

# **Superannuation (Continuing Contributions for Benefits) Regulations (Amendment) 1994 No. 248**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1994 No. 248**

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" as defined in subsection 3(1) of the Act. The term includes a person to whom section 14A of the Act applies and includes a class of persons specified in the Regulations. Regulations for the purposes of section 14A are contained in the Superannuation (Continuing Contributions for Benefits) Regulations (the Principal Regulations).

Special superannuation 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 right to contribute as members of the Commonwealth Superannuation Scheme (the CSS) as provided for in the Act if they do not join a State scheme.

To give effect to the superannuation arrangements for staff of Repatriation institutions, Statutory Rules 1991 No. 446 amended the Principal Regulations to enable staff 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 a State as a consequence of the transfer to remain members of the CSS. Statutory Rules 1991, No. 446 was made on 12 December 1991 and was to come into effect on the 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 was 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 No. 213 to change the reference 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 that time.

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.