

3. Regulation 4 (Persons not included in definition of “eligible employee”)**3.1 Subregulation 4 (1):**

Add at the end:

“(zo) persons who, in writing addressed to the Board, within the period specified in subregulation (7):

(i) declared that they wished to become members of the Public Sector Superannuation Scheme; and

(ii) elected to cease to be eligible employees;

and, at the time of making that declaration and election, were not:

(iii) persons who were precluded by or under the *Superannuation Act 1990* (other than by paragraph 6 (2) (a) of that Act) from being members of the Public Sector Superannuation Scheme; or

(iv) persons to whom Part IV of the Public Service Act applied, other than persons who were:

(A) employed by the Commonwealth otherwise than under the Public Service Act; or

(B) employed by an approved authority for the purposes of the *Superannuation Act 1990*; or

(C) the holders of statutory offices.”.

3.2 Add at the end:

“(7) Subject to subregulations (8) and (9), the period specified for the purposes of paragraph (1) (zo) is the period from 1 March 1996 to 31 August 1996 (inclusive).

“(8) If:

(a) at any time during the period from 1 June 1996 to 31 August 1996 (inclusive) any of the following special circumstances applies to a person:

(i) the person is absent from duty on leave without pay;

437/

- (ii) the person is precluded by or under the *Superannuation Act 1990* (otherwise than by paragraph 6 (2) (a) of that Act) from being a member of the Public Sector Superannuation Scheme;
- (iii) the person is a person to whom Part IV of the Public Service Act applies, other than a person who is:
 - (A) employed by the Commonwealth otherwise than under the Public Service Act; or
 - (B) employed by an approved authority for the purposes of the *Superannuation Act 1990*; or
 - (C) the holder of a statutory office; and
- (b) the person does not make a declaration and election referred to in paragraph (1) (zo) before 1 September 1996;

the period specified for the purposes of that paragraph is the period commencing on 1 September 1996 and ending at the end of the period of 3 months commencing:

- (c) in the case of a person to whom none of those special circumstances applies on 31 August 1996—on the last day before 1 September 1996 on which none of those special circumstances applies to the person; or
- (d) in the case of a person to whom any of those circumstances applies on 31 August 1996—on the first day after 31 August 1996 on which none of those circumstances applies to the person.

“(9) The period specified for the purposes of paragraph (1) (zo) is:

- (a) in the case of a person who, immediately before becoming an eligible employee, was a person to whom invalidity pension was, or but for a suspension of payment, would have been, payable under the Act before 31 August 1996—the period from 1 March 1996 to the later of 31 August 1996 or the day 3 months after the day when the person became an eligible employee; or

- (b) in the case of a person who became an eligible employee after 31 May 1996 and is not a person to whom subparagraph (8) (a) (ii) or paragraph (a) applies—the period of 3 months commencing on the day when the person became an eligible employee.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1995. *22 December*
2. Statutory Rules 1976 No. 140 amended by 1977 No. 157; 1978 Nos. 15 and 280; 1980 No. 181; 1982 No. 235; 1983 Nos. 76 and 77; 1984 No. 113; 1985 Nos. 343 and 375; 1986 Nos. 265, 345 and 373; 1987 Nos. 10, 62, 114, 225 and 306; 1988 Nos. 41, 59 and 149; 1989 Nos. 37, 85, 98, 121 and 169; 1990 Nos. 97, 142, 178 and 180; 1992 Nos. 429 and 458; 1994 Nos. 133, 232 and 272; 1995 No. 200.