Statutory Rules 1995 No. 1

438

Superannuation (CSS) Continuing Contributions for Benefits Regulations[2] (Amendment)

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

Dated   1995.

20 December

Governor-General   BILL HAYDEN

By His Excellency's Command,

Minister for Finance

KIM C. BEAZLEY

1. Commencement
1.1 These regulations commence on 1 March 1996.

2. Amendment
2.1 The Superannuation (CSS) Continuing Contributions for Benefits Regulations are amended as set out in these Regulations.

95R562, 8/12/95, 8:53 AM 95131775

3. New regulation 4A

3.1 After regulation 4, insert:

When s. 14A no longer applies—transfer to Public Sector Superannuation Scheme

"**4A. (1)** Section 14A of the Act ceases to apply to a person mentioned in paragraph 3A (1) (e), paragraph 3A (1) (l) or regulation 3B who, in writing addressed to the Board, within the period specified in subregulation (2):

(a) declares that he or she wishes to become a member of the Public Sector Superannuation Scheme; and

(b) elects to cease to be an eligible employee;

and, at the time of making that declaration and election, is not precluded by or under the *Superannuation Act 1990* (other than by paragraph 6 (2) (a) of that Act) from being a member of the Public Sector Superannuation Scheme.

"**(2)** Subject to subregulations (3) and (4), the period specified for the purposes of subregulation (1) is the period from 1 March 1996 to 31 August 1996 (inclusive).

"**(3)** If:

(a) at any time during the period from 1 June 1996 to 31 August 1996 (inclusive) any of the following special circumstances applies to a person:

(i) the person is absent from duty on leave without pay;

(ii) the person is precluded by or under the *Superannuation Act 1990* (otherwise than by paragraph 6 (2) (a) of that Act) from being a member of the Public Sector Superannuation Scheme; and

(b) the person does not make a declaration and election referred to in paragraph (1) (zo) before 1 September 1996;

the period specified for the purposes of that paragraph is the period commencing on 1 September 1996 and ending at the end of the period of 3 months commencing:

(c) in the case of a person to whom none of those special circumstances applies on 31 August 1996—on the last day before 1 September 1996 on which none of those special circumstances applies to the person; or

(d) in the case of a person to whom any of those circumstances applies on 31 August 1996—on the first day after 31 August 1996 on which none of those circumstances applies to the person.

"(4) The period specified for the purposes of subregulation (1) is:

(a) in the case of a person who, immediately before becoming an eligible employee, was a person to whom invalidity pension was, or but for a suspension of payment, would have been, payable under the Act before 31 August 1996—the period from 1 March 1996 to the later of 31 August 1996 or the day 3 months after the day when the person became an eligible employee; or

(b) in the case of a person who becomes an eligible employee after 31 May 1996 and is not a person to whom subparagraph (3) (a) (ii) or paragraph (a) applies—the period of 3 months commencing on the day when the person became an eligible employee.".

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 22 December 1995.

2. Statutory Rules 1981 No. 36 as amended by 1987 No. 290; 1989 No. 168; 1990 Nos. 179 and 379; 1991 Nos. 97, 168, 446 (as amended by 1992 No. 213) and 465; 1992 Nos. 27, 213, 323, 428 and 460 (as amended by 1994 No. 271); 1993 Nos. 3, 50 and 348; 1994 Nos. 8, 115, 116, 248, 271 and 335; 1995 Nos. 97, 201 and 349.