

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Superannuation and Corporate Law, acting for and on behalf of the Minister for Finance and Deregulation

### *Superannuation Act 1990*

Declaration under paragraph (b) of the definition of “approved authority” in section 3

The *Superannuation Act 1990* (the 1990 Act) makes provision for, and in relation to, the Public Sector Superannuation Scheme (PSS) for Australian Government employees and certain other persons.

Persons eligible to contribute under the 1990 Act include persons who are employed by an “approved authority”. Under paragraph (b) of the definition of “approved authority” in section 3 of the 1990 Act, an approved authority includes an authority or other body declared by the Minister to be an approved authority for the purposes of the 1990 Act, being an authority or body of a kind described in the definition.

A consolidated list of bodies that have been declared by the Minister to be approved authorities for the purposes of the 1990 Act is contained in the *Superannuation (PSS) Approved Authority Inclusion Declaration 1995* (the Principal Declaration).

The purpose of the ***Superannuation (PSS) Approved Authority Inclusion Amendment Declaration 2009 (No. 1)*** (the Declaration) is to amend the Principal Declaration by omitting Health Services Australia Limited from the list of bodies declared by the Minister to be approved authorities for the purposes of the 1990 Act.

Under a merger arrangement, Health Services Australia Limited will become a wholly owned subsidiary of Medibank Private Limited with effect from 1 April 2009. Medibank Private Limited is not an approved authority for the purposes of the 1990 Act. Omitting Health Services Australia Limited from the Principal Declaration ensures that Health Services Australia Limited ceases to be an approved authority following the merger.

The superannuation arrangements for existing Health Service Australia Limited employees are not affected by the Declaration. PSS members employed by Health Services Australia Limited when the merger occurs retain their PSS membership in accordance with the *Superannuation (PSS) Membership Inclusion Amendment Declaration 2009 (No. 1)* made under paragraph 6(1)(j) of the 1990 Act.

Medibank Private Limited and Health Services Australia Limited were consulted on the amendments contained in the Declaration.

The Declaration is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Declaration commences on 1 April 2009.

The details of the Declaration are explained in the Attachment.

## ATTACHMENT

**SUPERANNUATION (PSS) APPROVED AUTHORITY  
INCLUSION AMENDMENT DECLARATION 2009 (NO. 1)****Section 1 - Name of Declaration**

This section provides that the name of the Declaration is the *Superannuation (PSS) Approved Authority Inclusion Amendment Declaration 2009 (No. 1)*.

**Section 2 - Commencement**

This section provides that the Declaration commences on 1 April 2009.

**Section 3 - Amendments to the *Superannuation (PSS) Approved Authority Inclusion Declaration 1995***

This section amends the *Superannuation (PSS) Approved Authority Inclusion Declaration 1995* by amending section 4 of that Declaration to omit Health Services Australia from the list of bodies that are approved authorities for the purposes of the 1990 Act.