Commonwealth Coat of Arms

Superannuation (PSSAP) Trust Deed

made under section 10 of the

Superannuation Act 2005

**Compilation No. 20**

**Compilation start date:** 31 January 2020

**Includes amendments up to:** F2020L00064

**Registered:** 19 February 2020

**About this compilation**

**This compilation**

This is a compilation of the *Superannuation (PSSAP) Trust Deed* that shows the text of the law as amended and in force on 31 January 2020 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

**TABLE OF PROVISIONS**

**Clause Item**

1. Interpretation

2. Establishment of the Public Sector Superannuation Accumulation Plan (PSSAP) and the PSSAP Fund

3. Functions and Powers of CSC in relation to PSSAP

5. Operation of the PSSAP Fund

6. Investment of the PSSAP Fund

7. Requests by Minister for Information

8. Delegation by CSC

9. Delegations by the Minister for Finance and Administration

TRUST DEED

THIS DEED, to be known as the Superannuation (PSSAP) Trust Deed, is made on 29 June 2005 by the COMMONWEALTH OF AUSTRALIA.

WHEREAS section 10 of the *Superannuation Act 2005* (in this Deed called the “Act”) provides that before 1 July 2005, the Minister must, for and on behalf of the Commonwealth, by deed:

1. establish a superannuation scheme that:
   1. is to be known as the Public Sector Superannuation Accumulation Plan;
   2. may also be known as PSSAP; and
   3. is for the benefit of persons who will be members of PSSAP; and

(b) establish and vest in the Australian Reward Investment Alliance (formerly known at the PSS Board) established under section 20 of the *Superannuation Act 1990* (the “Board”), a fund for the purposes of the PSSAP; and

(c) set out the functions and powers of CSC in relation to PSSAP and the PSSAP Fund;

AND WHEREAS section 12 of the Act provides that the Rules for the administration of PSSAP set out in the Schedule to the Deed referred to in section 10 of the Act (in this Deed called the Rules):

1. may provide that, when a splitting agreement or splitting order is received by CSC in respect of a superannuation interest under the Act;

(i) the non‑member spouse is entitled to benefits determined in accordance with the Rules; and

(ii) the benefits of the member spouse are reduced in accordance with the Rules; and

1. may include any other provision that is related to, or consequential on, provisions referred to in paragraph (a) concerning a splitting agreement or splitting order;

NOW THIS DEED WITNESSES AS FOLLOWS:

|  |  |
| --- | --- |
| **1** | **Interpretation** |

1.1 In this Deed, where the context requires or admits, a reference to the Deed shall include a reference to the Rules, as set out in the Schedule, and the Rules shall form part of the Deed. In the case of an inconsistency between the Deed and the Rules, the Deed shall prevail.

1.2 In this Deed, where the context requires or admits, words and expressions defined in the Act have the same meanings when used in the Deed. The headings in this Deed are for the convenience of reference only and shall not affect its interpretation.

1.4 In this Deed, “Minister” means:

(a) the Commonwealth Minister of State for Finance;

(b) if 2 or more Commonwealth Ministers administer Departments which have functions in relation to the administration of matters to which the Deed relates, the Minister who administers the Department which has the function in relation to each of those matters; or

(c) a member of the Executive Council acting for the time being for and on behalf of any of those Ministers; or

(d) a person, as defined in clause 9, to whom the Minister for Finance has delegated his powers.

1.5 In this Deed, “APS employee” has the same meaning as in the *Public Service Act 1999*.

1.7 In this Deed, “PSSAP member” means a person who is a member of PSSAP due to the operation of Part 3 of the Act.

*Subclauses 1.3, 1.6 and 1.8 deleted in the 5th amending deed.*

|  |  |
| --- | --- |
| **2** | **Establishment of the Public Sector Superannuation Accumulation Plan (PSSAP) and the PSSAP Fund** |

2.1 There is hereby established from 1 July 2005 a superannuation scheme (to be known as the “Public Sector Superannuation Accumulation Plan” or “PSSAP”) for the benefit of members of PSSAP and non‑member spouses entitled to benefits, to be administered in accordance with the Deed:

(a) in relation to the period from 1 July 2005 to immediately before the commencement of the *Governance of Australian Government Superannuation Schemes Act 2011*, by the Australian Reward Investment Alliance (which, in this Deed, is called “the Board”); and

(b) in relation to the period immediately following the commencement of the *Governance of Australian Government Superannuation Schemes Act 2011*, by the Commonwealth Superannuation Corporation (CSC) as defined in the *Governance of Australian Government Superannuation Schemes Act 2011* (in this Deed called “CSC”).

2.2 There is hereby established from 1 July 2005, and vested in CSC (formerly referred to as “the Board”), a fund for the purposes of PSSAP (to be known as the PSSAP Fund”).

|  |  |
| --- | --- |
| **3** | **Functions and Powers of CSC in relation to PSSAP** |

3.1 The functions of CSC in relation to PSSAP and the PSSAP Fund are to administer PSSAP and to manage and invest the PSSAP Fund in accordance with the provisions of the Act and this Deed including, without limiting the generality of the foregoing, the following functions:

(a) to receive payments from designated employers as provided for in the Act and other superannuation entities in accordance with this Deed;

(b) to pay benefits to the persons entitled to receive benefits from PSSAP in accordance with the Act and this Deed;

(c) to provide information about benefits or potential benefits, and available options, to:

(i) PSSAP members;

(ii) non‑member spouses; and

(iii) potential PSSAP members;

(d) to provide advice to the Minister on proposed changes to the Act and the Deed; and

(e) to determine interest rates for the purposes of PSSAP.

