

THIS DEED is made on 22 June 1995 by THE COMMONWEALTH OF AUSTRALIA (in this Deed called the "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 (which Deed as amended previous to this date is in this Deed called "the Trust Deed") an occupational superannuation scheme (in the 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, 21 December 1992, 16 June 1993, 24 January 1994, 7 March 1994 and 28 June 1994 (the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth 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 as follows:

1. This Deed has effect from 1 July 1995.
2. The Trust Deed is further amended as follows:
 - (a) By replacing:
 - (i) "Superannuation Scheme" wherever occurring with "Public Sector Superannuation Scheme"; and
 - (ii) "the Fund" wherever occurring with "the PSS Fund";
 - (b) Clause 1 is amended by inserting new subclause (4) as follows:

"(4) In this Deed "disqualified person" has the same meaning as in Part 15 of the *Superannuation Industry (Supervision) Act 1993*.";
 - (c) The heading to Clause 2 is deleted and replaced by the words "Establishment of the Public Sector Superannuation Scheme and the PSS Fund";

- (d) Clause 3 is amended by replacing the words "including having regard to the interests of members, their employers and persons who have preserved benefits and notwithstanding anything" in subclause (3) with "and have regard to the interests of members, their employers and persons who have preserved benefits. Notwithstanding anything";
- (e) Clause 4 is amended by inserting new subclause (10) as follows:
- "(10) A disqualified person is not eligible for appointment as one of the Trustees.";
- (f) Clause 5 is amended by inserting new subclause (5) as follows:
- "(5) If a Trustee becomes a disqualified person, notwithstanding any other provision of this Deed, the appointment of the Trustee thereupon terminates.";
- (g) Clause 6 is amended by adding new subclauses (8) and (9) as follows:
- "(8) A disqualified person is not eligible for appointment to act as a Trustee.
- (9) If the person appointed to act as a Trustee becomes a disqualified person, the appointment of the person thereupon terminates.";
- (h) The heading to Clause 9 is deleted and replaced by the words "Operation of the PSS Fund"; and
- (i) Clause 10 is amended by:
- (i) deleting the heading and inserting in its place the words "Investment of the PSS Fund";
- (ii) deleting from subclause (5) the words "Commonwealth Funds Management Limited has, by the Act, been appointed as the investment manager in respect of the period commencing on 1 July 1991 and ending on 30 June 1995." ; and

(iii) deleting from subclause (6) the words "the Commonwealth Funds Management Limited and".

(j) Clause 12 is deleted and the following clause is inserted in its place:

"12. The Board may by an instrument under its seal delegate all or any of its powers under the Deed to any person, including a Trustee, other than its power to reconsider its own decisions or decisions made by its delegates and this power of delegation."

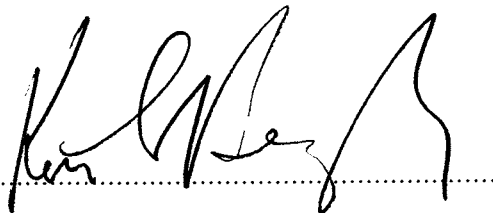
3. The Rules set out in the Schedule to the Trust Deed prior to its amendment by this Deed are replaced with the Rules set out in the Schedule to this Deed.

IN WITNESS WHEREOF this Deed has been executed the day and year first hereinbefore written.

SIGNED, SEALED AND DELIVERED)

by the Honourable KIM C. BEAZLEY,)

Minister for Finance, for and on behalf of)



THE COMMONWEALTH OF)

AUSTRALIA, in the presence of:)

SYD HICKMAN)



(name))

16/8 GILES ST.)
GRIFFITH ACT)

(address))

PUBLIC SERVANT)

(description))

THE SCHEDULE

RULES FOR THE ADMINISTRATION OF THE SUPERANNUATION SCHEME

TABLE OF PROVISIONS		
Rule	Description	Page Number
Part 1 - Introduction		
Division 1 - Understanding these Rules		
1.1.1	Structure of the Rules	1-1
Division 2 - Words and Phrases Used in these rules		
1.2.1	Explanations of certain words and phrases	1-3
Part 2 - Membership		
Division 1 - Types of Membership		
2.1.1	Becoming a member	2-1
2.1.2	Types of members	2-1
2.1.4	Concurrent memberships	2-2
2.1.6	Preserved benefit members	2-2
Division 2 - Continuation of Membership		
2.2.1	Unsuccessful candidates at Parliamentary elections	2-3
2.2.4	Member re-instated	2-3
Part 3 - Salary for Superannuation Purposes		
Division 1 - Contribution Salary - Regular members		
3.1.1	Fortnightly contribution salary	3-1
3.1.2	Definitions of ACS and Factor	3-1

Continued ...		
Rule	Description	Page Number
Division 2 - Contribution Salary - Casual Members		
3.2.1	Fortnightly contribution salary	3-5
Division 3 - Maintained Salary - Regular Members		
3.3.1	When applicable	3-6
3.3.2	Reduction not due to change in workplace bargaining supplement	3-6
3.3.3	Change in workplace bargaining supplement causes reduction	3-6
Division 4 - CSS Salary		
3.4.1	When applicable	3-9
3.4.3	Rate of CSS Salary	3-9
Division 5 - Average Salary - Regular Members		
3.5.1	Average salary	3-10
3.5.2	When last day of membership counts as a birthday	3-11
3.5.3	Birthdays and salary when a member of the CSS scheme	3-11
3.5.4	Laep year birthdays	3-11
Division 6 - Average Salary - Casual Members		
3.6.1	Averagr Salary - Birthdays	3-12
3.6.2	Casual members not paid on a per diem basis - salary for average salary purposes	3-12
3.6.3	Casual members paid on a per diem basis - salary for average salary purposes	3-13
3.6.4	Board may use alternative salary for average salary purposes	3-14
3.6.5	When last day of membership counts as a birthday	3-15

Continued.....		
Rule	Description	Page Number
3.6.6	Birthdays and salary when a member of the CSS scheme	3-15
3.6.7	Leap year birthdays	3-15
Part 4 - Contributions		
Division 1 - Contributions by Members		
4.1.1	When contributions must be paid	4-1
4.1.2	What rate of contributions can be paid	4-1
4.1.5	Contributions not allowed to be paid	4-2
4.1.6	Contributions to be paid to the Board	4-2
4.1.7	Substitution of contribution days	4-2
Division 2 - Contributions on Leave Without Pay		
4.2.1	When contributions are payable on leave without pay	4-3
4.2.2	Rates of contributions payable on leave without pay	4-4
4.2.4	Maternity and parental leave without pay - contributions are optional	4-4
4.2.5	Special arrangements for contributions on leave without pay or less than full pay	4-5
4.2.6	Re-instatement of certain members	4-5
4.2.7	Leave without pay savings provisions	4-5
Division 3 - Productivity Contributions by Employers		
4.3.1	When are productivity contributions payable	4-7
4.3.2	Amount of productivity contributions	4-7
4.3.5	Regular member now - regular member last birthday	4-8
4.3.6	Casual member now	4-8
4.3.9	Regular member now - casual employee last birthday not paid on a per diem basis	4-10
4.3.10	Regular member now - casual employee last birthday paid on a per diem basis	4-10
4.3.11	Contributions to be paid to the Board	4-10

