



Superannuation (CSS) (Superannuation Guarantee) Regulations 2008¹

Select Legislative Instrument 2008 No. 165

I, PHILIP MICHAEL JEFFERY, 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 7 August 2008

P. M. JEFFERY
Governor-General

By His Excellency's Command

NICK SHERRY
Minister for Superannuation and Corporate Law for the Minister
for Finance and Deregulation

1 Name of Regulations

These Regulations are the *Superannuation (CSS) (Superannuation Guarantee) Regulations 2008*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Definitions

In these Regulations:

Act means the *Superannuation Act 1976*.

ordinary time earnings has the same meaning as in subsection 6 (1) of the *Superannuation Guarantee (Administration) Act 1992*.

quarter has the same meaning as in subsection 6 (1) of the *Superannuation Guarantee (Administration) Act 1992*.

4 Application of Regulations

If a person became entitled to payment of a benefit in accordance with either or both of:

- (a) the Act; and
- (b) regulations made under the Act;

in the period starting on 1 July 2008 and ending immediately before the date on which these Regulations commence, the amount of the benefit payable to the person is, on the commencement of these Regulations, increased by an amount equivalent to the difference, if any, between the benefit that the person was actually entitled to receive and the benefit that the person would have been entitled to receive had these Regulations commenced on 1 July 2008.

5 Superannuation guarantee — minimum contribution

- (1) For subsection 155C (1) of the Act, this regulation is made for the purpose of ensuring that an employer does not have an individual superannuation guarantee shortfall (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*) in relation to a person in respect of any period, on or after 1 July 2008, during which the person is an eligible employee.
- (2) Despite subsection 110SC (1) of the Act, the SG minimum contribution in relation to the eligible employee and in respect of the period is:
 - (a) 9% of the eligible employee's ordinary time earnings for each quarter or part of a quarter occurring in the period; or
 - (b) the percentage of the eligible employee's ordinary time earnings determined under subregulation (3) for each quarter or part of a quarter occurring in the period.
- (3) The Board may, by determination in writing, vary the percentage mentioned in paragraph (2) (a).
- (4) In making a determination, the Board is to have regard to the charge percentage as specified in subsection 19 (2) of the *Superannuation Guarantee (Administration) Act 1992*.
- (5) A determination by the Board under subregulation (4) takes effect on:
 - (a) a day stated in the determination; or
 - (b) if no day is stated — the day on which the determination is made.
- (6) To the extent to which subregulation (2) applies, the definition of ***SG minimum contribution*** in subsection 110SB (1) of the Act is taken to refer to subregulation (2) rather than to section 110SC of the Act.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.