



Superannuation (PSSAP) Membership Eligibility (Exclusion) Declaration 2005¹

I, NICK MINCHIN, Minister for Finance and Administration, make the following Declaration under paragraph 13 (2) (h) of the *Superannuation Act 2005*.

Dated 29 June 2005

NICK MINCHIN
Minister for Finance and Administration

1 Name of Declaration

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 <i>Federal Magistrates Act 1999</i> .
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**.

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**.

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- [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*;
 - (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**.

Note

1. 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.