Continued ...		
Rule	Description	Page Number
Part 5 - Benefits		
Division 1- Benefit Accruals		
5.1.1	Member's benefit accruals	5-1
5.1.3	Former member's benefit accruals	5-1
5.1.6	Adjustment of benefit accruals where substituted contribution days apply	5-2
Division 2- Benefit Accrual Multiples - Regular Members		
5.2.1	Calculating benefit accrual multiples	5-3
5.2.2	On-going Multiple	5-3
5.2.3	Fortnightly contribution accrual	5-4
5.2.4	Average accrual	5-5
5.2.10	Additional Cover Multiple	5-7
5.2.12	Preserved Multiple	5-7
5.2.14	Restoration Multiple	5-8
5.2.16	Excess Contribution Multiple	5-8
5.2.18	Unfunded Transfer Multiple	5-9
5.2.20	Membership Transfer Multiple	5-9
5.2.22	CSS Transfer Multiple	5-9
5.2.23	Non-Cash Transfer Multiple	5-9
Division 3 - Benefit Accrual Multiples - Casual Members		
5.3.1	Calculating benefit accrual multiples	5-11
5.3.2	On-going Multiple	5-11
5.3.3	Fortnightly contribution accrual	5-12
5.3.4	Average accrual	5-12
5.3.10	Additional cover Multiple	5-14
5.3.12	Preserved Multiple	5-14

Continued ...		
Rule	Description	Page Number
5.3.14	Restoration Multiple	5-15
5.3.16	Excess Contribution Multiple	5-15
5.3.18	Unfunded Transfer Multiple	5-16
5.3.20	Membership Transfer Multiple	5-16
5.3.22	CSS Transfer Multiples	5-16
5.3.23	Non-Cash Transfer Multiple	5-17
Division 4 - Invalidation Multiples - Regular Members		
5.4.1	Invalidity Multiple	5-18
Division 5- Invalidation Multiples - Casual Members		
5.5.1	Invalidity Multiple	5-21
Division 6 - Maximum Benefits		
5.6.1	Becoming a maximum benefits member	5-24
5.6.2	Calculating maximum benefits in certain other cases	5-25
5.6.5	Changes in the maximum benefits table	5-26
Division 7 - Australian Federal Police Maximum Benefits		
5.7.1	Maximum benefits where adjustment payment received	5-27
5.7.2	Maximum benefits where adjustment payment received - pension taken	5-28
5.7.3	Maximum benefits where adjustment payment received - invalidity pensioner	5-29
5.7.4	Maximum benefits where adjustment payment received - death	5-30
5.7.5	Maximum benefits where adjustment payment received - low salary, invalidity or death	5-30
5.7.6	Maximum benefits where adjustment payment received - preserved benefit	5-31
5.7.7	Changes in the maximum benefits table	5-32
Part 6 - Member Benefit Options		
Division 1 - Resignation, etc - Benefit Options		
6.1.1	Benefit options	6-1

-Continued ...		
Rule	Description	Page Number
Division 2 - Voluntary Retirement, etc - After Minimum Retiring Age		
6.2.1	Normal benefit options	6-3
6.2.2	Benefit options - remains in the workforce	6-4
6.2.3	Benefit options - certain other cases	6-4
Division 3 - Involuntary Retirement Benefit Options		
6.3.1	Benefit options - before minimum retiring age	6-6
6.3.3	Benefit options - after minimum retiring age	6-7
Division 4 - Eligibility of Fixed-term Employees for Involuntary Retirement Benefits		
6.4.1	Eligibility for involuntary retirement benefit - appointment or employment not renewed	6-8
6.4.4	Eligibility for involuntary retirement benefit where appointment is terminated	6-10
6.4.5	Date of cessation in certain circumstances	6-10
6.4.7	Other provisions	6-11
6.4.9	Savings provisions	6-11
Division 5 - Invalidity Retirement Benefit Options		
6.5.1	Benefit options - before age 60	6-13
6.5.2	Benefit options - after age 60	6-13
6.5.3	Benefit option - limited benefits member	6-13
Division 6 - Sale or Transfer of Assets Benefit Options - Employment Continues with New Owner		
6.6.1	Benefit options - PSS membership continues	6-14
6.6.2	Benefit options - PSS membership ceases	6-14

Continued ...		
Rule	Description	Page Number
Division 7 - Sale or Transfer of Assets Benefit Options - Employment Does Not Continue with New Owner		
6.7.1	Benefit options - before minimum retiring age - permanent employees	6-16
6.7.4	Benefit options - before minimum retiring age - temporary employees	6-18
6.7.5	Benefit options - after minimum retiring age - permanent or temporary employees	6-18
6.7.8	Benefit options - after minimum retiring age - remains in the workforce	6-21
Division 8 - Transfers to Other Superannuation Schemes		
6.8.1	Agreements relating to eligible superannuation schemes	6-22
6.8.5	Savings provisions	6-23
6.8.6	Transfer to an eligible superannuation scheme - member	6-23
6.8.7	Transfer to an eligible superannuation scheme - preserved benefit member	6-24
6.8.8	Condition of transfer to an eligible superannuation scheme	6-24
6.8.9	Election to join Judge's superannuation scheme	6-24
6.8.10	Joining an approved superannuation scheme	6-24
6.8.11	Joining an authorised superannuation scheme	6-24
Division 9 - Treatment of Excess Contribution Multiples		
6.9.1	When Excess Contribution Multiple included in the benefit accrual multiple	6-26
6.9.3	When all or part of an Excess Contribution Multiple refunded	6-26
6.9.6	Effect of lump sum on accumulated member contributions and maximum benefit status	6-26
Part 7 - Death Benefits		
Division 1 - Death of a Member		
7.1.1	Spouse's benefit options - with or without eligible children	7-1
7.1.3	Children eligible for benefit - not living with spouse or where there is no spouse	7-1

Continued ...		
Rule	Description	Page Number
7.1.5	No spouse or eligible or partially dependent children	7-2
Division 2 - Death of a Limited Benefits Member		
7.2.1	Spouse's benefit options - with or without children	7-4
7.2.2	Children eligible for benefit - not living with spouse or where there is no spouse	7-4
7.2.4	No spouse or eligible or partially dependent children	7-4
Division 3 - Death of a Pensioner		
7.3.1	Pensioner survived by a spouse and/or children eligible for benefits	7-6
7.3.3	Pensioner not survived by eligible dependents, or no further benefits payable	7-6
7.3.7	Death of a spouse in receipt of pension who is survived by children	7-8
Division 4 - Death of a Preserved Benefit Member		
7.4.1	Spouse's benefit options - with or without children	7-9
7.4.5	Children's benefit - not living with spouse or where there is no spouse	7-10
7.4.7	No spouse or children entitled to benefits	7-10
Part 8 - Preserved Benefits		
Division 1 - Access to the Full Amount of a Preserved Benefit		
8.1.1	When a preserved benefit becomes payable	8-1
8.1.2	Transitional arrangements for certain pre-1 July 1996 preserved benefit members	8-1
8.1.3	Amount of preserved benefit	8-2
Division 2 - Benefit Options Relating to Preserved Benefits		
8.2.1	Benefit options - on reaching certain ages	8-3
8.2.2	Benefit options - on invalidity	8-3
8.2.3	Benefit options - on death of a preserved benefit member	8-4
8.2.4	No benefit option - on leaving Australia permanently	8-4