3.2 CSC has power in Australia and elsewhere to do all things necessary or convenient to be done for, or in connection with, the performance of its functions and, in particular, may:

(a) give guarantees;

(b) underwrite or sub‑underwrite any form of investment including the underwriting or sub‑underwriting of the issue of shares, debentures or units in a unit trust;

(c) borrow moneys and give security over the whole or any part of the assets of the PSSAP Fund;

(d) appoint agents and attorneys;

(e) act as agent for other persons;

(f) engage consultants and investment managers;

(g) engage a panel of persons to assist it in determining whether a person is to be retired on the grounds of invalidity;

(h) establish a Reconsideration Advisory Committee or Committees to examine and report on decisions of CSC and its delegates under the Rules relating to entitlements to benefits of PSSAP members and non‑member spouses entitled to benefits;

(i) effect policies with insurers in CSC’s name to provide death and invalidity cover and income protection cover for members in accordance with the Rules;

(j) take action to control or manage, or to enhance or protect, the value of, any investment made out of the PSSAP Fund, or to enhance or protect, the return on any such investment;

(k) arrange for the purchase of income products, including retirement income products, by members, non‑members and beneficiaries as provided for in the Rules;

(l) establish a trust for the purpose of investing the PSSAP Fund and manage and administer the trust; and

(m) charge reasonable fees relating to the costs of the administration of the Act and this Deed, including arrangements connected with PSSAP members and non‑member spouses choosing particular investment strategies and arrangements connected with splitting of superannuation interests under the *Family Law Act 1975*.

3.3 In exercising its functions and powers, CSC shall comply with the requirements of the *Superannuation Industry (Supervision) Act 1993* and Regulations made under that Act, and have regard to the interests of PSSAP members, their employers and non‑member spouses entitled to benefits.

3.4 CSC must cause proper records to be kept in respect of:

(a) contributions paid into the PSSAP Fund; and

(b) benefits paid under the Act and this Deed.

**Notes:**

1. Under section 52 of the *Superannuation Industry (Supervision) Act 1993*, this Deed is taken to contain the covenants set out in that section.

|  |  |
| --- | --- |
| **5** | **Operation of the PSSAP Fund** |

5.1 All contributions and other moneys paid to CSC for the purposes of PSSAP, or as directed by CSC, shall be held in trust by CSC in the PSSAP Fund. The PSSAP Fund shall be managed and invested by CSC in accordance with the Act and the Deed.

5.2 The PSSAP Fund shall comprise:

(a) contributions made by members;

(b) contributions made by employers pursuant to the Act and the Deed;

(c) any other moneys paid or transferred to CSC pursuant to the Act and the Deed or which become subject to the trusts of the Deed;

(d) the income arising or derived from investments held within the PSSAP Fund; and

(e) any accretions to or profits on realisation of investments held within the PSSAP Fund.

5.3 CSC must pay the following out of the PSSAP Fund:

(a) benefits in respect of PSSAP members;

(b) costs of the administration of the Act and this Deed;

(c) taxes relating to PSSAP and the PSSAP Fund.

**Note:**

The costs of the administration of the Act and this Deed include the costs of and incidental to both the management of the PSSAP Fund by CSC and the investment of money from the PSSAP Fund.

*Subclauses 5.4 and 5.5 deleted in the 5th amending deed.*

|  |  |
| --- | --- |
| **6** | **Investment of the PSSAP Fund** |

6.1 For the purposes of this clause:

(a) “invest” means expend moneys with a view to obtaining a present or future financial return (whether by way of income, profit or otherwise); and

(b) “profit” includes capital profit.

6.2 Moneys standing to the credit of the PSSAP Fund which are, in the opinion of CSC, moneys that are not for the time being required for the purpose of making payments out of the PSSAP Fund under the Act and the Deed shall, so far as is practicable, be invested by CSC in accordance with the Act and the Deed, but CSC shall so manage the PSSAP Fund that moneys that are from time to time required to pay benefits that are payable out of the PSSAP Fund are available for that purpose.

6.3 Moneys that, by virtue of subclause 6.2, are required to be invested by CSC may be invested in any manner and, without limiting the generality of the foregoing, may be invested by CSC jointly with another person or other persons.

6.4 CSC must determine an investment strategy and policy of the PSSAP Fund as soon as possible after 1 July 2005 and thereafter regularly review such a strategy and policy, and, where it considers it necessary or desirable, change its existing investment strategy or policy. In determining and reviewing its investment strategy and policy, CSC shall consult with such persons or bodies as it thinks fit.

6.5 CSC shall invest moneys standing to the credit of the PSSAP Fund that are available for investment only through an investment manager or managers who undertake to invest, and manage the investment of those funds on behalf of CSC.

6.6 CSC shall ensure that any investment manager engaged by CSC in relation to the PSSAP Fund:

(a) operates within the investment powers of CSC and the investment strategy and policy as determined for the time being by CSC; and

(b) reports to CSC on the state of CSC’s investments and the investment market at such times and in such manner as CSC determines.

|  |  |
| --- | --- |
| **7** | **Requests by Minister for Information** |

7.1 CSC shall furnish to the Minister such information relating to the general administration and operation of PSSAP and the PSSAP Fund as the Minister may from time to time require.

|  |  |
| --- | --- |
| **8** | **Delegation by CSC** |

8.1 Subject to subclause 8.2, CSC may by an instrument under its seal delegate to:

(a) a director of CSC; or

(c) a member of the staff of CSC; or

(d) an APS employee in the Department referred to in subclause 1.4; or

(e) an officer or employee of the person who is responsible for investing money forming part of a superannuation fund vested in or managed by CSC; or

(f) any other person who performs duties in connection with the operation of the Deed; or

(g) a committee consisting of 2 or more persons each of whom is a person referred to in any of the above paragraphs; or

(h) any other person;

* + - 1. all or any of its powers under the Deed other than its power to reconsider its own decisions or decisions made by its delegates.

