 13B(2a), but the person remains a member of the scheme, the person does not, despite any other provision of these regulations, have an entitlement to invalidity/death insurance unless the person has an entitlement to invalidity/death insurance that arises in connection with other employment to which the Act applies.

(3) If—

(a) a person—

(i) makes a fund selection under section 21C(5) of the Act from the Triple S scheme to Super SA Select; or

(ii) varies a fund selection to the Triple S scheme by selecting Super SA Select; or

(b) a person who has made a fund selection to Super SA Select—

(i) gives their employer a direction under section 21G of the Act for payments to be made on behalf of the person to the Triple S scheme; or

(ii) has their employer contributions redirected to the Triple S scheme by virtue of the operation of section 21F of the Act,

the following provisions apply:

(c) if the person—

(i) holds no invalidity/death insurance cover as a member of the Triple S scheme immediately before the effective day; but

(ii) is eligible for default invalidity/death insurance under regulation 28,

then, on and from the effective day, the person is entitled to default invalidity/death insurance under regulation 28;

(d) however, insurance benefits will not be payable to, or in connection with, a person who becomes entitled to default invalidity/death insurance under paragraph (c) in respect of a medical condition existing before the effective day unless the person has, after that day, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months;

(e) if, immediately before the effective day, the person holds no income protection cover, the person will, subject to regulation 36(4), be entitled to income protection cover under Part 3 Division 2 Subdivision 4 on and from that day;

(f) however, a disability pension will not be payable to a person who becomes entitled to income protection cover under paragraph (e) in respect of incapacity for work arising from a medical condition existing before the effective day unless—

(i) the person has, after that day, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months; and

(ii) the incapacity for work occurs after the end of that 12 month period.

(4) If—

(a) a person's employer contributions are redirected to the Triple S scheme by virtue of the operation of section 21F of the Act; or

(b) a person, having made a fund selection to a fund other than Super SA Select, gives a direction to their employer under section 21G of the Act for payments to be made on behalf of the person to the Triple S scheme; or

(c) a person varies a fund selection under section 21C(7) of the Act by selecting Super SA Select,

the following provisions apply:

(d) if the person—

(i) holds no insurance cover as a member of the Triple S scheme immediately before the effective day; but

(ii) is eligible for default invalidity/death insurance under regulation 28,

then, on and from the effective day, the person is entitled to default invalidity/death insurance under regulation 28;

(e) however, insurance benefits will not be payable to, or in connection with, a member who becomes entitled to default invalidity/death insurance under paragraph (d) in respect of a medical condition existing before the effective day unless the person has, after that day, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months;

(f) if the person holds income protection cover immediately before the effective day, the person's salary from the employer to which the relevant action under paragraph (a), (b) or (c) relates is to be taken into account on and from that day when calculating the person's notional salary for the purposes of determining the amount of any disability pension to which the person is entitled;

(g) however, the person's salary from the employer to which the relevant action under paragraph (a), (b) or (c) relates is not to be taken into account for the purposes of determining the amount of any disability pension payable in respect of a medical condition existing before the effective day unless—

(i) the person has, after that day, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months; and

(ii) the incapacity for work occurs after the end of that 12 month period;

(h) if, immediately before the effective day, the person holds no income protection cover, the person will, subject to regulation 36(4), be entitled to income protection cover under Part 3 Division 2 Subdivision 4 on and from that day;

(i) however, a disability pension will not be payable to a member who becomes entitled to income protection under paragraph (h) in respect of incapacity for work arising from a medical condition existing before the effective day unless—

(i) the person has, after that day, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months; and

(ii) the incapacity for work occurs after the end of that 12 month period.

(5) Despite any other provision of this regulation—

(a) a person who is a transitional member of the Triple S scheme is not required to pay premiums in respect of default invalidity/death insurance or income protection cover held by the person; and

(b) any entitlement of a person who is a transitional member of the Triple S scheme to default invalidity/death insurance or income protection cover comes to an end when the person's membership of the scheme ceases under regulation 9(1a); and

(c) if—

(i) a member of the scheme makes a fund selection to Super SA Select before their employer makes a contribution on behalf of the member under section 21 of the Act; and

(ii) the first contribution made by the employer on behalf of the member is to Super SA Select; and

(iii) there are no amounts standing to the credit of any accounts maintained by the Board on behalf of the member under section 12 of the Act,

the member is not required to pay premiums in respect of default invalidity/death insurance held by the person before the fund selection takes effect.

(6) A reference in this regulation to the ***effective day*** in connection with a fund selection, or action occurring under Part 3A Division 3 of the Act in relation to a fund selection, means—

(a) in the case of—

(i) redirection of a person's employer contributions to the Triple S scheme by virtue of the operation of section 21F of the Act; or

(ii) a direction given by a person to their employer under section 21G of the Act for payments to be made on behalf of the person to the Triple S scheme,

the day on which the first contribution is made to the Triple S scheme; and

(b) in the case of a fund selection under section 21C(5) of the Act or variation of a fund selection under section 21C(7) of the Act—the day on which the fund selection or variation takes effect.

Part 3—Insurance and investment

Division 1—Preliminary

26—Purpose of Part

Pursuant to section 22 of the Act, this Part continues (with variations) the scheme of invalidity and death insurance established under the repealed Act.

27—Interpretation

In this Part—

prescribed member means—

(a) a police member; or

(b) a member employed by SA Ambulance Service Inc—

(i) who was a contributory member of the SA Ambulance Service Superannuation Scheme (the ***ambulance scheme***) before electing to become a member of the Triple S scheme and has not reached his or her normal retirement date for the purposes of the ambulance scheme; or

(ii) who—

(A) commenced his or her employment with SA Ambulance Service Inc on or after 1 July 2008; and

(B) is classified as an operations employee under the *SA Ambulance Service Award*; and

(C) is employed other than on a casual basis in the provision of ambulance services (within the meaning of the *Health Care Act 2008*).

Division 2—Members

Subdivision 1—Default invalidity/death insurance

28—Default invalidity/death insurance

(1) Subject to this regulation and regulation 35A, a member under the age of 70 years is entitled to default invalidity/death insurance regardless of the state of the member's health.

(2) A member is not entitled to default invalidity/death insurance if the member—

(a) is a member of the scheme by virtue only of regulation 9(3), (5), (5a), (5b), (6), (7) or (8) or 14(1) (including any combination of these provisions); or

(b) is—

(i) employed or engaged for a specified period of time; and

(ii) remunerated solely by a fee, allowance or commission; or

(c) has received insurance benefits (or benefits of a similar kind) on account of a terminal illness paid—

(i) under regulation 58(1)(b) or a provision of the repealed Act; or

(ii) under an Act that provides for the payment of benefits by the Treasurer; or

(iii) under an administered scheme.

(3) A spouse member of the scheme is not entitled to default invalidity/death insurance in the spouse member's capacity as a spouse member.

(4) Subject to subregulation (5), the following provisions apply in relation to a member who has received invalidity insurance benefits (or invalidity benefits of a similar kind) under the Act, the repealed Act, another Act that provides for the payment of benefits by the Treasurer or an administered scheme, and is subsequently employed in employment to which the Act applies:

(a) the member is entitled to default death insurance, but not default invalidity insurance, in respect of the member's subsequent employment (and a reference in these regulations to invalidity/death insurance is to be taken, insofar as it applies to the member, to be a reference to death insurance only);

(b) however, a death insurance benefit is payable only if the cause of the member's death has no connection with the condition in relation to which invalidity benefits (or a benefit in the nature of invalidity benefits) were previously paid to the member.

(5) Subregulation (4) does not apply in relation to a member who is not entitled to default invalidity/death insurance by virtue of subregulation (2)(c).

(6) In this regulation—

administered scheme has the same meaning as in Schedule 3 of the *Superannuation Act 1988*.

Note—

A member who holds fixed insurance cover when this regulation commences is not entitled to default invalidity/death insurance—see Schedule 3 Part 2.

Subdivision 2—Additional invalidity/death insurance

29—Interpretation

In this Subdivision—

fixed benefit insurance cover—see regulation 34;

standard insurance cover—see regulation 34.

30—Application for additional invalidity/death insurance

(1) Subject to this regulation, a member under the age of 70 years (other than a prescribed member under the age of 65 years) may apply to the Board for additional invalidity/death insurance under this regulation.

(1a) Additional invalidity/death insurance may only be provided to a PSS 3 member in connection with an election under section 36 of the *Parliamentary Superannuation Act 1974* to take out voluntary invalidity/death insurance if the member has applied to the Board for the insurance in accordance with these regulations.

(2) A person who is employed on a casual basis can only apply for additional invalidity/death insurance if he or she is employed pursuant to an arrangement under which he or she is to work for 9 or more hours each week or for periods that average, over a 3 month period, 9 or more hours each week.

(3) A person who is not entitled to default invalidity/death insurance under regulation 28(2)(b) or (c), or who is entitled to default death insurance but not default invalidity insurance, cannot apply for additional invalidity/death insurance or death insurance.

(4) A person who is a member of the scheme by virtue only of regulation 9(3), (5b), (6) or (7) (including any combination of these provisions) cannot apply for additional invalidity/death insurance.

(4a) A person who is a member of the scheme by virtue only of regulation 14(1) is not entitled to additional invalidity/death insurance and any additional invalidity/death insurance cover held by a person if and when they become a member of the scheme by virtue only of regulation 14(1) is cancelled.

(5) If within 3 months after electing to become a member of the Triple S scheme, a contributor under the *Superannuation Act 1988* applies to the Board under this regulation for additional invalidity/death insurance that will entitle the applicant to benefits that will not, in the Board's opinion, exceed the benefits in the nature of invalidity and death insurance to which the applicant would have been entitled under the *Superannuation Act 1988*—

(a) regulation 49(2) does not apply to the applicant; and

(b) the Board must accept the application and the only conditions that it can impose on its acceptance are the conditions (if any) to which the applicant's membership of the State Scheme is subject or conditions to which the applicant agrees.

(6) If the Board grants an application for additional invalidity/death insurance or for an increase or decrease in the level of additional insurance, the Board must fix the date for the commencement of the insurance or of the increase or decrease in the level of insurance.

31—Additional invalidity/death insurance for prescribed members

(1) A prescribed member under the age of 65 years who has not taken out fixed benefit insurance has, regardless of the state of the health of the member, additional invalidity/death insurance cover at least equal in value to 3 units of standard insurance cover, determined according to the member's current age, and is liable for premiums in respect of that insurance fixed by or under regulation 34.

(2) A prescribed member under the age of 65 years who has taken out fixed benefit insurance cover has, regardless of the state of the health of the member, the number of units of fixed benefit insurance cover necessary to provide the member with invalidity/death insurance cover at least equal in value to 6 units of standard insurance cover (taking into account the member's default invalidity/death insurance cover), determined according to the member's current age, and is liable for premiums in respect of that insurance fixed by or under regulation 34.

(3) A prescribed member is not required to apply for additional insurance to which the member is entitled under subregulation (1) or (2).

(4) Subject to regulation 34, a prescribed member may apply to the Board, in the approved form, to increase the level of the member's additional invalidity/death insurance.

(5) If the Board grants an application for an increase in the level of additional insurance, the Board must fix the date for the commencement of the increase in the level of insurance.

Subdivision 3—Amount of insurance benefits and premiums

34—Amount of invalidity/death insurance benefits and amount of premiums

(1) There will be 2 classes of invalidity/death insurance:

(a) ***standard insurance cover*** under the Table in Schedule 1 where the value of a unit of cover, as designated in column 2, is determined on the basis of the member's age;

(b) ***fixed benefit insurance cover*** where the value of a unit of cover is fixed at $10 000 irrespective of the member's age (up to age 69).

(2) There will be 2 classes of death insurance for members to whom regulation 28(4) applies:

(a) ***standard insurance cover*** under the Table in Schedule 2 where the value of a unit of cover, as designated in column 2, is determined on the basis of the member's age;

(b) ***fixed benefit insurance cover*** where the value of a unit of cover is fixed at $10 000 irrespective of the member's age (up to age 69).

(3) Insurance cover under this Division ceases in relation to a member when the member reaches the age of 70 years.

(4) The amount of the premium payable per unit of insurance cover provided under this regulation is to be fixed by the Board on the recommendation of an actuary.

(5) An applicant for additional invalidity/death insurance may apply for standard insurance cover or fixed benefit insurance cover.

(6) The class of insurance held by a member may, on application by the member in the approved form and subject to terms and conditions determined by the Board, be changed to the other class of insurance.

(7) However, a member may not, at any 1 time, take out both standard and fixed benefit insurance cover.

(8) Subject to regulation 35A, the amount of default invalidity/death insurance for a member who has not taken out fixed benefit insurance cover is 3 units of standard insurance cover.

(9) If a member has an entitlement to default invalidity/death insurance immediately before taking out fixed benefit insurance cover, the level of the member's default invalidity/death insurance will be determined by the Board.

(10) In making a determination for the purposes of subregulation (9), the Board must ensure that the member's default invalidity/death insurance after the member takes out fixed benefit insurance cover is fixed at a level that provides insurance cover that is as close as possible in value to, but does not exceed in value, the value of the member's default invalidity/death insurance cover immediately before the fixed benefit insurance cover is taken out.

(11) If a member who takes out fixed benefit insurance cover does not have an entitlement to default invalidity/death insurance immediately before taking out the fixed benefit insurance cover, the member is not entitled to default invalidity/death insurance.

Note—

A member to whom subregulation (11) applies may nevertheless make application for additional insurance.

(12) The Board may allow a rebate of the premium payable under this regulation in respect of invalidity/death insurance cover or death insurance cover.

(13) The aggregate value of units of cover granted to a member employed other than on a casual basis must not exceed $1 500 000 (inclusive of the member's default cover).

(14) The aggregate value of units of cover granted to a member employed on a casual basis must not exceed $750 000 (inclusive of the member's default cover).

35—Voluntary reduction or cessation of invalidity/death insurance

(1) Subject to subregulation (2), the amount of invalidity/death insurance held by a member may be reduced on application by the member to the Board in the approved form.

(2) The value of invalidity/death insurance held by a prescribed member under the age of 65 years may not be reduced below an amount equivalent in value to 6 units of standard insurance cover.

(3) Invalidity/death insurance held by a member (other than a prescribed member under the age of 65 years) may cease on application to the Board by the member in the approved form.

(4) If the amount of invalidity/death insurance held by a member is reduced, or ceases, under this regulation, premiums will cease to be payable in respect of any cover that is no longer held by the member from a day determined by the Board (which must be as soon as practicable after receipt of the application).

35A—Application for insurance following decrease or cessation of insurance

(1) If the amount of invalidity/death insurance held by a member is reduced under regulation 35—

(a) further invalidity/death insurance may subsequently be granted to the member on application by the member in the approved form; but

(b) if the amount of the member's insurance has been reduced to 2 units or less of standard insurance cover (or an amount of insurance that is lower in value than, but does not exceed in value, 2 units of standard insurance cover)—

(i) the member's default invalidity/death insurance will not exceed in value the amount to which the member's insurance has been reduced; and

(ii) accordingly, the Board may, having regard to the state of the member's health, grant the application subject to authorised conditions (see regulation 49).

(2) If the amount of invalidity/death insurance held by a member ceases under regulation 35, further invalidity/death insurance may subsequently be granted to the member on application by the member in the approved form, subject to the following:

(a) the member will no longer be entitled to default invalidity/death insurance;

(b) the Board may, having regard to the state of the member's health, grant the application subject to authorised conditions (see regulation 49).

Subdivision 4—Income protection

36—Disability pension

(1) Pursuant to section 22(1) of the Act, but subject to these regulations, a member who—

(a) is incapacitated for work on account of a disability; and

(b) is absent from work in respect of employment to which the Act applies on account of the incapacity; and

(c) is receiving treatment from a medical practitioner in respect of the incapacity and is following the advice of the practitioner,

is entitled to a disability pension.

(2) A member is incapacitated for work on account of a disability for the purposes of this Subdivision if the Board is satisfied that the member—

(a) is suffering from ill health (whether physical or mental); and

(b) is unable, because of that ill health—

(i) to undertake the duties of the position usually occupied by the member or is unable to undertake those duties at the member's usual capacity; and

(ii) to undertake the duties of any other suitable position made available to the member.

(3) For the purposes of subregulation (2), a position is a suitable position for a member if—

(a) the position carries a salary of at least 80% of the salary applicable to the position usually occupied by the member; and

(b) the member could reasonably be expected to take the position.

(4) A member is not entitled to a disability pension under subregulation (1) if the member—

(a) is aged 65 years or over; or

(b) is exempted from the ambit of this regulation under regulation 37; or

(c) is not entitled to a disability pension under this regulation by virtue of regulation 38.

(4a) If regulation 9(1)(a) ceases to apply to a person, the following provisions apply:

(a) if the person holds income protection cover immediately before the day on which regulation 9(1)(a) ceases to apply, the person's salary from the relevant employer is to be taken into account on and from that day when calculating the person's notional salary for the purpose of determining the amount of any disability pension to which the person is entitled;

(b) however, the person's salary from the relevant employer is not to be taken into account for the purposes of determining the amount of any disability pension payable in respect of a medical condition existing before the day on which regulation 9(1)(a) ceases to apply unless—

(i) the person has, after that day, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months; and

(ii) the incapacity for work occurs after the end of that 12 month period;

(c) if, immediately before the day on which regulation 9(1)(a) ceases to apply, the person holds no income protection cover, the person will, subject to subregulation (4), be entitled to income protection cover under Part 3 Division 2 Subdivision 4 on and from that day;

(d) however, a disability pension will not be payable to a member who becomes entitled to income protection under paragraph (c) in respect of incapacity for work arising from a medical condition existing before the day on which regulation 9(1)(a) ceases to apply unless—

(i) the person has, after that day, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months; and

(ii) the incapacity for work occurs after the end of that 12 month period.

(5) If a member who is entitled to a disability pension under subregulation (1) becomes incapacitated for work on account of a disability while on leave without pay for a reason that is not connected to the disability, payment of the pension is not to commence, unless the Board determines otherwise, before the day on which the member was expected to return to work following the period of leave.

36AA—Application for disability pension

(1) An application for a disability pension must be made—

(a) within 6 months of the day on which the member is first absent from work in respect of employment to which the Act applies; or

(b) if the member is entitled to weekly payments of workers compensation, or is on recreation leave, long service leave or paid sick leave in connection with the incapacity for work to which the application relates, immediately after the member's first absence from work in respect of employment to which the Act applies—within 6 months of the day on which the member ceases to be entitled to weekly payments of workers compensation, or to be on recreation leave, long service leave or paid sick leave in connection with the incapacity.

(2) If a member notifies the Board when lodging an application for a disability pension that the application should not be assessed until further notice, the application will be taken to have been received by the Board if and when the member subsequently gives notice to the Board that the application is to be assessed.

(3) For the purposes of subregulation (1), a period during which a police member receives salary or wages pursuant to an arrangement under which employees forego part of their annual recreation leave in return for the grant of additional sick leave is to be taken to be a period during which the member is not absent from work.

Note—

The Commissioner of Police may make and carry out such an arrangement with employees under regulation 66 of the *Police Regulations 2014*.

36AAB—Amount of pension

(1) The amount of a disability pension will be 75% of the member's notional salary.

(2) In addition, a contribution replacement benefit of an amount determined by the Board will be credited to the member's employer contribution account under regulation 16(2) while the member is in receipt of a disability pension under this Subdivision.

(3) In this regulation—

notional salary—see regulation 36A.

36AAC—Matters affecting entitlement to pension

(1) A disability pension is payable to a member in respect of a disability—

(a) only if the member is—

(i) incapacitated for work on account of the disability for a period that exceeds the waiting period; and

(ii) absent from the member's employment on account of the incapacity for all working days falling within the waiting period; and

(b) only in relation to a period of incapacity that occurs after the end of the waiting period.

(2) In subregulation (1), the ***waiting period*** is—

(a) 30 days; or

(b) if—

(i) the member has elected in the approved form for a longer waiting period to apply and has not withdrawn the election; and

(ii) the first day on which the member is absent from employment on account of the incapacity occurs after the day on which notice of the election is lodged with the Board,

90 days.

(3) For the purposes of subregulation (1)(a)(ii)—

(a) if a member whose waiting period is referred to in subregulation (2)(a) returns to work during the waiting period for no more than 2 days (whether or not consecutive), those days are not to be taken into account for the purposes of determining the period for which the member has been absent from employment; and

(b) if a member with any other waiting period returns to work during the waiting period for 5 days or less, and no more than 2 of those days are consecutive (whether on 1 or 2 occasions), those days are not to be taken into account for the purposes of determining the period for which the member has been absent from employment.

(4) If a member withdraws an election made under subregulation (2)(b) by notice to the Board in the approved form, the member's waiting period under subregulation (2) will be a period commencing on the first day on which the member is absent from employment on account of the incapacity and ending on the day falling—

(a) 90 days from the day on which the notice is lodged with the Board; or

(b) 30 days from the first day on which the member is absent from employment on account of the incapacity,

whichever occurs later.

(5) A disability pension is not payable to a member in respect of—

(a) a period in respect of which the member is entitled to weekly payments of workers compensation or would have been entitled to weekly payments of workers compensation if the member had not accepted a redemption of the liability to make those weekly payments under Part 4 Division 4 of the *Return to Work Act 2014*; or

(b) a period for which the member is on recreation leave, long service leave, paid sick leave or any other form of paid leave.

(6) The Board may decline to authorise a disability pension if it appears that the duration of the incapacity is likely to be less than 6 months.

(7) A person who—

(a) is a member of the scheme by virtue of an election under regulation 10; and

(b) was aged 55 years or over when the election was made,

is not entitled, during the first 24 months of the person's membership of the scheme, to a disability pension in respect of an incapacity attributable to a medical condition existing before the day on which that membership commenced.

