

## **EXPLANATORY STATEMENT**

Issued by the authority of Minister for Finance and Deregulation

*Superannuation Act 2005*

Declaration under paragraph 13(1)(b)

The *Superannuation Act 2005* (the 2005 Act) makes provision for and in relation to the Public Sector Superannuation Accumulation Plan (PSSAP) for public sector employees and certain other persons.

Section 13 of the Act specifies the various persons who are eligible to become members of the PSSAP. Paragraph 13(1)(a) provides that a public sector employee is eligible to become a PSSAP member. Paragraph 13(1)(b) provides that the Minister may declare a person to be eligible to become a PSSAP member.

The *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005* (the Principal Declaration) made under paragraph 13(1)(b) of the 2005 Act identifies those persons who are eligible to become PSSAP members.

The purpose of the ***Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2010 (No. 1)*** (the Declaration) is to amend Schedule 1 of the Principal Declaration to provide PSSAP membership for certain persons who commence employment with the Australian Health Practitioner Regulation Agency (AHPRA) during the period 1 July 2010 to 1 July 2013 inclusive.

The employees involved are persons who immediately before commencing employment with AHPRA were ordinary employer-sponsored members employed under the *Public Sector Management Act 1994* of the Australian Capital Territory (ACT), and performing duties with AHPRA in accordance with the document entitled 'Memorandum of Understanding between AHPRA and the Department of ACT Health regarding the transition of staff to the National Registration and Accreditation Scheme' and dated March 2010.

AHPRA is a regulatory agency established to regulate certain health professionals. AHPRA is established by Part 2 of the *Health Practitioner Regulation National Law (ACT) Act 2010* and representing the ACT, effective 1 July 2010.

AHPRA was consulted on the amendments contained in the Declaration.

The Declaration is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Declaration commences on 1 July 2010.

The details of the Declaration are explained in the Attachment.

## **SUPERANNUATION (PSSAP) MEMBERSHIP ELIGIBILITY (INCLUSION) AMENDMENT DECLARATION 2010 (NO. 1)**

### **Section 1 – Name of Declaration**

This section provides that the name of the Declaration is the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2010 (No. 1)*.

### **Section 2 – Commencement**

This section provides for the Declaration to commence on 1 July 2010..

### **Section 3 – Amendments to the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005***

This section provides that Schedule 1 of the Declaration amends the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005* (the Principal Declaration).

### **Schedule 1 – Amendments**

**Item 1** inserts:

- a definition of AHPRA, short for Australian Health Practitioner Regulation Agency; and
- a definition of alternative superannuation scheme.

**Item 2** amends paragraph 4(2)(g) as a consequence of the insertion of paragraph 4(2)(h).

**Item 3** inserts paragraph 4(2)(h), which describes the circumstances in which the PSSAP members employed by AHPRA cease to be ordinary employer-sponsored members of the PSSAP. Paragraph 4(2)(h) provides that a person who is an ordinary employer-sponsored member through item 12 of Schedule 1, which relates to employees of AHPRA, ceases to be an ordinary employer-sponsored member when any of the following circumstances arise:

- the person ceases employment with AHPRA;
- the person becomes a member of an alternative superannuation scheme, as defined in the Principal Declaration; or
- AHPRA ceases to be a statutory authority of the ACT.

**Item 4** inserts item 12 in Schedule 1. Item 12 provides that a person who becomes an employee of AHPRA can be an ordinary employer-sponsored member of the PSSAP, provided that he or she:

- commenced employment with AHPRA during the period 1 July 2010 to 1 July 2013 inclusive;
- immediately before commencing that employment was an ordinary employer-sponsored member of the PSSAP employed under the *Public Sector Management Act 1994* of the ACT; and
- and was performing duties with AHPRA in accordance with the document entitled 'Memorandum of Understanding between AHPRA and the Department of ACT Health regarding the transition of staff to the National Registration and Accreditation Scheme' and dated March 2010.