8.2 CSC may by an instrument under its seal delegate to a Reconsideration Advisory Committee established under the Rules CSC’s power to reconsider its own decision or a decision made by its delegate in relation to PSSAP or the PSSAP Fund and to determine the matter by:

(a) affirming the decision under reconsideration; or

(b) varying the decision; or

(c) substituting another decision; or

(d) setting the decision aside;

and, at its discretion, refunding any fee paid.

8.3 If CSC delegates a power under subclause 8.1, other than paragraph (h), the delegate may, by writing, sub‑delegate the power:

(a) if the delegate is a director of CSC — to:

(i) another director of CSC; or

(ii) a person referred to in paragraph 8.1(c), (d), (e) or (f); or

(c) if the delegate is a person referred to in paragraph 8.1(c), (d), (e) or (f) — to:

(i) another person referred to in the same paragraph; or

(ii) a person referred to in another of those paragraphs.

8.4 Section 34AA and paragraphs 34AB(a), (b) and (d) of the *Acts Interpretation Act 1901* apply in relation to a sub‑delegation in a corresponding way to the way in which they apply to a delegation.

8.5 Section 34A and paragraphs 34AB(c) and (d) of the *Acts Interpretation Act 1901* apply in relation to a sub‑delegation as if it were a delegation.

|  |  |
| --- | --- |
| **9** | **Delegations by the Minister for Finance** |

9.1 The Minister may by signed instrument delegate all or any of his or her powers under the Deed, other than this power of delegation, to:

(a) CSC; or

(b) an APS employee in the Department referred to in subclause 1.4; or

(c) a director of CSC; or

(d) a member of the staff of CSC.

