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Statutory Rules 1985 No. *L*¹

204 /

Superannuation (Salary) Regulations² (Amendment)

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

Dated *22 August* 1985.

J. A. ROWLAND
Governor-General
Administrator

By His Excellency's Command,

PETER WALSH
Minister of State for Finance

The Superannuation (Salary) Regulations are amended by adding at the end the following regulation:

Annual rate of salary of certain redeployed eligible employees, &c.

"20. (1) In this regulation—

'classification', 'office of Secretary', 'officer', 'Secretary', 'Senior Executive Service office', 'Senior Executive Service officer' and 'unattached Secretary' have the same meaning as in sub-section 7 (1) of the Public Service Act;

'fixed-term appointment' means—

- (a) in relation to a Secretary—a fixed-term appointment within the meaning of section 37 of the Public Service Act; or
- (b) in relation to a Senior Executive Service officer—a fixed-term appointment within the meaning of section 44 of that Act;

'relevant day', in relation to an eligible employee to whom this regulation applies, means the day on which the eligible employee became such an eligible employee.

“(2) For the purposes of this regulation, the question whether the classification of an office is equal to, higher than, or lower than, the classification of another office is to be determined in accordance with sub-sections 28 (2) and (3) of the Public Service Act.

“(3) Subject to sub-regulation (6), where—

- (a) an eligible employee, being a Secretary or an unattached Secretary—
 - (i) is appointed to an office of Secretary of lower classification than the classification of the office of Secretary held immediately before the appointment, or last held before the appointment, by the eligible employee;
 - (ii) is transferred to a Senior Executive Service office; or
 - (iii) has his or her classification reduced to a classification that is, for the purposes of the Public Service Act, a Senior Executive Service classification; or
- (b) an eligible employee, being a Senior Executive Service officer, is transferred to an office of lower classification than the classification of the office held, immediately before the transfer, by the eligible employee,

then, unless on the day on which the eligible employee is so appointed or transferred or has his or her classification so reduced the eligible employee is, by virtue of sub-regulation (4), an eligible employee to whom this regulation applies, the eligible employee becomes on that day an eligible employee to whom this regulation applies.

“(4) Where an eligible employee becomes an eligible employee to whom this regulation applies, then, subject to sub-regulation (7), the eligible employee continues to be such an eligible employee until such time as the eligible employee ceases to be an officer having a classification that is lower than the classification that the eligible employee had on the day immediately preceding the relevant day in relation to the eligible employee.

“(5) Where—

- (a) this regulation applies to an eligible employee; and
- (b) if the eligible employee had, on any particular day (being the relevant day in relation to the eligible employee or any day after that relevant day), been an officer having the same classification as, or a classification equal to, the classification of the eligible employee on the day immediately preceding the relevant day in relation to the eligible employee, the annual rate of the salary that would have been payable to the eligible employee (in this sub-regulation referred to as his or her ‘notional salary’) on the particular day would have been higher than the annual rate of salary by reference to which the fortnightly basic contribution of the eligible employee—
 - (i) where sub-paragraph (ii) does not apply—on the contribution day last preceding the particular day; or
 - (ii) where the particular day is a contribution day—on the particular day,was calculated,

then, the annual rate of salary of the eligible employee on the particular day shall, for the purposes of the Act, be an amount equal to the amount per annum of the notional salary of the eligible employee on that day.

“(6) Sub-regulation (3) does not apply to an eligible employee who is appointed or transferred to an office, or has his or her classification reduced, in any of the circumstances referred to in paragraph (3) (a) or (b) if the eligible employee—

- (a) immediately before the day that, but for this sub-regulation, would have been the relevant day in relation to the eligible employee, held an office of Secretary under a fixed-term appointment or was a Senior Executive Service officer by virtue of a fixed-term appointment;
- (b) is, on the day referred to in paragraph (a), given a fixed-term appointment to an office of Secretary or as a Senior Executive Service officer; or
- (c) makes, on the day referred to in paragraph (a), an election under sub-section 47 (2) of the Act in relation to the appointment, transfer or reduction in classification occurring on that day.

“(7) An eligible employee to whom this regulation applies ceases to be such an eligible employee if the eligible employee—

- (a) at any time after the relevant day in relation to the eligible employee, makes (whether in relation to the appointment, transfer or reduction in classification by virtue of which the eligible employee became such an eligible employee or in relation to any subsequent appointment or transfer to another office) an election under sub-section 47 (2) of the Act;
- (b) is, at any time after the relevant day in relation to the eligible employee, given a fixed-term appointment to an office of Secretary or as a Senior Executive Service officer; or
- (c) having been transferred from a Senior Executive Service office to an office (in this sub-regulation referred to as a ‘prescribed office’) that is not an office of Secretary or a Senior Executive Service office, is next transferred from that prescribed office to a prescribed office of a lower classification than the classification of the first-mentioned prescribed office.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on L 1985.
2. Statutory Rules 1978 No. 282 as amended by 1981 No. 5.

29 August/