

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Finance and Administration

Superannuation Act 2005

Declaration under paragraph 13(2)(h)

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

The *Superannuation Act 2005* (the Act) makes provision for, and in relation to, the Public Sector Superannuation Accumulation Plan (PSSAP) for public sector employees and certain other persons. Under the Act an employer of an ordinary employer-sponsored member of PSSAP must pay employer superannuation contributions to the PSSAP Fund for that member in accordance with the Rules within the meaning of the Act.

Section 13 of the Act specifies the various persons who are eligible to become members of the PSSAP. Paragraph 13(2)(h) provides that a person is not eligible to become a member of PSSAP if the person is specified in a written declaration made by the Minister.

The *Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005* (the Principal Declaration) made under paragraph 13(2)(h) of the 2005 Act identifies those persons who are declared ineligible to become a PSSAP member.

The purpose of this Declaration cited as the *Superannuation (PSSAP) Membership Eligibility (Exclusion) Amendment Declaration 2007 (No.1)* (the Amending Declaration) is to amend Schedule 1 of the Principal Declaration to include certain Mersey Hospital APS Employees, as persons who are ineligible to become a PSSAP member.

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 this Amending Declaration are explained in the attachment.

ATTACHMENT

**SUPERANNUATION (PSSAP) MEMBERSHIP ELIGIBILITY
(EXCLUSION) AMENDMENT DECLARATION 2007 (NO. 1)****Section 1 - Name of Declaration**

This section provides that the name of the Declaration is the *Superannuation (PSSAP) Membership Eligibility (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 (PSSAP) Membership Eligibility (Exclusion) Declaration 2005*

This section amends the *Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005* by inserting after item 11 of Schedule 1, a new class of person, who is ineligible for membership of PSSAP, that is, a person who is a Mersey Hospital APS Employee and immediately before that employment, the person was not an ordinary employer-sponsored member of PSSAP.

This allows a person who is an ordinary employer-sponsored member of PSSAP 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.