**THE SCHEDULE**

**RULES FOR THE ADMINISTRATION OF THE PUBLIC SECTOR   
SUPERANNUATION ACCUMULATION PLAN (PSSAP) (THE RULES)**

**TABLE OF PROVISIONS**

|  | **Description** | **Page Number** |
| --- | --- | --- |
|  |  |  |
|  | **Part 1 — Introduction** |  |
|  |  |  |
|  | Division 1 — Understanding the Rules |  |
|  |  |  |
|  | Structure of the Rules | 15 |
|  |  |  |
|  | Division 2 — Words and phrases used in the Rules |  |
|  |  |  |
|  | Explanations of certain words and phrases | 17 |
|  |  |  |
|  | **Part 2 — Membership and Contributions** |  |
|  |  |  |
|  | Division 1 — Membership |  |
|  |  |  |
|  | Becoming a PSSAP member | 26 |
|  | Concurrent memberships ‑ ordinary employer‑sponsored member | 26 |
|  | Concurrent memberships ‑ current government scheme member | 27 |
|  | Concurrent memberships ‑ ordinary employer‑sponsored and government scheme member | 27 |
|  |  |  |
|  | Division 1A — MySuper product |  |
|  |  |  |
|  | MySuper product | 28 |
|  | MySuper product – general characteristics | 28 |
|  | MySuper product – fees | 29 |
|  | MySuper product – insurance | 29 |
|  |  |  |
|  | Division 2 — Contributions by employers |  |
|  |  |  |
|  | Basic contributions by designated employers | 30 |
|  | Superannuation salary | 30 |
|  | Additional employer contributions | 31 |
|  | Additional employer contributions ‑ salary sacrifice contributions for current government scheme members | 31 |
|  | Method of payment of employer contributions | 32 |
|  | Payments to be paid into the PSSAP Fund | 32 |
|  | Reporting of employer contributions | 32 |
|  |  |  |
|  | Division 3 — Contributions by ordinary employer‑sponsored members |  |
|  |  |  |
|  | When employee contributions can be made | 33 |
|  | Eligible spouse contributions | 33 |
|  | Income protection superannuation contribution amount | 33 |
|  | Method of payment of contributions | 33 |
|  | Payments to be paid into the PSSAP Fund | 33 |
|  |  |  |
|  | Division 3A — Contributions by current government scheme members |  |
|  |  |  |
|  | When current government scheme member contributions can be made | 34 |
|  | Eligible spouse contributions | 34 |
|  | Method of payment of employee contributions and eligible spouse contributions | 34 |
|  | Payments to be paid into the PSSAP Fund | 34 |
|  |  |  |
|  | Division 3B — Contributions for consolidation with pension accounts |  |
|  |  |  |
|  | When contributions can be made for consolidation purposes | 35 |
|  | Eligible spouse contributions | 35 |
|  | Method of payment of contributions and eligible spouse contributions | 36 |
|  | Payments to be paid into the PSSAP Fund | 36 |
|  |  |  |
|  | Division 4 — Transfer amounts |  |
|  |  |  |
|  | Amounts that may be transferred or rolled‑over into the PSSAP Fund | 37 |
|  | Method of payment of transfer amounts | 38 |
|  | Payments to be paid into the PSSAP Fund | 38 |
|  |  |  |
|  | Division 4A — Contributions‑Splitting Superannuation  Benefits |  |
|  |  |  |
|  | When contributions‑splitting superannuation benefits can be paid to CSC | 39 |
|  |  |  |
|  | Division 5 — Administration fees |  |
|  |  |  |
|  | Administration fees for PSSAP members | 40 |
|  |  |  |
|  | **Part 3 — Benefits** |  |
|  |  |  |
|  | Division 1 — Benefits |  |
|  |  |  |
|  | Applications for payment of benefits | 41 |
|  | Payment of benefits to a PSSAP member who has ceased to be an ordinary employer‑sponsored member | 41 |
|  | Payment of benefits to a PSSAP member on compassionate and financial hardship grounds | 42 |
|  | Payment of benefits to ordinary employer‑sponsored members | 42 |
|  | Payment of benefits to a legal personal representative where member not deceased | 42 |
|  | Payment of death benefits | 42 |
|  | Payment in accordance with a release authority | 43 |
|  | Preservation of benefits not paid | 43 |
|  | Applications for roll‑over or transfer of benefits | 43 |
|  | Preservation or transfer of benefits | 44 |
|  | Payment of benefits to eligible roll‑over fund | 44 |
|  | Payment of contributions‑splitting superannuation benefits | 44 |
|  |  |  |
|  | Division 2 — Death benefits |  |
|  |  |  |
|  | Who is entitled to be paid death benefits | 45 |
|  |  |  |
|  | Division 3 — Permanent invalidity |  |
|  |  |  |
|  | Scope of Division | 46 |
|  | Application for approval of invalidity retirement | 46 |
|  | Invalidity retirement process | 46 |
|  |  |  |
|  | Division 4 — Income protection benefits |  |
|  |  |  |
|  | Income protection benefits | 47 |
|  | Assessment of applications for income protection benefits | 47 |
|  | Payment of income protection benefits | 47 |
|  |  |  |
|  | Division 5 — Retirement income products |  |
|  |  |  |
|  | CSC may arrange income products | 48 |
|  |  |  |
|  | Division 6 — Account‑based pensions provided by CSC |  |
|  |  |  |
|  | Payment of account‑based pensions | 49 |
|  | Pension account | 50 |
|  | Commutation of amounts held in pension account | 50 |
|  | Fees, costs and expenses relating to pension accounts | 51 |
|  | Pension account – member investment choice on death | 52 |
|  | References in other rules | 52 |
|  | Nomination of reversionary beneficiary | 52 |
|  | Death of a person with a pension account | 52 |
|  |  |  |
|  | **Part 4 — Insurance** |  |
|  |  |  |
|  | Division 1 — Death and invalidity cover |  |
|  |  |  |
|  | CSC to arrange policy | 53 |
|  | Provision of death and invalidity cover | 53 |
|  | Claims by CSC | 54 |
|  | Death and invalidity cover premiums | 54 |
|  | Cessation of death and invalidity cover | 55 |
|  |  |  |
|  | Division 3 — Income protection cover |  |
|  |  |  |
|  | CSC to arrange policy | 56 |
|  | Provision of income protection cover | 56 |
|  | Cessation of income protection cover | 57 |
|  | Income protection cover premiums | 57 |
|  |  |  |
|  | **Part 5 — Other** **Matters** |  |
|  |  |  |
|  | Division 1 — Personal accumulation account |  |
|  |  |  |
|  | CSC must keep personal accumulation accounts | 58 |
|  | Accumulation amount | 58 |
|  |  |  |
|  | Division 2 — Crediting of fund earnings and debiting of fund losses |  |
|  |  |  |
|  | Crediting of earnings and debiting of expenses and losses | 60 |
|  |  |  |
|  | Division 3 — Superannuation surcharge |  |
|  |  |  |
|  | Application of the Superannuation Contributions Tax | 61 |
|  |  |  |
|  | Division 4 — Member investment choice |  |
|  |  |  |
|  | Member Investment Choice | 62 |
|  |  |  |
|  | Division 5 — Incorrectly paid amounts |  |
|  |  |  |
|  | CSC must redirect incorrectly paid amounts and correct the PSSAP Fund | 63 |
|  | CSC must redirect incorrectly paid amounts and correct personal accumulation accounts, pension accounts and non‑member spouse accounts | 63 |
|  | CSC must return contributions that should not have been accepted | 63 |
|  |  |  |
|  | **Part 6 — Review of Decisions** |  |
|  |  |  |
|  | Division 1 — Reconsideration Advisory Committees |  |
|  |  |  |
|  | Establishing Reconsideration Advisory Committees | 65 |
|  | CSC responsibilities to Reconsideration Advisory Committees | 65 |
|  | Recommendation by Reconsideration Advisory Committees | 65 |
|  |  |  |
|  | Division 2 — Reconsidering delegate’s decisions |  |
|  |  |  |
|  | Request for reconsideration | 66 |
|  | Reconsideration of decision of delegate | 66 |
|  | Decision to be notified to affected person | 66 |
|  |  |  |
|  | Division 3 — Reconsidering CSC Decisions |  |
|  |  |  |
|  | Request for reconsideration | 67 |
|  | Clear decision in favour of person | 67 |
|  | Reconsideration of decision of CSC | 67 |
|  | Decision to be notified to affected person | 68 |
|  |  |  |
|  | Division 4 — CSC initiated reconsiderations |  |
|  |  |  |
|  | CSC may initiate a reconsideration of a decision | 69 |
|  |  |  |
|  | **Part 7 — Family Law Superannuation Splitting** |  |
|  |  |  |
|  | Division 1 — CSC powers and duties: superannuation interests subject to payment split |  |
|  |  |  |
|  | Powers and duties of CSC: adoption of SIS Regulations | 70 |
|  |  |  |
|  | Division 2 — CSC to establish a non‑member spouse interest account where a non‑member spouse interest is created |  |
|  |  |  |
|  | CSC to establish a non‑member spouse interest account | 71 |
|  | Administration fees debited from non‑member spouse interest account | 71 |
|  | Payments made under a release authority | 71 |
|  | CSC to consolidate non‑member spouse interest account and personal accumulation account | 71 |
|  |  |  |
|  | Division 3 — Rights and restrictions applying to a non‑member spouse interest |  |
|  |  |  |
|  | CSC may determine terms and conditions for non member spouse interest | 72 |
|  | Right of non‑member spouse to benefits | 72 |
|  | Right of person claiming death benefits | 72 |
|  | CSC may offer non‑member spouse choice of investment strategy | 72 |
|  | Employee contributions not able to be credited to non‑member spouse interest account | 72 |

