

From: s22
To: s22
Cc: s22
Subject: RE: Australian Signals Directorate superannuation clause [DLM=Sensitive:Legal]
Date: Tuesday, 25 August 2020 12:19:24 PM
Attachments: [image002.png](#)
[image001.png](#)

Sensitive: Legal

Thanks very much s22. We haven't delved into what may have been in writing for employees at the time of transferring from Defence to ASD or new employees commencing since but have passed your advice and contact details on to our ASD contacts.

Kind regards

s22

From: s22
Sent: Monday, 24 August 2020 2:00 PM
To: s22
Cc: s22
Subject: RE: Australian Signals Directorate superannuation clause [SEC=OFFICIAL]
[DLM=Sensitive:Legal]

Sensitive:Legal

Hi s22

s 47C

s22 the requirements of Rule 2.2.2 of the PSSAP Trust Deed, based on the extract provided. A unilateral determination made by an employer in respect of an employee is generally not an instrument or agreement that is recognised under this Rule. An exception to this would be if there is supplementary documentation to the Determination providing the express agreement of the employee and employer that employer contributions to PSSAP will be calculated on the salary base of OTE. For clarity, I note that the requirements in Rule 2.2.2 do not apply in the situation where an employee has chosen a fund other than PSSAP.

I am happy for you to provide my or s22 contact details to ASD.

Kind regards,

s22

Sensitive:Legal

From: s22
Sent: Tuesday, 18 August 2020 12:54 PM
To: s22 <s22@finance.gov.au>
Cc: s22 <s22@finance.gov.au>; s22 <s22@apsc.gov.au>
Subject: Australian Signals Directorate superannuation clause [SEC=OFFICIAL]

OFFICIAL

Hi s22

s 47C

s22 the Australian Signals Directorate's (ASD) superannuation clause. I am seeking your confirmation of our below assessment.

ASD was established as its own entity 1 July 2018. The Director General made a determination under the *Intelligence Services Act 2001* at the time determining employee terms and conditions which replicated those previously covering employees under the Department of Defence Enterprise Agreement. ASD are now in the process of replacing the initial determination with a new determination.

This is an extract of the superannuation clause from the current determination. ASD were not proposing any changes:

G12 Superannuation

G12. ASD will provide compulsory employer contributions as required by the applicable legislation and fund requirements.

G12.2 The default fund for employees who fail to choose a superannuation fund will be the

Public Sector Superannuation accumulation plan (PSSap), unless they are required by scheme rules or legislation to become members of the Commonwealth Superannuation Scheme (CSS) or the Public Sector Superannuation (PSSdb) scheme.

G12.3 Employer superannuation contributions for PSSap members and employees who have exercised choice will be 15.4 per cent of ordinary time earnings, or such a rate as specified by the rules of the PSSap, though not less than 15.4 per cent. This will not be reduced by any other contributions made through salary sacrifice arrangements. This clause does not apply where a superannuation fund cannot accept employer superannuation contributions (e.g. the fund is unable to accept contributions for people aged over 75).

s 47C

Do you share this view. That being the case, would you mind if we passed on contact details to our counterparts at ASD to discuss the issue directly with your team?

Thanks

s22

s22

Director Remuneration Policy, Workplace Relations Group

Australian Public Service Commission

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