Continued ...		
Rule	Description	Page Number
8.2.5	Transitional benefit options for certain pre-1 July 1996 preserved benefit members	8-4
Division 3 - Early Access to Part of a Preserved Benefit		
8.3.1	Access to accumulated member contributions	8-5
8.3.3	Access to accumulated productivity contributions	8-5
8.3.4	Transitional arrangements for certain pre-1 July 1996 preserved benefit members	8-6
Division 4 - Early Access to Preserved Benefit on Involuntary Retirement after Sale or Transfer of Assets		
8.4.1	Benefit options for certain preserved benefit members on subsequent retrenchment	8-7
8.4.2	Benefit options on retrenchment before minimum retiring age and before 1 July 2000	8-7
8.4.3	Benefit options on retrenchment after minimum retiring age children	8-8
8.4.4	Savings provision - Repatriation General Hospital, Hollywood	8-8
Division 5 - Cessation of Preserved benefits		
8.5.1	Preserved benefit ceases to be applicable	8-9
8.5.2	Application for invalidity benefits	8-9
8.5.4	Application by a preserved benefit member for a Membership Transfer Multiple	8-10
8.5.5	Board may apply a Membership Transfer Multiple in certain cases	8-10
8.5.6	Combining preserved benefits	8-10
Division 6 - Preserved Benefit Increases		
8.6.1	Funded preserved benefit increases	8-11
8.6.2	Unfunded preserved benefit increases	8-11
Part 9 - Pension Payments		
Division 1 - When Pensions are Paid		
9.1.1	Payment of former member and reversionary pensions	9-1

Continued ...		
Rule	Description	Page Number
9.1.2	Payment of partial invalidity pensions	9-1
9.1.3	Fortnightly instalments of pension	9-1
Division 2 - Calculating Retirement and Preserved Benefit Pensions		
9.2.1	Calculating age, involuntary and sale or transfer retirement pensions	9-2
9.2.2	Calculating invalidity pensions	9-3
9.2.5	Calculating preserved benefit pensions	9-3
Division 3 - Calculating Pensions Payable on Death		
9.3.1	Percentage rate of pension according to relationship(s)	9-5
9.3.2	Calculating pensions following the death of a member	9-5
9.3.4	Conversion of pension to lump sum by spouse	9-6
9.3.5	Calculating pensions following the death of a pensioner	9-7
9.3.8	Calculating pensions for a partially dependant child or children	9-8
9.3.9	Calculating pensions following the death of a preserved benefit member	9-9
9.3.10	Calculating children's pensions following the death of a spouse in receipt of pension	9-10
Division 4 - Apportioning Pensions		
9.4.1	Apportioning pensions	9-11
9.4.2	Re-apportioning pensions in special circumstances	9-11
Division 5 - Adjusting Pensions - Number of Beneficiaries Changes		
9.5.1	Adjusting spouse's pension when a child ceases to be eligible	9-12
9.5.2	Adjusting children's pension where a child ceases to be eligible	9-12

Continued ...		
Rule	Description	Page Number
9.5.3	Adjusting partially dependent children's pension	9-13
9.5.4	Adjusting pensions where additional dependants commence to be eligible	9-13
Division 6 - Pension Increases		
9.6.1	Calculating pension increases	9-14
9.6.3	Adjusting partial invalidity pensions	9-15
Part 10 - Medical and Invalidity Matters		
Division 1 - New Members' State of Health		
10.1.1	Assessing new members' state of health	10-1
Division 2 - Limited Benefits Membership		
10.2.1	Member becoming a limited benefits member	10-2
10.2.2	Period of limited benefits membership	10-2
10.2.3	Notification of limited benefits membership	10-3
10.2.5	Failure to meet requirements of Board	10-3
Division 3 - Additional Death and Invalidity Cover		
10.3.1	Board to arrange policy	10-4
10.3.2	Applying for additional death and invalidity cover	10-4
10.3.5	Advice to Board and member	10-4
10.3.6	Variation of additional death and invalidity cover	10-5
10.3.8	Maximum amount of additional death and invalidity cover	10-5
10.3.10	Cessation of additional death and invalidity cover	10-6
10.3.11	Claims by the Board	10-6
Division 4 - Additional Cover Premiums		
10.4.1	Additional cover premiums by members	10-7
10.4.3	Additional cover premiums by employers	10-8
10.4.4	Board to advise additional cover premium rates	10-8
10.4.5	Payment of additional cover premiums	10-8

Continued ...		
Rule	Description	Page Number
Division 5 - Partial Invalidity Pensions		
10.5.1	Entitlement to partial invalidity pension	10-9
10.5.2	Partial invalidity pension under the <i>Superannuation Act 1976</i>	10-9
10.5.3	Former invalidity pensioner again becoming a member	10-9
10.5.5	Former invalidity pensioner - salary not decreased or Board not wholly satisfied	10-10
10.5.7	Regular member - salary decreased for health reasons	10-11
10.5.9	Regular member - salary not decreased or Board not wholly satisfied	10-12
10.5.11	Adjustment of partial invalidity pensions	10-13
10.5.13	Partial invalidity pension previously payable under the <i>Superannuation Act 1976</i>	10-14
10.5.14	Non payment when Board requirements not met	10-14
10.5.17	Suspension of partial invalidity pension payments	10-15
10.5.18	Cessation of partial invalidity pension payments	10-15
Division 6 - Invalidity Assessment Panels		
10.6.1	Establishing Assessment Panels	10-16
10.6.3	Board responsibilities to Assessment Panel	10-16
10.6.4	Role of an Assessment Panel	10-16
Division 7 - Invalidity Retirement Process		
10.7.1	Clear entitlement to invalidity benefits	10-19
10.7.2	Reasonable doubt regarding entitlement to invalidity benefits	10-19
10.7.6	Deferral of decisions	10-20
10.7.7	Decision to be advised to member and employer	10-20
Division 8 - Payment of Preserved Benefits on Invalidity		
10.8.1	Clear entitlement to invalidity benefits	10-21
10.8.2	Reasonable doubt regarding entitlement to invalidity retirement benefits	10-21
10.8.4	Decision to be advised to former member	10-21
Division 9 - Deemed Invalidity Retirement Process		

Continued ...		
Rule	Description	Page Number
10.9.1	Clear entitlement to invalidity benefits	10-22
10.9.2	Reasonable doubt regarding entitlement to invalidity retirement benefits	10-22
Division 10 - Pre-assessment Payments		
10.10.1	Entitlement to pre-assessment payments	10-23
10.10.6	Rate of pre-assessment payments - first 6 months	10-23
10.10.8	Rate of pre-assessment payments after first 6 months	10-24
10.10.9	Period pre-assessment payments to be made	10-25
Division 11 - Reduction or Suspension of Invalidity Pension		
10.11.1	Invalidity pensioner to provide information	10-26
10.11.5	Suspension due to failure to provide information	10-27
10.11.8	Cancellation of suspended pension	10-27
10.11.9	Invalidity pension rate to be reduced or suspended	10-27
Division 12 - Non-disclosure of Information		
10.12.1	Non-disclosure by member	10-30
10.12.2	Non-disclosure by former member	10-30
10.12.3	Notification of limited benefits membership	10-31
Part 11 - Additional Accumulations		
Division 1 - Transfers into the PSS Scheme		
11.1.1	Amounts that may be transferred	11-1
11.1.2	Payments to be paid into the PSS Fund	11-1
11.1.3	Accumulation of transfer amount and preserved amount	11-1
Division 2 - Transfer Amounts - Benefits where transfer amount paid in after 31 December 1995		
11.2.1	Benefit entitlement on cessation	11-2
11.2.3	Judge's Pensions Act	11-2
11.2.4	Payment of preserved accumulated transfer amount	11-3