|  |
| --- |
| PART 1 — INTRODUCTION |

|  |  |
| --- | --- |
| **Division 1** | **Understanding the Rules** |

Structure of the Rules

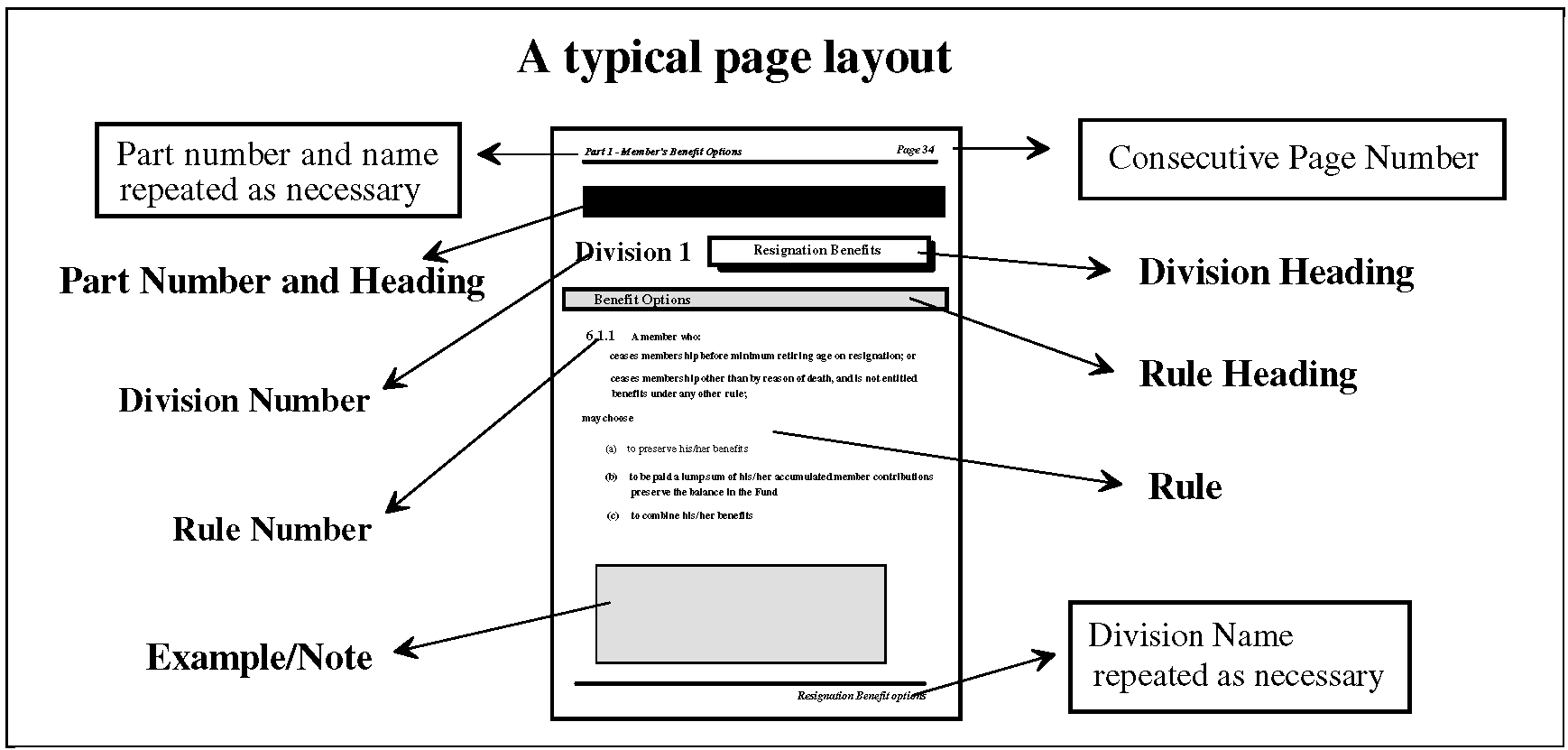
**1.1.1** These Rules are divided into 7 Parts, each dealing with a major aspect of the operation of **PSSAP**. The Parts and a general guide to each Part are set out below.

|  |  |  |
| --- | --- | --- |
| **Guide to the 7 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 and contributions | How you become a member of PSSAP. Also covers the payment to **CSC** of contributions and transfer amounts in respect of an ordinary employer‑sponsored member of PSSAP by designated employers and by or on behalf of employees and the transfer of amounts to the plan from other superannuation entities. |
| 3 | 1. Benefits and payments | Payment of benefits, roll‑over of amounts from PSSAP, invalidity benefits, income protection benefits, transition to retirement products and retirement income products. |
| 4 | Insurance | Provision of death and invalidity cover and income protection cover. |
| 5 | Other matters | Personal accumulation accounts, investment earnings and losses, superannuation surcharge and member investment choice. |
| 6 | 1. Review of decisions | The internal review mechanisms available to have a decision of **CSC** or its delegate reconsidered in relation to PSSAP. |
| 7 | 1. Family Law Superannuation Splitting | Splitting of superannuation between a member spouse and a non‑member spouse following a splitting agreement or splitting order under the *Family Law Act 1975*. |

**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, the second number refers to the Division number within that Part and the third to the Rule number within that Division. For example, Rule 2.3.1 is the first Rule in Division 3 of Part 2 of the Rules.

