

EXPLANATORY STATEMENT  
STATUTORY RULES 1990 NO.170  
ISSUED BY THE AUTHORITY OF THE MINISTER FOR FINANCE

SUPERANNUATION ACT 1976  
DECLARATION UNDER SECTION 110E

The Superannuation Act 1976 (the Act) provides for a superannuation scheme for Commonwealth employees and certain other persons.

Section 64 of the Superannuation Legislation Amendment Act 1990 (the Amending Act) amended the Act by inserting a new Part VIA (comprising new sections 110A to 110S) in the Act to provide, with effect from 1 July 1990, a funded productivity superannuation benefit for members of the scheme.

The new section 110P provides for the productivity benefit to become payable in respect of a person who ceases to be a member of the scheme and who immediately before so ceasing, or earlier, was a "productivity employee" for the purposes of the Act. The term "productivity employee" is defined in the new section 110A as, in effect, a member of the scheme but subject to certain exceptions. These include an employee of the Northern Territory or of an authority of the Northern Territory and a person included in a class of persons specified in a declaration by the Minister for Finance under the new section 110E as not being productivity employees.

In accordance with the new section 110G, a declaration under section 110E is to be a Statutory Rule for the purposes of the Statutory Rules Publication Act 1903 and a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

The Australian Postal Corporation will be providing its statutory office-holders and employees with the productivity superannuation benefit through arrangements outside the Commonwealth superannuation scheme. It is therefore appropriate that those office-holders and employees be excluded from the Commonwealth scheme productivity superannuation arrangements.

The Declaration contained in the Statutory Rule, and cited as "Productivity Employee Exclusion Declaration No 3", therefore specifies Australian Postal Corporation statutory office-holders and employees as a class of persons who are not to be "productivity employees".

The Amending Act received Royal Assent on 7 June 1990. In accordance with section 2 of that Act, section 64 is to come into operation on 1 July 1990. Section 4 of the Acts Interpretation Act 1901 enables the power conferred on the Minister for Finance by the new section 110E to be exercised after Royal Assent but before 1 July 1990.

The Declaration will operate on and from 1 July 1990.