

## **Superannuation (CSS) Approved Authority Declaration 1995 No. 213**

### **EXPLANATORY STATEMENT**

#### **STATUTORY RULES 1995 No. 213**

Issued by the Authority of the Minister for Finance

*Superannuation Act 1976*

Declaration under paragraph (a) of the definition of "Approved Authority" in subsection 3(1)

The *Superannuation Act 1976* (the Act) makes provision for and in relation to an occupational superannuation scheme, the Commonwealth Superannuation Scheme (the CSS), for certain Commonwealth employees and other persons, including employees of approved authorities. Persons eligible to contribute to the CSS are referred to in the Act as eligible employees.

Since 1 July 1990, the Public Sector Superannuation (PSS) scheme, provided for under the *Superannuation Act 1990*, has replaced the CSS. For new employees, membership of the CSS is available only to limited classes of persons who have existing rights from former membership of the scheme.

Persons eligible to contribute under the Act include certain persons employed by an approved authority. In accordance with paragraph (a) of the definition of "approved authority" in subsection 3(1) of the Act, an approved authority includes an authority or other body declared by the Minister for Finance to be an approved authority for the purposes of the Act, being an authority or body of a kind described in the definition.

Section 4A of the Act provides that such a declaration 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 declaration repeals and remakes former declarations contained in the Superannuation (CSS) Approved Authority Declarations (No. 1 and Nos. 3 to 17) to reflect changes which have occurred to the bodies listed as approved authorities in those former declarations.

The declaration does not include the names of the following bodies which, because of Commonwealth asset sales, have ceased to be approved authorities:

\* AeroSpace Technologies of Australia Limited (ASTA) (Aerospace Technologies of Australia Pty Limited in the repealed declaration). The *AeroSpace Technologies of Australia Limited Sale Act 1994* provides that on and after the sale day ASTA is not an approved authority for the purposes of the Act;

\* Australian Airlines Limited established under the *Australian National Airlines Act 1945*. Australian Airlines Limited staff were transferred to Qantas on 1 September 1993 and may remain members of the CSS by regulations under the Act while the Commonwealth retains a controlling interest in Qantas;

\* Coselco Mimotapes Pty Ltd. This company ceased to be a Government owned enterprise on 2 August 1991 and consequently ceased to be an approved authority for the purposes of the Act;

\* the Snowy Mountains Engineering Corporation Limited (SMEC). Section 29 of the *Snowy Mountains Engineering Corporation Limited Sale Act 1993*, provides that on and after the sale day (9 November 1993) SMEC is not an approved authority for the purposes of the Act

The declaration also does not include bodies which have ceased to be approved authorities as a result of the establishment of the ACT Government Service (ACTGS). Schedule 1 of the *Public*

*Sector Management Act 1994* of the ACT provides that the employer of ACTGS staff is the Australian Capital Territory (ACT) which is itself an approved authority for the purposes of the Act. The following bodies, which were previously approved authorities, surrendered their staffing powers to the ACT on 1 July 1994 and are therefore not included in the new declaration.

- \* the ACT Institute of Technical and Further Education (which was replaced by the Canberra Institute of Technology under the provisions of the *Canberra Institute of Technology (Amendment) Act 1992*);
- \* the Canberra Theatre Trust;
- \* the Milk Authority of the Australian Capital Territory; and
- \* the National Exhibition Centre Trust.

The declaration also does not include the following bodies which were approved authorities but have ceased to be approved authorities for other reasons:

- \* the Board of Health of the ACT which ceased to exist when the *Health Services Act 1990* of the ACT was repealed by the *Health Act 1993* of the ACT. Staff and employees of the Board became employed by the Department of Health of the ACT and membership of the CSS remained available under the ACT's approved authority status;
- \* the Canberra Institute of the Arts (CITA) which was amalgamated with the Australian National University (ANU) on 1 January 1992 and has ceased to exist as a separate entity. CSS membership arrangements in respect of former CITA employees continue because of ANU's status as an approved authority for the purposes of the Act.
- \* the Construction Industry Development Agency which ceased to exist on 30 June 1995 in accordance with section 15 of the *Construction Industry Reform and Development Act 1992*;
- \* the National Companies and Securities Commission which ceased to exist when the *National Companies and Securities Commission Act 1979* was repealed by the *Corporations Legislation Amendment Act 1991* on 31 July 1992;
- \* OTC Limited which merged with the Australian Telecommunications Corporation (Telecom) to form Australian Overseas Telecommunications Corporation (AOTC) from 1 February 1992. AOTC is now known as Telstra Corporation Limited and CSS membership was continued for affected staff by existing arrangements applying to Telecom staff under other provisions of the Act;
- \* Parliament House Construction Authority which ceased to exist on 5 June 1992 when the Act under which it was established, was repealed by the *Parliament House Construction Authority Repeal Act 1992*; and
- \* the Superannuation Fund Investment Trust (SFIT) which became Commonwealth Funds Management Limited (CFM Limited), under the provisions of the *Commonwealth Funds Management Limited Act 1990*. CFM Limited became an approved authority on 1 July 1991.

The declaration updates the names of the following bodies in the declaration:

- \* the Australian Wool Research and Promotion Organisation replaces the Wool Research and Development Corporation in the declaration, as a result of restructuring of the Australian wool bodies;
- \* ACTEW Corporation Limited was established as a corporation on 1 July 1995. It was formerly an approved authority under the name Australian Capital Territory Electricity and Water Authority;

\* the Meat Research Corporation. This body was previously named the Australian Meat and Live-stock Research and Development Corporation and was renamed by the Primary Industries Legislation Amendment Act 1991;

\* the Centralian College. This was previously named the Alice Springs College of Technical and Further Education; and

\* the University of Canberra. This was previously referred to as the University of Canberra sponsored by Monash University. The reference to sponsorship is no longer applicable and does not appear in the declaration.

The declaration contained in the Statutory Rules commenced on 1 July 1995.