**1.1.4** There are several notes within the Rules to help readers understand the more complicated superannuation concepts or to inform them of the need to refer to another area of the Rules. However, these aids (including Part, Division and Rule headings) do not form part of the Rules.



|  |  |
| --- | --- |
| **Division 2** | **Words and phrases used in the Rules** |

Explanations of certain words and phrases

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

|  |  |
| --- | --- |
| **account‑based pension** | has the same meaning as in the **SIS Regulations.** |
| **accumulation amount** | in relation to a **PSSAP member** means the amount specified in Rule 5.1.4. |
| **additional employer contributions** | means, in respect of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**), contributions made by the **designated employer** of that member under Rule 2.2.4, and, in respect of a **current government scheme member**, salary sacrifice contributions made by the **designated employer** of that member under Rule 2.2.4A. |
| **APS Agency** | means an Agency within the meaning of the *Public Service Act 1999*. |
| **assessment** | has the same meaning as in the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*. |
| **Australian government superannuation scheme member** | has the same meaning as in the **Act**. |
| **AWA** | means an “AWA” within the meaning of clause 1 of Schedule 7A to the *Workplace Relations Act 1996*, as continued in existence as a transitional instrument under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009.* |
| **basic employer contributions** | means, in respect of an **ordinary employer‑sponsored member**:  (a) contributions paid by the **designated employer** of that member under Rule 2.2.1; or  (b) contributions paid by the **designated employer** of that member as mentioned in Rule 2.2.1A. |
| **benefit application** | means a written application to **CSC** requesting **CSC** to pay a benefit under these Rules. |
| **binding member nomination** | means a notice in such form and manner as **CSC** specifies from time to time that meets the requirements of the **SIS Act**,given by a **PSSAP member** to **CSC** requiring **CSC** to pay some or all of a **PSSAP member**’s benefit on or after their death to the person or persons mentioned in the notice. |
| **cashed** | has the same meaning as in the **SIS Act**. |
| **commutation authority** | means a commutation authority issued by the Commissioner of Taxation for the commutation of a superannuation income stream. |
| **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 *Safety, Rehabilitation and Compensation Act 1988* or any period in respect of which persons not covered by that Act are receiving similar compensation payments. |
| **contributions‑splitting superannuation benefit** | means a payment made in accordance with subregulation 6.45(2) of the **SIS Regulations**. |
| **CSC** | (short for Commonwealth Superannuation Corporation) has the same meaning as in the *Governance of Australian Government Superannuation Schemes Act 2011*. |
| **CSS** | means the superannuation scheme established by the *Superannuation Act 1976*, known as the Commonwealth Superannuation Scheme. |
| **current government scheme member** | means a person who has a PSSAP membership because they were, and continue to be, an **Australian government superannuation scheme member**. |
| **death and invalidity cover** | means insurance coverage provided or offered to **PSSAP members** and **non‑member spouses** under Division 1 of Part 4 of the Rules. |
|  | **Note**:   Where a **current government scheme member**, who is employed by two or more **designated employers**, ceases to be the employee of one or more, but not all, of those **designated employers**, the person does not cease to be a **current government scheme member**. Also, where a person is a **current government scheme member** with one **designated employer** and, upon ceasing to be the employee of that **designated employer**, immediately becomes the employee of another **designated employer**, the person does not cease to be a **current government scheme member**. See Rule 2.1.5. |
| **decision** | for the purposes of reconsidering decisions of **CSC** under Part 6 of the Rules, includes:  (a) making, suspending, revoking or refusing to make an order or determination;  (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission;  (c) issuing, suspending, revoking or refusing to issue an authority or other instrument;  (d) imposing a condition or restriction;  (e) making a declaration, demand or requirement;  (f) retaining, or refusing to deliver up, an article; and  (g) doing or refusing to do any other act or thing;  under the Rules. |
| **dependant** | has the same meaning as in the **SIS Act**. |
| **designated employer** | in relation to an **ordinary employer‑sponsored member**, or a **current government scheme member**, is the designated employer of that member determined in accordance with section 19 of the **Act**. |
| **directed termination payment** | has the same meaning as in the *Income Tax (Transitional Provisions) Act 1997*. |
| **director** | has the same meaning as in the *Governance of Australian Government Superannuation Schemes Act 2011*. |
| **eligible roll‑over fund** | has the same meaning as in the **SIS Act**. |
| **eligible spouse contributions** | has the same meaning as in the**SIS Act**. |
| **employee contributions** | means contributions paid by a **PSSAP member** under Rules 2.3.1, 2.3A.1 or 2.3B.1. |
| **employer contribution shortfall** | means the amount, if any, reported under Rule 2.2.10. |
| **enterprise agreement** | means a “enterprise agreement” within the meaning of section 12 of the *Fair Work Act 2009*. |
| **former** **Australian government superannuation scheme member** | has the same meaning as in the **Act**. |
| **former Commonwealth ordinary employer‑sponsored member** | has the same meaning as in the **Act**. |
| **former** **government scheme member** | means a person who has a PSSAP membership because they were, and continue to be, a **former Australian government superannuation scheme member**. |
| **general insurance company** | has the same meaning as in the *Income Tax Assessment Act 1997*. |
| **government scheme member** | means a person who has a PSSAP membership because they are or were an **Australian government superannuation scheme member** or **former Australian government superannuation scheme member**. |
| **income protection benefits** | means benefits payable under Division 4 of Part 3. |
| **income protection cover** | means insurance cover provided in respect of **PSSAP members** or **non‑member spouses** under Division 3 of Part 4 of the Rules. |
| **income protection superannuation contribution amount** | means a payment paid by an **insurance company** under an income protection insurance policy which intends to represent a superannuation contribution during a period of sickness or incapacity of the policy holder. |
| **insurance company** | means either a **life insurance company** or **general insurance company**. |
| **insurance premium** | means any amounts payable in respect of a **PSSAP member** or a **non‑member spouse** for insurance coverage under Part 4 of the Rules. |
| **invalidity retirement** | means the termination of the employment of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) on the ground that they are unable to perform their duties because of any mental or physical condition. |
| **legal personal representative** | has the same meaning as in the **SIS Act**. |
| **life insurance company** | has the same meaning as in the *Income Tax Assessment Act 1997*. |
| **maternity or parental leave** | in relation to an **ordinary employer‑sponsored member** means leave of absence taken:  (a) in relation to the birth of a child of the person; or  (b) because the person’s pregnancy ended for reasons other than birth; or  (c) in relation to the adoption of a child by the person. |
| **member‑financed benefits** | has the same meaning as in the **SIS Act**. |
| **member spouse** | in relation to a superannuation interest in the **PSSAP Fund**, means the spouse who has the superannuation interest. |
| **MySuper product** | has the same meaning as in the **SIS Act.** |
| **non‑commutable allocated annuity** | has the same meaning as in the **SIS Act**. |
| **non‑commutable allocated pension** | has the same meaning as in the **SIS Act**. |
| **non‑commutable annuity** | has the same meaning as in the **SIS Act**. |
| **non‑commutable income stream** | has the same meaning as in the **SIS Act**. |
| **non‑commutable pension** | has the same meaning as in the **SIS Act**. |
