

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Finance and Administration

*Superannuation Act 1990*

Declaration under paragraph 6(2)(c)

*Superannuation (PSS) Membership Exclusion Amendment Declaration 2007 (No. 1)*

The *Superannuation Act 1990* (the Act) makes provision for, and in relation to, the Public Sector Superannuation Scheme (PSS) for Australian Government employees and for certain other persons.

Section 6 of the Act specifies various persons who may be a member of the PSS (PSS member). Paragraph 6(2)(c) provides that the Minister may declare a person not to be a PSS member.

The *Superannuation (PSS) Membership Exclusion Declaration 1995* (the Principal Declaration) identifies the persons who are declared not to be PSS members under paragraph 6(2)(c) of the Act.

The purpose of the *Superannuation (PSS) Membership Exclusion Amendment Declaration 2007 (No. 1)* (the Amending Declaration) is to amend the Principal Declaration in order to exclude certain Mersey Hospital APS Employees, from membership of the PSS.

As the Amending Declaration affects Mersey Hospital APS Employees, the Department of Health and Ageing was consulted.

The Amending Declaration is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* and is subject to disallowance but not sunseting.

The Amending Declaration commences on the day after registration on the Federal Register of Legislative Instruments.

The details of the Amending Declaration are explained in the Attachment.

## **SUPERANNUATION (PSS) MEMBERSHIP EXCLUSION AMENDMENT DECLARATION 2007 (NO. 1)**

### **Section 1 – Name of Declaration**

This section provides that the name of the Declaration is the Superannuation (PSS) Membership Exclusion Amendment Declaration 2007 (No. 1).

### **Section 2 - Commencement**

This section provides for the Declaration to commence on the day after it is registered.

### **Section 3 – Amendments to the Superannuation (PSS) Membership Exclusion Declaration 1995**

This section amends the Schedule to the *Superannuation (PSS) Membership Exclusion Declaration 1995* by inserting a new item 43 which excludes Mersey Hospital APS Employees from membership of the PSS, unless they were PSS members immediately before becoming such employees.

This allows a person who is a member of the PSS because of particular employment, to retain their membership if they become a Mersey Hospital APS Employee.

A Mersey Hospital APS Employee is defined in the *Public Service Act 1999 - Determination under subsection 24(3)*, made on 30 October 2007, as an APS employee in the Department of Health and Ageing who performs duties in the Mersey Hospital, Tasmania.