Continued...		
Rule	Description	Page Number
Division 3 - Transfer Amounts - Benefits where transfer amount paid in before 1 January 1996		
11.3.1	Benefit entitlement on cessation	11-4
11.3.3	Judge's Pensions Act	11-5
11.3.4	Member on leave without pay on 31 December 1995, etc	11-5
11.3.5	Pension Benefits	11-6
11.3.7	Lump sum benefits	11-6
11.3.8	Invalidity benefits	11-7
11.3.10	Maximum benefits	11-7
11.3.13	Payment of preserved benefits to former member	11-8
11.3.17	Benefits on death of a member	11-9
11.3.23	Benefits on death - preserved benefits	11-10
11.3.26	Benefits on death of pensioner	11-11
11.3.27	Benefits on death - additional reversionary pension not payable	11-11
Part 12 - General Benefit Provisions		
Division 1 - Choosing Benefit Options		
12.1.1	When a member can choose his/her benefit option	12-1
12.1.2	Who can choose on behalf of a member or former member	12-1
12.1.4	Changing a benefit option choice	12-1
Division 2 - Board's Powers Relating to Benefits		
12.2.1	Benefits in unusual circumstances	12-3
12.2.2	Paying benefits to legal personal representative	12-3
12.2.3	Payment of benefits to eligible roll-over fund where no instructions	12-3
12.2.4	Payment of unclaimed benefits to eligible roll-over fund	12-4
12.2.5	Withholding benefits	12-4
12.2.6	Board may determine break-up of part payments	12-4
Division 3 - Additional Interest		
12.3.1	Additional interest for late payment	12-5
12.3.2	Board to decide interest rates, etc.	12-5

Continued ...		
Rule	Description	Page Number
12.3.3	Additional interest to form part of benefit	12-5
Part 13- Review of Decisions		
Division 1 - Reconsideration Advisory Committees		
13.1.1	Establishing Reconsideration Advisory Committees	13-1
13.1.3	Board responsibilities to Reconsideration Advisory Committees	13-1
13.1.4	Role of Reconsideration Advisory Committees	13-1
Division 2 - Reconsidering Delegate's Decisions		
13.2.1	Request for reconsideration	13-2
13.2.3	Board to reconsider decision of delegate	13-2
13.2.4	Board decision to be notified to affected person	13-2
Division 3 - Reconsidering Board Decisions		
13.3.1	Request for reconsideration	13-3
13.3.4	Clear decision in favour of person	13-4
13.3.5	Invalidity Assessment Panel involved in original decision	13-4
13.3.7	Referral of request to a Reconsideration Advisory Committee	13-5
13.3.8	Board to reconsider decision	13-5
13.3.9	Board decision to be notified to affected person	13-5
Division 4 - Board Initiated Reconsiderations		
13.4.1	Board may initiate a reconsideration of a decision	13-6
Part 14 - CSS Transferees		
Division 1 - Commencement of Membership		
14.1.1	Day on which membership commences	14-1
14.1.2	Election and declaration under the <i>Superannuation Act 1976</i>	14-2
Division 2 - CSS Transfer Multiples		
14.2.1	Entitlement to CSS Transfer Multiple	14-3

Continued ...		
Rule	Description	Page Number
14.2.2	Calculation of a CSS Transfer Multiple	14-3
Division 3 - Maximum Benefits		
14.3.1	Calculating maximum benefits for certain CSS transferees	14-6
Division 4 - Contribution Matters		
14.4.1	CSS contributions to count as member contributions	14-7
14.4.2	Contribution days to count	14-7
14.4.3	Contribution due days to count	14-7
14.4.4	Default rate of contributions	14-7

PART 1 - INTRODUCTION

Division 1

Understanding these Rules

Structure of the Rules

1.1.1 These Rules have been divided into 14 Parts, each dealing with a major aspect of the operation of the **PSS scheme**.

Guide to the 14 Parts of the Rules		
Part	Title	Deals With
1	Introduction	The structure of the Rules and defines special terms and phrases, and some concepts, used in the Rules.
2	Membership	How you become a member of the PSS scheme and what the different types of members are.
3	Annual Salary	The different forms of salary used to determine the amount of contributions paid and benefits received.
4	Contributions	When and how much contributions are paid by members, when they cannot be paid and when they are optional. Also deals with employer, or productivity, contributions.
5	Benefits	How to calculate a member's benefit
6	Member's Benefit Options	When and how a member's benefit can be taken which varies depending on the reason for ceasing membership.
7	Death Benefit Options	When and how beneficiaries or legal representatives can receive a deceased member's benefit or any residual benefit following the death of a PSS pensioner or former member.
8	Preserved Benefits	When and how benefits that have been compulsorily or optionally preserved in the PSS scheme can be taken. Also covers preserved benefit increases.
9	Pensions	Converting benefits into pensions, especially how to work out pensions where independent beneficiaries are concerned. Also covers pension increases.
10	Medical and Invalidation Matters	Medical type issues of the PSS scheme including entry medical standards, limited benefits membership, additional medical cover, partial invalidity pensions and the invalidity retirement process.

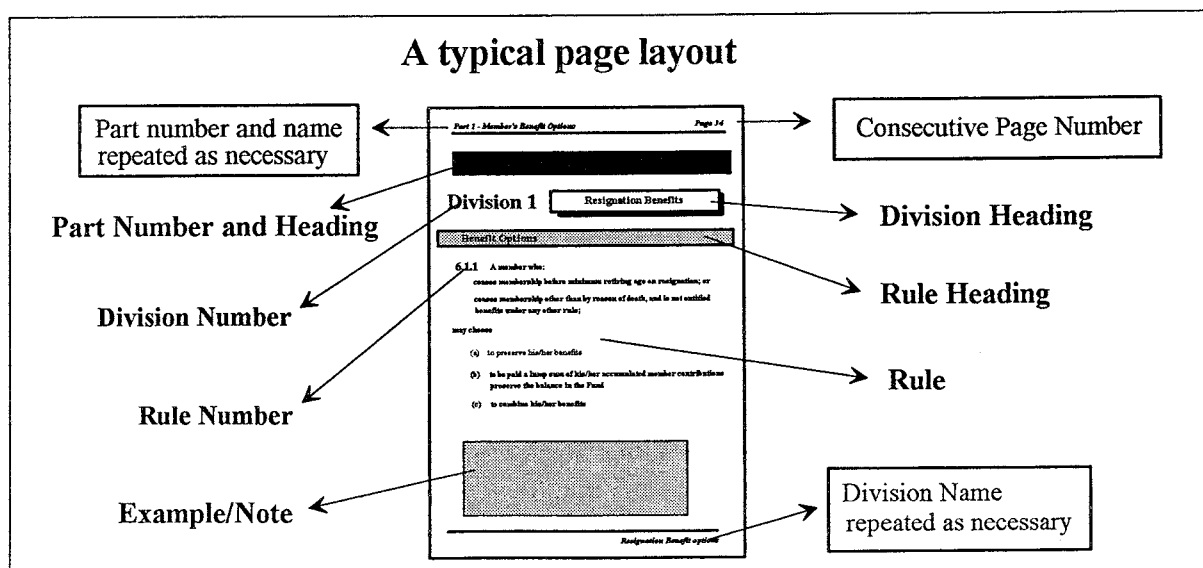
Guide to the 13 Parts of the Rules (Continued)		
Part	Title	Deals With
11	Additional Accumulations	How amounts transferred to the PSS accumulate over time and the options for payment of those amounts on ceasing membership.
12	General Benefit Provisions	General conditions relating to, among others, making and changing benefit choices, beneficiaries and additional interest for late payment
13	Review of Decisions	The internal review mechanisms available to have a decision of the Board or its delegate reconsidered.
14	CSS Transferees	The carry-over rights of members who transferred to the PSS scheme from the old Commonwealth Superannuation Scheme in relation to salary and contributions.

