



Statutory Rules 1998 No. 243¹

Superannuation (PSS) Membership Exclusion Declaration² (Amendment)

I, JOHN JOSEPH FAHEY, Minister for Finance and Administration,
make the following Declaration under paragraph 6 (2) (c) of the
Superannuation Act 1990.

Dated 23 July 1998.

JOHN FAHEY
Minister for Finance and Administration

1. Commencement

1.1 This declaration commences on 1 August 1998.

2. Amendment

2.1 The Superannuation (PSS) Membership Exclusion Declaration
is amended as set out in this declaration.

3. Clause 4 (Persons to whom section 6 of the 1990 Act does not apply)

3.1 Subclause 4 (1):

Omit “Section 6”, substitute “Subject to subclauses (2) and (3), section 6”.

3.2 Add at the end:

“(3) Section 6 of the 1990 Act ceases to apply to a person referred to in paragraph (a) of item 38 in the Schedule at the end of the first occurring of the following days:

- (a) the day on which the person ceases to be an employee of the Australian Government Solicitor;
- (b) the day immediately before the day on which the person becomes a member of a superannuation scheme that applies to that person’s employment by the Australian Government Solicitor, other than:
 - (i) the scheme provided for in the 1990 Act; or
 - (ii) a scheme to which contributions are made in respect of the person only in relation to performance pay; or
 - (iii) a scheme of which the person is a member for top-up purposes only;
- (c) the day immediately before the day on which the Australian Government Solicitor becomes neither:
 - (i) an Agency within the meaning of the *Financial Management and Accountability Act 1997*; nor
 - (ii) a Commonwealth authority, or a Commonwealth company, within the meaning of the *Commonwealth Authorities and Companies Act 1997*.”.

4. Schedule (Persons to whom section 6 of the 1990 Act does not apply)

4.1 Add at the end:

- “38 A person whom, on or after 1 August 1998, becomes a person to whom Division 2 or 3 of Part IV of the Public Service Act applies, unless the person:
- (a) if a body known as the Australian Government Solicitor is established by statute, becomes an employee of that body by reason of a declaration under subsection 81C (1) of the Public Service Act; and
 - (b) is not, in relation to the person’s employment in the Australian Government Solicitor, a member of a superannuation scheme, other than:
 - (i) the scheme provided for in the 1990 Act; or
 - (ii) a scheme to which contributions are made in respect of the person only in relation to performance pay; or
 - (iii) a scheme of which the person is a member for top-up purposes only.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 31 July 1998.
2. Statutory Rules 1995 No. 217 as amended by 1995 No. 233; 1996 Nos. 4 and 172; 1997 Nos. 71 and 324.