(8) A person who is a contributor within the meaning of the *Superannuation Act 1988* to whom regulation 11 applies is not entitled, during the period of 24 months commencing on the day on which regulation 11 first applies to the person, to a disability pension in respect of an incapacity attributable to a medical condition existing before that day.

(9) A member who returns to work in employment to which the Act applies after being on leave without pay for 12 months or more is not entitled, during the period of 24 months commencing on the day on which the member returns to work, to a disability pension in respect of a condition that was known to the member on that day.

(10) In this regulation—

working day in relation to a member means a day on which the member would be normally required to work in the course of employment.

36AAD—Duration of disability pension

(1) A member who is in receipt of a disability pension may, by notice in writing to the Board, suspend payment of the pension for a period specified in the notice.

(2) A disability pension cannot be paid in respect of a particular disability—

(a) for a continuous period of more than 24 months; or

(b) for an aggregate period of more than 24 months in any 1 period of 48 months.

(3) For the purposes of subregulation (2)—

(a) if an application by a member for a disability pension is taken under regulation 36AA(2) to have been received on a day that is not the day on which it was lodged, and the application is successful, the period commencing on the day on which the application was lodged and ending on the day on which the applicant gives notice to the Board that the application is to be assessed is to be taken into account as a period during which a disability pension was paid to the member; and

(b) if payment of a disability pension to a member is suspended at the request of the member under subregulation (1), the period of the suspension is to be taken into account as a period during which a disability pension was paid to the member.

(4) A person in receipt of a disability pension whose employment terminates ceases to be entitled to the pension from the day immediately following the day on which the employment terminates or is taken to have been terminated.

(5) Subregulation (4) applies irrespective of the manner in which the person's employment terminates.

(6) If a member to whom regulation 6(4) applies is entitled to a disability pension in respect of incapacity for work in the 12 month period during which the member is taken to remain in employment, the pension will not be payable after the end of the designated period.

(7) For the purposes of subregulation (6), the ***designated period*** is a period—

(a) commencing on the day following the day on which the 12 month period during which the member is taken to remain in employment expires; and

(b) equivalent in length to the waiting period that applied under regulation 36AAC in respect of the member's disability pension.

36AAE—Miscellaneous

(1) A member is not required to make a contribution over a period for which the member receives a disability pension.

(2) A right to a disability pension under this Subdivision cannot be assigned.

(3) Subregulation (2) does not prevent the making of a garnishee order in relation to a pension.

(4) If a person who is a member of the scheme by virtue of regulation 9(2) becomes entitled to a benefit under this Subdivision, the person is not entitled to a benefit under section 30 or 36 of the *Superannuation Act 1988*.

(5) Despite any other regulation, a member may receive a disability pension under this Subdivision while engaged in remunerative activities if the Board is satisfied that the member is engaged in the activities for the purposes of a rehabilitation or return to work arrangement.

(6) However, if at any time during a financial year a member who is receiving, or would, but for this subregulation, be entitled to receive, a pension under this Subdivision is also receiving income from remunerative activities, the pension will be reduced by the amount by which the pension and income exceed, when aggregated, the amount that the member would be entitled to receive if the member were in receipt of the member's notional salary (within the meaning of regulation 36AAB) and if those payments equal or exceed that amount, the pension will be suspended.

36A—Notional salary

(1) For the purposes of regulation 36AAB, the ***notional salary*** of a member who is entitled to a disability pension is the salary that the member was receiving immediately before the commencement of the member's incapacity for work, adjusted at the commencement of each adjustment period to reflect—

(a) in the case of an April adjustment period—the percentage variation (rounded to 2 decimal places) between the Consumer Price Index for the immediately preceding December quarter and the Consumer Price Index for the immediately preceding June quarter; and

(b) in the case of an October adjustment period—the percentage variation (rounded to 2 decimal places) between the Consumer Price Index for the immediately preceding June quarter and the Consumer Price Index for the immediately preceding December quarter.

(2) However—

(a) if the member was not, immediately before the commencement of the incapacity, in full-time employment, the notional salary will be calculated by reference to a formula determined by the Board, having regard to such evidence of the member's salary (over the course of the member's employment or, if the member has been employed for more than 3 years, the last 3 years of the member's employment) as the Board considers appropriate (including, without limitation, premiums paid by the member under these regulations); and

(b) if the Board is satisfied that—

(i) the member was not, immediately before the commencement of his or her incapacity, in receipt of a shift work allowance or an on call allowance to which he or she would ordinarily be entitled; and

(ii) he or she was not in receipt of the allowance only because of a medical condition to which his or her incapacity is attributable,

the member will be taken to have been receiving the allowance immediately before the commencement of his or her incapacity.

(3) Despite subregulations (1) and (2), if a member's notional salary would, but for this subregulation, exceed the automatic acceptance limit, the member's notional salary is fixed at the automatic acceptance limit.

(4) A member whose notional salary is fixed under subregulation (3) may apply to the Board for additional income protection cover.

(5) Regulation 37A applies in relation to an application under subregulation (4).

(6) If the Board approves the member's application, the member's notional salary will be determined, subject to regulation 36B, under subregulation (1) or (2), as appropriate.

(7) The member may, by subsequent application in the approved form, apply for a reduction in the level of the member's income protection cover.

(8) If the Board approves the member's application, the member's notional salary will be fixed at the automatic acceptance limit unless and until the member's notional salary if determined under subregulation (1) or (2) would be set at a level lower than the automatic acceptance limit (and subregulations (1) and (2) will then apply for the purposes of determining the member's notional salary).

(9) If an application for additional income protection cover is granted subject to authorised conditions under regulation 37A, any entitlement of the member to a disability pension based on a notional salary set at a level higher than the automatic acceptance limit will be subject to those conditions (but the member will, if the member has income protection cover under these regulations that the member was not required to apply for, be entitled, without conditions, to a disability pension based on a notional salary fixed at the automatic acceptance limit).

(9a) An adjustment is not to be made under subregulation (1) if the effect of the adjustment would be to reduce the amount of a member's disability pension.

(10) In this regulation—

adjustment period means the period of 6 months commencing on 1 April and 1 October in each year;

April adjustment period means an adjustment period commencing on 1 April in any year;

automatic acceptance limit means a salary level fixed by the Board from time to time for the purposes of this definition;

Consumer Price Index means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;

October adjustment period means an adjustment period commencing on 1 October in any year.

36B—Maximum level of income protection

(1) Despite any other regulation, the level of a member's income protection cover under this Part may not exceed the level of income protection cover provided where notional salary is equal to the maximum salary income protection cap.

(2) For the purposes of regulations 36AAB and 36A, the notional salary of a member whose salary exceeds the level of the maximum salary income protection cap will be fixed at the level of that cap and the member's disability pension premium will be determined accordingly.

(3) A member whose salary exceeds the maximum salary income protection cap may not apply for a level of income protection cover that exceeds the cover provided to a member whose notional salary is equal to the maximum salary income protection cap.

(4) In this regulation—

maximum salary income protection cap means a salary level fixed by the Board from time to time for the purposes of this definition.

37—Exemption from ambit of regulation 36

(1) A member (other than a prescribed member under the age of 60 years), may elect, in the approved form, to be exempted from the ambit of regulation 36.

(2) An election under subregulation (1) will take effect from a date determined by the Board.

(3) Subject to subregulation (4), a member employed on a casual basis is exempted from the ambit of regulation 36 unless—

(a) the member was entitled to a disability pension in the event of incapacity for work under section 33A of the repealed Act immediately before the repeal of that Act; or

(b) not more than 3 months before commencing that casual employment, the member was engaged in employment to which the Act applies on a full-time or part-time basis (other than as a casual employee) and had an entitlement to a disability pension under this Subdivision.

(4) A member who is exempted from the ambit of regulation 36 under subregulation (1) or (3) may apply to the Board to be brought within the ambit of that regulation.

(11) If the Board grants an application under subregulation (4), the applicant ceases to be exempted from the ambit of regulation 36 from a date determined by the Board.

37A—Applications for income protection

(1) An application under regulation 36A(4) or 37(4) or Schedule 3 must be in the approved form.

(2) The applicant must provide the Board with the following information as to the state of the applicant's health:

(a) information relating to medical advice, examinations or treatment received by the applicant;

(b) information as to any other treatment received by the applicant for any illness, condition or disability suffered by the applicant;

(c) information as to any illness, condition or disability suffered by the applicant or any symptoms suffered by the applicant that may indicate an illness, condition or disability;

(d) information as to any drugs or other substances (whether legal or illegal and whether medicinal or not) taken by the applicant or to which the applicant has been exposed,

and the Board may require an applicant to provide satisfactory evidence of the state of the applicant's health.

(3) The cost of any medical examination to which an applicant is required to submit for the purposes of subregulation (2) is to be borne by the applicant.

(4) If it appears to the Board—

(a) that an applicant's state of health is such as to create a risk of incapacity for work; or

(b) that an applicant has in the past engaged in a prescribed activity that increases the risk of incapacity for work; or

(c) that an applicant is likely in the future to engage in an activity of a kind referred to in paragraph (b),

the Board may refuse the application or grant the application on authorised conditions.

(5) Consideration of an application to which subregulation (4) applies may, if the Board thinks fit, be deferred for a reasonable period.

(6) A condition on which an application has been granted may be varied or removed by the Board if the Board considers it appropriate to do so following consideration of medical evidence provided by the applicant (but a condition may not be removed unless the Board is satisfied that none of the circumstances specified in subregulation (4)(a), (b) or (c) apply in relation to the applicant).

(7) Subject to subregulation (8), if it appears to the Board that an applicant withheld information required in relation to the member's application under this regulation, the Board may withhold or reduce the pension to which the applicant would otherwise have been entitled.

(8) If—

(a) it appears to the Board that an applicant withheld information required in relation to the member's application under this regulation; and

(b) the withheld information relates to a medical condition to which the applicant's incapacity for work is attributable,

the Board must withhold the pension to which the applicant would otherwise have been entitled in respect of that incapacity.

(9) In this regulation—

authorised condition, in relation to the granting of an application under regulation 36A(4), 37(4) or Schedule 3, means—

(a) a condition providing that a disability pension is not payable if the applicant's incapacity for work is caused wholly or partly by—

(i) a pre-existing illness, condition or disability; or

(ii) an illness, condition or disability arising out of a pre-existing illness, condition or disability; or

(iii) a prescribed activity; or

(b) a condition that a disability pension is only to be payable in respect of an incapacity for work arising from—

(i) accidental causes; or

(ii) an illness or condition that is not related to or associated with a medical condition of a kind specified by the Board;

prescribed activity means the smoking, chewing or sucking of a tobacco product or any other activity involving the consumption of a tobacco product;

tobacco product means—

(a) a cigarette; or

(b) a cigar; or

(c) cigarette or pipe tobacco; or

(d) tobacco prepared for chewing or sucking; or

(e) snuff.

38—Persons not entitled to disability pension

The following are not entitled to a disability pension under this Subdivision under any circumstances:

(a) a spouse member, unless the spouse member is also a member of the scheme;

(b) a person who is a member of the scheme solely by virtue of regulation 9(3), (5), (5a), (5b), (6), (7) or (8) or 14(1) (or any combination of these provisions);

(c) a member to whom insurance benefits (or benefits of a similar kind) have been paid on account of invalidity or a terminal illness under the Act, the repealed Act, another Act that provides for the payment of benefits by the Treasurer or an administered scheme under Schedule 3 of the *Superannuation Act 1988*;

(d) a person who is—

(i) employed or engaged for a specified period of time; and

(ii) remunerated solely by a fee, allowance or commission.

Subdivision 4A—Special disability pension for police officers

38A—Police disability pension

(1) Pursuant to section 22(1) of the Act, but subject to this regulation, a police officer is entitled to a pension under this regulation (a ***police disability pension***) if—

(a) the officer is temporarily or permanently incapacitated for work as a result of a physical or psychological injury sustained when he or she was on duty or lawfully exercising the powers of a police officer; and

(b) the injury—

(i) resulted from conduct directed at the officer that constitutes a criminal offence; or

(ii) occurred as a direct and immediate result of conduct that constitutes a criminal offence in the course of the officer's involvement in police operations directed at the investigation of criminal conduct, or conduct that appears to be criminal; or

(iii) occurred as a direct and immediate result of conduct that constitutes a criminal offence by a person who has been apprehended or who the officer is attempting to apprehend.

(2) A police disability pension—

(a) is payable to a member only in relation to any period during which the member is entitled to weekly payments of workers compensation under the *Return to Work Act 2014* of an amount that is less than the member's notional weekly earnings under that Act; and

(b) is not payable to a member if the member was, at the time of sustaining the injury, engaged in—

(i) conduct constituting a criminal offence; or

(ii) conduct constituting a breach of a provision of the Code of Conduct established under Part 6 of the *Police Act 1998* concerning corrupt, improper or discreditable behaviour,

unless the Board is of the opinion that the conduct does not amount to serious misconduct; and

(c) cannot be paid for a continuous period of more than 24 months; and

(d) cannot be paid in respect of the same incapacity for an aggregate period of more than 24 months in any 1 period of 48 months.

(3) For the purposes of subregulation (2)(b)—

(a) a person will be regarded as having been engaged in conduct constituting a criminal offence only if he or she is found guilty of the offence under a law of this State, the Commonwealth or another State or a Territory of the Commonwealth; and

(b) a person will be regarded as having been engaged in conduct constituting a breach of the Code of Conduct only if he or she is charged with the breach and—

(i) admits the breach in accordance with the *Police Act 1998*; or

(ii) is found guilty of the breach in proceedings before the Police Disciplinary Tribunal.

(4) The Board may authorise the payment of a police disability pension to a police officer despite the fact that no person has been prosecuted for, or found guilty of, any offence constituted by the conduct that resulted in the officer's injury.

(5) The amount of the police disability pension payable to a member in a particular period will be the difference between the amount of the weekly payments of workers compensation to which the member is entitled for that period and the member's notional weekly earnings for that period under the *Return to Work Act 2014*.

(6) A person in receipt of a police disability pension whose employment terminates ceases to be entitled to the pension from the day immediately following the day on which the employment terminates or is taken to have been terminated.

(7) If the Board is satisfied that a member in receipt of a police disability pension—

(a) is not making a reasonable effort to return to work that the member has the capacity to perform; or

(b) has unreasonably failed to cooperate with the Board; or

(c) has acted dishonestly or otherwise in bad faith in his or her dealings with the Board,

the Board may discontinue the pension (but the Board must first give the member written notice, at least 21 days before the discontinuance takes effect, of its decision to discontinue the pension).

(8) A person is not entitled to receive a police disability pension while the person is in receipt of a disability pension under Subdivision 4 or section 30 of the *Police Superannuation Act 1990*.

(9) If a person who is receiving or has received a police disability pension is paid compensation or damages from another source for the loss of income to which the pension relates (other than under the *Return to Work Act 2014*)—

(a) the Board may, if payment of the pension has not already ceased, discontinue the pension; and

(b) the Treasurer may recover from the person, as a debt, the amount of the pension paid to the person (but may not recover more than the amount of compensation or damages paid to the person from the other source).

(10) A police disability pension may not be paid in relation to an injury sustained on or after the day falling 5 years after the commencement of this regulation.

38B—Members of Police Superannuation Scheme

A person who is a member of the scheme solely by virtue of being entitled to a police disability pension is not entitled to make contributions under section 20(1)(a) of the Act and is not entitled to any other benefits under the Act or these regulations in his or her capacity as a member under regulation 9(5b).

38C—Administrative charges and reimbursement of Fund

(1) The Board may fix administrative charges payable by South Australia Police in respect of the administration by the Board of this Subdivision.

(2) An amount equivalent to any payment made to a police officer in accordance with this Subdivision is to be paid by South Australia Police to the Treasurer.

(3) The Treasurer is to pay an amount equivalent to any amount—

(a) received from South Australia Police under subregulation (1) or (2); or

(b) recovered from a person under regulation 38A(9),

into the Fund.

Subdivision 5—Payment of premiums

39—Payment of premiums by members

(1) Premiums payable by a member, including the disability pension premium, will be debited against the member's accounts in accordance with regulation 16.

(2) If the debiting of a premium for invalidity/death insurance under subregulation (1) would result in a debit balance in 1 or more of the member's accounts—

(a) premiums will be debited against the member's accounts to the extent of any credit balance in those accounts until the insurance is cancelled under paragraph (b); and

(b) the member's invalidity/death insurance is cancelled on the expiration of the designated period unless, before the end of that period, 1 or more of the member's accounts is sufficiently in credit for the purposes of this regulation.

(3) If the debiting of a disability pension premium under subregulation (1) would result in a debit balance in 1 or more of the member's accounts—

(a) premiums will be debited against the member's accounts to the extent of any credit balance in those accounts until the entitlement to a pension is cancelled under paragraph (b); and

(b) the member's entitlement to a disability pension in the event of incapacity for work is cancelled on the expiration of the designated period unless, before the end of that period, 1 or more of the member's accounts is sufficiently in credit for the purposes of this regulation.

(4) For the purposes of this regulation—

(a) the ***designated period*** is a period commencing on the day on which debiting of a premium would, if it were to occur, first result in a debit balance in an account of a member and ending on a day determined by the Board; and

(b) an account of a member is sufficiently in credit if there are sufficient funds in the account to satisfy any arrears in premiums between the day that the debiting of a premium would have first resulted in a debit balance in the account and the end of the designated period.

Division 3—Spouse members—death insurance

40—Application for death insurance

(1) A spouse member under the age of 70 years may, if the spouse member is the spouse of a member, apply to the Board for death insurance.

(2) A spouse member who is not the spouse of a member is not entitled to death insurance cover and any such cover enjoyed by a spouse member will cease if the spouse member ceases to be the spouse of a member.

(3) If the Board grants an application for death insurance or for an increase or decrease in the level of death insurance, the Board must fix the date for the commencement of the insurance or of the increase or decrease in the level of the insurance.

41—Variation of death insurance

Subject to regulation 42, a spouse member who has death insurance may apply to the Board to increase or decrease the level of the insurance.

42—Amount of death insurance benefits and amount of premiums

(1) There will be 2 classes of death insurance:

(a) ***standard insurance cover*** under the Table in Schedule 2 where the value of a unit of cover, as designated in column 2, is determined on the basis of the spouse member's age;

(b) ***fixed benefit insurance cover*** where the value of a unit of cover is fixed at $10 000 irrespective of the spouse member's age (up to age 69).

(2) Insurance cover under this Division ceases in relation to a spouse member when the spouse member reaches the age of 70 years.

(3) The amount of the premium payable per unit of insurance cover provided under this regulation is to be fixed by the Board on the recommendation of an actuary.

(4) The Board may allow a rebate of the premium payable under this regulation in respect of death insurance cover.

(5) An applicant for death insurance may apply for standard insurance cover or fixed benefit insurance cover.

(6) However, a spouse member may not, at any 1 time, take out both standard and fixed benefit insurance cover.

(7) The aggregate value of units of cover granted to a spouse member must not exceed $1 500 000.

43—Payment of premiums by spouse members

(1) Premiums payable by a spouse member may be debited against any of the spouse member's spouse accounts.

(2) If the debiting of a premium for death insurance under subregulation (1) would result in a debit balance in 1 or more of the spouse member's accounts—

(a) premiums will be debited against the spouse member's accounts to the extent of any credit balance in those accounts until the insurance is cancelled under paragraph (b); and

(b) the spouse member's death insurance is cancelled on the expiration of the designated period unless, before the end of that period, 1 or more of the member's accounts is sufficiently in credit for the purposes of this regulation.

(3) For the purposes of this regulation—

(a) the ***designated period*** is a period commencing on the day on which debiting of a premium would, if it were to occur, first result in a debit balance in an account of a spouse member and ending on a day determined by the Board; and

(b) an account of a spouse member is sufficiently in credit if there are sufficient funds in the account to satisfy any arrears in premiums between the day that the debiting of a premium would have first resulted in a debit balance in the account and the end of the designated period.

Division 4—Post retirement investment and invalidity/death insurance

Subdivision 1—Preliminary

44—Interpretation

In this Division—

invalidity/death insurance means invalidity/death insurance granted under this Subdivision;

public sector superannuation beneficiary means a person who is a member of, or has received a benefit under, a public sector superannuation scheme (but does not include a person who has received a benefit under a public sector superannuation scheme solely by virtue of being the spouse of a member of such a scheme);

public sector superannuation scheme means—

(a) a scheme of superannuation established under the Act or under another Act; or

(b) Super SA Select; or

(c) another scheme of superannuation established for the benefit of employees of an agency or instrumentality of the Crown.

Subdivision 2—Post retirement investment

45—Post retirement investment

(1) The Board may offer to accept money from public sector superannuation beneficiaries or the spouses of public sector superannuation beneficiaries for investment with the Superannuation Funds Management Corporation of South Australia.

(2) The Board may, in relation to a particular type of investment, offer to accept money only from public sector superannuation beneficiaries, or the spouses of public sector superannuation beneficiaries, who have received a benefit under a public sector superannuation scheme.

(3) An offer will be on terms and conditions determined by the Board following consultation with the Corporation about matters relevant to the terms and conditions for which the Corporation is responsible under the *Superannuation Funds Management Corporation of South Australia Act 1995*.

(4) Money accepted by the Board under subregulation (1)—

(a) will be held in a fund established by the Board for the purposes of this regulation (the assets of which do not belong to the Crown); and

(b) will, subject to the terms and conditions of the offer referred to in subregulation (3), be invested by the Corporation in a manner determined by it; and

(c) may, if a public sector superannuation beneficiary so requests, be invested for the benefit of the spouse of the beneficiary.

(5) The Corporation may enter into transactions affecting that money—

(a) for the purposes of investment; or

(b) for purposes incidental, ancillary or otherwise related to investment.

