

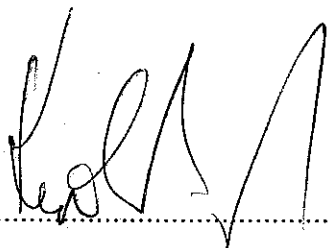
**UPERANNUATION BENEFITS (SUPERVISORY MECHANISMS) ACT 1990**

**DETERMINATION UNDER SECTION 6**

**PRESCRIBED REQUIREMENTS DETERMINATION NO. 1 OF 1994**

I, KIM CHRISTIAN BEAZLEY, Minister of State for Finance, acting under section 6 of the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*, being the section substituted by section 96(1) of the *Superannuation Legislation Amendment Act 1994*, determine that the prescribed requirements set out in Schedule 1 are to apply from 1 July 1994 to the provision of superannuation benefits, under superannuation arrangements by Commonwealth employers.

Dated..... 30<sup>th</sup> JUNE ..... 1994.



..... Minister of State for Finance

**SCHEDULE 1****PRESCRIBED REQUIREMENTS FOR PROVISION OF  
SUPERANNUATION BENEFITS****TABLE OF PROVISIONS****PART 1 - GOVERNMENT BUSINESS ENTERPRISES**

DIVISION I: SELF ASSESSMENT AND PROCEDURE  
DIVISION II: REPORTING PROCEDURES

**PART 2 - STATUTORY MARKETING AUTHORITIES**

DIVISION I: SELF ASSESSMENT AND PROCEDURE  
DIVISION II: REPORTING PROCEDURES

**PART 3 - OTHER COMMONWEALTH SECTOR EMPLOYERS**

DIVISION I: SELF ASSESSMENT AND PROCEDURE  
DIVISION II: REPORTING PROCEDURES

**PART 4 - MISCELLANEOUS EMPLOYERS**

DIVISION I: SELF ASSESSMENT AND PROCEDURE  
DIVISION II: REPORTING PROCEDURES

**PART 5 - PERSONALISED SUPERANNUATION COVER REQUIREMENTS****PART 6 - DEFINITIONS AND INTERPRETATION**

## PART 1 - GOVERNMENT BUSINESS ENTERPRISES

### DIVISION I: SELF ASSESSMENT AND PROCEDURE

1. An employer may establish a superannuation arrangement to provide superannuation benefits for its employees (full time, part-time, and casual) if and only if that employer completely satisfies each of the following requirements:
  - (a) the employer is a person that:
    - (i) employs people under a relevant law as defined in the Act; or
    - (ii) is a relevant body as defined in the Act; or
    - (iii) is the subject of a declaration under subsection 3(5) of the Act; and
  - (b) the employer is one of the persons set out in schedule 2; and
  - (c) the employer does not employ people under the *Public Service Act 1922*.
2. Before the employer establishes a superannuation scheme for the first time for more than one employee, the employer must in writing and by certified mail:
  - (a) advise the Assistant Secretary that the employer satisfies the requirements in clause 1;
  - (b) provide to the Assistant Secretary a detailed explanation of the manner in which the employer satisfies the requirements in clause 1; and
  - (c) if the employer is a participating employer in the Public Sector Superannuation scheme, advise the Assistant Secretary of the arrangements being made to exclude new employees from membership of the Public Sector Superannuation scheme.
3. The employer is not to establish a superannuation scheme until after a period of 60 days from the day that the Assistant Secretary receives the required advice or any lesser period agreed to in writing by the Assistant Secretary.
4. The list of employers in schedule 2 may be amended by the Minister for Finance from time to time.

