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1998B00225



Statutory Rules 1998 No. ¹

242

Superannuation (CSS) Continuing Contributions for Benefits Regulations² (Amendment)

I, WILLIAM PATRICK DEANE, 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 **30 JUL 1998** 1998.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

JOHN FAHEY
Minister for Finance and Administration

1. Commencement

1.1 Subject to subregulation 1.2, these Regulations are taken to have commenced on 1 June 1998.

1.2 Regulation 4, and subregulations 6.1 and 6.2, commence on 1 August 1998.

2. Amendment

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

3. Regulation 2 (Interpretation)

3.1 Subregulation 2 (1):

Insert the following definition:

“**AWB Limited** means the company (ACN 081890459) that was established under the Corporations Law on 1 June 1998.”.

4. Regulation 3 (Classes of persons to which section 14A of the Act does not apply)

4.1 After paragraph 3 (1) (o), insert:

“; (p) a class of persons each of whom:

- (i) on or after 1 August 1998, becomes a person to whom Division 2 or 3 of Part IV of the Public Service Act applies; and
- (ii) is not a person to whom, because of subregulation (1B), this paragraph does not apply.”.

4.2 After subregulation 3 (1A), insert:

“(1B) Paragraph (1) (p) does not apply to a person if:

- (a) a body known as the Australian Government Solicitor is established by statute; and
- (b) the person becomes an employee of that body by reason of a declaration under subsection 81C (1) of the Public Service Act.”.

5. Regulation 3A (Classes of persons to which s 14A of the Act applies)

5.1 After paragraph 3A (1) (s), insert:

“; (t) a class of persons each of whom:

- (i) became an employee of AWB Limited during the period from 1 June 1998 to 30 June 1999 (inclusive); and
- (ii) immediately before becoming so employed was an eligible employee employed by the Australian Wheat Board; and
- (iii) is not, in relation to the person’s employment with AWB Limited, a member of a superannuation scheme, other than:
 - (A) the scheme provided for by the Act; or
 - (B) a scheme to which contributions are made in respect of the person only in relation to performance pay; or
 - (C) in the case of a person to whom, under subregulation (1A), this sub-subparagraph applies—a scheme of which the person is taken, under subregulation 2 (2), to be a member for top-up purposes; and
- (iv) is not a person to whom Division 2 or 3 of Part IV of the Public Service Act applies.”.

5.2 Subregulation 3A (1A):

Omit “and (1) (s) (iii) (C),”, substitute “, (1) (s) (iii) (C) and (1) (t) (iii) (C),”.

6. Regulation 4 (When s 14A of the Act no longer applies)

6.1 After subparagraph 4 (1) (c) (ii), insert:

“or (iii) in the case of a person who, but for subparagraph 3 (1) (p) (ii), would not be a relevant person—a terminating event mentioned in subregulation (1B) occurs;”.

6.2 After subregulation 4 (1A), insert:

“(1B) For subparagraph (1) (c) (iii), the following events are terminating events:

- (a) the person ceases to be employed by the body mentioned, in relation to the person, in subregulation 3 (1B);
- (b) that body becomes neither:
 - (i) an Agency within the meaning of the *Financial Management and Accountability Act 1997*; nor
 - (ii) a Commonwealth authority, or a Commonwealth company, within the meaning of the *Commonwealth Authorities and Companies Act 1997*.”.

6.3 Subregulation 4 (1A):

Omit “and (19) (b) (iii),”, substitute “, (19) (b) (iii) and (20) (b) (iii),”.

6.4 After subregulation 4 (19), insert:

“(20) Section 14A of the Act ceases to apply to a person in the class of persons mentioned in paragraph 3A (1) (t) at the end of the first occurring of the following days:

- (a) the day on which the person ceases to be an employee of AWB Limited;
- (b) the day immediately before the day on which the person becomes a member of a superannuation scheme that applies to that person’s employment by AWB Limited, other than:
 - (i) the scheme provided for in the Act; or
 - (ii) a scheme to which contributions are made in respect of the person only in relation to performance pay; or
 - (iii) in the case of a person to whom, under subregulation (1A), this subparagraph applies—a scheme of which the person is taken, under subregulation 2 (2), to be a member for top-up purposes;

- (c) if Commonwealth control of AWB Limited ceases—the last day on which AWB Limited is under Commonwealth control.”.

7. Schedule 1 (Modification of Act)

7.1 Subclause 2.1:

After inserted paragraph 159 (1A) (p), insert:

“; (q) AWB Limited.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *h* 1998.
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, 349 and 438; 1996 Nos. 6, 97 and 297; 1997 No. 47 and 215; 1998 No. 91.

31 July