

# **Superannuation (CSS) Salary Regulations (Amendment) 1995 No. 407**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1995 No. 407**

Issued by the Authority of the Minister for Finance

*Superannuation Act 1976*

Superannuation (CSS) Salary Regulations (Amendment)

The *Superannuation Act 1976* (the Act) makes provision for and in relation to an occupational superannuation scheme, the Commonwealth Superannuation Scheme (the CSS), 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.

The purpose of the **Superannuation (CSS) Salary Regulations (Amendment)** (the amending Regulations) is to amend the Superannuation (CSS) Salary Regulations (the Principal Regulations) to set the annual rate of salary for superannuation purposes, in respect of the General Manager and certain employees of the Indigenous Land Corporation (ILC) on flexible remuneration packages, at 70 per cent.

Section 5 of the Act provides, among other things, that the regulations may prescribe an annual rate of salary for certain eligible employees. Regulations for the purposes of section 5 are contained in the Principal Regulations.

Some CSS members are employed under employment agreements known as flexible remuneration arrangements which enable them to receive part of their remuneration as non-cash benefits.

Division 1 of Part 2E of the Principal Regulations (regulations 8P to 8QA inclusive) provides for the annual rate of salary of certain eligible employees who are employed on flexible remuneration packages. The annual rate of salary is described in Schedule 1 of the Principal Regulations as a prescribed percentage of the total value of the respective packages. Part 1 of Schedule 1 prescribes the percentage rate for employees of certain authorities or bodies and Part 3 prescribes the percentage rate for persons holding certain offices.

The ILC was established by the *Aboriginal And Torres Strait Islander Commission Act 1989* (as amended by the *Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995*) on 1 June 1995, for the purposes of purchasing land on behalf of Aboriginal and Torres Strait Islander people. That Act also provides for the appointment of a General Manager who has the power to engage employees for the performance of the Corporation's functions and to determine the terms and conditions of their employment.

The regulations amend the Principal Regulations to provide:

- for employees of the ILC to be included in Part 1 of Schedule 1; and
- for the office of General Manager of the ILC to be included in Part 3 of Schedule 1; and,

that the percentage, for the purposes of calculating a person's annual rate of salary for superannuation purposes is 70 per cent in each case.

The Regulations commenced on the date of gazettal.