

Superannuation (Former Eligible Employees) Regulations (Amendment) 1994 No. 247

EXPLANATORY STATEMENT

STATUTORY RULES 1994 No. 247

Issued by the authority of the Minister for Finance

Superannuation Act 1976

Superannuation (Former Eligible Employees) Regulations (Amendment)

The *Superannuation Act 1976* (the Act) makes provision for and in relation to an occupational superannuation scheme for certain Commonwealth employees and other persons.

Section 168 of the Act provides that the Governor-General may make regulations for the purposes of the Act.

Section 126A of the Act provides that the regulations may modify the Act in relation to former eligible employees who become members of another superannuation scheme and these regulations are contained in the Superannuation (Former Eligible Employees) Regulations (the Principal Regulations).

Special arrangements operate for Commonwealth employees transferred to State employment as a consequence of the transfer of Commonwealth Repatriation institutions to State control. The arrangements include the preservation of their rights as members of the CSS if they do not continue as members of the CSS but join a State scheme.

To give effect to the superannuation arrangements for staff of Repatriation institutions, Statutory Rules 1991 No. 445 amended the Principal Regulations to provide for the preservation of CSS benefits for staff of Repatriation institutions transferred to State control who are taken to have resigned from the Australian Public Service in accordance with subsection 14(2) of the *Repatriation Institutions (Staff) Act 1991* and on the next day continue in employment with the State as a consequence of the transfer and join the State scheme. Statutory Rules 1991, No. 445 was made on 12 December 1991 and was to come into effect on commencement of the *Repatriation Institutions (Staff) Act 1991*.

The *Repatriation Institutions (Staff) Bill 1991* (the Repatriation Bill) was first presented to Parliament in 1991 and passed by the House of Representatives in November 1991. The Senate amended the Repatriation Bill in 1992 including the insertion of a new clause. The Repatriation Bill with amendments was represented to the House and agreed to by the House. It was assented to on 17 June 1992 as the *Repatriation Institutions (Transfer) Act 1992*. Because of the insertion of a new clause, the provisions contained in the Repatriation Bill were renumbered such that, for example, clause 14 became clause 15.

The Principal Regulations were amended by Statutory Rules 1992 Nos. 212 and 271 to change the references to the *Repatriation Institutions (Staff) Act 1991* to the *Repatriation Institutions (Transfer) Act 1992*. However, the need to amend the reference to subsection 14(2) was not recognised at those times.

The regulations amend the Principal Regulations by replacing the reference to subsection 14 (2) of the *Repatriation Institutions (Transfer) Act 1992* with a reference to subsection 15(2) of that Act.

The regulations commence on gazettal.