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Statutory Rules 1989 No. 1<sup>1</sup>

77/

## Superannuation (Salary) Regulations<sup>2</sup> (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 27 APRIL 1989.

**BILL HAYDEN**

Governor-General

By His Excellency's Command,

PETER WALSH  
Minister of State for Finance

### Principal Regulations

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

### Certain allowances to be treated as salary

2. Regulation 5 of the Principal Regulations is amended by inserting in  
paragraph (1) "or a Parliamentary employment allowance within the meaning  
of Part IID in respect of which a person has made an election in accordance  
with that Part," after "Part IIC,".

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

3. Regulation 7 of the Principal Regulations is amended by omitting  
from subregulation (2) all words after "is equal" and substituting "to the  
amount by which the amount of the allowance referred to in paragraph (a)  
exceeds the amount of the allowance that would be payable to the eligible

employee on the particular day if he or she had continued to perform those duties, or that work, performed by him or her during the relevant period in respect of which an allowance of the same kind as the allowance referred to in paragraph (a) was payable to him or her at the lower or lowest rate, as the case may be, shall not be treated as salary for the purposes of the Act.”

4. After Part IIC of the Principal Regulations the following Part is inserted:

**“PART IID—EMPLOYEES IN RECEIPT OF STAFF (MEMBER OF PARLIAMENT) ALLOWANCE OR DEPARTMENTAL LIAISON OFFICER ALLOWANCE**

**Interpretation**

“8M. In this Part, unless the contrary intention appears:

‘departmental liaison officer allowance’ means the allowance that, under the terms and conditions of employment of an eligible employee referred to in paragraph (b) of the definition of ‘identified eligible employee’ is, in addition to the amount of salary payable to the eligible employee in respect of the performance of duties as departmental liaison officer attached to the office of a Minister, payable to him or her solely by reason of being wholly occupied in performing those duties;

‘identified eligible employee’ means:

- (a) an eligible employee who is a member of the staff of:
  - (i) a person who holds, or has held, a relevant office;
  - (ii) a person in respect of whom a determination by the Prime Minister under section 12 of the *Members of Parliament (Staff) Act 1984* is in force; or
  - (iii) a person who has been a senator or a member of the House of Representatives and was, immediately before he or she ceased to be a senator or a member, a person in respect of whom a determination referred to in subparagraph (ii) was in force; or
- (b) an eligible employee who, being an officer or employee in the Australian Public Service, is attached to the office of a Minister as a departmental liaison officer.

‘Parliamentary employment allowance’ means:

- (a) a departmental liaison officer allowance; or
- (b) a staff (member of parliament) allowance;

‘relevant office’ has the same meaning as in the *Members of Parliament (Staff) Act 1984*;

‘staff (member of parliament) allowance’ means the allowance that, under the terms and conditions of employment of an eligible

77/

employee who is a member of the staff of a person referred to in subparagraph (a) (i), (ii) or (iii) of the definition of 'identified eligible employee' is, in addition to the amount of salary payable to the eligible employee in respect of the performance of duties as a member of the staff of such a person, payable to him or her solely by reason of being wholly occupied in performing those duties.

**Election—Parliamentary employment allowance**

“8N. (1) An identified eligible employee who has, from and including a day earlier than the date of commencement of this Part, continuously performed, and performs, duties or work in respect of the performance of which an amount in respect of a Parliamentary employment allowance has been paid or is payable to him or her, may, not later than 3 months after that date of commencement or within such further period as the Commissioner allows, by notice in writing to the Commissioner, elect that the allowance is not to be treated as salary for the purposes of the Act.

“(2) An identified eligible employee who has, from and including a day not earlier than the date of commencement of this Part, continuously performed, and performs, duties or work in respect of the performance of which an amount in respect of a Parliamentary employment allowance has been paid or is payable to him or her, may, not later than 3 months after that day or within such further period as the Commissioner allows, by notice in writing to the Commissioner, elect that the allowance is not to be treated as salary for the purposes of the Act.

“(3) Nothing in this regulation shall be taken to preclude an identified eligible employee who has made an election under subregulation (1) or (2) in respect of a Parliamentary employment allowance payable in relation to the continuous performance of duties or work from making another election, being an election under subregulation (2), in respect of such an allowance payable in relation to duties or work performed subsequently to, but not continuously with, the first-mentioned duties or work.

“(4) Where a person makes an election under subregulation (1) in respect of a Parliamentary employment allowance:

- (a) in the case where, on and from the day of the election, the allowance would, except for this subregulation, be treated as salary for the purposes of the Act—commencing on that day; or
- (b) in any other case—commencing on the day on which, except for this subregulation, the allowance would be treated as salary for the purposes of the Act;

the allowance is not to be treated as salary for the purposes of the Act.

“(5) Where a person makes an election under subregulation (2) in respect of a particular Parliamentary employment allowance, then, commencing on the day on which, except for this subregulation, the allowance would be, or would have been, treated as salary for the purposes of the

77/

Act, that allowance is not to be treated as salary for the purposes of the Act.”

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 4 1989.
2. Statutory Rules 1978 No. 282 as amended by 1981 No. 5; 1985 Nos. 204 and 326; 1986 Nos. 43 and 49; 1987 No. 70; 1988 Nos. 171, 231, 250 and 350.

4 May/