

**Authorised Version**  
**Transport Superannuation Regulations 2018**  
**S.R. No. 130/2018**

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## Authorised Version

STATUTORY RULES 2018

S.R. No. 130/2018

*Transport Superannuation Act 1988*

### **Transport Superannuation Regulations 2018**

The Governor in Council, after consideration of a report from the Emergency Services Superannuation Board, makes the following Regulations:

Dated: 11 September 2018

Responsible Minister:

ROBIN SCOTT  
Minister for Finance

ANDREW ROBINSON  
Clerk of the Executive Council

#### **1 Objectives**

The objectives of these Regulations are for the purposes of the **Transport Superannuation Act 1988**—

- (a) to prescribe matters required or permitted to be prescribed; and
- (b) to specify matters for the calculation and payment of contributions for that Act; and
- (c) to prescribe other matters necessary or convenient for the purposes of that Act.

#### **2 Authorising provision**

These Regulations are made under section 52 of the **Transport Superannuation Act 1988**.

### 3 Commencement

These regulations come into operation on 14 September 2018.

### 4 Revocation

The Transport Superannuation Regulations 2008<sup>1</sup> are **revoked**.

### 5 Definitions

In these Regulations—

**bank account** means an account with an authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth;

**the Act** means the **Transport Superannuation Act 1988**.

### 6 Salary

For the purposes of the definition of **salary** in section 3(1) of the Act, salary is the pecuniary emoluments payable to a member in accordance with regulation 7.

### 7 Salary—pecuniary emoluments payable to a member

(1) Salary is the amount, computed as determined by the Board, of the annual rate of remuneration for the time being payable periodically and regularly to a member by an employer including the annual rate of any higher duties allowances that have been paid continuously for at least 12 months but excluding—

(a) any expense of office or uniform allowance;  
or

(b) any reimbursement of travelling or other incidental expenses; or

- (c) any overtime allowance or any other allowances which would not ordinarily be payable in respect of every pay period in a year of employment.
- (2) For the purposes of subregulation (1)—
- (a) in the case of a member who is on leave of absence without pay or less than full pay and is not acting as a full-time officer of a union or employee organisation, salary is—
    - (i) the salary of the member immediately prior to the commencement of that leave of absence increased in accordance with changes in the salary applicable to the substantive classification of the member during that leave of absence; or
    - (ii) any greater salary as is paid to the member by any other employer and approved by the Board;
  - (b) in the case of a member who is an employee of a union or employee organisation, salary is—
    - (i) the last salary of the employee immediately prior to becoming a full-time officer of the union or employee organisation adjusted in accordance with changes in the rate of salary for the last substantive classification of the member; or
    - (ii) any greater salary as is paid to the member by the union or employee organisation and approved by the Board;

- (c) in the case of a part-time member, salary is the salary which would be payable at that time to a person in similar employment on a full-time basis;
- (d) in the case that a member's salary is reduced, and the Board agrees that the reduction must not be taken into account, salary is the greater of—
  - (i) the salary of the member immediately prior to the reduction; and
  - (ii) the actual salary payable to the member;
- (e) in the case of an employee performing shift work, salary includes an additional annual amount of remuneration calculated according to the schedule of shift allowances approved by the Board and published from time to time in the Government Gazette provided that—
  - (i) for the purpose of calculating benefits the shift work has been performed for not less than 3 years immediately prior to the date at which the benefits become payable; and
  - (ii) any benefit payable to an employee who becomes eligible for benefits without having completed 3 years of shift work must take into account any additional contributions paid by that employee in relation to the shift work;
- (f) in any other case, the amount, computed as determined by the Board, of the annual rate of remuneration for the time being payable periodically and regularly to a member by an employer including the annual rate of any higher duties allowances that have been paid

continuously for at least 12 months but excluding—

- (i) any expense of office or uniform allowance; or
- (ii) any reimbursement of travelling or other incidental expenses; or
- (iii) any overtime allowance or any other allowances which would not ordinarily be payable in respect of every pay period in a year of employment.

## **8 Application of Act**

For the purposes of section 4(5) of the Act, a prescribed superannuation scheme is a superannuation scheme established and maintained—

- (a) under an Act of Victoria or any other State, the Commonwealth or a Territory; or
- (b) by the governing body of any authority constituted under any Act of Victoria or any other State, the Commonwealth or a Territory.

## **9 Contributions—specifications**

- (1) An election made by a member to change the member's rate of contribution under section 28 of the Act must—
  - (a) be made in writing and give 2 months notice to the Board; and
  - (b) take effect from the first date for payment of salary on or after the date or dates fixed by the Board for the adjustment of salary in each year.

