

THIS DEED is made on 16 June 1993 by THE COMMONWEALTH OF AUSTRALIA (in this Deed called "the Commonwealth").

WHEREAS the Commonwealth Minister of State for Finance, for and on behalf of the Commonwealth, pursuant to section 4 of the Superannuation Act 1990, established by Deed dated 21 June 1990 (in this Deed called "the Trust Deed") an occupational superannuation scheme (in this Deed called the "Superannuation Scheme") in order to provide benefits for certain of its employees and for certain other persons;

AND WHEREAS section 5 of the Superannuation Act 1990 provides that the Minister may, by signed instrument, amend the Trust Deed;

AND WHEREAS by Deeds dated 21 June 1990, 1 July 1991, 30 June 1992 and 21 December 1992 (the First, Second, Third and Fourth Amending Deeds, respectively) the Minister amended the Trust Deed and the Rules for the administration of the Superannuation Scheme set out in the Schedule to the Trust Deed;

NOW THIS DEED WITNESSES that the Rules for the administration of the Superannuation Scheme set out in the Schedule to the Trust Deed are amended as follows:

1. The Rules are amended as follows:

1.1 Rule 1.1.1 is amended by:

(a) adding the following definition after the definition of "limited benefits member":

'**marital relationship**' means a relationship between a person who was a member or a retirement pensioner and another person, at a particular time, when the person ordinarily lived with that other person as the other person's husband or wife on a permanent and bona fide domestic basis at that time (whether or not legally married at that time), only if:

- (a) the person had been living with that other person as that other person's husband or wife for a continuous period of at least 3 years up to that time; or
- (b) the person had been living with that other person as that other person's husband or wife for a continuous period of less than 3 years up to that time and who, in the opinion of the Board was ordinarily living with that other person as that other person's husband or wife on a permanent and bona fide domestic basis at that time, having regard to any relevant evidence, which includes evidence establishing any of the following:
  - (i) the person was wholly or substantially dependent on that other person at the time;
  - (ii) the persons were legally married to each other at the time;

- (iii) the persons had a child who was:
    - (A) born of the relationship between the persons; or
    - (B) adopted by the persons during the period of the relationship;
  - (iv) the persons jointly owned a home which was their usual residence;
  - (v) any other matters that the Board considers relevant.'; and
- (b) by adding the following definition after the definition of "member contributions":

'"membership transfer multiple" means a multiple applicable to a person in accordance with rule 13.1.3.'

- (c) by deleting the definition of "spouse" and inserting the following definition in its place:

'"spouse", in relation to a person who has died and who was, at the time of his or her death, a member or retirement pensioner, means:

- (a) a person who had a marital relationship with the deceased person at the time of the person's death; and

- (b) where the deceased person was a retirement pensioner at the time of his or her death:
- (i) the marital relationship began before the retirement pensioner became a retirement pensioner; or
  - (ii) the marital relationship began after the retirement pensioner became a retirement pensioner but before the retirement pensioner reached the age of 60; or
  - (iii) if subparagraphs (b)(i) or (b)(ii) do not apply, the marital relationship had continued for a period of not less than five years up to the time of his or her death; and
- (c) a person who had previously had a marital relationship with the deceased person and at the time of the person's death did not have a marital relationship with the deceased person but:
- (i) was legally married to the deceased person; and
  - (ii) where the marital relationship had begun after the deceased person became a retirement pensioner and reached age 60 - the relationship began not less than 5 years before the person's death; and

- (iii) in the opinion of the Board the person was wholly or substantially dependent upon the deceased person at the time of the person's death;'

- 1.2 Rule 1.2.1 and its heading are deleted and replaced with the following:

**"Medical examinations and questionnaires**

1.2.1 The Board may require a person who proposes to become or becomes a member to:

- (a) complete a questionnaire, which contains questions concerning his or her state of health and other matters, and forward the completed questionnaire to the Board not later than 14 days after his or her first day of membership, or such other period as the Board allows; and/or
- (b) undergo not later than 60 days after his or her first day of membership, or such other period as the Board allows, such medical examination or examinations and test or test by an approved medical practitioner or practitioners as the Board determines."

- 1.3 Rule 1.2.2 is amended by replacing "If, after considering the report or reports of the medical examination" with "Subject to rule 13.1.8, if after considering the completed questionnaire, the report or reports of any medical examination".

1.4 Rule 1.2.4 is amended by:

- (a) replacing "Where a member does not undergo" with "Where a member does not forward the completed questionnaire and/or undergo"; and
- (b) replacing "if the member undergoes" with "if the member forwards the completed questionnaire and/or undergoes" in paragraph 1.2.4(a).