### DIVISION II: REPORTING PROCEDURES

5. Each year after the end of the employer's "reporting period", such reporting period being the same period as for the employer's Annual Report, an employer operating its own superannuation scheme or other superannuation arrangement must provide the following information to the Minister for Finance in its Annual Report or in a written statement signed by the employer, such statement to be provided before the expiry of a three (3) month period after the end of the "reporting period":
  - (a) whether the employer has throughout the reporting period satisfied this and the preceding requirements in this Part 1, and the extent of and reasons for, any non-satisfaction;
  - (b) whether all the employer's superannuation arrangements provide superannuation benefits from "fully-funded funds", and if not:
    - (i) which arrangements are not fully-funded; and

- (ii) why they are not so funded;
- (c) details of all material changes during the reporting period to the superannuation arrangements of all employees including but not limited to the establishment of any new superannuation arrangement for more than one employee;
- (d) for each superannuation scheme in which the employer participated during the reporting period:
  - (i) the name of the scheme;
  - (ii) the number of employees covered by the scheme;
  - (iii) whether the nature of the scheme is:
    - (A) a cash accumulation scheme;
    - (B) a defined benefit scheme; or
    - (C) a combination of (A) and (B);
  - (iv) whether the benefits paid in respect of each scheme were by way of:
    - (A) lump sum;
    - (B) pension; or
    - (C) a combination of (A) and (B);
  - (v) the cost to the employer of the superannuation scheme for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
    - (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
    - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;
    - (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals;
    - (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and

unless the employer has been advised by the Minister for Finance or the Department of Finance that a report on the following matter is not required,

- (vi) whether the invalidity retirement rate exceeded the prevailing rate of retirement in the private sector as a result of total and permanent disablement; and
- (e) taking as a whole the individual superannuation arrangements established by the employer:
  - (i) whether the nature of the arrangements is:
    - (A) a cash accumulation arrangement;
    - (B) a defined benefit arrangement; or
    - (C) a combination of (A) and (B);
  - (ii) whether the benefits paid during the reporting period in respect of the arrangements were by way of:

- (A) lump sum;
  - (B) pension; or
  - (C) a combination of (A) and (B);
- (iii) the cost to the employer of the individual superannuation arrangement for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
- (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
  - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;
  - (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals; and
  - (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and
- (iv) the number of the individual superannuation arrangements existing during the reporting period.

## **PART 2 - STATUTORY MARKETING AUTHORITIES**

### **DIVISION I: SELF ASSESSMENT AND PROCEDURE**

6. An employer may establish a superannuation arrangement to provide superannuation benefits for its employees (full time, part-time, and casual) if and only if that employer completely satisfies each of the following requirements:
- (a) the arrangement provides for superannuation benefits to be provided from a 'fully-funded fund' as defined;
  - (b) the projected costs to the employer of the arrangement are reasonable having regard to the circumstances of the employer and the cost of superannuation arrangements in the Commonwealth public sector generally;
  - (c) the employer is a person that:
    - (i) employs people under a relevant law as defined in the Act;
    - (ii) is a relevant body as defined in the Act; or
    - (iii) is the subject of a declaration under subsection 3(5) of the Act; and
  - (d) the employer is one of the persons set out in schedule 3; and
  - (e) the employer does not employ people under the *Public Service Act 1922*;
7. Before the employer establishes a superannuation scheme for the first time for more than one employee, the employer must in writing and by certified mail:
- (a) advise the Assistant Secretary that the employer satisfies the requirements in clause 6;

- (b) provide to the Assistant Secretary a detailed explanation of the manner in which the employer satisfies the requirements in clause 6; and
  - (c) if the employer is a participating employer in the Public Sector Superannuation scheme, advise the Assistant Secretary of the arrangements being made to exclude new employees from membership of the Public Sector Superannuation scheme.
8. The employer is not to establish a superannuation scheme until after a period of 60 days from the day that the Assistant Secretary receives the required advice or any lesser period agreed to in writing by the Assistant Secretary.
  9. The list of employers in schedule 3 may be amended by the Minister for Finance from time to time.