1.1.2 Each Part is further divided into Divisions addressing unique groupings within the Part and each Division is made up of Rules containing specific provisions; Rules do not necessarily have their own Rule headings.

1.1.3 The Rules have been numbered so that the first number refers to the Part number, the second to the Division number within that Part and the third to the Rule number within that Division. For example, Rule 6.3.2 is the second Rule in Division 3 of Part 6.

1.1.4 There are several notes, diagrams and guides within the Rules to help you understand the more complicated superannuation concepts or to warn you if you need to also look in another area of the Rules. However, these aids (including Part, Division and Rule headings) do not form part of the Rules.

1.1.5 Tables on the other hand form part of the Rules and are used to provide factors or other similar information. Examples too form part of the Rules and have been included to demonstrate a practical application of a particular rule or the combined effect of a particular Division or Part.



Division 2

Words and Phrases Used in these Rules

Explanations of certain words and phrases

1.2.1 Because some words and phrases have a special meaning when used in these Rules they have been explained below. They appear throughout the Rules in **bold print** to remind you they have a special meaning.

- accumulated funded productivity contributions** in relation to a **member** or a **preserved benefit member** means the sum of:
- the **funded productivity contributions** that have been, or are deemed to have been, paid or have become payable, in respect of the **person** on or after his/her **first day of membership** less income tax as determined by the **Board**; and
 - the amount of any **accumulated funded productivity contributions** included in a **preserved benefit** applicable to the person immediately before last becoming a **member**, together with the amount of any interest up to his/her **first day of membership** in accordance with a determination or determinations by the **Board** as to rates of interest and the method of allocation; and
 - the amount of any **accumulated funded productivity contributions** accrued on last becoming an **invalidity pensioner** by a person who was an **invalidity pensioner** immediately before becoming a **member**; and
 - any amount that is funded productivity contributions and interest under the *Superannuation Act 1976* for the purpose of determining the member's CSS transfer multiple applied under Rule 14.2.2; and
 - the interest (if any) in respect of these amounts in accordance with a determination or determinations by the **Board** as to rates of interest and method of allocation;

accumulated funded productivity contributions are to be taken to be accumulated funded employer contributions for the purposes of the definition of accumulated funded contributions in Section 3 of the *Superannuation Act 1990*.

- accumulated member contributions** in relation to a **member** or a **preserved benefit member**, means the sum of:
- contributions that have been, or are deemed to have been, paid or have become payable, by the **member** or **preserved benefit member** on or after his/her **first day of membership**; and
 - the amount of any **accumulated member contributions** included in a **preserved benefit** applicable to the person immediately before last becoming a **member**, together with the amount of any interest up to his/her **first day of membership** in accordance with a determination or determinations by the Board as to rates of interest and the method of allocation; and
 - the amount of any **accumulated member contributions** accrued before last becoming an **invalidity pensioner** by, and not refunded to, a person who was an **invalidity pensioner** immediately before becoming a **member**; and
 - any amount that is the member's paid accumulated contributions under the *Superannuation Act 1976* for the purpose of determining the person's CSS transfer multiple under Rule 14.2.2; and
 - the interest (if any) in respect of these amounts in accordance with a determination or determinations by the **Board** as to rates of interest and method of allocation.
- accumulated productivity contributions** means, in relation to a **member** or a **preserved benefit member**, the sum of his/her **accumulated funded productivity contributions** and **accumulated unfunded productivity contributions**.
- accumulated unfunded productivity contributions** in relation to a **member** or a **preserved benefit member**, means the sum of:
- any amount that is unfunded productivity benefits for the purpose of determining a member's CSS transfer multiple under Rule 14.2.2; or
 - any amount that is the notional interim benefit under the *Superannuation (Productivity Benefit) Act 1988* in the case of a **person** to whom an unfunded transfer multiple applied on his/her **first day of membership** under Rule 5.2.20; or
 - the amount of any **accumulated unfunded productivity contributions** included in a **preserved benefit** applicable to the person immediately before last becoming a **member**; or

- the amount of any **accumulated unfunded productivity contributions** accrued on last becoming an **invalidity pensioner** by a person who was an **invalidity pensioner** immediately before becoming a **member**; and
 - the interest (if any) in respect of these amounts in accordance with a determination or determinations by the **Board** as to rates of interest and method of allocation.
- approved authority** has the same meaning as in the *Superannuation Act 1990*.
- approved deposit fund** has the same meaning as in the **SIS Act**.
- approved medical practitioner** means a medical practitioner approved by the **Board** for the purposes of the Deed and Rules.
- approved superannuation scheme** means:
- a superannuation scheme, approved by the Minister under Section 33C of the *Superannuation Act 1990*, providing benefits for persons who are employed by, or are members of the staff of, an authority or body; and includes
 - for the purposes of Divisions 2 and 3 of Part 5 and Rule 10.1.1 a superannuation scheme approved by the Minister under Section 159 of the *Superannuation Act 1976*.
- authorised superannuation scheme** means a superannuation scheme, declared by the Minister under Section 33G of the *Superannuation Act 1990* to be an **authorised superannuation scheme**, providing benefits for persons who are employed by, or are members of the staff of, an authority or body.
- average salary** is that applicable under Division 5 of Part 3 to a **regular member** and under Division 6 of Part 3 to a **casual member**.
- basic salary** means the amount, or element or elements of remuneration, including any element designated as a **workplace bargaining supplement**, determined by the Minister as basic salary applicable to members, a class of members, or a **member**.
A determination of **basic salary** made by the **Board** under the Rules applicable at 30 June 1995 continues in force until such time as the Minister has made a determination or determinations.
- Board** means the PSS Board established under Section 20 of the *Superannuation Act 1990*.

casual member	means a member of the PSS scheme by force of section 6 of the <i>Superannuation Act 1990</i> who is <ul style="list-style-type: none">• not a regular member and is not entitled to holiday leave and sick leave in his/her job; or• a member who is paid fees on a daily basis in respect of an office or position.
Comcare	means the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees.
compensation leave	means any period during which a person is absent full-time from his/her employment due to an incapacity for work resulting from an injury in respect of which compensation is payable under Section 19 or 22 of the <i>Commonwealth Employees' Rehabilitation and Compensation Act 1988</i> or any period in respect of which persons not covered by that Act are receiving similar compensation payments.
contribution day	means <ul style="list-style-type: none">• the Thursday that falls on 5 July 1990, and each succeeding alternate Thursday (<i>see also rule 4.1.7</i>); or• another day that is determined by the Board to be a contribution day in relation to a member who transfers out of the PSS scheme on the sale or transfer by the Commonwealth of all or part of a particular organisation, business, service, asset or function; and• a contribution day for the purposes of the <i>Superannuation Act 1976</i> referred to in Rule 14.4.3.
contribution due day	means: <ul style="list-style-type: none">• a contribution day on which a member is required to pay contributions under Part 4; and• a contribution day for the purposes of the <i>Superannuation Act 1976</i> referred to in Rules 5.2.27, 5.3.27 or 14.4.3.
CSS scheme	means the superannuation scheme established by the <i>Superannuation Act 1976</i> , commonly referred to as the Commonwealth Superannuation Scheme.
death benefit accrual	in relation to a deceased member , means the benefit applicable under Rule 5.1.5.
deceased limited benefits member	means a limited benefits member who died before ceasing to be a limited benefits member .