1.5 Rule 1.2.5 is amended by replacing "the Board shall not require the person to undergo" with "the Board shall not require the person to complete a questionnaire or undergo".

1.6 Rule 1.3.3 is amended by:

- (a) replacing "rule 1.3.40." at the end of paragraph (h) with "rule 1.3.40;"; and
- (b) adding a new paragraph (j) as follows:

"(j) a membership transfer multiple in accordance with rule 13.1.3."

1.7 The Table in rule 1.4.1 is amended by replacing:

- (a) "\$28,052" wherever occurring with "\$28,372"; and
- (b) "\$224,412" with "\$226,972"; and
- (c) "\$44,850" wherever occurring with "\$45,360"; and
- (d) "\$89,700" with "\$90,720"; and
- (e) "\$83,280" wherever occurring with "\$84,230"; and
- (f) "\$339,540" with "\$343,410".

1.8 Rule 1.4.3 is amended by:

- (a) replacing "\$28,052" with "\$28,372"; and
- (b) replacing "\$224,412" with "\$226,972".

1.9 Rule 1.5.3 is amended by:

- (a) replacing "\$28,052" with "\$28,372"; and
- (b) replacing "\$224,412" with "\$226,972".

1.10 The Table in rule 1.5.8 is amended by replacing:

- (a) "\$28,052" wherever occurring with "\$28,372"; and
- (b) "\$315,585" with "\$319,185"; and
- (c) "\$44,850" wherever occurring with "\$45,360"; and
- (d) "\$134,550" with "\$136,080" and
- (e) "\$83,280" wherever occurring with "\$84,230"; and
- (f) "\$384,390" with "\$388,770".

1.11 The Table in rule 3.2.2 is amended by replacing:

- (a) "\$902" wherever occurring with "\$933.33; and
- (b) "\$27.06" with "\$28.00"; and
- (c) "\$1,453.33" wherever occurring with "\$1,503.33"; and
- (d) "\$2,180" wherever occurring with "\$2,255"; and
- (e) "\$43.60" with "\$45.10".

1.12 Rule 9.5.2 is amended by deleting paragraph (a) and replacing it with:



"(a) becomes aware that a person to whom this rule applies by virtue of rule 9.5.1 failed to give information that he or she was required to give, or gave false or misleading information, in connection with:

- (i) a questionnaire he or she was required to complete for the purposes of Division 2 of Part 1; and/or
- (ii) a medical examination or test he or she was required to undergo for the purposes of Division 2 of Part 1; and".

1.13 Part 13 is added after Part 12 as follows:

**"PART 13 - PROVISIONS IN RELATION TO PERSONS WITH  
CONCURRENT MEMBERSHIPS AND/OR CONCURRENT PRESERVED  
BENEFITS**

**Applicability of Part**

**13.1.1** This Part is applicable to a person who:

- (a) is a member of the Superannuation Scheme in relation to two or more concurrent employments; or
- (b) is a member of the Superannuation Scheme in relation to one or more employments and is concurrently an eligible employee for the purposes of the 1976 Act in relation to one or more employments; or

- (c) is a member of the Superannuation Scheme in relation to one or more concurrent employments and also has one or more preserved benefits applicable to him or her; or
- (d) has two or more preserved benefits applicable to him or her.

**Persons to be treated as having separate memberships and separate preserved benefits**

13.1.2 Subject to Rules 13.1.3, 13.1.5, 13.1.6, 13.1.7 and 13.1.8, a person to whom this Part applies will be treated as having separate memberships of the Superannuation Scheme in respect of his or her concurrent employments, and (if applicable) having separate preserved benefits applicable to him or her for the purposes of the Rules.

**Membership Transfer Multiple**

13.1.3. A membership transfer multiple is applicable:

- (a) where a person:
  - (i) is a member in relation to an employment; and
  - (ii) ceases to be a member in relation to another period of concurrent employment; and

(iii) makes a request to the Board within three months after the last day of membership in subparagraph (a)(ii) (or such other period as the Board allows) that instead of the benefits applicable under Part 4 of the Rules to apply to the membership in subparagraph (a)(ii), that a membership transfer multiple be applicable to him or her, provided that the application of the membership transfer multiple will not cause the person to exceed the maximum benefit limit applicable to the person at the date of request; or

(b) where:

- (i) subparagraphs (a)(i) and (a)(ii) apply to a person and the period referred to in subparagraph (a)(ii) is of less than three months duration; and
- (ii) the person does not make a request in accordance with subparagraph (a)(iii) nor elects under Rule 4.4.4C to be paid his or her final benefit accrual as a lump sum under the terminating membership; and
- (iii) the Board becomes aware that subparagraphs (b)(i) and (b)(ii) apply to the person; and
- (iv) the Board decides that a membership transfer multiple will apply to the person.