## DIVISION II: REPORTING PROCEDURES

10. Each year after the end of the employer's "reporting period", such reporting period being the same period as for the employer's Annual Report, an employer operating its own superannuation scheme or other superannuation arrangement must provide the following information to the Minister for Finance in its Annual Report or in a written statement signed by the employer, such statement to be provided before the expiry of a three (3) month period after the end of the "reporting period":
  - (a) whether the employer has throughout the reporting period satisfied this and the preceding requirements, and the extent of and reasons for, any non-satisfaction;
  - (b) whether all the employer's superannuation arrangements provide superannuation benefits from "fully-funded funds", and if not:
    - (i) which arrangements are not fully-funded; and
    - (ii) why they are not so funded;
  - (c) details of all material changes during the reporting period to the superannuation arrangements of all employees including but not limited to the establishment of any new superannuation arrangement for more than one employee;
  - (d) for each superannuation scheme in which the employer participated during the reporting period:
    - (i) the name of the scheme;
    - (ii) the number of employees covered by the scheme;
    - (iii) whether the nature of the scheme is:
      - (A) a cash accumulation scheme;
      - (B) a defined benefit scheme; or
      - (C) a combination of (A) and (B);
    - (iv) whether the benefits paid in respect of each scheme were by way of:
      - (A) lump sum;
      - (B) pension; or
      - (C) a combination of (A) and (B); and

- (v) the cost to the employer of the superannuation scheme for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
  - (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
  - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;
  - (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals;
  - (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and

unless the employer has been advised by the Minister for Finance or the Department of Finance that a report on the following matter is not required,

- (vi) whether the invalidity retirement rate exceeded the prevailing rate of retirement in the private sector as a result of total and permanent disablement;
- (e) taking as a whole the individual superannuation arrangements established by the employer:
- (i) whether the nature of the arrangements is:
    - (A) a cash accumulation arrangement;
    - (B) a defined benefit arrangement; or
    - (C) a combination of (A) and (B);
  - (ii) whether the benefits paid during the reporting period in respect of the arrangements were by way of:
    - (A) lump sum;
    - (B) pension; or
    - (C) a combination of (A) and (B);
  - (iii) the cost to the employer of the individual superannuation arrangement for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
    - (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
    - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;
    - (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals; and
    - (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and
  - (iv) the number of the individual superannuation arrangements existing during the reporting period.

## **PART 3 - OTHER COMMONWEALTH SECTOR EMPLOYERS**

### **DIVISION I: SELF ASSESSMENT AND PROCEDURE**

11. An employer, not being an employer set out in Schedule 2, 3 or 4 of this Determination, may establish a superannuation arrangement to provide superannuation benefits for its employees (full time, part-time, and casual) if and only if that employer completely satisfies each of the following requirements:
- (a) the arrangement provides benefits from the employer's own source of funds without obtaining a special supplementation from the Commonwealth;
  - (b) the arrangement provides for superannuation benefits to be provided from a fully-funded fund as defined;
  - (c) the projected costs to the employer of the arrangement are reasonable having regard to the circumstances of the employer and the cost of superannuation arrangements in the Commonwealth public sector generally;
  - (d) the employer is a person that:
    - (i) employs people under a relevant law as defined in the Act; or
    - (ii) is a relevant body as defined in the Act; or
    - (iii) is the subject of a declaration under subsection 3(5) of the Act; and
  - (e) the employer does not employ people under the *Public Service Act 1922*;
  - (f) on a normal basis less than 30 per cent of the employer's operating expenses are financed by monies provided by the Commonwealth by way of an operating subsidy;
  - (g) the employer generally competes in the open market place for the goods or services it produces, charges the public or other agencies and entities at market rates for the goods or services it produces, has the capacity to pay dividends on profits, sets performance targets in terms of minimum acceptable rates of return, and has the power to reinvest or retain all or a proportion of any profits that might be earned ;
  - (h) the employer has an accepted system of accrual accounting and reporting;
  - (i) the employer has an accountability framework in place which Ministers have agreed; and
  - (j) the employer has a capital structure to which the Commonwealth has agreed.
12. Before the employer establishes a superannuation scheme for the first time for more than one employee, the employer must in writing and by certified mail:
- (a) advise the Assistant Secretary that the employer satisfies the requirements in clause 11;
  - (b) provide to the Assistant Secretary a detailed explanation of the manner in which the employer satisfies the requirements in clause 11; and
  - (c) if the employer is a participating employer in the Public Sector Superannuation scheme, advise the Assistant Secretary of the arrangements being made to exclude new employees from membership of the Public Sector Superannuation scheme.



13. The employer is not to establish a superannuation scheme until after a period of 60 days from the day that the Assistant Secretary receives the required advice or any lesser period agreed to in writing by the Assistant Secretary.