deceased member	means a member who died before ceasing to be a member but does not include a deceased limited benefits member .
deceased pensioner	means a former member who, immediately before his/her death, was in receipt of a PSS pension or would have been except for its suspension under the invalidity provisions in Division 11 of Part 10 of these Rules.
deceased preserved benefit member	means a former preserved benefit member who died before his/her preserved benefit became payable.
decision	for the purposes of reconsidering decisions of the Board under Part 13 of these Rules, includes: <ul style="list-style-type: none">• making, suspending, revoking or refusing to make an order or determination; and• giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission; and• issuing, suspending, revoking or refusing to issue an authority or other instrument; and• imposing a condition or restriction; and• making a declaration, demand or requirement; and• retaining, or refusing to deliver up, an article; and• doing or refusing to do any other act or thing; under these Rules.
Department	has the same meaning as in the <i>Public Service Act 1922</i> .
deferred annuity	means an annuity of the type referred to by this name in the SIS Act .
designated employer	has the same meaning as in the <i>Superannuation Act 1990</i> .
eligible child	in relation to a deceased member , a deceased pensioner , a deceased preserved benefit member or a deceased limited benefits member , is a child of the former member (including an adopted child, an ex-nuptial child, a step-child or any other person whom the Board determines is to be treated as a child of the former member) who: <ul style="list-style-type: none">• has not reached age 16; or• is age 16 or more but less than age 25 and;

- is receiving full-time education at a school, college or university; and
- is not ordinarily employed or self-employed;

and

- immediately before the death of the former member;
 - ordinarily lived with the former member; or
 - was, in the opinion of the **Board**, wholly or substantially dependent upon the former member; or
 - is born after the death of the former member, and would have, in the opinion of the **Board**, ordinarily lived with, or been wholly or substantially dependent on, the former member if the child had been born before the death of the former member;

but in relation to a **deceased pensioner**, does not include a child who became such a child after the former member became a pensioner and had reached age 60,

unless the child:

- was born of a **marital relationship** between the pensioner and another person; or
- became a stepchild of the **pensioner** as a result of a **marital relationship** between the pensioner and another person;
- or is a child of a person with whom the pensioner had a **marital relationship**;

and the **marital relationship** began:

- before the former member became a pensioner; or
- after the former member became a pensioner but before he/she reached age 60; or
- at least five years before the death of the pensioner;

or, if the child is an adopted child or a person whom the **Board** determines is to be treated as a child of the pensioner, the child had been a child of the pensioner for at least five years before the death of the pensioner.

eligible superannuation scheme

means a superannuation scheme that has been agreed by the Minister and the **Board** to be an **eligible superannuation scheme** under Division 8 of Part 6.

eligible termination payment	has the same meaning as in the <i>Income Tax Assessment Act 1936</i> .
equivalent employment	in relation to the sale or transfer by the Commonwealth of all or part of an organisation, business, service, asset or function, means the definition of subsequent employment determined by the Board having regard to any definition agreed between the parties negotiating that sale or transfer.
excluded period of leave of absence	means a period of leave of absence specified in Rule 4.2.1.
final average salary	means the average salary applicable to a member on his/her last day of membership .
final benefit accrual	in relation to a former member means the benefit applicable under Rule 5.1.3.
first day of membership	means: <ul style="list-style-type: none">• if the person has become a member on one occasion only, the day on which the he/she became a member of the PSS scheme; or• if the person has become a member on more than one occasion, the day on which he/she last became a member of the PSS scheme; or• in the case of a person who was a member of the CSS scheme until the date of his/her election to join the PSS scheme, the date in Rule 14.1.1.
fixed-term employee	means: <ul style="list-style-type: none">• a person who holds an office of Secretary under an appointment that is a fixed-term appointment for the purposes of section 37 of the <i>Public Service Act 1922</i>; or• a person who is appointed to a statutory office for a fixed term; or• a person who holds a Senior Executive Service office under an appointment that is a fixed-term appointment for the purpose of section 44 of the <i>Public Service Act 1922</i>; or• a person who is employed for a fixed term under section 82AD or 82 AE of the <i>Public Service Act 1922</i>; or

- a person who holds an appointment, or is employed, otherwise than under the *Public Service Act 1922*, by the Commonwealth for a fixed term; or
- a person who holds an appointment, or is employed, by an **approved authority** for a fixed term; or
- a person who holds an appointment, or is employed, for a fixed term, and who is:
 - a person to whom Division 3 of Part IV of the *Public Service Act 1922* applies; or
 - an approved person for the purposes of Part IV of the *Commonwealth Legal Aid Act 1977*; or
 - a person who is a **member** by virtue of a declaration under paragraph 6(1)(j) of the *Superannuation Act 1990*.

fortnightly contribution salary	means the fortnightly salary calculated under Rule 3.1.1 in respect of a regular member or Rule 3.2.1 in respect of a casual member .
funded productivity contributions	in relation to a member or a preserved benefit member , means: <ul style="list-style-type: none"> • productivity contributions paid or payable in relation to the person in accordance with Division 3 of Part 4 of these Rules; and • where the person transferred from the CSS scheme, productivity contributions paid or payable under the <i>Superannuation Act 1976</i>, from his/her first day of membership to the date of his/her election to join the PSS scheme.
invalidity benefit accrual	in relation to a former member means the benefit applicable under Rule 5.1.4.
invalidity pensioner	means a former member who ceased membership on invalidity retirement who chose, and is entitled to, a pension under Division 5 of Part 6 of the Rules.
invalidity retirement	means: <ul style="list-style-type: none"> • for a member under age 60, the termination of his/her employment on the ground that, because of any mental or physical condition, he/she is unable to perform his/her duties, but only where the Board has certified under Section 13 of the <i>Superannuation Act 1990</i> that the member will be entitled to invalidity benefits.

- for a **member** at or over age 60, the termination of his/her employment on the ground that he/she is unable to perform his/her duties because of any mental or physical condition.

involuntary retirement

means cessation of membership of the **PSS scheme** in one of the following circumstances:

- in the case of a **member** who has reached his/her **minimum retiring age**, he/she is retired, otherwise than at his/her own request; or
- the **member** is retired under Section 76W of the *Public Service Act 1922* or the member's employment or appointment is terminated, otherwise than under that Act, on a ground similar to a ground specified in that section but not including termination under the *Public Service Management Act 1994* of the Australian Capital Territory of an appointment under that Act if the appointment was made on probation and had not been confirmed when the termination was effected; or
- in the case of a **permanent employee**, the position or office of the **member** ceases to exist, whether by reason of its being abolished or otherwise; or
- in the case of a **member** who is a **Secretary** of a **Department** but who is not a **fixed term employee**, he/she is retired under Section 76D of the *Public Service Act 1922*.
- in the case of a **member** who is an unattached **Secretary** of a **Department** within the meaning of the *Public Service Act 1922*, he/she is retired under Section 76FA or subsection 76F(1B) of that Act; or
- in the case of a **member** holding a Senior Executive Service office within the meaning of the *Public Service Act 1922*, he/she is retired under Section 76L or 76R of that Act; or
- in the case of a **fixed-term employee**, in the circumstances set out in Rule 6.4.1;

but does not include cessation of a member's membership:

- because of **invalidity retirement**; or
- after the **member** has reached his/her **maximum retiring age**;
or
- on the sale or transfer by the Commonwealth of all or part of an organisation, business, service, asset or function (see Divisions 6 and 7 of Part 6); or

- initiated through the member's own actions, including
 - dismissal; or
 - forfeiture of office.

