

## Superannuation (PSS) Membership Exclusion Declaration (Amendment) 1995 No. 233

### EXPLANATORY STATEMENT

#### STATUTORY RULES 1995 No. 233

Issued by the Authority of the Minister for Finance

*Superannuation Act 1990*

Declaration under paragraph 6(2)(c)

The *Superannuation Act 1990* (the 1990 Act) makes provision for and in relation to an occupational superannuation scheme known as the Public Sector Superannuation Scheme (the PSS) for Commonwealth employees and certain other persons.

Section 6 of the 1990 Act specifies the persons who are, or who may be, members of the PSS. In accordance with paragraph 6(2)(c), a person declared by the Minister for Finance to be a person to whom section 6 does not apply is not a member of the scheme. Declarations made under paragraph 6(2)(c) are contained in the **Superannuation (PSS) Membership Exclusion Declaration** (the Principal Declaration).

Section 45 of the 1990 Act provides that a declaration under paragraph 6(2)(c) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901* and a Statutory Rule for the purposes of the *Statutory Rules Publication Act 1903*.

The review of air regulation and safety resulted in the commencement, on 6 July 1995, of the *Civil Aviation Legislation Amendment Act 1995* (the CALA Act) (which amends the *Civil Aviation Act 1988*) and the *Air Services Act 1995* (the AA Act). The CALA Act abolishes the Civil Aviation Authority (CAA) and provides for the establishment of the Civil Aviation Safety' Authority (CASA). The AA Act provides for the establishment of Airservices Australia (AA).

PSS membership is to be available to staff and office holders of CASA but will normally not be available to staff or office holders of AA who will be able to join the CAA Superannuation Fund.

The Schedule to the Principal Declaration describes persons for whom PSS membership is not available. Item 22 of the Schedule prohibits PSS membership for persons who hold a statutory office under any of the Acts listed in that item. Membership of the PSS has not been made available to the holders of certain statutory offices where alternative superannuation arrangements are available to them. Generally, this applies where PSS membership is not available to staff of the body to which that office relates, for example, in the case of CAA.

The Declaration contained in the Statutory Rule and cited as "**Superannuation (PSS) Membership Exclusion Declaration (Amendment)**" amends the Schedule to the Principal Declaration by replacing item 22 so that the reference to a statutory office with CAA under the CAA Act is omitted and a reference to a statutory office under the AA Act is included.

This Declaration commenced on 6 July 1995.