## DIVISION II: REPORTING PROCEDURES

14. Each year after the end of the employer's "reporting period", such reporting period being the same period as for the employer's Annual Report, an employer operating its own superannuation scheme or other superannuation arrangement must provide the following information to the Minister for Finance in its Annual Report or in a written statement signed by the employer, such statement to be provided before the expiry of a three (3) month period after the end of the "reporting period":
- (a) whether the employer has throughout the reporting period satisfied this and the preceding requirements, and the extent of and reasons for, any non-satisfaction;
  - (b) whether all the employer's superannuation arrangements provide superannuation benefits from "fully-funded funds", and if not:
    - (i) which arrangements are not fully-funded; and
    - (ii) why they are not so funded;
  - (c) details of all material changes during the reporting period to the superannuation arrangements of all employees including but not limited to the establishment of any new superannuation arrangement for more than one employee;
  - (d) for each superannuation scheme in which the employer participated during the reporting period:
    - (i) the name of the scheme;
    - (ii) the number of employees covered by the scheme;
    - (iii) whether the nature of the scheme is:
      - (A) a cash accumulation scheme;
      - (B) a defined benefit scheme; or
      - (C) a combination of (A) and (B);
    - (iv) whether the benefits paid in respect of each scheme were by way of:
      - (A) lump sum;
      - (B) pension; or
      - (C) a combination of (A) and (B); and
    - (v) the cost to the employer of the superannuation scheme for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
      - (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
      - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;

- (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals;
- (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and

unless the employer has been advised by the Minister for Finance or the Department of Finance that a report on the following matter is not required,

- (vi) whether the invalidity retirement rate exceeded the prevailing rate of retirement in the private sector as a result of total and permanent disablement; and
- (e) taking as a whole the individual superannuation arrangements established by the employer:
  - (i) whether the nature of the arrangements is:
    - (A) a cash accumulation arrangement;
    - (B) a defined benefit arrangement; or
    - (C) a combination of (A) and (B);
  - (ii) whether the benefits paid during the reporting period in respect of the arrangements were by way of:
    - (A) lump sum;
    - (B) pension; or
    - (C) a combination of (A) and (B);
  - (iii) the cost to the employer of the individual superannuation arrangement for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
    - (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
    - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;
    - (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals; and
    - (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and
  - (iv) the number of the individual superannuation arrangements existing during the reporting period.

#### **PART 4 - MISCELLANEOUS EMPLOYERS**

##### **DIVISION I: SELF ASSESSMENT AND PROCEDURE**

15. An employer may provide superannuation benefits for its employees (full time, part-time, and casual) under:

- (a) a superannuation arrangement established before 1 July 1994, as amended from time to time after that date; or
- (b) a new arrangement established after 1 July 1994;

if and only if the employer completely satisfies each of the following conditions:

- (c) the employer is a person that:
  - (i) employs people under a relevant law as defined in the Act; or
  - (ii) is a relevant body as defined in the Act; or
  - (iii) is the subject of a declaration under subsection 3(5) of the Act; and
- (d) the employer is one of the persons set out in schedule 4.

16. The list of employers in schedule 4 may be amended by the Minister for Finance from time to time.

## DIVISION II: REPORTING PROCEDURES

17. Each year after the end of the employer's "reporting period", such reporting period being the same period as for the employer's Annual Report, an employer operating its own superannuation scheme or other superannuation arrangement must provide the following information to the Minister for Finance in its Annual Report or in a written statement signed by the employer, such statement to be provided before the expiry of a three (3) month period after the end of the "reporting period":
- (a) whether the employer has throughout the reporting period satisfied this and the preceding requirements, and the extent of and reasons for, any non-satisfaction;
  - (b) whether all the employer's superannuation arrangements provide superannuation benefits from "fully-funded funds", and if not:
    - (i) which arrangements are not fully-funded; and
    - (ii) why they are not so funded;
  - (c) details of all material changes during the reporting period to the superannuation arrangements of all employees including but not limited to the establishment of any new superannuation arrangement for more than one employee;
  - (d) for each superannuation scheme in which the employer participated during the reporting period:
    - (i) the name of the scheme;
    - (ii) the number of employees covered by the scheme;
    - (iii) whether the nature of the scheme is:
      - (A) a cash accumulation scheme;
      - (B) a defined benefit scheme; or
      - (C) a combination of (A) and (B);
    - (iv) whether the benefits paid in respect of each scheme were by way of:
      - (A) lump sum;
      - (B) pension; or