(6) Money that may be invested by public sector superannuation beneficiaries or their spouses under this regulation is not limited to money received by the investor from a public sector superannuation scheme.

(7) The Board may deduct an administrative charge, to be fixed by the Board, from money accepted under subregulation (1).

(8) The Board must, in respect of each financial year—

(a) keep proper accounts of receipts and payments in relation to money accepted by it under this regulation; and

(b) prepare financial statements in relation to those receipts and payments.

Subdivision 3—Post retirement insurance

46—Post retirement invalidity and death insurance

(1) Subject to this Subdivision, the Board may provide—

(a) invalidity/death insurance to public sector superannuation beneficiaries; and

(b) death insurance to public sector superannuation beneficiaries and the spouses of public sector superannuation beneficiaries.

(2) Invalidity/death insurance and death insurance provided to a public sector superannuation beneficiary or the spouse of a public sector superannuation beneficiary is subject to terms and conditions set out in regulation 47.

(3) A public sector superannuation beneficiary may apply for invalidity/death insurance in the form of standard insurance cover or fixed benefit insurance cover (both within the meaning of regulation 34), and the amount of invalidity/death insurance benefits, and the amount of premiums in respect of those benefits, are the amounts fixed by or under regulation 34.

(4) The Board may allow a rebate of the premium payable under this Subdivision in respect of invalidity/death insurance cover.

(5) A public sector superannuation beneficiary or the spouse of a public sector superannuation beneficiary may apply for death insurance in the form of standard insurance cover or fixed benefit insurance cover (both within the meaning of regulation 42), and the amount of death insurance benefits, and the amount of premiums in respect of those benefits, are the amounts fixed by or under regulation 42.

(6) However, a public sector superannuation beneficiary or the spouse of a public sector superannuation beneficiary may not, at any 1 time, take out both standard insurance cover and fixed benefit insurance cover (whether under subregulation (3) or (5)).

47—Terms and conditions

(1) A public sector superannuation beneficiary may be provided with invalidity/death insurance or death insurance if, and only if, the beneficiary—

(a) is under the age of 70 years; and

(b) has an investment of money with the Superannuation Funds Management Corporation of South Australia under regulation 45.

(2) The spouse of a public sector superannuation beneficiary may be provided with death insurance if, and only if, the spouse—

(a) is under the age of 70 years; and

(b) has an investment of money with the Superannuation Funds Management Corporation of South Australia under regulation 45.

(3) Premiums will be debited against the insured's investment account.

(4) If the debiting of a premium under subregulation (3) would result in a debit balance in the account—

(a) the premium will be debited against the account to the extent of the credit balance in the account; and

(b) the insurance is cancelled on the expiration of the designated period unless, before the end of that period, the insured's investment account is sufficiently in credit for the purposes of this subregulation.

(5) For the purposes of subregulation (4)—

(a) the ***designated period*** is a period commencing on the day on which debiting of a premium would, if it were to occur, first result in a debit balance in an insured's investment account and ending on a day determined by the Board; and

(b) an investment account is sufficiently in credit if there are sufficient funds in the account to satisfy any arrears in premiums between the day that the debiting of a premium would have first resulted in a debit balance in the account and the end of the designated period.

(6) Insurance ceases on payment to the insured of the insured's investment under regulation 45.

(7) Death insurance cover provided to the spouse of a public sector superannuation beneficiary is not affected by payment to the public sector superannuation beneficiary of the beneficiary's investment under regulation 45.

(8) The following provisions apply to a public sector superannuation beneficiary who has, within 60 days of ceasing to be engaged in employment to which the Act applies, invested money with the Superannuation Funds Management Corporation of South Australia under regulation 45 and made application to the Board for the continuation of the beneficiary's invalidity/death insurance:

(a) the beneficiary is, on making the application, covered, and taken to have been covered since ceasing to be engaged in employment to which the Act applies, by the invalidity/death insurance that applied to the beneficiary at the time of that cessation, subject to the same terms, conditions and restrictions;

(b) regulation 49—

(i) does not apply to an application under paragraph (a); but

(ii) applies to any application by the beneficiary to increase the level of the beneficiary's invalidity/death insurance cover.

(9) The following provisions apply to the spouse of a public sector superannuation beneficiary who has, within 60 days of becoming entitled to a benefit under regulation 63, invested money with the Superannuation Funds Management Corporation of South Australia under regulation 45 and made application to the Board for the continuation of the spouse's death insurance:

(a) the spouse is, on making the application, covered, and taken to have been covered since becoming entitled to a benefit under regulation 63, by the death insurance that applied to the spouse at the time the entitlement arose, subject to the same terms, conditions and restrictions;

(b) regulation 49—

(i) does not apply to an application under paragraph (a); but

(ii) applies to any application by the spouse to increase the level of the spouse's death insurance cover.

(10) An insurance benefit will be payable on account of invalidity if the Board is satisfied that the insured—

(a) is suffering from ill health (whether physical or mental) that makes it unlikely that the insured will at any future time engage in gainful employment for which the insured is reasonably qualified by education, training or experience or for which the insured could be expected to become reasonably qualified following appropriate training or rehabilitation; and

(b) is receiving treatment from a medical practitioner in respect of the ill health and is following the advice of the practitioner.

(11) However, an insured is not entitled to payment of a benefit on account of invalidity—

(a) if—

(i) the insured ceased to be engaged in employment to which the Act applies as a condition of a voluntary separation package; and

(ii) the insured's incapacity for work was known to the insured at the time of ceasing to be engaged in that employment; and

(b) unless the insured has engaged in employment for an average of 9 or more hours per week in any 6 month period in the 2 year period prior to making a claim in respect of the invalidity.

(12) An invalidity insurance benefit will also be payable if the Board is satisfied that the insured is suffering from a terminal illness.

(13) Death benefits payable in respect of a deceased insured will be paid as follows:

(a) if the deceased has a legal personal representative—the benefits will be paid to the representative;

(b) if the deceased does not have a legal personal representative but is survived by a spouse—the benefits will be paid to the spouse;

(c) if the deceased does not have a legal personal representative and is not survived by a spouse—the benefits will be paid to the deceased's estate.

(14) If an insured takes the insured's own life—

(a) within 1 year after the commencement of the insured's insurance under this regulation; or

(b) within 1 year after the commencement of, or increase in the level of, insurance,

the following provisions apply:

(c) if death occurs within 1 year after the commencement of the insurance—death insurance benefits are not payable;

(d) if death occurs within 1 year after an increase in the level of insurance—death insurance benefits are not payable in respect of the increased insurance.

(15) Subregulation (14) does not apply to—

(a) a beneficiary who becomes insured under this regulation by virtue of subregulation (8)(a); or

(b) a spouse who becomes insured under this regulation by virtue of subregulation (9)(a).

(16) However, if a beneficiary referred to in subregulation (15)(a) takes the beneficiary's own life—

(a) within 1 year after the commencement of the beneficiary's membership of the scheme; or

(b) within 1 year after the commencement of, or increase in the level of, additional invalidity/death insurance that was held by the beneficiary as a member of the scheme,

the following provisions apply:

(c) if death occurs within 1 year after the commencement of membership of the scheme or commencement of additional invalidity/death insurance—death insurance benefits are not payable;

(d) if death occurs within 1 year after an increase in the level of additional invalidity/death insurance—death insurance benefits are not payable in respect of the increased insurance.

(17) The aggregate value of units of cover provided to a person under regulation 46 and any other provision of the Act or these regulations must not exceed $1 500 000.

(18) In this regulation—

voluntary separation package means an agreement between a member and the member's employer pursuant to which the member resigns from employment, but does not include an agreement pursuant to which a member resigns from employment in connection with an agreement for the redemption of a liability to make weekly payments under Part 4 Division 4 of the *Return to Work Act 2014*.

Division 5—General

49—Application for insurance

(1) An application for invalidity/death or death insurance under this Part, including an application to increase the level of the applicant's insurance, must be in the approved form and must specify the invalidity or death insurance that the applicant is applying for.

(2) An applicant must provide the Board with the following information as to the state of the applicant's health:

(a) information relating to medical advice, examination or treatment received by the applicant;

(b) information as to any other treatment received by the applicant for any illness, condition or disability suffered by the applicant;

(c) information as to any illness, condition or disability suffered by the applicant or any symptoms suffered by the applicant that may indicate an illness, condition or disability;

(d) information as to any drugs or other substances (whether legal or illegal and whether medicinal or not) taken by the applicant or to which the applicant has been exposed,

and the Board may require an applicant to provide satisfactory evidence of the state of the applicant's health.

(3) The cost of any medical examination to which an applicant is required to submit for the purposes of subregulation (2) is to be borne by the applicant.

(4) If it appears to the Board—

(a) that an applicant's state of health is such as to create a risk of invalidity or premature death; or

(b) that an applicant has in the past engaged in a prescribed activity that increases the risk of invalidity or premature death; or

(c) that an applicant is likely in the future to engage in an activity of a kind referred to in paragraph (b),

the Board may refuse the application or grant the application on authorised conditions.

(4a) Consideration of an application to which subregulation (4) applies may, if the Board thinks fit, be deferred for a reasonable period.

(5) A condition on which an application has been granted (whether under the repealed Act or these regulations) may be varied or removed by the Board if the Board considers it appropriate to do so following consideration of medical evidence provided by the applicant (but a condition may not be removed unless the Board is satisfied that none of the circumstances specified in subregulation (4)(a), (b) or (c) apply in relation to the applicant).

(6) Subject to subregulation (7), if it appears to the Board that an applicant withheld information required in relation to his or her application under this regulation, the Board may withhold or reduce insurance benefits that the applicant would otherwise have been entitled to.

(7) If—

(a) it appears to the Board that an applicant withheld information required in relation to his or her application under this regulation; and

(b) the withheld information relates to an illness, condition or disability suffered by the applicant that caused or is connected with the applicant's invalidity or death,

the Board must withhold insurance benefits that the applicant or another person would otherwise have been entitled to in respect of that invalidity or death.

(8) In this regulation—

authorised condition, in relation to invalidity/death insurance or death insurance in respect of a person, means—

(a) a condition providing that insurance is not payable if the person's invalidity or death is caused wholly or partly by—

(i) a pre-existing illness, condition or disability; or

(ii) an illness, condition or disability arising out of a pre-existing illness, condition or disability; or

(iii) a prescribed activity; or

(b) a condition that insurance cover is to be provided only in respect of incapacity or death arising from—

(i) accidental causes; or

(ii) an illness or condition that is not related to or associated with a medical condition of a kind specified by the Board;

prescribed activity means the smoking, chewing or sucking of a tobacco product or any other activity involving the consumption of a tobacco product;

tobacco product means—

(a) a cigarette; or

(b) a cigar; or

(c) cigarette or pipe tobacco; or

(d) tobacco prepared for chewing or sucking; or

(e) snuff.

50—Application to decrease level of insurance

An application to decrease the level of the applicant's insurance must be in the approved form.

51—Financial statements

Pursuant to section 15(2) of the Act, financial statements prepared by the Board as required by that section must set out the aggregate of the amounts debited against contribution accounts and spouse accounts in respect of premiums for insurance.

Part 4—Superannuation benefits

Division 1—Members

Subdivision 1—Preliminary

52—Interpretation

In this Division—

co-contribution component in relation to a member means the amount standing to the credit of the member's co-contribution account;

employee component in relation to a member means the amount standing to the credit of the member's employee contribution account;

employer component in relation to a member means the amount standing to the credit of the member's employer contribution account;

rollover component in relation to a member means the amount standing to the credit of the member's rollover account.

Subdivision 2—Members (other than PSS 3 members)

52A—Application of Subdivision

This Subdivision does not apply in relation to the benefits to which a PSS 3 member is entitled under regulation 13A(2) in connection with an election under section 36 of the *Parliamentary Superannuation Act 1974* to take out voluntary invalidity/death insurance.

53A—Early access to superannuation benefits in case of severe financial hardship or on compassionate grounds

(1) A member may apply to the Board for the early release of an amount of the member's benefit—

(a) if the member is in severe financial hardship; or

(b) on a compassionate ground.

(2) The Board may require that an application under subregulation (1) be made in such manner, comply with such requirements and be on such terms and conditions as the Board thinks fit.

(3) The Board must, on receipt of an application under subregulation (1), determine whether, in the Board's opinion, if the SIS regulations applied, the member would be taken for the purposes of those regulations—

(a) to be in severe financial hardship; or

(b) to satisfy a condition of release on a compassionate ground.

(4) If the Board makes a determination that subregulation (3)(a) or (b) applies to the member, the Board must—

(a) determine the maximum amount that the SIS regulations would permit to be paid to the member in those circumstances; and

(b) if the Board considers it appropriate to do so in all the circumstances, pay to the member—

(i) the amount applied for by the member; or

(ii) the amount determined by the Board under paragraph (a); or

(iii) the combined balance of the member's eligible contribution accounts (subject to any minimum account balance required by the Board),

whichever is the lesser.

(5) If the Board makes a payment to a member under subregulation (4)(b), the Board must debit the amount of the payment against the member's employee contribution account or, if the credit balance of the member's employee contribution account is not sufficient to make the payment, the member's employer contribution account, rollover account or co-contribution account.

(6) A member making an application under subregulation (1) must furnish the Board with any information that it requires for the purposes of making a determination under this regulation.

(7) In this regulation—

compassionate ground and ***condition of release*** have the same respective meanings as in Part 6 of the SIS regulations;

eligible contribution accounts of a member means—

(a) the member's employee contribution account; and

(b) the member's employer contribution account; and

(c) the member's rollover account; and

(d) the member's co-contribution account;

severe financial hardship has the same meaning as in Part 6 of the SIS regulations;

SIS regulations means the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth.

54—Retirement

(1) A member who retires from employment is entitled to—

(a) payment of the employee component and the employer component; and

(b) payment of—

(i) the rollover component (if any); and

(ii) the co-contribution component (if any),

to the extent that payment of the component can be made in accordance with the SIS Act.

(2) A rollover component, or the part of a rollover component, or a co-contribution component, that cannot be paid in accordance with the SIS Act must be preserved and regulation 55(7) and (8) apply to and in relation to it.

(3) For the purposes of this regulation, a member retires from employment if—

(a) the member has reached the retirement age; and

(b) the member's employment terminates or is terminated for any reason (except the member's death).

55—Resignation

(1) If a member resigns from employment before reaching the retirement age the member may elect—

(a) to take immediately the employee component; or

(b) to preserve the employee component; or

(c) to carry the employee component over to some other superannuation fund or scheme approved by the Board; or

(d) —

(i) to take immediately part of the employee component; and

(ii) to carry the part of the employee component that has not been taken over to some other superannuation fund or scheme approved by the Board.

(2) If a member resigns from employment before reaching the retirement age the member may elect—

(a) if the balance of the member's employer contribution account is less than $200—to take immediately the employer component; or

(b) to preserve the employer component; or

(c) to carry the employer component over to some other superannuation fund or scheme approved by the Board.

(3) If a member resigns from employment before reaching the retirement age the member may elect—

(a) to take immediately the rollover component (if any) to the extent that payment of that component can be made in accordance with the SIS Act; or

(b) to preserve the rollover component; or

(c) to carry the rollover component over to some other superannuation fund or scheme approved by the Board.

(4) If a member resigns from employment before reaching the retirement age, the member may elect—

(a) to take immediately the co-contribution component (if any) to the extent that payment of the component can be made in accordance with the SIS Act; or

(b) to preserve the co-contribution component; or

(c) to carry the co-contribution component over to some other superannuation fund or scheme approved by the Board.

(5) A member who fails to inform the Board in writing of his or her election under subregulation (1), (2), (3) or (4) within 3 months after resignation will be taken to have elected to preserve the employee, employer, rollover or co-contribution component, as the case requires.

(6) If the Board is of the opinion that the limitation period referred to in subregulation (5) would unfairly prejudice a member, the Board may extend the period as it applies to the member.

(7) If the member elects to preserve the employee, employer, rollover or co-contribution component, the following provisions apply subject to subregulation (8):

(a) the member may at any time after reaching 55 years of age require the Board to authorise payment of the component and, if no such requirement has been made on or before the date on which the member reaches 65 years of age, the Board will authorise payment of the component to the member;

(b) if the Board is satisfied that—

(i) the member—

(A) is suffering from ill health (whether physical or mental) that makes it unlikely that the member will at any future time engage in gainful employment for which the member is reasonably qualified by education, training or experience or for which the member could be expected to become reasonably qualified following appropriate training or rehabilitation; and

(B) is receiving treatment from a medical practitioner in respect of the ill health and is following the advice of the practitioner; or

(ii) that the member is suffering from a terminal illness,

the Board will authorise payment of the component to the member;

(c) if the member dies, the component will be paid—

(i) if the member has a legal personal representative—to the representative; and

(ii) if the member does not have a legal personal representative but is survived by a spouse—to the spouse; and

(iii) if the member does not have a legal personal representative and is not survived by a spouse—to the member's estate,

(and a payment under any of the above paragraphs excludes further rights so that a claim cannot be subsequently made under some other paragraph).

(8) Subregulation (7) applies to a rollover component or a co-contribution component subject to restrictions imposed by the SIS Act.

(9) A member who has elected, or has been taken to have elected, to preserve his or her employee component, employer component, rollover component or co-contribution component and to whom the component has not been paid under subregulation (7), may elect to withdraw that election and to elect to carry the component over to some other superannuation fund or scheme approved by the Board.

(10) If 2 or more components have been preserved, a member cannot make an election under subregulation (9) unless the member elects to carry both or all of the components over.

(11) If the member elects to carry over the employee, employer, rollover or co-contribution component to an approved superannuation fund or scheme, the following provisions apply:

(a) the member must satisfy the Board by such evidence as it may require that he or she has been admitted to membership of the fund or scheme;

(b) on being so satisfied the Board will authorise payment of the component on behalf of the member to the fund or scheme.

(12) If a member has resigned from employment and has elected to preserve the employee, employer, rollover or co-contribution component but has subsequently been re-employed in employment by virtue of which he or she becomes a member of the scheme, the Board may maintain separate contribution accounts or rollover accounts or co-contribution accounts or a combined contribution account or rollover account or co-contribution account in the name of the member.

(13) For the purposes of this regulation, and subject to any other provision of the Act or these regulations, a member who has not reached the retirement age will be taken to resign if the member's employment terminates or is terminated for any reason except invalidity (in circumstances entitling the member to benefits under the Act or these regulations), retrenchment or death.

(14) This regulation operates subject to regulation 56.

56—Benefits payable to overseas residents

If a member who has resigned from employment before reaching the retirement age satisfies the Board that he or she—

(a) was the holder of an eligible temporary resident visa (within the meaning of Part 6 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth) that has expired or been cancelled; and

(b) is residing out of Australia and will continue to do so on a permanent basis,

the member may elect to take immediately the balances of any 1 or more of his or her accounts (including any amount that has been preserved under regulation 55).

56A—Rollover of certain components

If contributions are no longer being paid into an account maintained by the Board in the name of a person—

(a) who is a member of the scheme solely by virtue of being—

(i) a member of a Board or Committee that is an agency or instrumentality of the Crown; or

(ii) employed under a contract under which he or she is entitled to determine where the superannuation contributions payable by the employer in relation to him or her under the Commonwealth Act are to be made; or

(iii) employed by a participating employer,

the person may elect to carry the amount standing to the credit of the account over to some other superannuation fund or scheme approved by the Board.

57—Retrenchment

(1) Subject to subregulation (2), if a member's employment is terminated by retrenchment the member is entitled to—

(a) payment of the employee component and the employer component; and

(b) payment of—

(i) the rollover component (if any); and

(ii) the co-contribution component (if any),

to the extent that the payment can be made in accordance with the SIS Act.

(2) The member may elect to preserve his or her employee, employer, rollover or co-contribution component or to carry it over to some other superannuation fund or scheme and in the event of such an election the provisions of regulation 55 will apply as if the member had resigned from employment.

58—Invalidity or terminal illness

(1) If—

(a) a member's employment terminates on account of invalidity before the member reaches the age of 70 years; or

(b) the Board is satisfied that—

(i) a member whose employment has not terminated is suffering from a terminal illness; or

(ii) a member whose employment has terminated is suffering from a terminal illness that existed, or that is attributable to a medical condition that existed, while the member was employed,

the member is entitled to benefits made up of the following components:

(c) the employee component;

(d) the employer component;

(e) the rollover component (if any);

(f) the co-contribution component (if any);

(g) subject to this regulation and regulation 49(6) and (7)—the default invalidity insurance benefit and the additional invalidity insurance benefit (if any).

(2) The default and additional invalidity insurance benefits are not payable to a member entitled to benefits under subregulation (1)(a) if—

(a) the Board is not satisfied that, on the day on which the member's employment terminated, the member—

(i) was suffering from ill health (whether physical or mental) that made it unlikely that the member would at any future time engage in gainful employment for which the member was reasonably qualified by education, training or experience or for which the member could have been expected to become reasonably qualified following appropriate training or rehabilitation; and

(ii) was receiving treatment from a medical practitioner in respect of the ill health and was following the advice of the practitioner; or

(b) the Board is satisfied that the member has refused or failed to submit to reasonable medical treatment that, in the opinion of at least 2 medical practitioners providing advice or care to the member in relation to the medical condition to which the member's incapacity is attributable, would be likely to contribute to the member being able to carry out, to a substantial extent (whether on a full-time or part-time basis), the duties of his or her employment or some other employment for which the member is suitably qualified (whether by experience, training, or both) within 2 years of the commencement of the incapacity.