| **non‑member spouse** | in relation to a superannuation interest in the **PSSAP Fund**, means the spouse who is not the member spouse in relation to that interest. |
| **non‑member spouse interest** | means an interest created in the **PSSAP Fund** for the **non‑member spouse** under Part 7 of the Rules. |
| **non‑member spouse interest account** | means an account created by **CSC** in respect of a **non‑member spouse interest** under Rule 7.2.1. |
| **ordinary employer‑ sponsored member** | means a person who is an **ordinary employer‑sponsored member** of **PSSAP** in accordance with Part 4 of the **Act**.  **Note:**   Where an **ordinary employer‑sponsored member**, who is employed by two or more **designated employer**s, ceases to be the employee of one or more, but not all, of those **designated employer**s, the person does not cease to be an **ordinary employer‑sponsored member**. Also, where a person is an **ordinary employer‑sponsored member** with one **designated employer** and, upon ceasing to be the employee of that **designated employer**, immediately becomes the employee of another **designated employer**, the person does not cease to be an **ordinary employer‑sponsored member**. See Rule 2.1.2. |
| **ordinary time earnings** | has the same meaning as in the *Superannuation Guarantee (Administration) Act 1992*. |
| **other approved employment** | means:  (a) employment with an organisation or association registered or recognised under the *Fair Work (Registered Organisations) Act 2009*, the membership of which includes people who are members of the **CSS** or the **PSS** or the **PSSAP** or a body consisting of such organisations;  (b) if the person is employed in an **APS Agency** — employment that is approved by the Agency Head (within the meaning of the *Public Service Act 1999*) of the Agency on the basis that the engagement of the person in the other employment is in the interests of the Australian Public Service; or  (c) if the person is not employed in an **APS Agency** — employment that is approved by the person’s **designated employer** on the basis that the engagement of the person in the other employment is in the interests of the **designated employer**;  provided the temporary employer agrees to reimburse the **designated employer** for the cost of making **basic employer contributions**. |
| **pay advice document** | means a pay‑slip or other document advising an employee about the amount of salary or wages paid for a period of time and includes a document in electronic form. |
| **pay day** | means the day on which a regular salary payment is made by a **designated employer** to an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) and, in the case of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) who:  (a) is referred to in Rule 2.2.2(b); and  (b) does not receive a salary payment from a **designated employer** due to a period of:  (i) unpaid leave of 12 weeks or less; or  (ii) **maternity or parental leave**; or  (iii) sick leave without pay; or  (iv) a period of **compensation leave**; or  (v) a period of leave of absence for the purposes of engaging in **other approved employment**,  also means the day that the **ordinary employer‑sponsored** **member** would otherwise have received a salary payment from the **designated employer**. |
| **pension account** | means an account established by **CSC** under Rule 3.6.4. |
| **permanent incapacity** | has the same meaning as in the **SIS Act**. |
| **personal accumulation account** | means the account kept by **CSC** for each **PSSAP member** under Division 1 of Part 5 of the Rules. |
| **pre‑reform AWA** | means a “pre‑reform AWA” within the meaning of clause 1 of Schedule 7 to the *Workplace Relations Act 1996*, as continued in existence as a transitional instrument under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*. |
| **pre‑reform certified agreement** | means a “a pre‑reform certified agreement” within the meaning of clause 1 of Schedule 7 to the *Workplace Relations Act 1996*, as continued in existence as a transitional instrument under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*. |
| **preservation age** | has the same meaning as in the **SIS Act**. |
| **PSS member** | means a person who is a member of the **PSS** due to the operation of Part 3 of the 1990 Act*.* |
| **PSS** | means the superannuation scheme established by the Trust Deed, as amended from time to time, referred to in section 4 of the 1990 Act. |
| **PSSAP pensioner** | means a person who has a **pension account** or accounts, other than a **reversionary beneficiary**. |
| **quarter** | has the same meaning as in the *Superannuation Guarantee (Administration) Act 1992*. |
| **release authority** | means a release authority issued under the **taxation legislation** for the release of an amount held in a member’s account. |
| **remuneration determination** | means:  (a)any determination made under the *Remuneration Tribunal Act 1973*: or  (b)any determination made under another Act or a law of a Territory in respect of remuneration for a person holding a statutory office or appointed under an Act or law of a Territory, not being a determination of remuneration made under section 24 of the *Public Service Act 1999* or section 24 of the *Parliamentary Service Act 1999*; or  (c)an assignment to an amount of remuneration under subsection 14(3) of the *Remuneration Tribunal Act 1973* for a Secretary of a Department appointed under the *Public Service Act 1999*. |
| **reversionary beneficiary** | means a person who is receiving an **account‑based pension** because of the death of a **PSSAP pensioner**. |
| **roll‑over** | has the same meaning as in the **SIS Act**. |
| **roll‑over application** | means a written application to **CSC** requesting **CSC** to **roll‑over** or **transfer** benefits from the **PSSAP** to a **superannuation entity**, an **RSA** or a **life insurance company**. |
| **roll‑over superannuation benefit** | has the same meaning as the *Income Tax Assessment Act 1997*. |
| **RSA** | has the same meaning as in the **SIS Act**. |
| **shortfall component** | means the shortfall component within the meaning of section 64A or 64B of the *Superannuation Guarantee (Administration) Act 1992*. |
| **SIS Act** | means the *Superannuation Industry (Supervision) Act 1993* and the regulations in force under that Act. |
| **SIS Regulations** | means the *Superannuation Industry (Supervision) Regulations 1994*. |
| **standard risk** | in relation to an **ordinary employer‑sponsored member** being assessed by a life office for the provision of **supplementary death and invalidity cover** or **income protection cover** under Part 4 of the Rules, means an **ordinary employer‑sponsored member** who does not:  (a) suffer from any physical or mental incapacity or condition; or  (b) engage in any hazardous occupation or pursuit. |
| **superannuation entity** | has the same meaning as in the **SIS Act**. |
| **superannuation salary** | has the meaning given in Rule 2.2.2. |
| **surcharge** | has the same meaning as in the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*. |
| **surchargeable contributions** | has the same meaning as in the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*. |
| **taxation legislation** | means the *Taxation Administration Act 1953*, the *Income Tax Assessment Act 1997* or the *Income Tax (Transitional Provisions) Act 1997*. |
| **temporary incapacity** | has the same meaning as in the **SIS Act**. |
| **total benefit** | in relation to a **PSSAP member**, means the balance of the member’s **personal accumulation account** at the end of the day before the benefit is paid. |
| **transfer** | has the same meaning as in the **SIS Act**. |
| **transfer amount** | means an amount transferred or rolled‑over in respect of:  (a) an **ordinary employer‑sponsored member** to **CSC** under Rule 2.4.1; or  (b) a **PSSAP member** to **CSC** under Rule 2.4.1A or Rule 2.4.1D; or  (c) a **current government** scheme **member** to **CSC** under Rule 2.4.1B; or  (d) a **former government scheme member** to **CSC** under Rule 2.4.1C;  less income tax payable by the **PSSAP Fund** in relation to that amount. |
| **transitional member** | means an **ordinary employer‑sponsored member** who has attained their **preservation age**. |
| **transition to retirement income stream** | has the same meaning as in the **SIS Act**. |
| **workplace agreement** | means a “workplace agreement” within the meaning of section 4 of the *Workplace Relations Act 1996*, as continued in existence as a transitional instrument under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*. |
| **workplace determination** | means a “workplace determination” within the meaning of section 12 of the *Fair Work Act 2009*. |