- (C) a combination of (A) and (B); and
- (v) the cost to the employer of the superannuation scheme for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
  - (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
  - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;
  - (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals;
  - (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and

unless the employer has been advised by the Minister for Finance or the Department of Finance that a report on the following matter is not required,

- (vi) whether the invalidity retirement rate exceeded the prevailing rate of retirement in the private sector as a result of total and permanent disablement; and
- (e) taking as a whole the individual superannuation arrangements established by the employer:
  - (i) whether the nature of the arrangements is:
    - (A) a cash accumulation arrangement;
    - (B) a defined benefit arrangement; or
    - (C) a combination of (A) and (B);
  - (ii) whether the benefits paid during the reporting period in respect of the arrangements were by way of:
    - (A) lump sum;
    - (B) pension; or
    - (C) a combination of (A) and (B);
  - (iii) the cost to the employer of the individual superannuation arrangement for the following categories of employees to be expressed as a percentage of the average salary for superannuation purposes in the respective categories:
    - (A) *senior executive management*, including people who are primarily accountable to the Board of the employer;
    - (B) *other executive management*, including people who are primarily accountable to the senior executive management of the employer;
    - (C) *clerical and administrative*, including people whose duties are clerical or administrative and may include professionals; and
    - (D) *all other employees*, being people not covered by (A), (B), or (C) including but not limited to light manual, heavy manual or technical workers; and

- (iv) the number of the individual superannuation arrangements existing during the reporting period.

## **PART 5 - PERSONALISED SUPERANNUATION COVER REQUIREMENTS**

18. If:

- (a) an employer is a person that:
  - (i) employs people under a relevant law as defined in the Act; or
  - (ii) is a relevant body as defined in the Act; or
  - (iii) is the subject of a declaration under subsection 3(5) of the Act; and
- (b) the employer does not or is not able to satisfy the prescribed requirements set out in Parts 1, 2, 3, or 4 in order to establish a superannuation arrangement for its full time, part time, and casual employees; and
- (c) an approval by the Minister for Finance was in force before 1 July 1994 to provide superannuation benefits to any of its employees under a personalised superannuation arrangement;

then, the employer may renew the personalised arrangement for an employee whose term of employment or appointment is renewed, if and only if, the employer completely satisfies each of the following requirements:

- (d) the arrangement must be provided through a fund which is a "complying superannuation fund" for the purposes of section 45 of the *Superannuation Industry (Supervision) Act 1993*;
- (e) all contributions made to the arrangement will be vested in the employee/appointee, and the employer-financed benefits will be automatically preserved in accordance with Part 6 of the Superannuation Industry (Supervision) Regulations as if the arrangement were a "relevant arrangement or agreement" for the purposes of regulation 10 of the Occupational Superannuation Standards Regulations;
- (f) employee contributions must be at least 5 per cent of salary, with part-time employee contributions to be made at the part-time salary level;
- (g) employer contributions, including the minimum rate required under the Superannuation Guarantee legislation, must not exceed 15 per cent of salary paid in respect of the period of renewal, or such other rate determined by the Minister for Finance from time to time;
- (h) no employer contributions are payable retrospectively beyond the date of renewal of the employment or the appointment;
- (i) employer contributions must cease on termination of employment;
- (j) the fund provider is to be chosen by the employee/appointee and the level and mix of the benefits (retirement, death, invalidity) is to be determined by the appointee within the limit of the employer contributions set out in subclause (g), regardless of the mix selected.

