

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Superannuation and Corporate Law acting for and on behalf of the Minister for Finance and Deregulation

*Superannuation Act 2005*

Declaration under paragraph 13(1)(b)

*Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2008*

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

Section 5 of the 2005 Act provides that a public sector employee for the purpose of the 2005 Act includes a person who is employed by an approved authority. Calvary Health Care ACT Limited (Calvary) was an approved authority for the purpose of the 2005 Act because of subsection 8(2) of the 2005 Act.

Section 13 of the 2005 Act specifies the various persons who are eligible to become members of the PSSAP. Paragraph 13(1)(b) provides that the Minister may declare a person to be eligible to become a PSSAP member.

The *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005* (the Principal Declaration) was made under paragraph 13(1)(b) of the 2005 Act. It identifies those persons who are declared eligible to become a PSSAP member.

The purpose of this Declaration cited as the ***Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2008*** (Amending Declaration) is to amend Schedule 1 of the Principal Declaration, and continue the superannuation arrangements for those Calvary employees who would otherwise cease to be PSSAP members because of the *Superannuation (PSSAP) Approved Authority Exclusion Amendment Declaration 2008*, which provides that Calvary is no longer an approved authority for the purpose of the 2005 Act.

The Amending Declaration comes into effect immediately after the *Superannuation (PSSAP) Approved Authority Exclusion Amendment Declaration 2008* commences.

Calvary was consulted in this matter.

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

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

## ATTACHMENT

**SUPERANNUATION (PSSAP) MEMBERSHIP ELIGIBILITY  
(INCLUSION) AMENDMENT DECLARATION 2008****Clause 1 - Name of Declaration**

This clause provides that the name of the Declaration is the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2008*.

**Clause 2 - Commencement**

This clause provides for the Declaration to come into effect immediately after the *Superannuation (PSSAP) Approved Authority Exclusion Amendment Declaration 2008* commences.

**Clause 3 - Amendments to the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005***

This clause amends the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005* by inserting:

- in paragraph 3, the term “Calvary Commencement Date”, which means the date the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2008* commenced; and
- after item 10 of Schedule 1, a new class of person, who is a PSSAP member. This is a person who, immediately before the Calvary Commencement Date, was employed by Calvary Health Care ACT Limited and was an ordinary employer-sponsored member of PSSAP in respect of that employment and who continues to be employed by Calvary on or after the Calvary Commencement Date.