(7) The default and additional invalidity insurance benefits are not payable—

(a) to a member who terminates his or her employment in connection with the acceptance of a voluntary separation package; or

(b) to a member entitled to benefits under subregulation (1)(a) whose employment is terminated after he or she has been engaged in work in respect of employment to which the Act applies for a period that does not exceed 6 months on account of invalidity attributable to a medical condition existing before the commencement of his or her membership of the scheme; or

(c) to a member entitled to benefits under subregulation (1)(b) in respect of a terminal illness attributable to a medical condition existing before the commencement of his or her membership of the scheme, unless (subject to paragraphs (ca), (d) and (e)) the member has been engaged in work in respect of employment to which the Act applies for a period that exceeds 6 months; or

(ca) to a member in relation to whom regulation 9(1)(a) has ceased to apply if—

(i) the member became entitled to default invalidity insurance on regulation 9(1)(a) ceasing to apply; and

(ii) the invalidity or terminal illness is attributable to a medical condition existing before the day on which that cessation occurred,

unless the member has, after regulation 9(1)(a) has ceased to apply, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months; or

(d) to a member entitled to benefits under subregulation (1)(a) or (b) who is a member of the scheme by virtue of an election under regulation 10 in respect of invalidity or a terminal illness attributable to a medical condition existing before the commencement of his or her membership of the scheme, unless the member has been a member of the scheme for a period that exceeds 24 months; or

(e) to a member entitled to benefits under subregulation (1)(a) or (b) who is a contributor within the meaning of the *Superannuation Act 1988* to whom regulation 11 applies in respect of invalidity or a terminal illness attributable to a medical condition existing before regulation 11 first applied to the member, unless regulation 11 has applied to the member for a period that exceeds 24 months.

(8) If—

(a) a member entitled to benefits under subregulation (1)(a) was, immediately before termination of his or her employment, a police officer; and

(b) the member's incapacity resulted from injuries received in the course of duty,

the member is entitled to benefits under subregulation (1) or to payment of an amount calculated as follows, whichever is the greater:

$A = 3 \times S$

Where—

A is the amount

S is—

(a) if the member—

(i) held the rank of senior sergeant or a lower rank immediately before termination of his or her employment; and

(ii) was at any time during his or her membership of South Australia Police rostered to work on day, afternoon and night shifts, or on any 2 of those shifts, on a rotating basis; and

(iii) was not, immediately before termination of his or her employment, employed on a permanent basis on special duties at a salary level greater than that payable to a senior sergeant,

the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount) increased by 10%;

(b) in any other case—the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount).

(9) When determining for the purposes of subregulation (8) whether a member is entitled to benefits under subregulation (1) or to a payment under subregulation (8)—

(a) the rollover component (if any) and the co-contribution component (if any) will be disregarded (the member is entitled to payment of the rollover component and the co-contribution component in addition to a payment under subregulation (8)); and

(b) if the member is a Super SA Select member—the member will be taken to be entitled to benefits under subregulation (1) equal in value to the total amount of—

(i) the employee component (if any); and

(ii) the employer component (if any); and

(iii) any default invalidity insurance benefit and additional invalidity insurance benefit to which the member is entitled under that subregulation; and

(iv) the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions (including any amount rolled over to Super SA Select from the Triple S scheme that is attributable to employee contributions or employer contributions); and

(c) if an amount standing to the credit of the member's employer contribution account or employee contribution account has been transferred to another complying fund under section 21B of the Act or taken as a cash withdrawal under regulation 59A, that amount will nevertheless be taken, for the purposes of determining benefits payable under subregulation (1), to have accumulated in the account as if the transfer or withdrawal had not been made; and

(d) in the case of a Super SA Select member—if an amount of the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions has been transferred to another complying fund, or an amount has been paid to the member in cash prior to the termination of their employment, that amount will nevertheless be taken, for the purposes of paragraph (b)(iv), to have accumulated in the account as if the transfer or payment had not been made.

(9aa) If a member is entitled to a payment under subregulation (8), and—

(a) an amount standing to the credit of the member's employer contribution account or employee contribution account has been transferred to another complying fund under section 21B of the Act; or

(b) the member has taken an amount as a cash withdrawal under regulation 59A; or

(c) if the member is a Super SA Select member—an amount of the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions has been transferred to another complying fund,

the payment is to be reduced by the amount that would have accumulated in the relevant account if the transfer or withdrawal had not been made.

(9a) If a Super SA Select member is entitled to a payment under subregulation (8), the payment is to be reduced by the amount of the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions (including any amount rolled over to Super SA Select from the Triple S scheme that is attributable to employee contributions or employer contributions).

(10) Subregulation (8) does not apply to a police officer who is a member of the scheme by virtue only of regulation 9(5) or (7) (or both).

(11) A member's employment will be taken to have terminated on account of invalidity if—

(a) —

(i) the member's employer notifies the Board (before termination of employment) that the member's employment is to be terminated by the employer—

(A) on the ground of the member's invalidity; or

(B) on account of the unsatisfactory performance by the member of the member's duties (including the member's failure to meet performance standards) caused by the member's incapacity; and

(ii) the member's employment is subsequently terminated by the employer and notice of the termination has been given to the Board; or

(b) the member's employer terminates the employment—

(i) on the ground of the member's invalidity; or

(ii) when the member is totally or partially incapacitated for work in the member's present position—

(A) in circumstances that would, but for this subregulation, constitute retrenchment of the member; or

(B) on account of the unsatisfactory performance by the member of the member's duties (including the member's failure to meet performance standards) caused by the member's incapacity; or

(c) —

(i) the member's employer or the member satisfies the Board (before termination of employment) that the member is suffering from ill health (whether physical or mental) that prevents the member from engaging in gainful employment for which the member is reasonably qualified by education, training or experience; and

(ii) the member resigns from employment and notice of the resignation has been given to the Board; or

(d) —

(i) the member's employment is terminated by the member for any reason that is caused by or is the direct result of the member's incapacity; and

(ii) the Board is satisfied that the member has, since the member's employment was terminated, and for a period of at least 6 months, suffered from ill health (whether physical or mental) that prevented the member from engaging in gainful employment for which the member is reasonably qualified by education, training or experience; or

(e) an entitlement of the member to receive weekly payments of workers compensation under the *Return to Work Act 2014* in respect of the incapacity to which the member's invalidity is attributable is redeemed under section 53 of that Act in connection with termination of the member's employment; or

(f) —

(i) the member's employment pursuant to a fixed term contract is to be terminated due to the expiry of the contract; and

(ii) the Board is satisfied that the member suffers from ill health (whether physical or mental) that prevents the member from engaging in gainful employment for which the member is reasonably qualified by education, training or experience; and

(iii) the member's employment is subsequently terminated and notice of the termination has been given to the Board; or

(g) —

(i) the member's employment pursuant to a fixed term contract has terminated due to the expiry of the contract; and

(ii) the Board is satisfied that the member has, since the member's employment was terminated, and for a period of at least 6 months, suffered from ill health (whether physical or mental), attributable to a medical condition existing before the expiry of the contract, that prevented the member from engaging in gainful employment for which the member was reasonably qualified by education, training or experience.

(12) A member who claims to be entitled to benefits under this regulation, or a person acting on the member's behalf, must give written notice of the claim to the Board not more than 2 years after the termination of the member's employment.

(13) Notice of a claim may be given, and considered by the Board, before a member's employment is terminated if the member reasonably believes that the member's employment is to be terminated in circumstances that will give rise to an entitlement to benefits under subregulation (11).

(16a) This regulation does not apply in relation to a public sector superannuation beneficiary (within the meaning of Part 3 Division 4) who has invalidity/death insurance cover by virtue of regulation 47(8)(a) (or regulation 48(7)(a) as in force immediately before the commencement of the *Southern State Superannuation (Insurance) Variation Regulations 2017*).

(17) In this regulation—

voluntary separation package means an agreement between a member and the member's employer pursuant to which the member resigns from employment, but does not include an agreement pursuant to which a member resigns from employment in connection with an agreement for the redemption of a liability to make weekly payments under Part 4 Division 4 of the *Return to Work Act 2014*.

59—Death of member

(1) If a member's employment is terminated by the member's death—

(a) if the deceased member has a legal personal representative—a payment will be made to the representative; and

(b) if the deceased member does not have a legal personal representative but is survived by a spouse—a payment will be made to the spouse; and

(c) if the deceased member does not have a legal personal representative and is not survived by a spouse—a payment will be made to the member's estate.

(2) The amount of the payment under subregulation (1)(a), (b) or (c) is the aggregate of the following amounts:

(a) the employee component;

(b) the employer component;

(c) the rollover component (if any);

(d) the co-contribution component (if any);

(e) subject to this regulation, regulation 28(4) and regulation 49(6) and (7)—the default death insurance benefit and the additional death insurance benefit (if any).

(3) However, a surviving spouse will not be entitled to a benefit under this regulation if regulation 69 applies to the spouse.

(4) The default and additional death insurance benefits are not payable in respect of—

(a) the death of a member that occurs within 6 months of the commencement of their membership of the scheme if the death is attributable to a medical condition existing before that commencement; or

(b) the death of a member in relation to whom regulation 9(1)(a) has ceased to apply if—

(i) the member became entitled to death insurance on regulation 9(1)(a) ceasing to apply; and

(ii) the death is attributable to a medical condition existing before the day on which regulation 9(1)(a) ceased to apply,

unless the member has, after regulation 9(1)(a) has ceased to apply, been engaged in work in respect of employment to which the Act applies for a period that exceeds 12 months.

(5) Subject to subregulation (6), if a member takes his or her life—

(a) within 1 year after the commencement of his or her membership of the scheme; or

(b) within 1 year after the commencement of, or increase in the level of, additional invalidity/death insurance,

the following provisions apply:

(c) if death occurs within 1 year after the commencement of membership of the scheme or commencement of additional invalidity/death insurance—neither default nor additional death insurance benefits are payable;

(d) if death occurs within 1 year after an increase in the level of additional invalidity/death insurance—additional death insurance benefits are not payable in respect of the increased insurance.

(5a) If a member becomes entitled to default invalidity/death insurance after—

(a) regulation 9(1)(a) ceases to apply to the member; or

(b) giving a direction under section 21G of the Act; or

(c) making a fund selection to Super SA Select under section 21C(5) of the Act; or

(d) varying a fund selection under section 21C(7) of the Act so as to select Super SA Select; or

(e) the member's employer contributions are redirected to the Triple S scheme by virtue of the operation of section 21F of the Act,

subregulation (5) applies to the member as if their membership of the scheme commences when the entitlement first arises.

(6) Subregulation (5)(c) does not apply in relation to a member who was a member of the State Scheme or any other scheme of superannuation established for the benefit of the employees of an agency or instrumentality of the Crown immediately before becoming a member of the Triple S scheme if his or her death occurred on or after the first anniversary of the commencement of his or her membership of the State Scheme or other scheme.

(7) If—

(a) the member was, immediately before his or her death, a police officer; and

(b) the member died from injuries received in the course of duty,

the member's legal personal representative, spouse or estate (as the case may be) is entitled to benefits under subregulation (2) or to payment of an amount calculated as follows, whichever is the greater:

$A = 3 \times S$

Where—

A is the amount

S is—

(a) if the member—

(i) held the rank of senior sergeant or a lower rank immediately before his or her death; and

(ii) was at any time during his or her membership of South Australia Police rostered to work on day, afternoon and night shifts, or on any two of those shifts, on a rotating basis; and

(iii) was not, immediately before his or her death, employed on a permanent basis on special duties at a salary level greater than that payable to a senior sergeant,

the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount) increased by 10%;

(b) in any other case—the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount).

(8) When determining for the purposes of subregulation (7) whether a member's legal personal representative, spouse or estate is entitled to benefits under subregulation (2) or to a payment under subregulation (7)—

(a) the rollover component (if any) and the co-contribution component (if any) will be disregarded (the legal personal representative, spouse or estate is entitled to payment of the rollover component and the co-contribution component in addition to a payment under subregulation (7)); and

(b) if the member was a Super SA Select member—the member's legal personal representative, spouse or estate will be taken to be entitled to benefits under subregulation (2) equal in value to the total amount of—

(i) the employee component (if any); and

(ii) the employer component (if any); and

(iii) any default death insurance benefit and additional death insurance benefit to which the legal personal representative, spouse or estate is entitled under that subregulation; and

(iv) the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions (including any amount rolled over to Super SA Select from the Triple S scheme that is attributable to employee contributions or employer contributions); and

(c) if an amount standing to the credit of the member's employer contribution account or employee contribution account has been transferred to another complying fund under section 21B of the Act, or taken as a cash withdrawal under regulation 59A, that amount will nevertheless be taken, for the purposes of determining benefits payable under subregulation (2), to have accumulated in the employee account or employer account as if the transfer or withdrawal had not been made; and

(d) in the case of a Super SA Select member—if an amount of the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions has been transferred to another complying fund, or an amount has been paid to the member in cash prior to the termination of their employment, that amount will nevertheless be taken, for the purposes of paragraph (b)(iv), to have accumulated in the account as if the transfer or payment had not been made.

(8aa) If the member's legal personal representative, spouse or estate (as the case may be) is entitled to a payment under subregulation (7), and—

(a) an amount standing to the credit of the member's employer contribution account or employee contribution account has been transferred to another complying fund under section 21B of the Act; or

(b) the member has taken an amount as a cash withdrawal under regulation 59A; or

(c) if the member is a Super SA Select member—an amount of the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions has been transferred to another complying fund,

the payment is to be reduced by the amount that would have accumulated in the relevant account if the transfer or withdrawal had not occurred.

(8a) If the legal personal representative, spouse or estate of a member who was a Super SA Select member is entitled to a payment under subregulation (7), the payment is to be reduced by the amount of the component of the account maintained by Super SA Select on behalf of the member attributable to employee contributions and employer contributions (including any amount rolled over to Super SA Select from the Triple S scheme that is attributable to employee contributions or employer contributions).

(9) Subregulation (7) does not apply to a police officer who is a member of the scheme by virtue only of regulation 9(5) or (7) (or both).

(10) If a benefit is payable to the legal personal representative or estate of a deceased member and probate or letters of administration in relation to the deceased's estate have not been granted to any person, the Board may use the amount payable under this regulation, or such part of it as is required, to pay the funeral expenses of the deceased member or to reimburse a person who has paid those expenses.

(11) If—

(a) a member's employment terminates or is terminated for any reason (except the member's death); and

(b) the member dies within 1 month after the termination of his or her employment,

the member's legal personal representative, spouse or estate is entitled to the default death insurance benefit and the additional death insurance benefit (if any) that the representative, spouse or estate would have been entitled to if the member's employment had been terminated by the member's death.

59A—Special benefit for members aged 65 or over

(1) A member who has reached the age of 65 years may apply to the Board for the payment of a specified proportion of the balance of the member's eligible contribution accounts.

(2) The Board may—

(a) require that an application under this regulation be made in such manner, and comply with such requirements, as the Board thinks fit; and

(b) fix a maximum number of payments that may be made to a member under this regulation in a financial year; and

(c) determine the eligible contribution account or accounts of a member from which a payment is to be made to the member under this regulation.

(3) The amount of a payment made to a member under this regulation may not be less than the applicable minimum withdrawal amount for the member.

(4) The combined balance of accounts maintained by the Board on behalf of a member to whom a payment has been made under this regulation must be equal to, or greater than, the applicable minimum balance amount for the member.

(5) For the purposes of subregulations (3) and (4), the ***applicable minimum withdrawal amount*** and the ***applicable minimum balance amount*** for a member are minimum amounts determined by the Board.

(6) The Board may, for the purposes of subregulation (5), determine that different minimum amounts apply to different members or classes of member.

(7) The making of a payment under this regulation must take into account the operation of any provision under Part 5.

(8) Amounts standing to the credit of a member's eligible contribution accounts cannot be withdrawn under this regulation if—

(a) the member is prevented from dealing with their superannuation interests by an instrument in force under the *Family Law Act 1975* of the Commonwealth; or

(b) the member has a liability that arose under the Act.

(9) However, the Board may determine to permit a member to withdraw amounts standing to the credit of the member's eligible contribution accounts despite the member having a liability that arose under the Act if the Board is satisfied that the liability will be discharged in full.

(10) For the purposes of Schedule 1 clause 12(2) of the Act, if amounts standing to the credit of 1 or more of a member's eligible contribution accounts have been withdrawn under this regulation, the benefits to which the member would be entitled on retirement under these regulations are to be determined as if no such withdrawal had occurred.

(11) In this regulation—

eligible contribution accounts of a member means the member's—

(a) employee contribution account; and

(b) employer contribution account; and

(c) rollover account; and

(d) co-contribution account.

60—Commutation to pay deferred superannuation contributions surcharge

(1) A member who is liable for a deferred superannuation contributions surcharge as a result of a benefit becoming payable to the member may apply to the Board, in accordance with this regulation—

(a) to receive part of the benefit in the form of a commutable pension; and

(b) to fully commute the pension.

(2) A member who has become entitled to a benefit, or will shortly become entitled to a benefit, may—

(a) estimate the amount of the surcharge the member will become liable to pay (the ***estimated surcharge amount***); and

(b) request the Board, in the approved form, to—

(i) withhold from the member's benefit an amount equal to the estimated surcharge amount (the ***withheld amount***); and

(ii) pay the balance of the benefit to the member (being, in the case of a benefit to which the member is yet to become entitled, a payment after the entitlement arises),

and the Board must, subject to subregulation (5), comply with the member's request.

(3) If a member has made a request under subregulation (2)(b), the member must, before the expiration of 2 months following the issue of a surcharge notice in respect of the member, advise the Board in the approved form that the notice has been issued and the Board must, within 7 days of receiving that advice—

(a) convert into a pension—

(i) if the amount of the surcharge payable by the member is less than the withheld amount—a portion of the withheld amount equal to the amount payable; or

(ii) in any other case—the whole of the withheld amount; and

(b) immediately after converting the withheld amount, or a portion of the withheld amount, into a pension under paragraph (a)—commute the pension; and

(c) pay to the member—

(i) the lump sum resulting from the commutation of the pension; and

(ii) the balance (if any) of the withheld amount.

(4) If a member who has become entitled to a benefit but has not yet received a surcharge notice provides the Board with satisfactory evidence of the amount of the surcharge he or she will become liable to pay (the ***surcharge amount***) and requests the Board, in the approved form, to apply, or facilitate the application of, an amount of the member's benefit in payment of the surcharge, the Board must, within 7 days of the request—

(a) convert into a pension an amount of the member's benefit that is equal to the surcharge amount; and

(b) immediately after converting the amount into a pension under paragraph (a)—commute the pension; and

(c) pay the lump sum resulting from the commutation to the member or the Commissioner of Taxation (at the option of the member); and

(d) following payment under paragraph (c)—reduce the member's remaining benefits by an amount equal to the surcharge amount.

(5) The Board may reject an application under subregulation (1) if—

(a) it is not satisfied that, if the application were accepted, the resulting lump sum will be applied in payment of the surcharge; or

(b) the member fails to satisfy the Board that the member has, or will have, a surcharge liability to the Commissioner of Taxation.

(6) The factors to be applied in—

(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and

(b) the commutation of a pension,

will be determined by the Treasurer on the recommendation of an actuary.

61—Commutation to pay deferred superannuation contributions surcharge following death

(1) If a member who is liable for a deferred superannuation contributions surcharge dies—

(a) having made a request of the Board under regulation 60 for part of his or her benefit to be withheld but before receiving a surcharge notice; or

(b) having received a surcharge notice but before requesting commutation of his or her pension under regulation 60,

the member's spouse or legal representative may, if he or she is entitled to be paid a benefit on the death of the member, before the expiration of the period of 2 months immediately following the member's death or the issue of the surcharge notice (whichever is the later), apply to the Board—

(c) to receive the amount withheld by the Board on behalf of the deceased member under regulation 60 in the form of a commutable pension; and

(d) to fully commute the pension.

(2) The Board must, on receipt of an application under subregulation (1)—

(a) convert into a pension—

(i) if the amount of the surcharge payable is less than the withheld amount—a portion of the withheld amount equal to the amount payable; or

(ii) in any other case—the whole of the withheld amount; and

(b) immediately after converting the withheld amount, or a portion of the withheld amount, into a pension under paragraph (a)—commute the pension; and

(c) pay to the spouse or representative—

(i) the lump sum resulting from the commutation of the pension; and

(ii) the balance (if any) of the withheld amount.

(3) If a member dies without having made a request under regulation 60, the member's spouse or legal representative may, if he or she is entitled to be paid a benefit on the death of the prescribed member—

(a) estimate the amount of the surcharge the spouse or representative will become liable to pay (the ***estimated surcharge amount***); and

(b) request the Board, in the approved form, to—

(i) withhold from the benefit an amount equal to the estimated surcharge amount (the ***withheld amount***); and

(ii) pay the balance of the benefit to the spouse or representative,

and the Board must, subject to subregulation (6), comply with the request.

(4) An application under subregulation (3) must be made in writing to the Board before payment of the benefit to the spouse or legal representative.

(5) The spouse or legal representative must, before the expiration of 2 months following the issue of a surcharge notice in respect of the member, advise the Board in the approved form that the notice has been issued and the Board must, within 7 days of receiving that advice—

(a) convert into a pension—

(i) if the amount of the surcharge payable is less than the withheld amount—a portion of the withheld amount equal to the amount payable; or

(ii) in any other case—the whole of the withheld amount; and

(b) immediately after converting the withheld amount, or a portion of the withheld amount, into a pension under paragraph (a)—commute the pension; and

(c) pay to the spouse or representative—

(i) the lump sum resulting from the commutation of the pension; and

(ii) the balance (if any) of the withheld amount.

(6) The Board may reject an application under subregulation (1) or (3) if it is not satisfied that, if the application were accepted, the resulting lump sum will be applied in payment of the surcharge or be used to reimburse the deceased member's estate, or the spouse or other person who has paid the surcharge on behalf of the estate.

(7) The factors to be applied in—

(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and

(b) the commutation of a pension,

will be determined by the Treasurer on the recommendation of an actuary.