- (2) Contributions that are deducted from the after-tax salaries of members, and other money payable to the Board, must be paid by the employing authority on the appropriate pay day by the direct crediting of those amounts to a bank account nominated by the Board or in any other manner approved by the Board.
- (3) Particulars in writing of the contributions and other money comprising the amount of payment must be provided by the employing authority to the Board on the day that the payment is made.
- (4) Any variation in the amount of contributions normally paid to the Board on any pay day must be explained in writing to the Board by the employing authority showing the changes that have occurred in the deductions from the contributor's after-tax salaries.
- (5) A contributor must make contributions to the Fund on each date of payment of salary or periodic payments under the **Accident Compensation Act 1985**.

#### **10 Benefit on resignation—prescribed rate**

For the purpose of section 35(1)(a) of the Act the prescribed rate is—

- (a) the amount of contributions and interest as at 30 June 1987, calculated using the factors in Schedule 1 with values for intermediate dates of entry being calculated to the lower 0.01; and
- (b) the additional annual rates of interest to be applied from 1 July 1987 to 30 June 1988 and from 1 July to 30 June in subsequent years are as published by the Board in the Government Gazette in each of those years.

**11 Death and disability benefits payable to transferred members**

Full death and disability benefits must be granted by the Board to a transferred member who was entitled to full death and disability benefits under a superannuation fund or superannuation arrangement referred to in section 4(1) of the Act.

**12 Death or disability benefit if a medical classification certificate is in force**

If a member in respect of whom there is in force a medical classification certificate dies or becomes disabled and the Board is of the opinion that the death or disability was caused or substantially contributed to by a condition specified in the medical classification certificate, the benefit payable instead of the benefits under section 30(1) or 31(1) of the Act is—

(a) in the event of death—

- (i) the accrued retirement benefit at the date of death; and
- (ii) one-twentieth of the balance of the lump sum benefit which would have been payable if no medical classification certificate was in force for each year of recognised service—

but not exceeding the benefit which would have been payable if no medical classification certificate was in force at the date of death; or

(b) in the event of disability, a pension for life at the rate of one-twelfth of—

- (i) the accrued retirement benefit at the date of disability; and

- (ii) one-twentieth of the balance of the lump sum benefit which would have been payable if no medical classification certificate was in force for each year of recognised service—

but not exceeding the pension which would have been payable if no medical classification certificate was in force at the date of disability.

**13 Death or disability benefit if no medical examination made**

(1) This regulation applies if—

- (a) a member who has not been medically examined and classified by the Board dies or is retired on account of disability; and
- (b) the Board is satisfied after considering medical evidence that the member's death or retirement—
  - (i) was not due to the fault, whether by intentional act or omission, of the member or any person liable to benefit financially from the member's death; and
  - (ii) was caused as a result of an accident or medical trauma unrelated to any prior medical condition of the member suffered by the member within the period of 12 months, or any longer period as is approved by the Board, prior to the member's death or retirement.

- (2) If this regulation applies, the Board may determine that any benefits payable under the Act in respect of the member's death or retirement be paid as if no medical classification certificate was in force at the date of death or disability.

Transport Superannuation Regulations 2018  
S.R. No. 130/2018

Schedule 1—Factors to be applied to total contributions without interest as at  
30 June 1987 to produce total contributions with interest at that date

**Schedule 1—Factors to be applied to  
total contributions without interest as at  
30 June 1987 to produce total contributions  
with interest at that date**

Regulation 10(a)

<i>Date of entry during year ended</i>	<i>Factor</i>	<i>Date of entry during year ended</i>	<i>Factor</i>	<i>Date of entry during year ended</i>	<i>Factor</i>
30.6.87	1·00	30.6.71	1·93	30.6.55	2·22
30.6.86	1·07	30.6.70	1·96	30.6.54	2·23
30.6.85	1·14	30.6.69	1·99	30.6.53	2·23
30.6.84	1·21	30.6.68	2·02	30.6.52	2·24
30.6.83	1·29	30.6.67	2·05	30.6.51	2·24
30.6.82	1·37	30.6.66	2·07	30.6.50	2·24
30.6.81	1·44	30.6.65	2·09	Years ending 30.6.49 and earlier	2·25
30.6.80	1·51	30.6.64	2·11		
30.6.79	1·57	30.6.63	2·13		
30.6.78	1·62	30.6.62	2·15		
30.6.77	1·68	30.6.61	2·16		
30.6.76	1·73	30.6.60	2·18		
30.6.75	1·78	30.6.59	2·19		
30.6.74	1·82	30.6.58	2·20		
30.6.73	1·86	30.6.57	2·21		
30.6.72	1·90	30.6.56	2·22		

Authorised by the Chief Parliamentary Counsel

## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 110/2008.