

**Superannuation (PSS) Membership Exclusion Amendment Declaration 1999 (No. 1) 1999  
No. 168**

EXPLANATORY STATEMENT

Statutory Rules 1999 No. 168

Issued by the authority of the Minister for Finance and Administration

*Superannuation Act 1990*

Declaration under paragraph 6(2)(c)

The *Superannuation Act 1990* (the 1990 Act) makes provision for and in relation to the Public Sector Superannuation Scheme (PSS) for Commonwealth employees and for 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 PSS member. Declarations made under paragraph 6(2)(c) are contained in the **Superannuation (PSS) Membership Exclusion Declaration 1995** (the Principal Declaration).

Section 45 of the 1990 Act provides that a declaration made 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 purpose of this Declaration contained in the Statutory Rule and cited as the **Superannuation (PSS) Membership Exclusion Amendment Declaration 1999 (No. 1)** is to amend the Principal Declaration as a consequence of amendments to the **Superannuation (PSS) Membership Inclusion Declaration 1995** (the Inclusion Declaration). This Declaration removes provisions that would provide continuing membership of the PSS for persons who are transferred to the Australian Government Solicitor (AGS) and to whom the mobility provisions contained in the *Public Service Act 1922* apply because continuing membership of the PSS is now provided for these persons by the Inclusion Declaration.

Details of the amendment are explained in the Attachment.

The Declaration commences on gazettal.

**SUPERANNUATION (PSS) MEMBERSHIP EXCLUSION AMENDMENT DECLARATION 1999  
(NO. 1)**

Clause 1

1. This clause provides that the name of the Declaration is the Superannuation (PSS) Membership Inclusion Amendment Declaration 1999 (No. 1).

Clause 2

2. This clause provides that the declaration commences on gazettal.

Clause 3

2. This clause provides that Schedule 1 amends the Superannuation (PSS) Membership Exclusion Declaration 1995 (the Principal Declaration).

Schedule 1

Item 1 omits subclause 4(3) which related to certain employees of AGS described in item 38 of the Schedule to the Principal Declaration.

Item 2 amends item 38 of the Schedule to the Principal Declaration to remove references to AGS.