Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005

as amended

made under paragraph 13 (2) (h) of the

Superannuation Act 2005

This compilation was prepared on 26 November 2007
taking into account amendments up to *Superannuation (PSSAP) Membership Eligibility (Exclusion) Amendment Declaration 2007 (No. 1)*

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1 Name of Declaration [see Note 1]

This Declaration is the *Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005*.

2 Commencement

This Declaration commences on 1 July 2005.

3 Definitions

In this Declaration:

2005 Act	means the *Superannuation Act 2005*.
1995 Exclusion Declaration	means the *Superannuation (PSS) Membership Exclusion Declaration 1995* as in force at 1 July 2005.
approved authority	has the same meaning as in the **2005 Act**.
Board	has the same meaning as in the **2005 Act**.
Federal Magistrate	has the same meaning as in the *Federal Magistrates Act 1999*.
ordinary employer-sponsored member	has the same meaning as in the **2005 Act**.
PSSAP	means the Public Sector Superannuation Accumulation Plan established by Trust Deed in accordance with section 10 of the **2005 Act**.
PSSAP member	has the same meaning as in the Trust Deed made under section 10 of the **2005 Act**.
public sector employee	has the same meaning as in the **2005 Act**.

4 Persons not eligible to become PSSAP members under Section 13 of the 2005 Act

(1) A person listed in Schedule 1 is not eligible to become a **PSSAP member**.

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Schedule 1 Persons not eligible to become PSSAP members

(section 4)

[1] A person, in respect of particular employment or holding a particular office, who:

(a) if they became a **PSSAP member**, would not become an **ordinary employer-sponsored member**; or

(b) in respect of whom, if the person is not an **ordinary-employer sponsored member** and if the person was to become an **ordinary employer-sponsored member**, the *Superannuation Industry (Supervision) Act 1993* would prevent the PSSAP from accepting contributions made by an employer.

[2] A person:

(a) holding a particular **statutory office** and the person's current term of appointment to that office included a day in the financial year ending on 30 June 2005; or

(b) employed in respect of particular employment which is for a fixed term and the term included a day in the financial year ending on 30 June 2005; or

(c) employed in respect of particular employment which is not for a fixed term and their period of employment included a day in the financial year ending on 30 June 2005.

[3] A person:

(a) who is employed by an **approved authority**; and

(b) meets the requirements set out in paragraph (b) of item 3 of the Schedule of the **1995 Exclusion Declaration**; and

[4] A person:

(a) who holds a **statutory office**; and

(b) meets the requirements set out in paragraphs (b) and (c) of item 4 of the Schedule of the **1995 Exclusion Declaration.**

[5] A person:

(a) who is a **public sector employee**; and

(b) meets the requirements set out in paragraphs (b), (c) and (d) of item 8 of the Schedule of the **1995 Exclusion Declaration**.

[6] A person who is a member of the Legislative Assembly for the Australian Capital Territory.

[7] A person who holds a **statutory office** under any of the following Acts:

(a) *Air Services Act 1995*;

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(b) *Australian National University Act 1991*;

(c) *Australian Postal Corporation Act 1989*; and

(d) *Maritime College Act 1978*.

[8] A person who holds a **statutory office** under *University of Canberra Act 1989* of the Australian Capital Territory.

[9] A person who holds a **statutory office** under a law of the Northern Territory of Australia.

[10] A person who is a **Federal Magistrate**.

[11] A person who commences in employment with ACTEW Corporation Limited other than a person who:

(a) commenced that employment on or after 1 July 2005; and

(b) immediately before commencing that employment was an **ordinary employer-sponsored member**; and

(c) does not ask, in writing, within 28 days after commencing that employment, not to be treated as an **ordinary employer-sponsored member**.

[12] A person who:

(a) is a Mersey Hospital APS Employee as defined in the Determination made under subsection 24 (3) of the *Public Service Act 1999* on 30 October 2007 as amended from time to time; and

(b) immediately before becoming such an employee was not an **ordinary employer-sponsored member**.

Notes to the *Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005*

Note 1

The *Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005* (in force under paragraph 13 (2) (h) of the *Superannuation Act 2005*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005	30 June 2005 (*see* F2005L01897)	1 July 2007	
Superannuation (PSSAP) Membership Eligibility (Exclusion) Amendment Declaration 2007 (No. 1)	22 Nov 2007 (*see* F2007L04458)	23 Nov 2007	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Schedule 1	
Schedule 1	am. 2007 No. 1