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Statutory Rules 1987 No. 6¹

70/

Superannuation (Salary) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting
with the advice of the Federal Executive Council, hereby make the following
Regulations under the *Superannuation Act 1976*.

Dated 23 April 1987.

G. BRUCE MCKENNA

Governor-General

By His Excellency's Command,

Minister of State for Finance

Principal Regulations

1. In these Regulations, "Principal Regulations" means the
Superannuation (Salary) Regulations.

Circumstances where part of salary or wages not to be treated as salary for purposes of Act

2. Regulation 7 of the Principal Regulations is amended by omitting
subregulation (3) and substituting the following subregulation:

"(3) In this regulation, 'relevant period', in relation to an eligible
employee who performs on a particular day duties or work in respect of the
performance of which an allowance of a prescribed kind is payable, means:

- (a) if paragraph (b) does not apply—the period of 12 months
immediately preceding the particular day; or
- (b) if the eligible employee has, for a continuous period of less than 12
months immediately preceding the particular day, performed the
duties or work performed by him or her on the particular day or
duties or work in respect of the performance of which an allowance
of the same kind as the allowance payable to him or her on the
relevant day has been paid or is payable to him or her—that lesser
period."

Circumstances where part of salary or wages of temporary employee not to be treated as salary

3. Regulation 10 of the Principal Regulations is amended by omitting paragraphs 6 (a) and (b) and substituting the following paragraphs:

- “(a) if paragraph (b) does not apply—the period of 12 months immediately preceding the particular day; or
- (b) if the eligible employee has, for a continuous period of less than 12 months immediately preceding the particular day, performed prescribed work—that lesser period.”.

Salary of certain eligible employees undertaking employment during a period of leave of absence without pay

4. Regulation 15 of the Principal Regulations is amended by omitting paragraphs (a) and (b) of the definition of “relevant period” in subregulation (7) and substituting the following paragraphs:

- “(a) if paragraph (b) does not apply—the period of 12 months immediately preceding the particular day; or
- (b) if the eligible employee has, for a continuous period of less than 12 months immediately preceding the particular day, performed prescribed employment, being prescribed employment by virtue of which this regulation applies to the eligible employee—that lesser period.”.

Further amendments

5. The Principal Regulations are amended as set out in the Schedule.

SCHEDULE

Regulation 5

AMENDMENTS OF THE PRINCIPAL REGULATIONS

1. Omit “a person authorized by the Commissioner for the purposes of this regulation” from the following provisions of the Principal Regulations, substitute “the Commissioner”:
Subregulation 6 (2), paragraph 8E (4) (b), subregulations 10 (3) and 15 (4).
2. Omit “the authorized person shall give to the Commissioner” from the following provisions of the Principal Regulations, substitute “the Commissioner shall give”:
Subregulations 6 (2), 8E (4), 10 (3) and 15 (4).
3. Omit “given to” from the following provisions of the Principal Regulations, substitute “given by”:
Paragraphs 8 (1) (b), 17 (1) (a), 17 (2) (a) and 17 (3) (a).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 1987. 6 May/
2. Statutory Rules 1978 No. 282 as amended by 1981 No. 5; 1985 Nos. 204 and 326; 1986 Nos. 43 and 49.