last birthday	in relation to a member means the <u>later</u> of: <ul style="list-style-type: none"> • the last anniversary of his/her birth (where relevant, 1 March is substituted for 29 February in any non-leap year); or • the date of becoming a member.
last day of membership	in relation to a member or former member means: <ul style="list-style-type: none"> • the date on which he/she ceased to be a member; or • where he/she has ceased to be a member on more than one occasion, the date he/she last ceased to be a member
legal personal representative	has the same meaning as in the SIS Act .
life assurance company	has the same meaning as in the <i>Income Tax Assessment Act 1936</i> .
limited benefits member	is a member who: <ul style="list-style-type: none"> • under Rule 10.2.1, the Board has determined is not of sufficiently sound health to carry out all of the duties of his/her position without taking excessive sick leave during the three years after he/she first became a member or first became a member for any concurrent period or periods of membership; or • under Rule 10.2.6, failed to provide a completed medical questionnaire or undergo a medical examination or test; or • under Rule 10.12.1, failed to give information, or gave false or misleading information in connection with a medical questionnaire or medical examination or test; and has not ceased to be such a member .
marital relationship	means a relationship at a particular time between a member , a preserved benefit member or a pensioner and another person, whether or not they were legally married to each other at the time of the relationship, under which they had been living with each other: <ul style="list-style-type: none"> • as husband and wife on a permanent and bona fide domestic basis for a continuous period of at least 3 years up to that time; or

- for a continuous period of less than 3 years up to that time but, in the opinion of the **Board**, were living with each other as husband and wife on a permanent and bona fide domestic basis at that time, having regard to any evidence relevant in that respect, which includes evidence establishing any of the following:
 - the other person was wholly or substantially dependent on the **member, preserved benefit member** or pensioner;
 - they were legally married to each other;
 - a child was born of the **marital relationship** or was adopted during the period of the relationship;
 - they jointly owned a home which was their usual residence;
 - any other matters that the **Board** considers relevant.

maximum benefit	means a benefit calculated under Divisions 6 or 7 of Part 5, Division 3 of Part 11 or Division 3 of Part 14.
maximum benefits member	means a member to whom Rule 5.6.1, 5.7.1 or 11.3.10 applies.
maximum retiring age	in relation to a member means: <ul style="list-style-type: none"> • the age of 65 years; or • the age specified as the maximum retiring age applicable to the member under the terms and conditions, including any law of the Commonwealth that affects the maximum retiring age of the member, under which a member: <ul style="list-style-type: none"> - is employed or holds office; or - was employed or held office on his/her last day of membership.
member	means a regular member or a casual member .
member contributions	means: <ul style="list-style-type: none"> • contributions paid or payable by a member under Part 4; and • where the member transferred from the CSS scheme, contributions paid or payable by the member under the <i>Superannuation Act 1976</i> from his/her first day of membership to the date of his/her election to transfer to the PSS scheme.

- minimum retiring age** in relation to a **member** means:
- the age specified as the **minimum retiring age** applicable to the **member** under the terms and conditions, including any law of the Commonwealth that affects the **minimum retiring age** of the **member**, under which a **member**:
 - is employed or holds office; or
 - was employed or held office on his/her **last day of membership**; or
 - age 55 where no such **minimum retiring age** is specified in the terms and conditions of a member's office or employment.
- partial invalidity pension** means a **pension** which:
- may be payable to a **member**:
 - where he/she was an **invalidity pensioner** immediately before last becoming a member, or would have been if his/her invalidity pension was not suspended; or
 - whose salary is decreased for health reasons; and
 - is calculated under Division 5 of Part 10 of these Rules.
- partial invalidity pensioner** means a person to whom a **partial invalidity pension** is payable under Division 5 of Part 10 of these Rules.
- partially dependent child** in relation to a **deceased member**, a **deceased pensioner**, a **deceased preserved benefit member** or a **deceased limited benefits member**, is a child of the former member (including an adopted child, an ex-nuptial child, a step-child or any other person whom the **Board** determines is to be treated as a child of the former member) who:
- is not an **eligible child**; and
 - is aged less than 16, or if aged 16 or more but less than age 25:
 - is receiving a full-time education at a school, college or university; and
 - is not ordinarily employed or self-employed;
- and
- in respect of whom, immediately before the death of the former member,
 - the former member was voluntarily making, or required by a Court to make, regular maintenance payments; or

- in the opinion of the **Board**, the former member would have been voluntarily making, or required by a Court to make, such payments if the child had been born before the death of the former member;

but, in relation to a **deceased pensioner**, does not include a child who became such a child after the former member became a pensioner and had reached age 60,

unless the child:

- was born of a **marital relationship** between the pensioner and another person; or
- became a stepchild of the **pensioner** as a result of a **marital relationship** between the pensioner and another person; or
- is a child of a person with whom the pensioner had a **marital relationship**;

and the **marital relationship** began:

- before the former member became a pensioner; or
- after the former member became a **pensioner** but before he/she reached age 60; or
- at least five years before the death of the pensioner;

or, if the child is an adopted child or a person whom the **Board** determines is to be treated as a child of the pensioner, the child had been a child of the **pensioner** for at least five years before the death of the pensioner.

pension	means a pension payable under these Rules.
pensioner	means a former member to whom a pension is payable under these Rules, but does not include the recipient of a pension paid as a death benefit.
pension payday	means the Thursday that falls on 12 July 1990 and each succeeding alternate Thursday.
period of membership	means the period commencing on the first day of membership and ending on the last day of membership of the PSS scheme .
permanent employee	has the same meaning as in the <i>Superannuation Act 1990</i> .
permanent employer	means, in relation to a member who is on a period of leave of absence without pay, the employer by whom the member would normally be employed if not for the period of leave of absence without pay.

permanent full-time employee	<p>means:</p> <ul style="list-style-type: none">• a permanent employee employed to work on a full-time basis;• the holder of a statutory office on a full-time basis;• a person covered under Part IV of the <i>Public Service Act 1922</i> who was a permanent employee employed on a full-time basis immediately before that Part applied;• a person declared by the Board, in agreement with the Minister, to be a permanent full-time employee.
permanent part-time employee	<p>means:</p> <ul style="list-style-type: none">• a permanent employee employed to work on less than a full-time basis;• the holder of a statutory office on less than a full-time basis;• a person covered under Part IV of the <i>Public Service Act 1922</i> who was a permanent employee employed on less than a full-time basis immediately before that Part applied;• a person declared by the Board, in agreement with the Minister, to be a permanent part-time employee.
personal earnings	<p>in relation to a person who is an invalidity pensioner means salary, wages, fees or other amounts received by the person for services rendered, or work performed, by the person and includes:</p> <ul style="list-style-type: none">• remuneration paid as the director of a company; or• commission received for canvassing, collecting or similar activities.
pre-assessment payment	<p>means a payment made under Division 10 of Part 10 of these Rules.</p>
preserved benefit	<p>means a benefit that, on a member ceasing membership, is either compulsorily or voluntarily retained in the PSS scheme for payment under Part 8 of these Rules, together with any increases under Division 6 of that Part, to, or in respect of, the former member or his/her beneficiaries .</p>
preserved benefit member	<p>means a former member to or in respect of whom a preserved benefit has not yet been paid.</p>