## **PART 6 - DEFINITIONS AND INTERPRETATION**

19. In this Determination:

"accountability" means the personal obligation, liability, or answerability of an official or employee to give his superior a desired report of the quantity and quality of action and decision in the performance of responsibilities;

"Assistant Secretary" means the officer who from time to time holds or occupies the office of Assistant Secretary, Retirement Benefits Branch, Social Security Division, Department of Finance;

"employee" means a person employed:

- (a) under a relevant law as defined in the Act; or
- (b) by a relevant body as defined in the Act;

"fully-funded funds" is to be taken as referring to invested funds where the net assets of and contributions to the funds are sufficient to pay all benefits as they fall due;

"invalidity retirement rate" means the proportion of employees retiring on the grounds of permanent incapacity or permanent invalidity, other than employees who receive a benefit that does not exceed the benefit that would have been payable had they resigned or voluntarily retired;

"Occupational Superannuation Standards Regulations" means the regulations of that name made under the *Occupational Superannuation Standards Act 1987*;

"private sector fund" has the same meaning as in section 10 of the *Superannuation Industry (Supervision) Act 1993*;

"Public Sector Superannuation scheme" means the superannuation scheme established under the *Superannuation Act 1990*;

"Superannuation Industry (Supervision) Regulations" means the regulations of that name made under the *Superannuation Industry (Supervision) Act 1993*;

"reporting period" means the same reporting period as for the employer's Annual Report;

"system of accrual accounting" means a system of accounting under which revenues are identified, recorded, and accounted for when earned rather than waiting until money is collected, and expenditures are identified, recorded and accounted for when liabilities are incurred rather than waiting until payments are made;

"superannuation arrangement" has the same meaning as in subsection 3(1) of the Act except as specifically provided for in these prescribed requirements;

"superannuation benefits" has the same meaning as in subsection 3(1) of the Act;

"Superannuation Guarantee legislation" means the *Superannuation Guarantee (Administration) Act 1992*

"the Act" means the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*.

20. Subsections 3(3), (4) and (5) of the Act apply to this Determination as if references in those subsections to "this Act" were references to this Determination.

21. For the purposes of this Determination, the employer of a person taken to be employed by the operation of subsection 3(3) or 3(4) of the Act is taken to be the body in respect of which that office is held or appointment is made.
22. A provision of the:
  - (a) *Superannuation Industry (Supervision) Act 1993*;
  - (b) the Superannuation Industry (Supervision) Regulations; or
  - (c) *Superannuation Guarantee (Administration) Act 1992*;prevails over an inconsistent provision of this Determination.
23. If an employer ("the relevant employer") becomes a participant in a superannuation arrangement in order that employees may be beneficiaries of the arrangement, the arrangement is taken to be a superannuation arrangement established by the relevant employer.

**SCHEDULE 2****GOVERNMENT BUSINESS ENTERPRISES**

1. AeroSpace Technologies of Australia Ltd
2. ANL Limited
3. Australian Defence Industries Ltd
4. Australian Industry Development Corporation
5. Australian Maritime Safety Authority
6. Australian National Railways Commission
7. Australian Postal Corporation
8. Australian Technology Group Ltd
9. Civil Aviation Authority
10. Commonwealth Bank of Australia
11. Commonwealth Funds Management Ltd
12. Defence Housing Authority
13. Export Finance and Insurance Corporation
14. Federal Airports Corporation
15. Housing Loans Insurance Corporation
16. Qantas Airways Limited
17. Snowy Mountains Hydro-Electric Authority
18. Telstra Corporation Ltd
19. The Pipeline Authority
20. A relevant subsidiary (as defined in subsection 3(1) of the Act) that is a subsidiary of a body specified in this Schedule..



**SCHEDULE 3****STATUTORY MARKETING AUTHORITIES**

1. Australian Dairy Corporation
2. Australian Horticultural Corporation
3. Australian Meat and Live-Stock Corporation
4. Australian Pork Corporation
5. Australian Wheat Board
6. Australian Wine and Brandy Corporation
7. Australian Wool Research and Promotion Organisation
8. Wool International
9. A relevant subsidiary (as defined in subsection 3(1) of the Act) that is a subsidiary of a body specified in this Schedule.

**SCHEDULE 4****MISCELLANEOUS EMPLOYERS**

1. Army & Airforce Canteen Service
2. Australian Meat Technology Pty Ltd
3. Australian National University
4. Film Australia Pty Ltd
5. Northern Land Council
6. Reserve Bank of Australia
7. University of Canberra
8. A relevant subsidiary (as defined in subsection 3(1) of the Act) that is a subsidiary of a body specified in this Schedule.