(8) In this regulation—

legal representative, in relation to a deceased member, means a person—

(a) holding office as executor of the will of the deceased member where probate of the will has been granted or resealed in South Australia or any other State or a Territory; or

(b) holding office in South Australia or any other State or a Territory as administrator of the estate of the deceased member.

62—Withheld amount

An amount withheld under regulation 60 or 61—

(a) must be retained in the Fund; and

(b) will be adjusted from time to time by the Board, in accordance with section 13 of the Act, to reflect investment earnings on the amount; and

(c) may be paid to the member (or the member's spouse or legal representative)—

(i) in accordance with regulation 60 or 61; or

(ii) at the direction of the Board if the Board—

(A) has not, within 2 years of withholding the amount, received advice that a surcharge notice has been issued in respect of the member; or

(B) considers, at any time, there is other good reason for doing so.

62AA—Payment of Division 293 tax

(1) For the purposes of facilitating the payment of Division 293 tax, the Board may pay an amount on behalf of a member to the Commissioner of Taxation, or to the member, as required by, and in accordance with, the requirements of the *Taxation Administration Act 1953* of the Commonwealth.

(2) If the Board makes a payment to or on behalf of a member under subregulation (1), the Board must debit the amount of the payment against the member's employer contribution account or, if the credit balance of the member's employer contribution account is not sufficient to make the payment, the member's employee contribution account, rollover account or co-contribution account.

(3) In this regulation—

Division 293 tax has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth.

62AAB—Excess non-concessional contributions

(1) If a release authority is issued to the Board under the *Taxation Administration Act 1953* of the Commonwealth in relation to a member's excess non-concessional contributions, the Board may pay to the member any amount the Board is required to pay pursuant to the authority.

(2) If a payment is made to a member under subregulation (1), the Board must debit the amount of the payment against the member's employee contribution account or, if the credit balance of the member's employee contribution account is not sufficient to make the payment, the member's employer contribution account, rollover account or co-contribution account.

(3) In this section—

excess non-concessional contributions has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth.

Subdivision 3—PSS 3 members

62A—Interpretation

(1) A reference in this Subdivision to a PSS 3 member is a reference to a PSS 3 member who has made an election to take out voluntary invalidity/death insurance under section 36 of the *Parliamentary Superannuation Act 1974* and is a member of the Triple S scheme.

(2) A PSS 3 member will be taken to have retired for the purposes of this Subdivision if the member is taken to have retired (whether voluntarily or involuntarily) for the purposes of the *Parliamentary Superannuation Act 1974*.

62B—Retirement of PSS 3 member at or above age 55

(1) A PSS 3 member who—

(a) has retired; and

(b) has reached the age of 55 years,

is entitled to payment of the employer component of benefits.

(2) Subject to subregulation (3), a PSS 3 member who does not apply to the Board in writing for the payment of an entitlement under subregulation (1) within 3 months after retirement will be taken to have preserved the employer component and regulation 62D will apply to and in relation to it.

(3) A PSS 3 member who has retired and reached the age of 65 years must immediately be paid the employer component.

(4) This regulation does not apply to or in relation to a case involving the death of a PSS 3 member (see regulation 62F) and does not derogate from the ability of a member to apply for a benefit under regulation 62E (rather than taking a benefit under this regulation).

62C—Cessation of membership of PSS 3 member before age 55

(1) Subject to this regulation, a PSS 3 member who retires before reaching the age of 55 years may elect—

(a) to preserve the employer component; or

(b) to carry the employer component over to another superannuation fund or scheme that is a complying superannuation fund (as a preserved employer component).

(2) A PSS 3 member who does not inform the Board in writing of his or her election under subregulation (1) within 3 months after ceasing to be a member will be taken to have elected to preserve the employer component and regulation 62D will apply to and in relation to it.

(3) If the Board is of the opinion that the limitation period referred to in subregulation (2) would unfairly prejudice a member, the Board may extend the period that applies to the member.

(4) A PSS 3 member who has elected, or has been taken to have elected, to preserve his or her employer component and to whom the component has not been paid under regulation 62D, may elect to withdraw the election and to elect to carry the component over to a complying superannuation fund.

(5) If a member elects to carry the employer component to a complying superannuation fund, the following provisions apply:

(a) the member must satisfy the Board by such evidence as it may require that he or she has been admitted to membership of the fund;

(b) on being so satisfied the Board will authorise payment of the component on behalf of the member to the fund.

(6) If a PSS 3 member has ceased to be a member of the Parliament of the State and has elected to preserve the employer component but has subsequently again become a member of the Parliament, the Board may maintain separate employer contribution accounts in the name of the member.

(7) This regulation does not apply to or in relation to a case involving—

(a) a cessation of membership on the ground of invalidity (in circumstances entitling the member to a benefit under regulation 62E); or

(b) the death of a PSS 3 member (see regulation 62F).

62D—Preservation of components

If an employer component has been preserved under regulation 62B(2) or 62C, then the following provisions will apply:

(a) the Board must in relation to a component preserved under regulation 62C, not less than 6 months before the relevant member's 55th birthday (unless that period has already been reached), notify the relevant member in writing of his or her entitlement to require the Board to make a payment under paragraph (b);

(b) the relevant member may at any time after reaching 55 years of age require the Board to authorise payment of the component and, if no such requirement has been made on or before the date on which the member reaches 65 years of age, the Board will authorise payment of the component to the member;

(c) if the relevant member—

(i) has become incapacitated and satisfies the Board that the member—

(A) is suffering from ill health (whether physical or mental) that makes it unlikely that the member will at any future time engage in gainful employment for which the member is reasonably qualified by education, training or experience or for which the member could be expected to become reasonably qualified following appropriate training or rehabilitation; and

(B) is receiving treatment from a medical practitioner in respect of the ill health and is following the advice of the practitioner; or

(ii) satisfies the Board that he or she is suffering from a terminal illness,

the Board will authorise payment of the component to the member;

(d) if the relevant member dies, the component will be paid—

(i) if the member has a legal personal representative—to the representative; and

(ii) if the member does not have a legal personal representative but is survived by a spouse—to the spouse; and

(iii) if the member does not have a legal personal representative and is not survived by a spouse—to the member's estate,

(and a payment under any of the above paragraphs excludes further rights so that a claim cannot be subsequently made under some other paragraph).

62E—Invalidity

(1) If—

(a) a PSS 3 member resigns from the Parliament of the State; and

(b) a judge is satisfied, before the resignation occurs, that ill health prevents the member from being able to carry out the duties of office to a reasonable degree,

the member is entitled to benefits made up of the following components:

(c) the employer component;

(d) subject to this regulation and regulation 49(6) and (7)—the additional invalidity insurance benefit.

(2) The additional invalidity/death insurance benefits are not payable to a member entitled to benefits under subregulation (1) if—

(a) the Board is not satisfied that, on the day on which the member resigned, the member—

(i) was suffering from ill health (whether physical or mental) that made it unlikely that the member would at any future time engage in gainful employment for which the member was reasonably qualified by education, training or experience or for which the member could be expected to become reasonably qualified following appropriate training or rehabilitation; and

(ii) was receiving treatment from a medical practitioner in respect of the ill health and is following the advice of the practitioner; or

(b) the Board is satisfied that the member has refused or failed to submit to reasonable medical treatment that, in the opinion of at least 2 medical practitioners providing advice or care to the member in relation to the medical condition to which the member's incapacity is attributable, would be likely to contribute to the member being able to carry out, to a substantial extent (whether on a full-time or part-time basis), the duties of office or employment for which the member is suitably qualified (whether by experience, training, or both) within 2 years of the commencement of the incapacity.

62F—Death of PSS 3 member

(1) If a PSS 3 member ceases to be a member of the Parliament of the State by reason of his or her death—

(a) if the deceased member has a legal personal representative—a payment will be made to the representative; and

(b) if the deceased member does not have a legal personal representative but is survived by a spouse—a payment will be made to the spouse; and

(c) if the deceased member does not have a legal personal representative and is not survived by a spouse—a payment will be made to the member's estate.

(2) A payment under subregulation (1)(a), (b) or (c) is to be made up of the following components:

(a) the employer component;

(b) subject to this regulation, the death insurance benefit (if any).

(3) A surviving spouse will not be entitled to a benefit under this regulation if regulation 69 applies to the spouse.

(4) If a PSS 3 member takes his or her life—

(a) within 1 year after the commencement of his or her additional invalidity/death insurance—additional death insurance benefits are not payable; or

(b) within 1 year after an increase in the level of his or her additional invalidity/death insurance—additional death insurance benefits are not payable in respect of the increased insurance.

(5) If a benefit is payable to the legal personal representative or estate of a deceased PSS 3 member and probate or letters of administration in relation to the deceased's estate have not been granted to any person, the Board may use the amount payable under this regulation, or such part of it as is required, to pay the funeral expenses of the deceased member or to reimburse a person who has paid those expenses.

(6) If—

(a) a PSS 3 member ceases to be a member of the Parliament of the State for any reason other than his or her death; and

(b) the member dies within 1 month after that cessation,

the member's legal personal representative, spouse or estate is entitled to the death insurance benefit (if any) that the representative, spouse or estate would have been entitled to if the member had ceased to be a member of Parliament by virtue of the member's death.

Division 2—Spouse members

63—Benefits for spouse members

(1) Subject to this regulation, the following provisions apply in respect of an amount standing to the credit of a spouse member's spouse account:

(a) the whole of the amount may, at the option of the spouse member, be transferred to another complying fund;

(aab) subject to conditions determined by the Board, part of the amount may, at the option of the spouse member, be transferred to another complying fund;

(ab) if the spouse member—

(i) is the spouse of the relevant member; and

(ii) has attained the age of 65 years,

payment of the amount may be made to the spouse member or rolled over to some other fund or scheme approved by the Board;

(b) if—

(i) the spouse member—

(A) has reached the retirement age; and

(B) is the spouse of the relevant member; and

(ii) the employment of the relevant member has terminated or the relevant member has taken the benefit of regulation 56A,

payment of the amount may be made to the spouse member subject to restrictions (if any) imposed by the SIS Act;

(c) if—

(i) the spouse member—

(A) has not reached the retirement age; and

(B) is the spouse of the relevant member; and

(ii) the employment of the relevant member has terminated or the relevant member has taken the benefit of regulation 56A,

the amount must be preserved;

(d) if the spouse member—

(i) is not the spouse of the relevant member; and

(ii) has not reached the retirement age,

the amount must be preserved;

(e) if the spouse member—

(i) is not the spouse of the relevant member; and

(ii) has reached the retirement age,

payment of the amount may be made to the spouse member subject to restrictions (if any) imposed by the SIS Act.

Note—

If all amounts standing to the credit of a spouse member's accounts are paid to the spouse member, the spouse member's voluntary death insurance will be cancelled—see regulation 43(2).

(2) If an amount standing to the credit of a spouse member's spouse account is preserved under subregulation (1) or under section 21D(4) of the Act—

(a) the spouse member may elect to carry the amount over to some other fund or scheme approved by the Board; or

(b) subject to restrictions (if any) imposed by the SIS Act, the spouse member may at any time after reaching the retirement age require the Board to authorise payment of the amount and, if no such requirement has been made on or before the date on which the spouse member reaches 65 years of age, the Board will authorise payment of the amount to the spouse member.

(3) If the Board is satisfied that—

(a) a spouse member—

(i) is suffering from ill health (whether physical or mental) that makes it unlikely that the spouse member will at any future time engage in gainful employment for which the spouse member is reasonably qualified by education, training or experience or for which the spouse member could be expected to become reasonably qualified following appropriate training or rehabilitation; and

(ii) is receiving treatment from a medical practitioner in respect of the ill health and is following the advice of the practitioner; or

(b) a spouse member is suffering from a terminal illness,

the spouse member is entitled to benefits made up of the amount (if any) standing to the credit of each of the spouse member's spouse accounts.

(4) If a spouse member dies, the amount (if any) standing to the credit of each of the spouse member's spouse accounts, and the death insurance benefit (if any), will be paid to—

(a) if the deceased spouse member has a legal personal representative—a payment will be made to the representative; and

(b) if the deceased spouse member does not have a legal personal representative but is survived by a spouse—a payment will be made to the spouse; and

(c) if the deceased spouse member does not have a legal personal representative and is not survived by a spouse—a payment will be made to the spouse member's estate.

(5) However, a surviving spouse will not be entitled to a benefit under subregulation (4) if regulation 69 applies to the spouse.

(5a) Subregulation (4), insofar as it provides for payment of the death insurance benefit, does not apply in relation to the spouse of a public sector superannuation beneficiary (within the meaning of Part 3 Division 4) who has death insurance cover by virtue of regulation 47(9).

(6) A payment under subregulation (2), (3) or (4) excludes further rights so that a claim cannot subsequently be made under another of those subregulations.

(7) In this regulation—

complying fund has the same meaning as in Part 3A of the Act;

relevant member, in relation to a spouse member, means the member who, by making a prescribed payment (within the meaning of Part 2 Division 2), or a contribution under regulation 23(1), for the benefit of the spouse member, caused the spouse member to become a spouse member of the scheme.

63A—Early access to superannuation benefits in case of severe financial hardship or on compassionate grounds

(1) A spouse member may apply to the Board for the early release of an amount of the spouse member's benefit—

(a) if the spouse member is in severe financial hardship; or

(b) on a compassionate ground.

(2) The Board may require that an application under subregulation (1) be made in such manner, comply with such requirements and be on such terms and conditions as the Board thinks fit.

(3) The Board must, on receipt of an application under subregulation (1), determine whether, in the Board's opinion, if the SIS regulations applied, the spouse member would be taken for the purposes of those regulations—

(a) to be in severe financial hardship; or

(b) to satisfy a condition of release on a compassionate ground.

(4) If the Board makes a determination that subregulation (3)(a) or (b) applies to the spouse member, the Board must—

(a) determine the maximum amount that the SIS regulations would permit to be paid to the spouse member in those circumstances; and

(b) if the Board considers it appropriate to do so in all the circumstances, pay to the spouse member—

(i) the amount applied for by the spouse member; or

(ii) the amount determined by the Board under paragraph (a); or

(iii) the combined balance of the spouse member's eligible contribution accounts (subject to any minimum account balance required by the Board),

whichever is the lesser.

(5) If the Board makes a payment to a spouse member under subregulation (4)(b), the Board must debit the amount of the payment against the spouse member's contribution account or, if the credit balance of the spouse member's contribution account is not sufficient to make the payment, the spouse member's rollover account or co-contribution account.

(6) A spouse member making an application under subregulation (1) must furnish the Board with any information that it requires for the purposes of making a determination under this regulation.

(7) In this regulation—

compassionate ground and ***condition of release*** have the same respective meanings as in Part 6 of the SIS regulations;

eligible contribution accounts of a spouse member means—

(a) the spouse member's contribution account; and

(b) the spouse member's rollover account; and

(c) the spouse member's co-contribution account;

severe financial hardship has the same meaning as in Part 6 of the SIS regulations;

SIS regulations means the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth.

Part 5—Family Law Act provisions

64—Purpose of this Part

Pursuant to section 30(2) of the Act, the purpose of this Part is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests between spouses who have separated.

65—Interpretation

In this Part, unless the contrary intention appears—

Commonwealth regulations means the *Family Law (Superannuation) Regulations 2001* (No. 303 as amended) of the Commonwealth;

eligible person, in relation to a superannuation interest of a member, has the same meaning as in section 90MZB of the *Family Law Act 1975* of the Commonwealth;

flag lifting agreement has the same meaning as in Part VIIIB of the *Family Law Act 1975* of the Commonwealth;

member includes a spouse member;

member spouse has the same meaning as in Part VIIIB of the *Family Law Act 1975* of the Commonwealth;

non-member spouse has the same meaning as in Part VIIIB of the *Family Law Act 1975* of the Commonwealth;

operative time has the same meaning as in Part VIIIB of the *Family Law Act 1975* of the Commonwealth;

payment split has the same meaning as in Part VIIIB of the *Family Law Act 1975* of the Commonwealth;

splitting instrument means—

(a) a superannuation agreement; or

(b) a flag lifting agreement that provides for a payment split; or

(c) a splitting order;

splitting order has the same meaning as in Part VIIIB of the *Family Law Act 1975* of the Commonwealth;

superannuation agreement has the same meaning as in Part VIIIB of the *Family Law Act 1975* of the Commonwealth.

66—Non-member spouse entitlement

(1) The Board must, on service of a splitting instrument, create an interest for the non-member spouse named in the instrument in accordance with the provisions of the instrument, with effect from the operative time.

(2) The value of the non-member spouse's interest will be determined by reference to the provisions of the instrument but in any event may not exceed the value of the member spouse's interest.

67—Payment of lump sum

(1) The interest of a non-member spouse under regulation 66 will, according to the election of the non-member spouse—

(a) be paid out to the extent (if any) that payment can be made in accordance with the SIS Act; or

(b) be retained to the credit of the non-member spouse in an account in the name of the non-member spouse in the Fund; or

(c) be rolled over or transferred to some other superannuation fund or scheme approved by the Board.

(2) The Board must, if necessary, establish a member's contribution account so as to provide for the requirements of subregulation (1)(b).

(3) The Board must ensure that the money constituting the interest of the non-member spouse continues to be invested in the class of investments, or the combination of classes of investments, that the money was invested in before the creation of the interest unless or until the non-member spouse makes a nomination under section 14(1) of the Act for his or her accounts to be invested in a different class of investments or combination of classes of investments.

(4) The Board must take the action required under subregulation (1) within 28 days after receiving the relevant election.

(5) However, if an election is not made by the non-member spouse before the end of 28 days after the Board gives notice to the non-member spouse, the Board must, subject to this regulation, transfer the interest to the credit of the non-member spouse under subregulation (1)(b).

(6) A notice under subregulation (5) must—

(a) be in writing; and

(b) notify the non-member spouse that the interest may be retained in the Triple S scheme; and

(c) advise the non-member spouse of—

(i) his or her option to make an election and the consequences of a failure to do so within 28 days; and

(ii) the value of his or her interest; and

(iii) the basis of any adjustments that have been, or will be, applied to the interest.

(7) If the interest of a non-member spouse is transferred to the credit of the non-member spouse in the Triple S scheme because an election has not been made, the Board must, within 14 days of the interest being rolled over—

(a) advise the non-member spouse that his or her interest has been retained in the Triple S scheme; and

(b) provide the non-member spouse with a membership identification number, a copy of the most recent annual report prepared in respect of the Triple S scheme and any other information that, according to a determination of the Board, may be of assistance to the non-member spouse.

68—Effect on member's entitlement

(1) Despite the other provisions of the Act and these regulations, if a payment split is payable with respect to the superannuation interest of a member, there is a corresponding reduction in the entitlement of the member under the Act or these regulations.

(2) A reduction in the entitlement of a member will be given effect on the basis that the member's contribution account, rollover account, and co-contribution account (insofar as they exist) will be subject to a charge that takes effect by reducing the balance of each of those accounts at the operative time (insofar as a balance exists) by a percentage equal to the percentage that the non-member spouse's share in the relevant superannuation interest bears to the total value of the contributor's accrued superannuation benefit at the operative time (subject to any relevant method or factor adopted or applied by the regulations and to the extent necessary to take into account the full value of the entitlement of the non-member spouse).

(3) A reduction in the entitlement of a member will not extend to any superannuation benefit that is not a splittable payment under Part VIIIB of the *Family Law Act 1975* of the Commonwealth.

(4) If 2 or more reductions must be made with respect to an entitlement of a member because 2 or more splitting instruments have been served on the Board, the Board may determine to apply the reductions separately, or in aggregate.

(5) If a member has received a draw down benefit under regulation 53 (as in force immediately before it was revoked by the *Southern State Superannuation (Fund Selection and Other Matters) Amendment Regulations 2022*), the superannuation interest of the member will be taken to include the balance of any investment made by the Board on behalf of the member under subregulation (6) of that regulation.

69—Lump sum not payable to spouse on death of member if split has occurred

If a member dies and is survived by a spouse who—

(a) has received, is receiving or is entitled to receive a benefit under a splitting instrument; or

(b) is, under the terms of a splitting instrument, not entitled to any amount arising out of the member's superannuation interest under the Act or these regulations (or any proportion of such an interest),

the spouse is not entitled to a benefit under the Act or these regulations in respect of the deceased member (except in accordance with the instrument) and will not be considered to be a spouse of the deceased member for the purposes of regulation 74 (if relevant).

70—Board to comply with Commonwealth requirements

The Board must comply with the requirements imposed on the Board under Part VIIIB of the *Family Law Act 1975* of the Commonwealth.

71—Provision of information

In addition to any other information that may be provided by the Board in connection with this Part, the Board may, on application, provide to an eligible person a statement of the value of a superannuation interest of a member spouse, as at a particular date specified in the application.

72—Payment from contribution account in name of non-member spouse

If the interest of a spouse (or former spouse) is paid into a contribution account under regulation 67(1)(b), or is rolled over for payment into an account under the Act or these regulations or under the provisions of another Act or of regulations that correspond to this Part, the amount paid into the account will be taken to be a rollover component that may be paid out in accordance with regulation 55(7).

73—Fees

(1) The Board may fix fees in respect of matters in relation to which fees may be charged under regulation 59 of the Commonwealth regulations.

(2) Any fee under subregulation (1) that is payable by a member spouse or a non-member spouse and has not been paid within 1 month of the amount becoming payable may be deducted by the Board—

(a) if the outstanding fee is payable by a member spouse—

(i) from the member spouse's contribution account; or

(ii) from any benefit payable to the member spouse under the Act or these regulations; or

(b) if the outstanding fee is payable by a non-member spouse—

(i) from any interest that is to be rolled over or transferred to a fund for the benefit of the non-member spouse; or

(ii) from any other benefit payable to the non-member spouse under the Act or these regulations.

