

Civil Aviation (Transitional—CAA Staff Members’ Superannuation) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 July 2018

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Michael McCormack

Deputy Prime Minister and Minister for Infrastructure and Transport

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1 Name

 This instrument is the *Civil Aviation (Transitional—CAA Staff Members’ Superannuation) Regulations 2018*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 14 July 2018 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under the *Civil Aviation Legislation Amendment Act 1995*.

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

 In this instrument:

***AA employee*** means a person employed by Airservices Australia under the *Air Services Act 1995*.

***Act*** means the *Civil Aviation Legislation Amendment Act 1995*.

***CASA staff member*** means a person appointed or employed by the Civil Aviation Safety Authority under the *Civil Aviation Act 1988*.

***Superannuation Fund*** means the superannuation scheme that, immediately before 6 July 1995, was known as the CAA Staff Superannuation Fund.

Note 1: On 6 July 1995, the Civil Aviation Authority was abolished and its staff became either AA employees or CASA staff members under section 8 of the Act.

Note 2: In 2018, the superannuation scheme was known as the AvSuper Fund.

***Trust Deed*** means the trust deed dated 17 July 1990 that established the Superannuation Fund.

6 Superannuation of transferring Civil Aviation Authority staff members

 (1) This section has effect for the purposes of the Trust Deed (as in force from time to time) relating to a person who was a member of the Superannuation Fund immediately before 6 July 1995 under the Trust Deed (as in force immediately before 6 July 1995).

Membership did not automatically cease on 6 July 1995

 (2) The person is taken not to have ceased to be a member:

 (a) because of the abolition of the Civil Aviation Authority; or

 (b) because the person became an AA employee or CASA staff member under section 8 of the Act on 6 July 1995.

Continuation of membership while an AA employee or CASA staff member

 (3) The person is taken to continue, or have continued, to be a member while the person continues, or continued, to be an AA employee or CASA staff member.

Entitlements relating to period of membership before 6 July 1995

 (4) The person is taken to be entitled to payments and other benefits from the Superannuation Fund as if, for the period starting when the person last became a member of the Superannuation Fund before 6 July 1995 and ending immediately before 6 July 1995, the person had been:

 (a) if the person was an AA employee on 6 July 1995—an AA employee for that period; or

 (b) if the person was a CASA staff member on 6 July 1995—a CASA staff member for that period.

Entitlements do not arise merely because of transfer of employment on 6 July 1995

 (5) The person is taken not to be entitled to payments or other benefits merely because the person became an AA employee or CASA staff member under section 8 of the Act on 6 July 1995.

Schedule 1—Repeals

Civil Aviation Legislation Amendment (Transitional Provisions) Regulations

1 The whole of the instrument

Repeal the instrument.