



# Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2010 (No. 1)<sup>1</sup>

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I, LINDSAY TANNER, Minister for Finance and Deregulation, make following Declaration under paragraph 13 (1) (b) of the *Superannuation Act 2005*.

Dated June 21<sup>st</sup> 2010

LINDSAY TANNER  
Minister for Finance and Deregulation

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**1 Name of Declaration**

This Declaration is the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2010 (No. 1)*.

**2 Commencement**

This Declaration commences on 1 July 2010.

**3 Amendment of *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005***

Schedule 1 amends the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Declaration 2005*.

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## Schedule 1 Amendments

(section 3)

### [1] Section 3, after the definition of '2005 Act'

*insert*

**AHPRA** means the Australian Health Practitioner Regulation Agency established upon commencement of Part 2 of the *Health Practitioner Regulation National Law (ACT) Act 2010* and representing the Australian Capital Territory.

**alternative superannuation scheme**, in relation to a person who is employed in a particular capacity, or who is the holder of a particular office:

- (a) means a superannuation scheme to which contributions are made in relation to the person's employment or holding of the office; but
- (b) does not include any of the following:
  - (i) a scheme to which contributions are made in relation to the person for:
    - (A) if the person is employed in a particular capacity — other employment or the holding of an office; or
    - (B) if the person is the holder of a particular office — other employment or the holding of another office;
  - (ii) a scheme to the extent that membership of that scheme by the person is for the preservation, or payment, of productivity benefits;
  - (iii) a scheme to the extent that participation in that scheme on the person's behalf is for purposes solely related to satisfying obligations under the *Superannuation Guarantee (Administration) Act 1992*;
  - (iv) a scheme to which contributions are made in relation to the person only in relation to performance pay;
  - (v) for a prescribed person — a scheme of which the person is taken, under subsection (2), to be a member for top-up purposes.

*Example*

If a person is a member, and is making voluntary contributions to an RSA without any employer contributions, the RSA will not be an alternative superannuation scheme. However, if the person's employer makes contributions to the RSA, above the superannuation guarantee rate, the RSA will be an alternative superannuation scheme.

**[2] Section 4, paragraph 4(2)(g)***Omit***1995 Inclusion Declaration.***Substitute***1995 Inclusion Declaration;** and**[3] Section 4, after paragraph 4(2)(g)***insert*

(h) in item [12] of the Schedule, at the end of earlier of:

- (i) the day on which the person ceases to be an employee of **AHPRA**;
- (ii) the day immediately before the day on which the person becomes, in relation to the person's employment with **AHPRA**, a member of an **alternative superannuation scheme**; or
- (iii) if **AHPRA** ceases to be a statutory authority of the Australian Capital Territory – the last day on which **AHPRA** is a statutory authority.

**[4] Schedule 1, after item 11***insert***[12]** A person who:

- (a) becomes an employee of **AHPRA**, during the period 1 July 2010 to 1 July 2013 inclusive; and
- (b) immediately before becoming so employed was an ordinary employer-sponsored member employed under the *Public Sector Management Act 1994* of the Australian Capital Territory; and
- (c) immediately before becoming so employed was performing duties for **AHPRA** in accordance with the document entitled 'Memorandum of Understanding between **AHPRA** and the Department of ACT Health regarding the the transition of staff to the National Registration and Accreditation Scheme' and dated March 2010.

**Notes**

1. This Declaration amends F2005L01895, as amended by F2006L03272; F2008L01087; F2009L01155.
2. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).