Part 6—Miscellaneous

73A—Medical information for invalidity and terminal illness benefits

(1) For the purposes of assessing whether or not a person is suffering from a terminal illness, the Board may require the person to submit himself or herself for a medical examination by a medical practitioner nominated by the Board.

(2) The cost of—

(a) a report obtained from a medical practitioner at the request of the Board for the purposes of determining whether a person is suffering from a terminal illness; or

(b) a medical examination to which a person is required to submit under subregulation (1),

is to be borne by the Board.

(3) The Board may require a person seeking benefits on account of invalidity, or a disability pension, to provide evidence of his or her incapacity and, for that purpose, may require the person to submit himself or herself for a medical examination by 1 or more medical practitioners nominated by the Board.

(4) The cost of any medical examination to which a member is required to submit for the purposes of subregulation (3) is to be borne by the Board.

74—Division of benefit where deceased member or spouse member is survived by lawful and putative spouse

(1) If a deceased member or spouse member is survived by a lawful spouse and a putative spouse, any benefit to which a surviving spouse is entitled under the Act or these regulations will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse.

(2) If a number of periods of cohabitation are to be aggregated for the purpose of determining an aggregate period of cohabitation for the purpose of subregulation (1), any separate period of cohabitation of less than 3 months will be disregarded.

(3) A surviving spouse must, at the request of the Board, furnish it with any information that it requires for the purposes of making a division under subregulation (1).

(4) A putative spouse is not entitled to any benefit under this regulation, unless the deceased member or spouse member and that spouse were putative spouses as at the date of the death of the member or spouse member.

(5) If—

(a) a deceased member or spouse member is survived by a lawful and a putative spouse; and

(b) a benefit is paid to 1 of them on the assumption that he or she is the sole surviving spouse of the deceased,

the other spouse has no claim on the benefit insofar as it has been already paid unless that spouse gave the Board notice of his or her claim before the date of payment.

75—Payment in case of death

(1) Subject to subregulation (2), if a person to whom a payment is to be made under the Act or these regulations dies, the Board may, in its discretion, make the payment to—

(a) the personal representative of the deceased; or

(b) the spouse of the deceased; or

(c) the children of the deceased.

(2) The Board may use the amount payable, or such part of it as is required, to pay the funeral expenses of the person who has died or to reimburse a person who has paid those expenses.

76—Liabilities may be set off against benefits

(1) A liability of a member or spouse member arising under the Act or these regulations (including a liability of a kind referred to in section 21B(5)(c) or 21D(2)(b) of the Act) may be set off against a payment that is to be made to, on behalf of, or in respect of the member or spouse member under the Act or these regulations.

(2) An amount overpaid to a person under the Act or these regulations is a debt due to the Treasurer and constitutes a liability of the person for the purposes of subregulation (1).

77—Annuities

(1) The Board may, with the Minister's approval, provide annuities on terms and conditions fixed by the Board.

(2) The Board can only undertake to provide an annuity to a person who is, or has been—

(a) a member of the Triple S scheme or some other scheme of superannuation established by an Act; or

(b) a member of some other scheme of superannuation established for the benefit of employees of an agency or instrumentality of the Crown.

78—Information to be given to certain members

(1) The Board must provide members of the scheme (other than members who have made a fund selection) who do not contribute or who are not entitled to additional invalidity/death insurance with information as to the benefits of contributing or applying for additional invalidity/death insurance.

(2) When a person becomes a member of the Triple S scheme by virtue of regulation 9(5), (5a), (5b) or (7), the Board must advise the person in writing of his or her membership of the scheme and provide the person with information as to the management and investment of his or her payments and the benefits to which he or she is entitled under the Act.

79—Inactive low balance and lost member accounts

(1) If an amount of the Fund is attributable to a lost member account or an inactive low balance account of a member or spouse member, the Treasurer may, in accordance with any relevant law of the Commonwealth and subject to subregulation (2), pay an amount equal to the residual balance of the lost member account or inactive low balance account to the Commissioner of Taxation.

(2) The Board may determine that an amount of the Fund attributable to a lost member account or an inactive low balance account of a particular class or kind, or in respect of a particular member or class of member, that would be otherwise payable under subregulation (1), is not to be paid in accordance with that subregulation.

(3) If a payment is made under subregulation (1), the Treasurer must reimburse the Consolidated Account by charging the Fund with an amount equal to the residual balance of the lost member account or inactive low balance account (as the case requires).

(4) The Board must then close the inactive low balance or lost member accounts (as the case requires) maintained by the Board in the name of the member or spouse member, after which—

(a) if the Board maintains no other accounts in the name of the member or spouse member—

(i) they will cease to be a member or spouse member; and

(ii) any rights in relation to superannuation under the Act will be taken to have been exhausted and no derivative rights will exist in relation to the member or spouse member under the Act; or

(b) in any other case—any rights in relation to superannuation in respect of an account to which this regulation applies will be taken to have been exhausted.

(5) In this regulation—

inactive low balance account and ***lost member account*** have the same respective meanings as in the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth.

Schedule 1—Invalidity/death insurance benefits

Standard insurance cover

Age last birthday	One unit $
Up to 34	75 000
35	72 000
36	69 000
37	66 000
38	63 000
39	60 000
40	57 000
41	54 000
42	51 000
43	48 000
44	45 000
45	42 000
46	39 000
47	36 000
48	33 000
49	30 000
50	27 000
51	24 000
52	22 000

Age last birthday	One unit $
53	20 000
54	18 000
55	16 000
56	14 000
57	12 500
58	11 000
59	10 000
60	9 000
61	8 000
62	7 000
63	6 000
64	5 000
65	5 000
66	5 000
67	5 000
68	5 000
69	5 000
70 or over	0

Schedule 2—Death insurance benefits

Standard insurance cover

Age last birthday	One unit $
Up to 34	75 000
35	72 000
36	69 000
37	66 000
38	63 000
39	60 000
40	57 000
41	54 000
42	51 000
43	48 000
44	45 000
45	42 000

Age last birthday	One unit $
46	39 000
47	36 000
48	33 000
49	30 000
50	27 000
51	24 000
52	22 000
53	20 000
54	18 000
55	16 000
56	14 000
57	12 500
58	11 000
59	10 000
60	9 000
61	8 000
62	7 000
63	6 000
64	5 000
65	5 000
66	5 000
67	5 000
68	5 000
69	5 000
70 or over	0

Schedule 3—Transitional provisions

Part 1—Transitional provisions operating from commencement of these regulations

2—Members previously entitled to future service benefit

(1) Subject to this clause, a member of the scheme who was, immediately before the commencement of the *Southern State Superannuation (Invalidity/Death Insurance) Amendment Act 2001* (the ***amending Act***), a member—

(a) who would have been entitled to a basic future service benefit in the circumstances referred to in section 34 of the repealed Act as in force immediately before the commencement of the amending Act; or

(b) in respect of whom a basic future service benefit would have been payable in the circumstances referred to in section 35 of the repealed Act as in force immediately before the commencement of the amending Act,

but who was not a supplementary future service benefit member is entitled to a level of basic invalidity/death insurance that, in the opinion of the Board, will give the member invalidity and death insurance equivalent to or greater than the level of basic insurance that he or she was entitled to immediately before the commencement of the amending Act.

(2) A person who was, immediately before the commencement of the amending Act, a supplementary future service benefit member of the scheme is entitled to a level of basic and voluntary invalidity/death insurance the combined value of which will, in the opinion of the Board, give the member invalidity and death insurance equivalent to or greater than the combined level of basic and supplementary insurance that he or she was entitled to immediately before the commencement of the amending Act.

(3) A member referred to in subclause (1) may, by application in the approved form, reduce the level of basic invalidity/death insurance to which he or she is entitled under that subclause to the level permitted by these regulations.

(4) The entitlement of a person to voluntary invalidity/death insurance under subclause (2) is subject to the same conditions (if any) that his or her entitlement to supplementary future service benefits was subject immediately before the commencement of the amending Act.

(5) If a member referred to in subclause (1) had, before the repeal of the *Southern State Superannuation Act 1994*, reduced the level of basic invalidity/death insurance to which he or she was entitled under that Act—

(a) subclause (1) does not operate in relation to the member; and

(b) the member is entitled, on the commencement of this clause, to the level of basic invalidity/death insurance he or she enjoyed immediately before that repeal.

3—Visiting medical officers

(1) Subject to this clause, a transferred visiting medical officer is entitled (without being required to undergo a medical examination) to maintain the insurance cover the member enjoyed under the VMO Fund immediately prior to the repeal of the *Superannuation (Visiting Medical Officers) Act 1993* (subject to any adjustments that would have occurred from time to time under the terms of that insurance).

(2) The insurance cover to which a transferred visiting medical officer is entitled under subclause (1)—

(a) will be in substitution for invalidity/death insurance under Part 3 of these regulations (and that Part will not apply while the insurance cover under subclause (1) is maintained); and

(b) will, if the transferred visiting medical officer had attained the age of 60 at the time he or she became a member of the scheme (but had not yet attained the age of 65)—

(i) be available to the member despite the fact that he or she has attained the age of 60; and

(ii) continue to be available to the member until he or she attains the age of 65; and

(c) will be subject to premiums, determined by the Board, being premiums that do not exceed the premiums the member was paying under the VMO Fund immediately before 1 July 2003.

(3) If a transferred visiting medical officer suffers from a medical condition or restriction relevant to the determination of his or her entitlements under the VMO Fund, any insurance cover to which he or she is entitled under subclause (1) may be subject to such authorised conditions as the Board thinks fit to impose.

(4) A transferred visiting medical officer may apply to the Board to cancel or vary the insurance cover provided by subclause (1) but, in such a case, the transferred visiting medical officer will then be subject to the operation of Part 3 of these regulations.

(5) This clause does not apply in relation to a transferred visiting medical officer who has, before the commencement of this clause, applied to the Board to cancel or vary the insurance cover provided by Schedule 3 Part 1 clause 12(1) of the repealed Act.

(6) In this clause—

authorised condition has the same meaning as in regulation 49;

transferred visiting medical officer means a visiting medical officer who, immediately before 1 July 2003, was a member of the VMO Fund;

VMO Fund means the SAHC Visiting Medical Officers Superannuation Fund established by a trust deed dated 24 February 1983.

4—Transitional arrangement for certain police members (Schedule 1 clause 12)

For the purposes of subclause (2)(d) of clause 12 of Schedule 1 of the Act, the benefits to which a police member may be entitled under that subclause on his or her retirement in lieu of benefits under regulation 54 are to be determined in accordance with the following formula:

$$LS = 5.4545 \times A \times FS \times \left(1 + \frac{0.1667 \times X}{100}\right) \times \left(1 + \frac{0.2778 \times Y}{100}\right) + Pn \times \frac{FS \times 1.36 \times M}{480}$$

where—

LS is the minimum benefit

FS is the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount and determined on the basis that the member's actual or attributed salary is to be increased by 10% (rather than 11%) if section 4(6) of that Act applies)

X is the number of months (if any) by which the member's age at retirement exceeds 50 years, with a maximum value of 60

Y is the number of months (if any) by which the member's age at retirement exceeds 55 years

Pn is—

(a) in the case of a member who was employed on a full-time basis throughout his or her membership of the Police Superannuation Scheme and the Triple S scheme—1; and

(b) in any other case—

$$\frac{Pn8 \times M8 + PnTS \times (M - M8)}{M}$$

A is the lesser of the following:

(a) unity;

(b) $\frac{Pn \times M}{D}$

M is the number of completed months between the day on which the member commenced service and the day of his or her retirement

D is—

(a) if the age of the member at retirement is less than 55—360;

(b) if the age of the member at retirement is 55 or greater but less than 60—360 plus Y;

(c) if the age of the member at retirement is 60 or greater—420

Pn8 is, for the period of the member's membership of the Police Superannuation Scheme—

(a) in the case of a member who was employed on a full-time basis throughout his or her membership of that Scheme—1; and

(b) in any other case—the numerical value arrived at by expressing the member's employment for the period beginning on the day on which he or she became a member of that Scheme and ending on the day immediately before he or she became a member of the Triple S scheme as a proportion of full-time employment during that period

M8 is the number of completed months between the day the member commenced service and the day immediately before the day on which he or she became a member of the Triple S scheme

PnTS is, for the period of the member's membership of the Triple S scheme—

(a) in the case of a member who was employed on a full-time basis throughout his or her membership of that scheme—1; and

(b) in any other case—the numerical value arrived at by expressing the member's employment for the period beginning on the day on which he or she became a member of that scheme and ending on the day of his or her retirement as a proportion of full-time employment during that period.

5—Application for disability pension

The following provisions apply in relation to any application for a disability pension made under section 33A of the repealed Act that was not determined by the Board before the repeal of that Act:

(a) the application will be taken to have been made under regulation 36;

(b) if the application was made by a person who—

(i) was not exempted from the ambit of section 33A of the repealed Act; but

(ii) is exempted from the ambit of regulation 36 by virtue of being a casual member (within the meaning of regulation 37),

the member will, for the purposes of that application, be taken to have been brought within the ambit of regulation 36 on and from the day on which these regulations come into operation.

6—Restrictions on payment of disability pension for certain members

(1) This clause applies to a member (other than a prescribed member within the meaning of Part 3) who—

(a) was not entitled to obtain a benefit in the event of incapacity for work under section 33A of the repealed Act immediately before the repeal of that Act; but

(b) would, but for this clause, be entitled to obtain a benefit in the event of incapacity for work under regulation 36 on the commencement of that regulation.

(2) Regulation 36 will operate in relation to a member to whom this clause applies on and from, but not before, 31 October 2009.

(3) However, if a member to whom this clause applies elects before 31 October 2009, by written notice to the Board, to be exempted from the ambit of regulation 36, the member will be taken to have made an election under regulation 37(1).

(4) An election under subclause (3) will take effect from 31 October 2009.

(5) A member to whom this clause applies who was employed in employment to which the Act applies for a period of at least 3 months prior to the commencement of the Act is not entitled during the relevant period to a disability pension under regulation 36 in respect of incapacity attributable to a medical condition existing before the day of that commencement.

(6) In subclause (5)—

relevant period means the 2 year period commencing on the day on which the Act comes into operation.

7—Continuation of disability pension for certain members

Regulation 36(19) does not apply in relation to a disability pension if payment of the pension commenced before the commencement of these regulations.

8—Post retirement investment

Funds held under section 47B of the repealed Act will continue as funds held under regulation 45.

9—Conditions of insurance

If an application for invalidity or death insurance under the repealed Act was granted on conditions, the conditions continue to apply in relation to the insurance under these regulations unless varied or removed by the Board under regulation 49(5).

Part 2—Transitional provisions operating from commencement of *Southern State Superannuation (Insurance) Variation Regulations 2017*

Division 1—Interpretation

10—Interpretation

In this Part—

authorised condition has the same meaning as in regulation 49;

commencement day means the day on which the *Southern State Superannuation (Insurance) Variation Regulations 2017* come into operation.

11—Application of Part

This Part applies to a member of the scheme who was a member immediately before the commencement day.

Division 2—Invalidity/death insurance

Subdivision 1—General

12—Application of Schedule

(1) Schedules 1 and 2, as inserted by the *Southern State Superannuation (Insurance) Variation Regulations 2017*, apply on and from the commencement day for the purposes of determining the value of units of standard insurance cover (including in relation to insurance held before the commencement day).

(2) The premium payable in respect of those units of insurance cover is the applicable premium determined by the Board for the purposes of regulation 34 or 42 (as inserted by the *Southern State Superannuation (Insurance) Variation Regulations 2017*).

Subdivision 2—Members

13—Continuation of basic invalidity/death insurance held by members before commencement day

(1) Basic invalidity/death insurance held by a member to whom this Part applies immediately before the commencement day will, subject to regulation 35, continue to be held by the member as default invalidity/death insurance.

(2) Subject to regulation 35, default invalidity/death insurance held by a member to whom this Part applies will, on and from the commencement day, include additional units of insurance necessary to ensure that the default invalidity/death insurance held by the member is equivalent to 3 units of standard insurance cover.

(3) However, if a member to whom this Part applies notifies the Board in the approved form, not more than 1 month after the commencement day (or within such longer period following the commencement day as the Board considers fair in a particular case), that the member does not wish to increase the level of the member's default invalidity/death insurance above the level of basic invalidity/death insurance held by the member immediately before the commencement day, the member ceases to be entitled to (and no premiums may be charged in respect of) additional units of default invalidity/death insurance as specified in subclause (2).

(4) Subject to regulation 35—

(a) if, immediately before the commencement day, a member to whom this Part applies (other than a prescribed member) holds 3 or more units of standard invalidity/death insurance, at least 3 of those units (which must be comprised of units that have been held by the member for the longest period) are to be held by the member, on and from the commencement day, without authorised conditions, regardless of the state of the member's health; and

(b) if, immediately before the commencement day, a member to whom this Part applies (other than a prescribed member) holds 1 or 2 units of standard invalidity/death insurance or standard death insurance, those units are to be held by the member, on and from the commencement day, without authorised conditions, regardless of the state of the member's health; and

(c) if, immediately before the commencement day, a prescribed member to whom this Part applies holds 6 or more units of standard invalidity/death insurance, at least 6 of those units are to be held by the member, on and from the commencement day, without authorised conditions, regardless of the state of the member's health.

(5) Subclause (4) does not apply in relation to a member who is not entitled to default invalidity/death insurance under these regulations.

(6) If—

(a) a member to whom this Part applies is, immediately before the commencement day, a permanent employee who was formerly employed in employment to which the Act applies on a casual basis; and

(b) the member's basic invalidity/death insurance was suspended under regulation 35 while the member was employed on that basis; and

(c) the member has not, since becoming a permanent employee, paid a premium in respect of invalidity/death insurance,

the following provisions apply:

(d) the suspension of the member's insurance will be taken to have continued until immediately before the commencement day;

(e) subject to regulation 35 and paragraph (f), the member will, on and from the commencement day, hold default invalidity/death insurance equivalent to 3 units of standard insurance cover;

(f) if the member notifies the Board in the approved form, not more than 1 month after the commencement day (or within such longer period following the commencement day as the Board considers fair in a particular case), that the member does not wish to hold the default invalidity/death insurance to which the member is entitled under paragraph (e), the member ceases to be entitled to (and no premiums may be charged in respect of) that insurance.

(10) This clause does not apply in relation to a member who holds fixed insurance cover immediately before the commencement day.

Note—

See clause 23.

14—Continuation of voluntary invalidity/death insurance held by members before commencement day

Voluntary invalidity/death insurance held by a member to whom this Part applies immediately before the commencement day will, subject to clause 13 and regulation 35, continue to be held by the member as additional invalidity/death insurance (and any authorised conditions that applied to the member's voluntary invalidity/death insurance immediately before the commencement day will continue to apply).

15—Eligibility for invalidity benefits (members)

(1) For the purposes of determining whether a member to whom this Part applies is entitled to invalidity insurance benefits under regulation 58(1)(a) in respect of termination of the member's employment on account of invalidity where the termination occurred before the commencement day, the following is to be substituted for paragraph (a) of subregulation (2) of that regulation:

(a) the Board is not satisfied that, on the day on which the member's employment is terminated, the member's incapacity for all kinds of work was 60% or more of total incapacity and was likely to be permanent; or

(2) Subregulations (11), (12), (12a) and (13) of regulation 58 as in force immediately before the commencement day continue to apply for the purposes of determining whether a member to whom this Part applies is entitled to invalidity insurance benefits under regulation 58(1)(a) in respect of termination of the member's employment on account of invalidity where the termination occurred before that day (and, accordingly, subregulation (11) of regulation 58 as inserted by the *Southern State Superannuation (Insurance) Variation Regulations 2017* does not apply).

(3) For the purposes of determining whether a PSS 3 member is entitled to invalidity insurance benefits under regulation 62E(1)(d) in respect of resignation from the Parliament of the State on account of invalidity where the resignation occurred before the commencement day, the following is to be substituted for paragraph (a) of subregulation (2) of that regulation:

(a) the Board is not satisfied that, on the day on which the member resigned from the Parliament, the member's incapacity for all kinds of work was 60% or more of total incapacity and was likely to be permanent; or

16—Application of earlier transitional provisions in relation to certain members

(1) Clause 2 of this Schedule will cease to apply to a member on and from the commencement day.

(2) On and from the commencement day, the insurance entitlements of a member to whom clause 2 of this Schedule applied immediately before the commencement day will be as set out in Part 3 of these regulations and the other provisions of this Schedule.

17—Visiting medical officers

(1) Clause 3 of this Schedule will cease to apply to a transferred visiting medical officer (within the meaning of that clause) on and from the commencement day.

(2) A transferred visiting medical officer to whom clause 3 applied is, on and from the commencement day, entitled, without being required to undergo a medical examination, to maintain the insurance cover that the officer enjoyed under clause 3 immediately before the commencement day.

