

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 8(2)(b)

Superannuation (PSSAP) Approved Authority Exclusion 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.

Section 8 of the 2005 Act sets out the situations in which an authority or body is an approved authority for the purposes of the 2005 Act. Subsection 8(2) provides that an authority or body is an approved authority if it was, at the end of 30 June 2005, an approved authority for the purposes of the *Superannuation Act 1990* (1990 Act) and is not specified in a written declaration made by the Minister for Finance and Deregulation (the Minister) under paragraph 8(2)(b).

Calvary Health Care ACT Limited (Calvary) was an approved authority for the purpose of the 2005 Act because it was an approved authority for the 1990 Act and was not specified in any written declaration made by the Minister.

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) Approved Authority Exclusion Declaration 2005* (the Principal Declaration) excludes bodies as approved authorities under paragraph 8(2)(b) of the 2005 Act.

The purpose of this Declaration cited as the *Superannuation (PSSAP) Approved Authority Exclusion Amendment Declaration 2008* (Amending Declaration) is to amend Schedule 1 of the Principal Declaration, to provide that Calvary is no longer an approved authority for the purpose of the 2005 Act.

The superannuation arrangements for existing Calvary employees would not be affected by the changes made by the Amending Declaration. Ongoing PSSAP membership for existing Calvary employees employed immediately before the Amending Declaration commences, and who continue in that employment from that date, is provided for by the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2008* made under paragraph 13(1)(b) of the 2005 Act.

The Amending Declaration commences on the day after it is registered on the Federal Register of Legislative Instruments.

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) APPROVED AUTHORITY
EXCLUSION AMENDMENT DECLARATION 2008****Clause 1 - Name of Declaration**

This clause provides that the name of the Declaration is the *Superannuation (PSSAP) Approved Authority Exclusion Amendment Declaration 2008*.

Clause 2 - Commencement

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

Clause 3 – Amendments to the *Superannuation (PSSAP) Approved Authority Exclusion Declaration 2005*

This clause omits Schedule 1 of the *Superannuation (PSSAP) Approved Authority Exclusion Declaration 2005* which specifies those authorities or bodies declared in accordance with paragraph 8(2)(b) and substitutes a new Schedule 1. The effect of the new Schedule 1 is to provide that Calvary Health Care ACT Limited is not an approved authority for the purposes of the 2005 Act.