

Superannuation (CSS) Approved Authority Declaration (Amendment) 1995 No. 228

EXPLANATORY STATEMENT

STATUTORY RULES 1995 No. 228

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 1976 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 1976 Act as eligible employees.

Since 1 July 1990, the Public Sector Superannuation Scheme (the PSS), 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, including in respect of former membership of the scheme.

Persons eligible to contribute under the 1976 Act include certain persons employed by an approved authority. In accordance with paragraph (a) of the definition of "approved authority" in subsection 3(1), 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. Declarations made under paragraph (a) of the definition of approved authority are contained in the **Superannuation (CSS) Approved Authority Declaration** (the Principal Declaration).

Section 4A of the 1976 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 review of air regulation and safety resulted in the commencement, on 6 July 1995, of the *Civil Aviation Legislation Amendment Act 1995* (the CALA Act) (which amends the *Civil Aviation Act 1988*) and the *Air Services Act 1995* (the AA Act). The CALA Act abolishes the Civil Aviation Authority (CAA) and provides for the establishment of the Civil Aviation Safety Authority (CASA). The AA Act provides for the establishment of Airservices Australia (AA).

CAA was an approved authority for the purposes of the CSS and certain CAA staff were CSS members.

CASA and AA are bodies of a kind described in the definition of "approved authority" in subsection 3(1) of the 1976 Act. It is appropriate that CASA and AA be declared to be approved authorities for the purposes of the 1976 Act. Approved authority status enables CSS members, who are transferred from CAA to either of the new bodies, to remain members of the scheme. Certain new employees who have existing rights from former membership of the scheme may also become members of the CSS.

The Declaration contained in the Statutory Rule and cited as "**Superannuation (CSS) Approved Authority Declaration (Amendment)**" amends the Principal Declaration by including AA and CASA in, and omitting CAA from, the list of bodies declared to be approved authorities for the purposes of the 1976 Act.

The Declaration commenced on 6 July 1995.