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.

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| 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 A.C.T. | ) |  |
| (address) | ) |  |
|  |  |  |
|  | ) |  |
| PUBLIC SERVANT |  |  |
| (description) | ) |  |

**THE SCHEDULE**

**RULES FOR THE ADMINISTRATION OF THE SUPERANNUATION SCHEME**

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| **PART 1 - INTRODUCTION** |

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| **Division 1** | Understanding these Rules |

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| **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 Invalidity  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. |

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| **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.



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| **Division 2** | Words and Phrases Used in these Rules I |

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| **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.* |

|  |  |
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| **casual member** | means a **member** of the **PSS scheme** by force of section 6 of the *Superannuation Act 1990* who is |
|  | **•** 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 *Commonwealth Employees’ Rehabilitation and Compensation Act 1988* or any period in respect of which persons not covered by that Act are receiving similar compensation payments. |
|  |  |
| **contribution day** | means |
|  |  |
|  | • the Thursday that falls on 5 July 1990, and each succeeding alternate Thursday (*see also rule 4.1.*7); 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 *Superannuation Act 1976* referred to in Rule 14.4.3. |
|  |  |
| **contribution due day** | means: |
|  |  |
|  | • a **contribution day** on which a **member** is required to pay contributions under Part 4; and |
|  |  |
|  | • a **contribution day** for the purposes of the *Superannuation Act 1976* referred to in Rules 5.2.27, 5.3.27 or 14.4.3. |
|  |  |
| **CSS scheme** | means the superannuation scheme established by the *Superannuation Act 1976,* 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: |
|  | • 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 *Public Service Act 1922.* |
|  |  |
| **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 *Superannuation Act 1990.* |
|  |  |
| **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: |
|  |  |
|  | • 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. |

|  |  |
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| **eligible termination payment** | has the same meaning as in the *Income Tax Assessment Act 1936.* |
|  |  |
| **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: |
|  |  |
|  | • 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: |
|  |  |
|  | • 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 *Public Service Act 1922;* 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 *Public Service Act 1922;* or |
|  |  |
|  | • a person who is employed for a fixed term under section 82AD or 82 AE of the *Public Service Act 1922;* 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: |
|  |  |
|  | • 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 *Superannuation Act 1976,* 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: |
|  |  |
|  | • 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 *Superannuation Act 1990* 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 later of: |
|  |  |
|  | • 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: |
|  |  |
|  | • 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 *Income Tax Assessment Act 1936.* |
|  |  |
| **limited benefits member** | is a **member** who: |
|  |  |
|  | • 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: |
|  |  |
|  | • 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: |
|  |  |
|  | • 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:** |
|  |  |
|  | - 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: |
|  |  |
|  | • 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 *Superannuation Act 1976* from his/her **first day of membership** to the date of his/her election to transfer to the **PSS scheme**. |

|  |  |
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| **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 *Superannuation Act 1990.* |
|  |  |
| **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. |

|  |  |
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| **permanent full-time employee** | means: |
|  | • 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 *Public Service Act 1922* 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** | means: |
|  | • 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 *Public Service Act 1922* 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** | 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: |
|  |  |
|  | • remuneration paid as the director of a company; or |
|  |  |
|  | • commission received for canvassing, collecting or similar activities. |
|  |  |
| **pre-assessment payment** | means a payment made under Division 10 of Part 10 of these Rules. |
|  |  |
| **preserved benefit** | 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 . |
|  |  |
| **preserved benefit member** | means a former **member** to or in respect of whom a **preserved benefit** has not yet been paid. |

|  |  |
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| **PSS scheme** | means the superannuation scheme established by the Deed, as amended from time to time, referred to in Section 4 of the *Superannuation Act 1990.* |
|  |  |
| **PSS Fund** | means the Fund established by Deed, as amended from time to time, under the *Superannuation Act 1990.* |
|  |  |
| **Recognized allowances** | 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.**  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. |
|  |  |
| **regular member** | means a **member** of the **PSS scheme** by force of section 6 of the *Superannuation Act 1990* who is: |
|  |  |
|  | • 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; |
|  |  |
|  | but does not include a **member** who is paid fees on a daily basis in respect of an office or position. |
|  |  |
| **roll-over** | means payment by the **Board** to: |
|  |  |
|  | • 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 *Income Tax Assessment Act 1936.* |
|  |  |
|  | • purchase an annuity or **deferred annuity.** |
|  |  |
| **Secretary** | has the same meaning as under the *Public Service Act 1922.* |
|  |  |
| **SIS Act** | means the Superannuation Industry (Supervision) Act 1993 and the regulations in force under that Act. |
|  |  |
| **spouse** | in relation to a **deceased member,** a **deceased limited benefits member,** a **deceased preserved benefit member** or a **deceased pensioner,** means: |
|  |  |
|  | • 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** | means that, because of a physical or mental condition, the person is |
|  |  |
| **incapacitated** | 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 |

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| **PART 2 - MEMBERSHIP** |

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| **Division 1** | Membership |

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| **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.**

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| **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 no 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).*

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| **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.

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| **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).*

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

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| **Division 2** | **Continuation of Membership** |

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| **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.

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| **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.