(3) Accordingly, the insurance entitlements of a transferred visiting medical officer will, on and from the commencement day, be as set out in Part 3 of these regulations and the other provisions of this Schedule, subject to the following:

(a) if a transferred visiting medical officer held VMO standard insurance cover under clause 3 immediately before the commencement day, the officer will cease to hold that cover but will instead hold standard insurance cover of the same value as the cover held by the officer under clause 3;

(b) if a transferred visiting medical officer held VMO fixed insurance cover under clause 3 immediately before the commencement day, the officer will cease to hold that cover but will instead hold fixed benefit insurance cover of the same value as the fixed insurance cover held by the officer under clause 3;

(c) if, on the commencement day, a transferred visiting medical officer holds 3 or more units of standard invalidity/death insurance cover (or an amount of fixed benefit invalidity/death insurance cover that is equivalent to 3 or more units of standard invalidity/death insurance cover), 3 of those units (or an amount equivalent to 3 units of standard invalidity/death insurance cover) are to be held by the officer as default invalidity/death insurance (and, accordingly, no authorised conditions will apply to those units);

(d) if, on the commencement day, a transferred visiting medical officer holds more than 3 units of standard invalidity/death insurance cover (or an amount of fixed benefit invalidity/death insurance cover that is equivalent to more than 3 units of standard invalidity/death insurance cover), those additional units are to be held by the officer as additional invalidity/death insurance;

(e) if, on the commencement day, a transferred visiting medical officer would, but for this paragraph, hold only 1 or 2 units of standard invalidity/death insurance (or an amount of fixed benefit invalidity/death insurance that is equivalent to 1 or 2 units of standard invalidity/death insurance cover), the officer will, by virtue of the officer's entitlement to default invalidity/death insurance under regulation 28, in fact hold 3 units of standard invalidity/death insurance (or an equivalent amount of fixed benefit invalidity/death insurance as determined by the Board under regulation 34(3));

(f) any authorised conditions that applied to the officer's insurance cover under clause 3 immediately before the commencement day will apply to the additional invalidity/death insurance (if any) held by the officer under Part 3.

(4) Subject to subclause (3), the provisions of Part 3 apply in relation to the insurance entitlements of a transferred visiting medical officer.

(5) In this clause—

VMO fixed insurance cover means fixed insurance cover provided to visiting medical officers (and not to other members) before the commencement day in accordance with clause 3;

VMO standard insurance cover means standard insurance cover provided to visiting medical officers (and not to other members) before the commencement day in accordance with clause 3.

18—Suspension of insurance to continue

(1) Subject to subclause (2), if the insurance held by a member to whom this Part applies (other than a member referred to in clause 13(6)) is, immediately before the commencement day, suspended under regulation 35 (as in force immediately before that day), suspension of the insurance will continue on and from that day despite the revocation of that regulation.

(2) The following provisions apply in relation to insurance suspended under subclause (1):

(a) the member may, at any time, by notice in writing to the Board, reinstate the member's suspended insurance;

(b) when the insurance ceases to be suspended, the member is entitled (in accordance with regulation 28) to a minimum level of insurance equivalent in value to the member's default insurance cover entitlement;

(c) however, insurance benefits are only payable to or in respect of a member (other than a prescribed member) whose employment terminates on account of invalidity or death within 1 year after the member's insurance is reinstated if the invalidity or death is caused by accidental injury.

(3) Subclause (2) applies even if the member has, on or after the commencement day, ceased to be employed on a casual basis because the member has become a permanent employee.

Subdivision 3—Spouse members

19—Application of Subdivision

This Subdivision applies to a spouse member of the scheme who was a spouse member immediately before the commencement day.

20—Continuation of voluntary invalidity/death insurance held by spouse members before commencement day

Voluntary death insurance held by a spouse member to whom this Subdivision applies immediately before the commencement day will, subject to Part 3 Division 3, continue to be held by the spouse member as death insurance under that Division (and any authorised conditions that applied to the member's voluntary death insurance immediately before the commencement day will continue to apply).

Subdivision 4—Public sector superannuation beneficiaries and their spouses

21—Application of Subdivision

This Subdivision applies to public sector beneficiaries, and the spouses of public sector beneficiaries, who held insurance under Part 3 Division 4 Subdivision 3 immediately before the commencement day.

22—Eligibility for invalidity benefits

If the employment of a public sector superannuation beneficiary to whom this Subdivision applies who holds invalidity/death insurance under regulation 48 ceases before the commencement day, regulation 48(8) as in force immediately before the commencement day is to apply for the purposes of determining whether the public sector superannuation beneficiary is entitled to invalidity insurance benefits under that regulation.

Subdivision 5—Fixed insurance cover

Note—

New units of fixed insurance cover have not been available since that class of insurance was closed on 13 November 2014.

23—Continuation of fixed invalidity/death insurance cover held by members before commencement day

(1) Subject to this clause, a member who holds fixed insurance cover immediately before the commencement day will continue to hold that insurance cover.

(2) When a member who holds fixed insurance cover reaches the age of 65 years—

(a) the member's fixed insurance cover will cease; and

(b) the member will, if the member is entitled to default invalidity/death insurance under regulation 28, be issued with 3 units of standard invalidity/death insurance cover.

(3) A member who has fixed insurance cover may not take out standard insurance cover or fixed benefit insurance cover and is not entitled to default invalidity/death insurance except as specified in subclause (2)(b).

(4) However, the Board may grant an application for standard insurance cover or fixed benefit insurance cover made by a member who has fixed insurance cover if the standard insurance cover or fixed benefit insurance cover does not apply until after the fixed insurance cover has ceased (whether under subclause (2)(a) or (7)(a)).

(5) For the purposes of this clause, Table 1 of Subdivision 6 applies as follows:

(a) the value of a unit of cover is fixed at the amount designated in column 2;

(b) the amount of corresponding premium per unit of cover, as designated in column 3, is determined on the basis of the member's age at the time the insurance cover commences.

(6) The amount of fixed insurance cover held by a member may be reduced on application by the member to the Board in the approved form.

(7) Fixed insurance cover held by a member may, on application to the Board by the member in the approved form—

(a) cease; or

(b) subject to terms and conditions determined by the Board, be changed to standard insurance cover or fixed benefit insurance cover.

(8) Despite subclauses (6) and (7), fixed insurance held by a prescribed member under the age of 65 years—

(a) may not be reduced below an amount equivalent in value to 6 units of standard insurance cover; but

(b) may cease if the fixed insurance is replaced, on application by the prescribed member, with standard insurance or fixed benefit insurance that is equivalent in value to 6 units of standard insurance cover (or more).

(9) In this clause—

fixed insurance cover has the same meaning as in regulation 34 as in force immediately before the commencement day.

24—Continuation of fixed death insurance cover in limited circumstances (spouse members)

(1) Subject to this clause, a spouse member who holds fixed insurance cover immediately before the commencement day will continue to hold that insurance cover.

(2) When a spouse member who holds fixed insurance cover reaches the age of 65 years, the spouse member's fixed insurance cover will cease (but the spouse member will be eligible to apply for standard or fixed benefit insurance cover).

(3) A spouse member who has fixed insurance cover may not take out standard insurance cover or fixed benefit insurance cover.

(4) However, the Board may grant an application for standard insurance cover or fixed benefit insurance cover made by a spouse member who has fixed insurance cover if the standard insurance cover or fixed benefit insurance cover does not apply until after the fixed insurance cover has ceased (whether under subclause (2) or (6)(a)).

(5) For the purposes of this clause, Table 2 of Subdivision 6 applies as follows:

(a) the value of a unit of cover is fixed at the amount designated in column 2;

(b) the amount of corresponding premium per unit of cover, as designated in column 3, is determined on the basis of the spouse member's age at the time the insurance cover commences.

(6) Fixed insurance cover held by a spouse member may, on application to the Board by the spouse member in the approved form—

(a) cease; or

(b) subject to terms and conditions determined by the Board, be changed to standard insurance cover or fixed benefit insurance cover.

(7) In this clause—

fixed insurance cover has the same meaning as in regulation 42 as in force immediately before the commencement day.

25—Continuation of fixed invalidity/death insurance (public sector superannuation beneficiaries and their spouses)

(1) Subject to this clause, a public sector superannuation beneficiary or the spouse of a beneficiary who holds fixed insurance cover immediately before the commencement day will continue to hold that insurance cover.

(2) When a public sector superannuation beneficiary or the spouse of a beneficiary who holds fixed insurance cover reaches the age of 65, the fixed insurance cover will cease.

(3) A public sector superannuation beneficiary or the spouse of a beneficiary who has fixed insurance cover may not take out standard insurance cover or fixed benefit insurance cover.

(4) However, the Board may grant an application for standard insurance cover or fixed benefit insurance cover made by a public sector superannuation beneficiary or the spouse of a beneficiary who has fixed insurance cover if the standard insurance cover or fixed benefit insurance cover does not apply until after the fixed insurance cover has ceased (whether under subclause (2) or (6)(a)).

(5) For the purposes of this clause, Tables 1 and 2 of Subdivision 6 apply as follows for the purpose of determining the value of units of fixed insurance cover and the premiums payable in respect of those units:

(a) the value of a unit of cover is fixed at the amount designated in column 2 of the relevant table;

(b) the amount of corresponding premium per unit of cover, as designated in column 3 of the relevant table, is determined on the basis of the age of the beneficiary or spouse at the time the insurance cover commences.

(6) Fixed insurance cover held by a public sector superannuation beneficiary or the spouse of a beneficiary may, on application to the Board by the beneficiary or spouse in the approved form—

(a) cease; or

(b) subject to terms and conditions determined by the Board, be changed to standard insurance cover or fixed benefit insurance cover.

(7) In this clause—

fixed insurance cover has—

(a) in relation to a public sector superannuation beneficiary—the same meaning as in regulation 34 as in force immediately before the commencement day; and

(b) in relation to the spouse of a public sector superannuation beneficiary—the same meaning as in regulation 42 as in force immediately before the commencement day.

Subdivision 6—Invalidity/death insurance benefits—fixed insurance cover (closed)

Table 1—Invalidity/death insurance

Age last birthday	One unit	Cost/week
	$	$
20 and under	75 000	0.80
21	75 000	0.85
22	75 000	0.85
23	75 000	0.90
24	75 000	0.95
25	75 000	1.00
26	75 000	1.05
27	75 000	1.10
28	75 000	1.15
29	75 000	1.20
30	75 000	1.25
31	75 000	1.30
32	75 000	1.40
33	75 000	1.50
34	75 000	1.60
35	75 000	1.70
36	75 000	1.80
37	75 000	2.00
38	75 000	2.10
39	75 000	2.30
40	75 000	2.40
41	75 000	2.60
42	75 000	2.70

Age last birthday	One unit	Cost/week
	$	$
43	75 000	2.90
44	75 000	3.10
45	75 000	3.30
46	75 000	3.50
47	75 000	3.70
48	75 000	3.90
49	75 000	4.10
50	75 000	4.40
51	75 000	4.70
52	75 000	5.10
53	75 000	5.50
54	75 000	6.00
55	75 000	6.50
56	75 000	7.10
57	75 000	7.70
58	75 000	8.40
59	75 000	9.20
60	75 000	10.10
61	75 000	11.00
62	75 000	12.00
63	75 000	13.00
64	75 000	14.10
65 or over	0	not applicable

Table 2—Death insurance

Age last birthday	One unit	Cost/week
	$	$
20 and under	75 000	0.55
21	75 000	0.55
22	75 000	0.55
23	75 000	0.55
24	75 000	0.60
25	75 000	0.60
26	75 000	0.65
27	75 000	0.70
28	75 000	0.75

Age last birthday	One unit	Cost/week
	$	$
29	75 000	0.80
30	75 000	0.85
31	75 000	0.90
32	75 000	0.95
33	75 000	1.00
34	75 000	1.10
35	75 000	1.10
36	75 000	1.20
37	75 000	1.30
38	75 000	1.40
39	75 000	1.50
40	75 000	1.60
41	75 000	1.70
42	75 000	1.80
43	75 000	1.90
44	75 000	2.00
45	75 000	2.00
46	75 000	2.20
47	75 000	2.40
48	75 000	2.60
49	75 000	2.80
50	75 000	3.00
51	75 000	3.00
52	75 000	3.50
53	75 000	3.50
54	75 000	4.00
55	75 000	4.50
56	75 000	5.00
57	75 000	5.50
58	75 000	6.00
59	75 000	6.50
60	75 000	7.00
61	75 000	7.50
62	75 000	7.50
63	75 000	8.00
64	75 000	8.00

Age last birthday	One unit	Cost/week
	$	$
65 or over	0	not applicable

Division 3—Income protection

26—Members over 60 on commencement day

(1) Subject to this clause, a member who has reached the age of 60 years before the commencement day is not entitled to a disability pension under regulation 36 unless the Board grants an application by the member for income protection cover.

(2) Regulation 37A applies to an application under subclause (1).

(3) If a member who reached the age of 60 years not more than 30 days before the commencement day (or within such longer period before the commencement day as the Board considers fair in a particular case) applies for income protection under subclause (1), the Board may waive any 1 or more of the requirements of regulation 37A when determining the application and may grant the application without conditions regardless of the state of the member's health.

(4) If a member to whom subclause (3) applies was, before the commencement day, in receipt of a disability pension that ceased only because of the member having reached the age of 60 years, the disability pension received by the member under regulation 36 at the time that the member reached the age of 60 years will be taken into account for the purposes of regulation 36AAD(2) when determining the duration of any pension paid to the member in respect of the same incapacity after the commencement day.

27—Contribution replacement benefit

A contribution replacement benefit is not payable under regulation 36AAB in connection with a disability pension paid—

(a) to a member who ceased to be engaged in employment to which the Act applies before the commencement day; or

(b) in respect of incapacity that commenced before the commencement day.

28—Waiting period

Regulation 36AAC(1) to (3) apply for the purposes of determining the applicable waiting period for any disability pension payable in relation to an incapacity for work that commences on or after the commencement day.

29—Eligibility for disability pension

(1) Regulation 36 as in force on and from the commencement day applies for the purposes of determining a member's eligibility for a disability pension in respect of incapacity for work if the day on which the member is first incapacitated for work as a consequence of the disability occurs on or after the commencement day.

(2) If the day on which the member is first incapacitated for work as a consequence of the disability occurs before the commencement day, regulation 36(1) as in force immediately before that day applies for the purpose of determining the member's eligibility for a disability pension.

30—Conditions of income protection to continue

If an application under regulation 37(4) of these regulations as in force before the commencement day was accepted by the Board subject to authorised conditions under regulation 37(8), those conditions continue to apply in relation to the member's entitlement to a disability pension on and from the commencement day.

31—Notional salary and automatic acceptance limit

(1) Regulation 36A(1) and (2) as in force immediately before the commencement day continue to apply in relation to a disability pension to which a member became entitled before that day (and, accordingly, regulation 36A(1) and (2) as inserted or varied by these regulations apply only in relation to a disability pension to which a member becomes entitled after the commencement day).

(2) Regulation 36A(3) to (9) do not apply in relation to a member to whom this Part applies.

(3) However, a member to whom this Part applies may, if the member's notional salary exceeds the automatic acceptance limit, by notice in writing in the approved form, elect to reduce the level of the member's income protection cover by having the member's notional salary fixed at the automatic acceptance limit.

(4) If a member makes an election under subclause (3)—

(a) the member's notional salary under regulation 36A will be taken to be fixed at the automatic acceptance limit; and

(b) the member's disability pension premium will accordingly be determined on the basis of the fixed amount.

(5) A member who has made an election under subclause (3) may subsequently apply to the Board for an increase in the level of the member's income protection cover.

(6) If an application by a member under subclause (5) is approved by the Board—

(a) the member's notional salary will be determined under regulation 36A(1) or (2), as appropriate; and

(b) regulation 36A(3) to (9) will not apply in relation to the member; and

(c) the member's disability pension premium will accordingly be determined on the basis of the member's notional salary.

(7) Regulation 37A applies to an application under subclause (5).

(8) If an application under subclause (5) is granted subject to authorised conditions under regulation 37A—

(a) any entitlement of the member to a disability pension based on a notional salary set at a level higher than the automatic acceptance limit will be subject to those conditions; and

(b) the member's entitlement to a disability pension will continue to be subject to any authorised conditions that applied before the application was granted; and

(c) if the member has income protection cover under these regulations that the member was not required to apply for, the member will be entitled, without conditions, to a disability pension based on a notional salary fixed at the automatic acceptance limit (or, if there is a later reduction in the member's salary, at a lower level that corresponds to the member's notional salary as determined under regulation 36A(1) and (2)).

(9) In this regulation—

automatic acceptance limit has the same meaning as in regulation 36A.

32—Maximum salary income protection cap

(1) Regulation 36B, as in force on and from the commencement day, applies in relation to a member whether the member became a member of the scheme before or after that day.

(2) However, if, immediately before the commencement day, the notional salary of a member to whom this Part applies exceeded the maximum salary income protection cap (within the meaning of regulation 36B)—

(a) the member's notional salary for the purposes of regulation 36A is to be fixed at the level of the member's salary immediately before the commencement day irrespective of any subsequent increase in the member's salary (but any subsequent reduction in the member's salary is to be taken into account in determining the member's notional salary); and

(b) the member's disability pension premium will accordingly be determined on the basis of the fixed amount.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Southern State Superannuation Regulations 2009* revoked the following:

Southern State Superannuation Regulations 1995

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2009	208	*Gazette 23.7.2009 p3290*	1.8.2009: r 2
2010	227	*Gazette 18.11.2010 p5362*	18.11.2010: r 2
2011	161	*Gazette 23.6.2011 p2704*	1.7.2011: r 2
2012	175	*Gazette 12.7.2012 p3115*	12.7.2012: r 2
2012	271	*Gazette 20.12.2012 p6236*	31.12.2012: r 2
2013	292	*Gazette 19.12.2013 p5008*	19.12.2013: r 2
2014	219	*Gazette 7.8.2014 p3998*	7.8.2014: r 2
2014	267	*Gazette 13.11.2014 p6441*	13.11.2014: r 2
2015	204	*Gazette 27.8.2015 p4116*	27.8.2015: r 2
2016	14	*Gazette 11.2.2016 p462*	11.2.2016: r 2
2016	50	*Gazette 16.6.2016 p2112*	16.6.2016: r 2
2017	349	*Gazette 19.12.2017 p5189*	3.9.2018—date varied by 53/2018 r 4 (*Gazette 3.5.2018 p1510*): r 2
2018	207	*Gazette 30.8.2018 p3277*	3.9.2018 immediately after 349/2017: r 2
2020	63	*Gazette 21.5.2020 p2455*	21.9.2020: r 2
2022	**7**	***Gazette 3.2.2022 p194***	**1.4.2022 except Pt 3 & Sch 1 (cl 3)—30.11.2022: r 2**

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*18.11.2010*
r 3		
r 3(1)		
additional invalidity/death insurance	inserted by 349/2017 r 4(1)	3.9.2018
additional invalidity/death insurance benefits	inserted by 349/2017 r 4(1)	3.9.2018
basic invalidity/death insurance	*deleted by 349/2017 r 4(2)*	*3.9.2018*
basic invalidity/death insurance benefits	*deleted by 349/2017 r 4(2)*	*3.9.2018*
default invalidity/death insurance	inserted by 349/2017 r 4(3)	3.9.2018
default invalidity/death insurance benefits	inserted by 349/2017 r 4(3)	3.9.2018
gainful employment	inserted by 349/2017 r 4(4)	3.9.2018
invalidity/death insurance benefits	varied by 349/2017 r 4(5)	3.9.2018
legal personal representative	inserted by 50/2016 r 4(1)	16.6.2016
medical practitioner	inserted by 227/2010 r 4(1)	18.11.2010
notional salary	*deleted by 271/2012 r 4(1)*	*31.12.2012*
police disability pension	inserted by 175/2012 r 4	12.7.2012
PSS 3	inserted by 161/2011 r 4	1.7.2011
PSS 3 member	inserted by 161/2011 r 4	1.7.2011
retirement age	**substituted by 7/2022 r 18(1)**	**30.11.2022**
retrenchment	varied by 349/2017 r 4(6)	3.9.2018
Super SA Select	inserted by 271/2012 r 4(2)	31.12.2012
Super SA Select member	inserted by 271/2012 r 4(2)	31.12.2012
terminal illness	inserted by 227/2010 r 4(2)	18.11.2010
	varied by 204/2015 r 4	27.8.2015

transitional member	**inserted by 7/2022 r 18(2)**	**30.11.2022**
voluntary invalidity/death insurance	*deleted by 349/2017 r 4(7)*	*3.9.2018*
voluntary invalidity/death insurance benefits	*deleted by 349/2017 r 4(7)*	*3.9.2018*
r 3(4)	inserted by 50/2016 r 4(2)	16.6.2016
r 4	varied by 175/2012 r 5	12.7.2012
r 6		
r 6(1)	**substituted by 7/2022 r 19(1)**	**30.11.2022**
r 6(2)	**amended by 7/2022 r 19(2), (3)**	**30.11.2022**
r 6(3)	**amended by 7/2022 r 19(4)**	**30.11.2022**
r 6(4)	varied by 349/2017 r 5(1), (2)	3.9.2018
	amended by 7/2022 r 19(5)—(7)	**30.11.2022**
r 6(6)	*deleted by 7/2022 r 4*	*1.4.2022*
r 6(7)	substituted by 349/2017 r 5(3)	3.9.2018
	substituted by 7/2022 r 19(8)	**30.11.2022**
r 6(8) and (9)	**inserted by 7/2022 r 19(8)**	**30.11.2022**
r 7		
r 7(1)	**amended by 7/2022 r 20(1), (2)**	**30.11.2022**
r 7(2)	**amended by 7/2022 r 20(3)**	**30.11.2022**
Pt 2		
r 9		
r 9(1)	(b), (c), (d) deleted by 207/2018 r 4	3.9.2018
r 9(1a)	**inserted by 7/2022 r 21**	**30.11.2022**
r 9(2)	amended by 7/2022 r 5	1.4.2022
r 9(5a)	inserted by 161/2011 r 5	1.7.2011
r 9(5b)	inserted by 175/2012 r 6(1)	12.7.2012
r 9(8)	varied by 175/2012 r 6(2)	12.7.2012
r 9(9)	inserted by 175/2012 r 6(3)	12.7.2012
r 12		
r 12(4)	varied by 349/2017 r 6	3.9.2018
r 12(5)		
prescribed person	varied by 292/2013 r 4	19.12.2013
	varied by 14/2016 r 4	11.2.2016
r 13		
r 13(3)	varied by 175/2012 r 7	12.7.2012
	varied by 349/2017 r 7	3.9.2018
r 13A	inserted by 161/2011 r 6	1.7.2011
r 13A(2)	varied by 349/2017 r 8	3.9.2018
r 13B	inserted by 271/2012 r 5	31.12.2012
r 13B(1) and (2)	**substituted by 7/2022 r 22(1)**	**30.11.2022**

