



Statutory Rules 1997 No. 71<sup>1</sup>

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## **Superannuation (PSS) Membership Exclusion Declaration<sup>2</sup> (Amendment)**

I, JOHN FAHEY, Minister for Finance, make the following Declaration under paragraph 6 (2) (c) of the *Superannuation Act 1990*.

Dated 18 March 1997.

JOHN FAHEY  
Minister for Finance

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### **1. Amendment**

1.1 The Superannuation (PSS) Membership Exclusion Declaration is amended as set out in this Declaration.

[NOTE: This Declaration commences on gazettal: see *Acts Interpretation Act 1901*, ss. 46A and 48.]

## **2. Clause 3 (Interpretation)**

2.1 Subclause 3 (1) (definition of “top-up arrangement”):

Omit the definition, substitute:

“**top-up arrangement**” means an arrangement in relation to the employment of, or the holding of an office by, a person (**‘the payee’**):

- (a) under which:
  - (i) another person (**‘the payer’**) contributes, on behalf of the payee, to a superannuation scheme (which may be a scheme that applies only to the payee) under which superannuation or retirement benefits are payable to, or in relation to, the payee; and
  - (ii) the contributions are part of, and not additional to, the payee’s overall remuneration package provided by the payer; and
- (b) that is entered into on the basis that:
  - (i) the payee continues to be, or becomes, a member of the Public Sector Superannuation Scheme; and
  - (ii) the payer continues to be, or becomes, the designated employer of the payee;in relation to that employment or holding of office.”.

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### **NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 8 April 1997.
2. Statutory Rules 1995 No. 217 as amended by 1995 No. 233; 1996 Nos. 4 and 172.