

Superannuation (Continuing Contributions for Benefits) Regulations (Amendment) 1991 No. 97

EXPLANATORY STATEMENT

STATUTORY RULES 1991 No. 97

ISSUED BY THE AUTHORITY OF THE MINISTER FOR FINANCE

SUPERANNUATION ACT 1976

SUPERANNUATION (CONTINUING CONTRIBUTIONS FOR BENEFITS) 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.

Persons eligible to contribute under the Act are referred to as "eligible employees". The term "eligible employee" is defined in subsection 3(1) of the Act. In accordance with paragraph (ea) of the definition, the term includes a person to whom section 14A of the Act applies. Regulations under section 14A may specify persons to whom the section applies and may modify the Act in respect of such persons. These provisions are contained in the Superannuation (Continuing Contributions for Benefits) Regulations (the Regulations).

The Dairy Research and Development Corporation was established on 1 April 1990 under the Primary Industries and Energy Research and Development Act 1989. The Corporation is not staffed under the Public Service Act 1922 and is not an approved authority for the purposes of the Act; as a consequence, employees of the Corporation in general do not have access to the occupational superannuation scheme established under the Act.

Staff of the Corporation presently include persons who are seconded from the Australian Dairy corporation. These persons include persons who are eligible employees for the purposes of the Act. The Dairy Research and Development Corporation proposes to directly employ these and other persons.

It is intended that persons who are eligible employees immediately before becoming employees of the Dairy Research and Development Corporation should be permitted to remain eligible employees. To achieve this it is intended that those persons who are to remain eligible employees be specified as a class of persons to which section 14A of the Act applies.

The amending Regulations provide that employees and the full-time Executive Director of the Dairy Research and Development Corporation shall be eligible employees if, immediately before becoming such employees or Executive Director, they were eligible employees and do not become members of another superannuation scheme applying to employment with the Corporation. In accordance with the provisions of the Act, the amending Regulations exclude persons who become casual employees or temporary part-time employees from remaining eligible employees.

Persons who are eligible employees to whom the mobility provisions of Part IV of the Public Service Act 1922 apply are covered under the existing provisions of the Act and are excluded from the scope of the amending Regulations.

The amending Regulations also provide, by modifications to section 159A of the Act, that the Dairy Research and Development Corporation shall make payments to the Commonwealth in respect of eligible employees who are employees of, or statutory office holders in, the Corporation. Section 159A was previously inserted by the Regulations to provide that a prescribed authority shall make payments to the Commonwealth in respect of relevant persons at such rates as the Minister determines, having regard to the amounts that have become, or are likely to become, payable out of the Consolidated Revenue Fund to or in respect of those persons.

The Regulations give effect to these modifications.

The Regulations operate from the date of gazettal.