PSS scheme	means the superannuation scheme established by the Deed, as amended from time to time, referred to in Section 4 of the <i>Superannuation Act 1990</i> .
PSS Fund	means the Fund established by Deed, as amended from time to time, under the <i>Superannuation Act 1990</i> .
recognised allowances	<p>means such allowance or amount, or part of an allowance or amount, determined by the Minister as applicable to members, a class of members, or a member.</p> <p>A determination of recognised allowances made by the Board under the Rules applicable at 30 June 1995 continues in force until such time as the Minister has made a determination or determinations.</p>
regular member	<p>means a member of the PSS scheme by force of section 6 of the <i>Superannuation Act 1990</i> who is:</p> <ul style="list-style-type: none">• a permanent full-time employee;• a permanent part-time employee;• a temporary full-time employee;• a temporary part-time employee who is entitled to holiday leave and sick leave in his/her job; <p>but does not include a member who is paid fees on a daily basis in respect of an office or position.</p>
roll-over	<p>means payment by the Board to:</p> <ul style="list-style-type: none">• a fund which is required to preserve benefits paid to it in accordance with standards prescribed under the SIS Act; or• an approved deposit fund; or• a life assurance company, or a registered organisation within the meaning of the <i>Income Tax Assessment Act 1936</i>.• purchase an annuity or deferred annuity.
Secretary	has the same meaning as under the <i>Public Service Act 1922</i> .
SIS Act	means the Superannuation Industry (Supervision) Act 1993 and the regulations in force under that Act.
spouse	<p>in relation to a deceased member, a deceased limited benefits member, a deceased preserved benefit member or a deceased pensioner, means:</p> <ul style="list-style-type: none">• another person who had a marital relationship with the deceased person at the time of the deceased person's death,

provided that, in the case of a **deceased pensioner**, the **marital relationship** had begun:

- before the pensioner became a pensioner, or before he/she had reached age 60; or
- at least 5 years before the death of the **pensioner** if the relationship had begun after the pensioner became a pensioner or had reached age 60 ; or
- another person who did not have a **marital relationship** with the deceased person at the time of the deceased person's death but: who had previously had a **marital relationship** with the deceased person, and at the time of the deceased person's death:
 - was legally married to the deceased person; and
 - where the deceased person was a **deceased pensioner** and the **marital relationship** had begun after the deceased person became a pensioner or had reached age 60, the relationship had begun at least 5 years before the death of the **deceased pensioner**; and
 - in the opinion of the **Board** that other person was wholly or substantially dependent upon the deceased person at the time of the deceased person's death.

standard risk

in relation to a **member** being assessed by a life office for the provision of additional death and invalidity cover under Division 3 of Part 10 of these Rules, means a **member** who does not:

- suffer from any physical or mental incapacity or condition; and/or
- engage in any hazardous occupation or pursuit.

statutory office

has the same meaning as in the *Superannuation Act 1990*.

temporary employee

has the same meaning as in the *Superannuation Act 1990*.

temporary full-time employee

means a **temporary employee** employed to work on a full-time basis for a period of at least three months or such other period as the **Board** decides.

temporary part-time employee

means a **temporary employee** who is employed to work on a part-time basis for a period of at least three months or such other period as the **Board** decides

terminal medical condition

means a condition(s) suffered by an affected person that has been certified by two or more medical practitioners, at least one of whom is not treating the affected person, who have experience in

the condition(s), as being of either a terminal nature or of such severity that within two years of the date of their certificate the affected person would need assistance with personal or nursing care on a daily basis.

- totally and permanently incapacitated** means that , because of a physical or mental condition, the person is unlikely ever to work again in a job for which he/she:
- is reasonable qualified by education, training or experience; or
 - could be so qualified after retraining.
- transfer amount** means an amount transferred by a **member** into the **PSS scheme** under Rule 11.1.1, less income tax payable by the **PSS Fund** in relation to that amount.
- unfunded benefit accrual** in relation to a **member** on a particular day means the amount of the benefit accrual under Division 1 of Part 5 of the **member** on that day less the sum of his/her **accumulated member contributions** and **accumulated productivity contributions** on that day
- unfunded preserved benefit** in relation to a **preserved benefit** on a particular day, means the amount of that **preserved benefit** on that day which is attributable to the amount (if any) of the **preserved benefit member's final unfunded benefit accrual** included in that **preserved benefit**.
- workplace bargaining supplement** means an element of remuneration the amount of which:
- (a) is dependent on employment in:
 - (i) a particular department, authority or agency of the Commonwealth; or
 - (ii) a part of a particular department, authority or agency of the Commonwealth covered by a workplace bargaining agreement specific to that part;
- and
- (b) may, if no other circumstances in relation to a **member** in receipt of such an element of remuneration have changed, be decreased only if the decrease is substituted by an increase in another element, or other elements, of the member's remuneration

PART 2 - MEMBERSHIP

Division 1

Membership

Becoming a member

2.1.1 A person becomes a **member** of the **PSS scheme** under Part 3 of the *Superannuation Act 1990*. This Part of the *Superannuation Act 1990* also provides authority for the Minister to either declare that a particular person is a **member** or is not a **member**.

Types of members

2.1.2 Members are classified according to the nature of their employment in a Department or Commonwealth authority or body as set out in the following Table:

Table - Membership		
Category	Employment	Does NOT include
regular member	permanent full-time	A person paid fees on a daily basis
	permanent part-time	
	temporary full-time	
	temporary part-time with entitlement to holiday leave and sick leave	
casual member	temporary part-time with <u>no</u> entitlement to holiday leave and sick leave	A person who is a regular member
	Paid fees on a daily basis	

Note: Before becoming a member while employed in a temporary full-time or temporary part-time capacity, a person must meet the requirements of section 8 of the *Superannuation Act 1990* in relation to length of employment.

2.1.3 A **regular member** or a **casual member** can be further classified for particular purposes as a **limited benefits member** (see *Division 2 of Part 10*) or a **maximum benefits member** (see *Rule 5.6.1*).

Concurrent memberships

2.1.4 A person may be a member in respect of two or more concurrent employments.

2.1.5 A person who:

- (a) is an eligible employee for the purposes of the **CSS scheme**; or
- (b) has one or more **preserved benefits**;

may also concurrently be a **member** in respect of one or more employments.

Preserved benefit members

2.1.6 A former member who has a **preserved benefit** compulsorily or voluntarily retained in the **PSS scheme**, but not yet paid, is classified as a **preserved benefit member**.

2.1.7 A former member may have two or more preserved benefits. Such preserved benefits may be combined (see *Rules 8.5.4, 8.5.5 and 8.5.6*).

Note: Separate benefits may be payable in respect of periods of concurrent membership and in respect of membership and concurrent preserved benefit membership.

Division 2

Continuation of Membership

Unsuccessful candidates at Parliamentary elections

2.2.1 A person who ceases membership on the voluntary termination of his/her appointment or employment to become a candidate at a **Parliamentary election** is deemed not to have ceased to be a **member**, provided he/she:

- (a) ceased membership within 6 months before nominations for the election closed; and
- (b) was a candidate at the election and failed to be elected; and
- (c) again becomes a **member** as a result of a job application made within 2 months of the election result being declared.

2.2.2 A person who dies or becomes physically or mentally incapacitated after ceasing membership to contest a Parliamentary election may, where considered appropriate by the **Board**, in agreement with the Minister, be deemed to have continued to be a **member** to a particular date and to have died or retired on invalidity grounds while a **member**.

2.2.3 A person who is deemed under this Division not to have ceased to be a **member**:

- (a) is not entitled to any benefits that were payable when he/she ceased membership to contest the election; and
- (b) must repay within a reasonable period the amount of any benefit paid; and
- (c) is deemed to have been in receipt of the annual salary that would have been his/her annual salary had he/she not ceased membership.

Member re-instated

2.2.4 A person who again becomes a **member** immediately following a period where:

- (a) sections 63F, 63G, 66B, 87K, 87M, 87P or 87Q of the *Public Service Act 1922* or, if the *Public Service Act 1922* is not applicable to the **member**, similar provisions applied; and
- (b) he/she would have continued to be a **member** if his/her appointment or employment had not been terminated;

is deemed not to have ceased to be a **member** and must repay any benefit paid to him/her as a result of that termination.