**Calculation of Membership Transfer Multiple and credit of contribution due days**

13.1.4. Where a membership transfer multiple is applicable to a person in accordance with Rule 13.1.3:

- (a) the membership transfer multiple is the number that is:
  - (i) the amount of the final benefit accrual in subparagraph 13.1.3(a)(ii); divided by
  - (ii) the average salary in the membership in subparagraph 13.1.3(a)(i) on the last day of membership applicable to the employment in subparagraph 13.1.3(a)(ii); and
- (b) the number of contribution due days for the membership in subparagraph 13.1.3(a)(i) shall be increased by the number of contribution due days in the membership in subparagraph 13.1.3(a)(ii) that occur before the first day of membership in relation to the employment referred to in subparagraph 13.1.3(a)(i).

**Crediting Contribution Due Days in respect of other concurrent memberships**

13.1.5. Where a person:

- (a) becomes a member in relation to an employment; and
- (b) is a member in relation to one or more earlier commencing employments; and

- (c) advises the Board at any time that he or she has more than one membership;

the contribution due days in the membership in paragraph (a) shall be increased by the number of contribution due days in the memberships in paragraph (b) that occur before the first day of membership in paragraph (a), that is the sum of:

- (d) the contribution due days in respect of each membership in paragraph (b) during the periods where those memberships are not concurrent; and
- (e) the number of contribution due days that relate to any period where those memberships in relation to paragraph (b) are concurrent and so that in relation to each such period regard is had to not more than one membership.

**Member who is also an eligible employee under the 1976 Act may receive a credit of contribution due days**

**13.1.6. Where a person:**

- (a) is a member of the Scheme; and
- (b) is concurrently an eligible employee for the purposes of the 1976 Act; and
- (c) advises the Board that he or she is concurrently an eligible employee for the purposes of the 1976 Act;

the number of contribution due days in the membership in paragraph (a) shall be increased by the number of contribution due days that is equal to the number of contribution days that occur from the date the person became an eligible employee under the 1976 Act to the day the person first became a member of the Scheme.

**Combining preserved benefits and contribution due days**

13.1.7. Where a person has two or more preserved benefits applicable to him or her and requests the Board to combine the preserved benefits at any time after the preserved benefits become applicable:

- (a) the preserved benefits shall be combined into one preserved benefit by adding the dollar amounts of the preserved benefits applicable as at 1 July immediately preceding the request. Where one of the preserved benefits to be combined became applicable after the 1 July preceding the date of the person's request, then the preserved benefits will be combined on the next 1 July following the date of the request; and
- (b) the contribution due days applicable to the combined preserved benefit shall be the sum of:
  - (i) the contribution due days in respect of each membership applicable to the combined preserved benefit during the periods where the memberships were not concurrent; and

- (ii) the number of contribution due days that relate to the periods where the memberships are concurrent and so that in relation to each such period regard is had to not more than one membership.

**Limited Benefits Member - Concurrent Memberships**

13.1.8. Where a person:

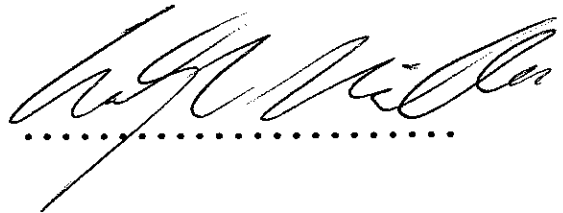
- (a) is treated as a limited benefits member under Rule 1.2.2, and
- (b) becomes a member in relation to a concurrent period of employment in respect of which he or she is also to be treated as a limited benefits member;

then the period that the person is also to be treated as a limited benefits member for the membership in paragraph (b) shall end three years after the first day of membership of the membership in paragraph (a)."

- 2. Subject to this clause this Deed has effect from 18 June 1993.
- 2.1 Paragraphs (a) and (c) of subclause 1.1 have effect from 25 June 1993.
- 2.2 Subclauses 1.7 to 1.11 have effect from 1 July 1993.

IN WITNESS whereof the Honourable Ralph Willis, Minister for Finance, has hereunto set the name of the Commonwealth of Australia and affixed his own seal the day and year first above written.

SIGNED, SEALED AND DELIVERED )  
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 by the Honourable RALPH WILLIS,) )  
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 Minister for Finance, for and )  
 )  
 on behalf of THE COMMONWEALTH )  
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 OF AUSTRALIA, in the presence )  
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 of: *F. McMullen* )  
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 (name) F. McMullen )  
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