

## **EXPLANATORY STATEMENT**

Issued by the Minister for Finance and Deregulation

*Superannuation Act 1990*

Declaration under paragraph 6(1)(j)

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 the various persons who may be a member of the PSS. Paragraph 6(1)(j) provides that the Minister may declare a person to be a PSS member.

The *Superannuation (PSS) Membership Inclusion Declaration 2006* (the Principal Declaration) identifies the persons who are declared PSS members under paragraph 6(1)(j).

The purpose of the ***Superannuation (PSS) Membership Inclusion Amendment Declaration 2010 (No. 1)*** (the Declaration) is to amend the Principal Declaration to provide PSS membership for certain persons who commence employment with the Australian Health Practitioner Regulation Agency (AHPRA) during the period between 1 July 2010 and 1 July 2013 inclusive.

The employees involved are persons who immediately before commencing employment with AHPRA were PSS members employed under the *Public Sector Management Act 1994* of the Australian Capital Territory (ACT), and performing duties with AHPRA in accordance with the document entitled 'Memorandum of Understanding between AHPRA and the Department of ACT Health regarding the transition of staff to the National Registration and Accreditation Scheme' and dated March 2010.

AHPRA is a regulatory agency established to regulate certain health professionals. AHPRA is established by Part 2 of the *Health Practitioner Regulation National Law (ACT) Act 2010* and representing the ACT, effective 1 July 2010.

AHPRA was consulted on the amendments contained in the Declaration.

The Declaration is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Declaration commences on 1 July 2010.

The details of the Declaration are explained in the Attachment.

## **SUPERANNUATION (PSS) MEMBERSHIP INCLUSION AMENDMENT DECLARATION 2010 (NO. 1)**

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

This clause provides that the name of the Declaration is the *Superannuation (PSS) Membership Inclusion Amendment Declaration 2010 (No. 1)*.

### **Section 2 – Commencement**

This clause provides for the Declaration to commence on 1 July 2010.

### **Section 3 – Amendment of *Superannuation (PSS) Membership Inclusion Declaration 2006***

This provides that Schedule 1 of the Declaration amends the *Superannuation (PSS) Membership Inclusion Declaration 2006* (the Principal Declaration).

### **Schedule 1 – Amendments**

**Item 1** inserts a definition of AHPRA, short for Australian Health Practitioner Regulation Agency.

**Item 2** inserts subsection 4(20). Subsection 4(20) describes the circumstances in which the PSS membership of PSS members employed by AHPRA ceases. Subsection 4(20) provides that PSS membership ceases for a person who has such membership through item 27 of Schedule 1, which relates to employees of AHPRA, when any of the following circumstances arise:

- the person ceases employment with AHPRA;
- the person becomes a member of an alternative superannuation scheme, as defined in the Principal Declaration; or
- AHPRA ceases to be a statutory authority of the ACT.

**Item 3** inserts item 27 in Schedule 1. Item 27 allows employees of AHPRA, in certain circumstances, to be PSS members.

Under item 27, a person who becomes an employee of AHPRA can be a PSS member, provided that he or she:

- commenced employment with AHPRA during the period 1 July 2010 to 1 July 2013 inclusive;
- immediately before commencing that employment was a PSS member employed under the *Public Sector Management Act 1994* of the ACT; and
- was performing duties with AHPRA in accordance with the document entitled ‘Memorandum of Understanding between AHPRA and the Department of ACT Health regarding the transition of staff to the National Registration and Accreditation Scheme’ and dated March 2010.