

# **Superannuation (CSS) (Involuntary Retirement) Regulations 1994 No. 231**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1994 No. 231**

Issued by the authority of the Minister for Finance

*Superannuation Act 1976*

Superannuation (CSS) (Involuntary Retirement) Regulations

The *Superannuation Act 1976* (the 1976 Act) makes provision for and in relation to an occupational superannuation scheme (known as the CSS) for certain Commonwealth employees and other persons, including employees of approved authorities.

Section 168 of the 1976 Act provides that the Governor-General may make regulations for the purposes of the Act.

Subsection 58(3) of the 1976 Act describes the circumstances in which a person who ceases to be an eligible employee shall, for the purposes of that Act, be deemed to have retired involuntarily. Paragraph 58(3)(h) provides that a person shall be deemed to have retired involuntarily where the employment or appointment is terminated in prescribed circumstances "other-wise than under the Public Service Act".

On 1 July 1994, the Australian Capital Territory (ACT) Government established a separate ACT Government Service (ACTGS). Before that day, staff required for the conduct of the public administration of the ACT were, in most cases, transitional staff provided for in the *ACT Self-Government (Consequential Provisions) Act 1988*. Transitional staff are persons appointed or employed under the *Public Service Act 1922* (the PS Act). With the establishment of the ACTGS, the transitional staff ceased to be covered by the PS Act and commenced employment under the provisions of the *Public Sector Management Act 1994* (the Public Sector Act) of the Australian Capital Territory. Many of the transferred staff were members of the CSS and retained membership as employees of the ACT because the ACT is an approved authority.

Sections 127 and 128 of the Public Sector Act provide that certain unattached Chief Executives will be taken to have been compulsorily retired from the ACTGS. Section 137 of the Public Sector Act provides for certain SES officers to be taken to have been compulsorily retired from the Service.

The Superannuation (CSS) (Involuntary Retirement) Regulations prescribe retirement under section 127, 128 or 137 of the Public Sector Act as a circumstance which is deemed to be involuntary retirement for the purposes of the 1976 Act.

These arrangements are equivalent to those applicable under Subsection 58(3) of the 1976 Act to Secretaries and SES officers employed under the PS Act who are retired in similar circumstances.

The Regulations operate from gazettal.