

Superannuation (PSS) Membership Exclusion Declaration (Amendment) 1997 No. 324

EXPLANATORY STATEMENT

STATUTORY RULES 1997 No. 324

Issued by the authority of the Minister for Finance and Administration

Superannuation Act 1990

Declaration under paragraph 6(2)(c)

The *Superannuation Act 1990* (1990 Act) makes provision for, and in relation to, an occupational superannuation scheme known as the Public Sector Superannuation on Scheme (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 and Administration 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 *Education Legislation Amendment Act 1997* gives effect to the transfer of responsibility for the University of Canberra from the Commonwealth to the Australian Capital Territory (ACT). In order to facilitate the transfer of the University of Canberra, section 4 of the *Education Legislation Amendment Act 1997* amends the *Australian Capital Territory (Self-Government) Act 1988* to make the *University of Canberra Act 1989* an ACT enactment.

The Declaration contained in the Statutory Rule and cited as "Superannuation (PSS) Membership Exclusion Declaration (Amendment)" amends the schedule to the Principal Declaration by: omitting paragraph 22(g), which refers to the "*University of Canberra Act 1987*" and inserting a new item 22A, which refers to the "*University of Canberra Act 1989* of the Australian Capital Territory".

These amendments ensure that statutory office holders at the University of Canberra remain excluded from membership of the PSS after that University has been transferred from the Commonwealth to the ACT.

The Declaration commenced on 1 December 1997, which is the date that the *University of Canberra Act 1989* became an ACT enactment in accordance with section 2 of the *Education Legislation Amendment Act 1997*.