r 13B(2a)	**inserted by 7/2022 r 22(1)**	**30.11.2022**
r 13B(3)	varied by 349/2017 r 9(1), (2)	3.9.2018
	substituted by 7/2022 r 22(2)	**30.11.2022**
r 13B(4)	**inserted by 7/2022 r 22(2)**	**30.11.2022**
r 14		
r 14(1)	amended by 7/2022 r 6(1), (2)	1.4.2022
r 14(3)	varied by 271/2012 r 6(1)	31.12.2012
r 14(3a)	inserted by 271/2012 r 6(2)	31.12.2012
r 14(8)	**inserted by 7/2022 r 23**	**30.11.2022**
r 15		
r 15(1)	r 15 varied by 161/2011 r 7	1.7.2011
	r 15 varied by 175/2012 r 8	12.7.2012
	r 15 redesignated as r 15(1) by 271/2012 r 7	31.12.2012
r 15(2)	*inserted by 271/2012 r 7*	*31.12.2012*
	deleted by 7/2022 r 24	***30.11.2022***
r 16		
r 16(1a)	inserted by 271/2012 r 8(1)	31.12.2012
r 16(2)	varied by 161/2011 r 8(1)	1.7.2011
	varied by 271/2012 r 8(2)	31.12.2012
	varied by 349/2017 r 10(1)	3.9.2018
r 16(3)	varied by 161/2011 r 8(2)	1.7.2011
	varied by 349/2017 r 10(2), (3)	3.9.2018
	amended by 7/2022 r 25(1)	**30.11.2022**
r 16(3a) and (3b)	**inserted by 7/2022 r 25(2)**	**30.11.2022**
r 16(7)	substituted by 7/2022 r 7(1)	1.4.2022
r 16(8)	***deleted by 7/2022 r 25(3)***	***30.11.2022***
r 16(9a)	inserted by 7/2022 r 7(2)	1.4.2022
r 16(11)	substituted by 7/2022 r 7(3)	1.4.2022
r 17		
r 17(2)	varied by 161/2011 r 9	1.7.2011
	varied by 175/2012 r 9	12.7.2012
r 17(2a)	*inserted by 271/2012 r 9*	*31.12.2012*
	deleted by 7/2022 r 26	***30.11.2022***
r 18		
r 18(1)	**r 18 amended and redesignated as r 18(1) by 7/2022 r 27(1), (2)**	**30.11.2022**
r 18(2)	**inserted by 7/2022 r 27(2)**	**30.11.2022**
r 21		
death insurance	inserted by 349/2017 r 11(1)	3.9.2018
death insurance benefits	inserted by 349/2017 r 11(1)	3.9.2018
voluntary death insurance	*deleted by 349/2017 r 11(2)*	*3.9.2018*

voluntary death insurance benefits	*deleted by 349/2017 r 11(2)*	*3.9.2018*
r 24		
r 24(6)	substituted by 7/2022 r 8(1)	1.4.2022
r 24(7)	amended by 7/2022 r 8(2), (3)	1.4.2022
r 24(7a)	inserted by 7/2022 r 8(4)	1.4.2022
r 25		
r 25(2)	varied by 349/2017 r 12(1), (2)	3.9.2018
Pt 2A	**inserted by 7/2022 r 28**	**30.11.2022**
Pt 3		
Pt 3 Div 1		
r 26	varied by 267/2014 r 4	13.11.2014
Pt 3 Div 2		
Pt 3 Div 2 Subdiv 1 before substitution by 349/2017		
r 28		
r 28(2)	*varied by 161/2011 r 10*	*1.7.2011*
	varied by 175/2012 r 10	*12.7.2012*
Pt 3 Div 2 Subdiv 1	substituted by 349/2017 r 13	3.9.2018
r 28		
r 28(2)	amended by 7/2022 r 9	1.4.2022
Pt 3 Div 2 Subdiv 2		
heading	varied by 349/2017 r 14	3.9.2018
r 29		
fixed benefit insurance cover	inserted by 349/2017 r 15	3.9.2018
fixed insurance cover	*deleted by 349/2017 r 15*	*3.9.2018*
r 30		
r 30(1)	varied by 349/2017 r 16(1), (2)	3.9.2018
r 30(1a)	inserted by 161/2011 r 11	1.7.2011
	varied by 349/2017 r 16(3)	3.9.2018
r 30(2)	varied by 349/2017 r 16(4)	3.9.2018
r 30(3)	substituted by 349/2017 r 16(5)	3.9.2018
r 30(4)	varied by 175/2012 r 11	12.7.2012
	varied by 349/2017 r 16(6)	3.9.2018
r 30(4a)	inserted by 7/2022 r 11	1.4.2022
r 30(5)	varied by 349/2017 r 16(7)	3.9.2018
r 30(6)	varied by 349/2017 r 16(8)	3.9.2018
r 31	varied by 267/2014 r 5	13.11.2014
	substituted by 349/2017 r 17	3.9.2018
r 32	*deleted by 349/2017 r 17*	*3.9.2018*

r 33 before deletion by 349/2017		
r 33(1)	*varied by 267/2014 r 6*	*13.11.2014*
r 33	*deleted by 349/2017 r 17*	*3.9.2018*
Pt 3 Div 2 Subdiv 3		
heading	substituted by 349/2017 r 18	3.9.2018
r 34 before substitution by 349/2017		
r 34(2)	*varied by 267/2014 r 7(1)*	*13.11.2014*
r 34(3)	*varied by 227/2010 r 5(1)*	*18.11.2010*
r 34(6)	*substituted by 267/2014 r 7(2)*	*13.11.2014*
r 34(6a)—(6c)	*inserted by 267/2014 r 7(2)*	*13.11.2014*
r 34(9)		
revoked regulations	*repealed regulations varied to read revoked regulations by 227/2010 r 5(2)*	*18.11.2010*
r 34	substituted by 349/2017 r 19	3.9.2018
r 35	substituted by 349/2017 r 20	3.9.2018
r 35A	inserted by 349/2017 r 20	3.9.2018
Pt 3 Div 2 Subdiv 4		
heading	substituted by 349/2017 r 21	3.9.2018
r 36 before substitution by 349/2017		
r 36(2)	*substituted by 227/2010 r 6(1)*	*18.11.2010*
r 36(2a)	*inserted by 227/2010 r 6(1)*	*18.11.2010*
r 36(5a)	*inserted by 227/2010 r 6(2)*	*18.11.2010*
r 36(6)	*(a) deleted by 227/2010 r 6(3)*	*18.11.2010*
r 36(7a)	*inserted by 227/2010 r 6(4)*	*18.11.2010*
r 36(9a)	*inserted by 227/2010 r 6(5)*	*18.11.2010*
r 36(21)	*inserted by 227/2010 r 6(6)*	*18.11.2010*
notional salary	*inserted by 271/2012 r 10*	*31.12.2012*
r 36	substituted by 349/2017 r 22	3.9.2018
r 36(4a)	**inserted by 7/2022 r 29**	**30.11.2022**
rr 36AA—36AAE	inserted by 349/2017 r 22	3.9.2018
r 36A	inserted by 271/2012 r 11	31.12.2012
r 36A(1)	substituted by 349/2017 r 23(1)	3.9.2018
r 36A(2)	varied by 349/2017 r 23(2)	3.9.2018
r 36A(3)—(9)	inserted by 349/2017 r 23(3)	3.9.2018
r 36A(9a)	inserted by 207/2018 r 5	3.9.2018
r 36A(10)	inserted by 349/2017 r 23(3)	3.9.2018
r 36B	inserted by 349/2017 r 24	3.9.2018
r 36B(3)	amended by 7/2022 r 12	1.4.2022
r 37		

r 37(1)	varied by 349/2017 r 25(1)	3.9.2018
r 37(3)	substituted by 292/2013 r 5(1)	19.12.2013
	varied by 349/2017 r 25(2)	3.9.2018
	varied by 207/2018 r 6	3.9.2018
r 37(5)—(10)	*deleted by 349/2017 r 25(3)*	*3.9.2018*
r 37(12) before deletion by 349/2017		
casual member	*deleted by 292/2013 r 5(2)*	*19.12.2013*
r 37(12)	*deleted by 349/2017 r 25(4)*	*3.9.2018*
r 37A	inserted by 349/2017 r 26	3.9.2018
r 38	varied by 161/2011 r 12	1.7.2011
	varied by 175/2012 r 12	12.7.2012
	varied by 349/2017 r 27	3.9.2018
	amended by 7/2022 r 10	1.4.2022
Pt 3 Div 2 Subdiv 4A	inserted by 175/2012 r 13	12.7.2012
r 38A		
r 38A(2)	varied by 349/2017 r 28(1)	3.9.2018
r 38A(5)	varied by 349/2017 r 28(2)	3.9.2018
r 38A(8)	varied by 349/2017 r 28(3)	3.9.2018
r 38A(9)	varied by 349/2017 r 28(4)	3.9.2018
Pt 3 Div 2 Subdiv 5		
r 39		
r 39(1)	**amended by 7/2022 r 30(1)**	**30.11.2022**
r 39(2)	varied by 349/2017 r 29	3.9.2018
	substituted by 7/2022 r 30(2)	**30.11.2022**
r 39(3)	**substituted by 7/2022 r 30(2)**	**30.11.2022**
r 39(4)	**inserted by 7/2022 r 30(2)**	**30.11.2022**
Pt 3 Div 3		
heading	varied by 349/2017 r 30	3.9.2018
r 40		
r 40(1)	varied by 349/2017 r 31(1), (2)	3.9.2018
r 40(3)	varied by 349/2017 r 31(3)	3.9.2018
r 41	varied by 267/2014 r 8	13.11.2014
	varied by 349/2017 r 32	3.9.2018
r 42 before substitution by 349/2017		
r 42(2)	*varied by 267/2014 r 9(1)*	*13.11.2014*
r 42(3)	*substituted by 267/2014 r 9(2)*	*13.11.2014*
r 42(3a)—(3c)	*inserted by 267/2014 r 9(2)*	*13.11.2014*
r 42	substituted by 349/2017 r 33	3.9.2018
r 43		
r 43(2)	varied by 349/2017 r 34(1)	3.9.2018

	substituted by 7/2022 r 31	**30.11.2022**
r 43(3)	inserted by 349/2017 r 34(2)	3.9.2018
	substituted by 7/2022 r 31	**30.11.2022**
Pt 3 Div 4		
Pt 3 Div 4 Subdiv 1		
r 44		
invalidity/death insurance	inserted by 349/2017 r 35	3.9.2018
public sector superannuation scheme	substituted by 7/2022 r 13	1.4.2022
r 47 before substitution by 349/2017		
r 47(1)	*varied by 267/2014 r 10(1)*	*13.11.2014*
r 47(1a)—(1d)	*inserted by 267/2014 r 10(2)*	*13.11.2014*
r 47(2)	*varied by 267/2014 r 10(3)*	*13.11.2014*
r 47(3)—(6)	*inserted by 267/2014 r 10(4)*	*13.11.2014*
r 48 before substitution by 349/2017		
r 48(7)	*varied by 267/2014 r 11*	*13.11.2014*
r 48(9a)	*inserted by 227/2010 r 7*	*18.11.2010*
r 48(10)	*substituted by 50/2016 r 5*	*16.6.2016*
Pt 3 Div 4 Subdiv 3	substituted by 349/2017 r 36	3.9.2018
r 47		
r 47(4)	**amended by 7/2022 r 32(1)**	**30.11.2022**
r 47(5)	**substituted by 7/2022 r 32(2)**	**30.11.2022**
r 47(11)	amended by 7/2022 r 14	1.4.2022
Pt 3 Div 5		
r 49		
r 49(1)	varied by 349/2017 r 37(1), (2)	3.9.2018
r 49(1a)	*inserted by 227/2010 r 8*	*18.11.2010*
	deleted by 349/2017 r 37(3)	*3.9.2018*
r 49(4)	varied by 349/2017 r 37(4)	3.9.2018
r 49(4a)	inserted by 349/2017 r 37(5)	3.9.2018
r 49(8)		
authorised condition	varied by 349/2017 r 37(6)	3.9.2018
Pt 4		
Pt 4 Div 1		
Pt 4 Div 1 Subdiv 1		
heading	inserted by 161/2011 r 13	1.7.2011
Pt 4 Div 1 Subdiv 2		
heading	inserted by 161/2011 r 14	1.7.2011

r 52A	inserted by 161/2011 r 15	1.7.2011
r 53 before substitution by 7/2022		
r 53(4)	(a) deleted by 50/2016 r 6(1)	16.6.2016
r 53(4a)	inserted by 50/2016 r 6(2)	16.6.2016
r 53	**deleted by 7/2022 r 33**	**30.11.2022**
r 53A	inserted by 207/2018 r 7	3.9.2018
r 55		
r 55(1)	varied by 271/2012 r 12	31.12.2012
r 55(7)	varied by 227/2010 r 9	18.11.2010
	varied by 50/2016 r 7	16.6.2016
	varied by 349/2017 r 38	3.9.2018
r 56A	inserted by 175/2012 r 14	12.7.2012
	varied by 50/2016 r 8(1)	16.6.2016
	(b) deleted by 50/2016 r 8(2)	16.6.2016
r 58		
r 58(1)	varied by 227/2010 r 10(1)	18.11.2010
	varied by 349/2017 r 39(1)—(3)	3.9.2018
r 58(2)	substituted by 227/2010 r 10(2)	18.11.2010
	varied by 349/2017 r 39(4), (5)	3.9.2018
r 58(3)—(6)	*deleted by 227/2010 r 10(2)*	*18.11.2010*
r 58(7)	varied by 349/2017 r 39(6)	3.9.2018
	amended by 7/2022 r 34(1), (2)	**30.11.2022**
r 58(9)	substituted by 271/2012 r 13	31.12.2012
	varied by 349/2017 r 39(7)	3.9.2018
	amended by 7/2022 r 34(3)	**30.11.2022**
r 58(9aa)	**inserted by 7/2022 r 34(4)**	**30.11.2022**
r 58(9a)	inserted by 271/2012 r 13	31.12.2012
r 58(11)	varied by 227/2010 r 10(3)	18.11.2010
	substituted by 349/2017 r 39(8)	3.9.2018
r 58(12)	substituted by 349/2017 r 39(8)	3.9.2018
r 58(12a)	*inserted by 227/2010 r 10(4)*	*18.11.2010*
	deleted by 349/2017 r 39(8)	*3.9.2018*
r 58(13)	varied by 227/2010 r 10(5)	18.11.2010
	substituted by 349/2017 r 39(8)	3.9.2018
r 58(14)	*varied by 349/2017 r 39(9)*	*3.9.2018*
	deleted by 7/2022 r 15	*1.4.2022*
r 58(15) and (16)	*deleted by 349/2017 r 39(10)*	*3.9.2018*
r 58(16a)	inserted by 227/2010 r 10(6)	18.11.2010
	varied by 349/2017 r 39(11)	3.9.2018
r 58(17)		
terminal illness	*deleted by 227/2010 r 10(7)*	*18.11.2010*

voluntary separation package	substituted by 349/2017 r 39(12)	3.9.2018
r 59		
r 59(1)	varied by 50/2016 r 9(1)	16.6.2016
r 59(2)	varied by 50/2016 r 9(2)	16.6.2016
	varied by 349/2017 r 40(1), (2)	3.9.2018
r 59(4)	varied by 349/2017 r 40(3)	3.9.2018
	substituted by 7/2022 r 35(1)	**30.11.2022**
r 59(5)	varied by 349/2017 r 40(4)—(6)	3.9.2018
r 59(5a)	**inserted by 7/2022 r 35(2)**	**30.11.2022**
r 59(7)	varied by 50/2016 r 9(3)	16.6.2016
r 59(8)	substituted by 271/2012 r 14	31.12.2012
	varied by 50/2016 r 9(4)—(7)	16.6.2016
	varied by 349/2017 r 40(7)	3.9.2018
	amended by 7/2022 r 35(3)	**30.11.2022**
r 59(8aa)	**inserted by 7/2022 r 35(4)**	**30.11.2022**
r 59(8a)	inserted by 271/2012 r 14	31.12.2012
	varied by 50/2016 r 9(8)	16.6.2016
	amended by 7/2022 r 35(5)	**30.11.2022**
r 59(10)	varied by 50/2016 r 9(9)	16.6.2016
r 59(11)	varied by 50/2016 r 9(10)	16.6.2016
	varied by 349/2017 r 40(8)	3.9.2018
r 59A	**inserted by 7/2022 r 36**	**30.11.2022**
r 61		
r 61(1)	varied by 50/2016 r 10(1)	16.6.2016
r 61(2)	varied by 50/2016 r 10(2), (3)	16.6.2016
r 61(3)	varied by 50/2016 r 10(4)—(7)	16.6.2016
r 61(5)	varied by 50/2016 r 10(8), (9)	16.6.2016
r 62AA	inserted by 219/2014 r 4	7.8.2014
r 62AA(1)	varied by 207/2018 r 8	3.9.2018
r 62AAB	inserted by 50/2016 r 11	16.6.2016
r 62AAB(1)	varied by 207/2018 r 9	3.9.2018
Pt 4 Div 1 Subdiv 3	inserted by 161/2011 r 16	1.7.2011
r 62D	varied by 50/2016 r 12	16.6.2016
	varied by 349/2017 r 41	3.9.2018
r 62E		
r 62E(1)	varied by 349/2017 r 42(1)	3.9.2018
r 62E(2)	varied by 349/2017 r 42(2), (3)	3.9.2018
r 62F		
r 62F(1)	varied by 50/2016 r 13(1)	16.6.2016
r 62F(2)	varied by 50/2016 r 13(2)	16.6.2016
r 62F(4)	varied by 349/2017 r 43	3.9.2018

r 62F(5)	varied by 50/2016 r 13(3)	16.6.2016
r 62F(6)	varied by 50/2016 r 13(4)	16.6.2016
Pt 4 Div 2		
r 63		
r 63(1)	varied by 227/2010 r 11(1), (2)	18.11.2010
	varied by 50/2016 r 14(1), (2)	16.6.2016
	amended by 7/2022 r 37(1), (2)	**30.11.2022**
r 63(2)	**amended by 7/2022 r 37(3)**	**30.11.2022**
r 63(3)	substituted by 227/2010 r 11(3)	18.11.2010
	substituted by 349/2017 r 44(1)	3.9.2018
r 63(4)	varied by 50/2016 r 14(3)	16.6.2016
	varied by 349/2017 r 44(2)	3.9.2018
r 63(5a)	inserted by 349/2017 r 44(3)	3.9.2018
r 63(7)		
complying fund	**inserted by 7/2022 r 37(4)**	**30.11.2022**
r 63A	inserted by 207/2018 r 10	3.9.2018
r 68		
r 68(5)	**substituted by 7/2022 r 38**	**30.11.2022**
Pt 6		
r 73A	inserted by 277/2010 r 12	18.11.2010
r 73A(3)	amended by 7/2022 r 16	1.4.2022
r 73A(4)	varied by 349/2017 r 45	3.9.2018
r 76		
r 76(1)	r 76 redesignated as r 76(1) by 7/2022 r 17	1.4.2022
	amended by 7/2022 r 39	**30.11.2022**
r 76(2)	inserted by 7/2022 r 17	1.4.2022
r 78		
r 78(1)	varied by 349/2017 r 46	3.9.2018
	amended by 7/2022 r 40	**30.11.2022**
r 78(2)	varied by 175/2012 r 15	12.7.2012
r 79	inserted by 63/2020 r 4	21.9.2020
Schs 1 and 2	substituted by 349/2017 r 47	3.9.2018
Sch 3		
Pt 1	omitted under *Legislation Revision and Publication Act 2002*	18.11.2010
heading	Pt 2 heading deleted and Pt 1 heading inserted in its place by 349/2017 r 48(1)	3.9.2018
cl 4		
FS	varied by 204/2015 r 5	27.8.2015
Pt 2	inserted by 349/2017 r 48(2)	3.9.2018
cl 13		
cl 13(7)—(9)	*deleted by 207/2018 r 11*	*3.9.2018*

Transitional etc provisions associated with regulations or variations

Southern State Superannuation (Fund Selection and Other Matters) Amendment Regulations 2022 (No 7 of 2022), Sch 1—Transitional provisions

1—Interpretation

In this Schedule—

principal regulations means the *Southern State Superannuation Regulations 2009*.

2—Time limits (regulations 4 and 15)

(1) Regulation 6(6) of the principal regulations as in force immediately before the commencement of regulation 4 of these regulations continues to apply in relation to a member who became incapacitated to the extent envisaged by regulation 6(4)(a)(i) of the principal regulations during the 12 month period in which the member was taken to have remained in employment under that regulation if the incapacity commenced before 1 April 2020.

(2) Regulation 58(14) of the principal regulations as in force immediately before the commencement of regulation 15 of these regulations continues to apply in relation to a member who claims to be entitled to benefits under regulation 58 of the principal regulations, or a person acting on the member's behalf, if the member's employment (as referred to in regulation 58(12) of the principal regulations) terminated before 1 April 2020.

3—Continuing operation of regulation 53 of principal regulations

Regulation 53 of the principal regulations as in force immediately before its repeal by these regulations continues to apply in relation to an investment held under subregulation (6) of that regulation at the time of that revocation.

Historical versions

18.11.2010
1.7.2011
12.7.2012
31.12.2012
19.12.2013
7.8.2014
13.11.2014
27.8.2015
11.2.2016
16.6.2016
3.9.2018
21.9.2020
1.4.2022