|  |
| --- |
| PART 2 — MEMBERSHIP AND CONTRIBUTIONS |

|  |  |
| --- | --- |
| **Division 1** | **Membership** |

Becoming a PSSAP member

|  |  |
| --- | --- |
| **Note:** | A person becomes a **PSSAP member** under Part 3 of the Act, which also specifies the duration of the person’s PSSAP membership. As well as specifying when a person is eligible to become a member of PSSAP, that Part empowers the Minister to either declare that a particular person is eligible to become a **PSSAP member** or is not eligible to become a **PSSAP member**.  Most **designated employers** are required to pay contributions only in respect of:   * **ordinary employer‑sponsored members**; and * **current government scheme members** (salary sacrifice contributions only).   However, **designated employers** of **former Commonwealth ordinary employer‑sponsored members** are not required to pay contributions in respect of such a member. Instead, such an employer can make contributions in respect of such a member if PSSAP is the member’s chosen fund under the *Superannuation Guarantee (Administration) Act 1992*.  Part 4 of the Act sets out the situations in which a **PSSAP member** is an **ordinary employer‑sponsored member** of PSSAP. **Former Commonwealth ordinary employer‑sponsored members** are **ordinary employer‑sponsored members** of PSSAP under subsection 18(7) of the Act. |

Concurrent memberships – ordinary employer‑sponsored member

**2.1.1** Aperson may be an **ordinary employer‑sponsored member** in respect of two or more concurrent employments.

|  |  |
| --- | --- |
| **Note:** | A person cannot be a **former Commonwealth ordinary employer‑sponsored member** while the person is an **ordinary employer‑sponsored member** under subsection 18(2), (3) or (5) of the Act: see subsection 18(7) of the Act. |

**2.1.2** Where an **ordinary employer‑sponsored** **member**, who is employed by two or more **designated employers** at the same time, ceases to be an employee of one or more but not all of those **designated employers**, the person will not cease to be an **ordinary employer‑sponsored** **member**. Also, where an **ordinary employer‑sponsored** **member** ceases to be employed by one **designated employer** but immediately afterwards becomes an employee of another **designated employer**, the person does not cease to be an **ordinary employer‑sponsored** **member**.

**2.1.3** Where a person is an **ordinary employer‑sponsored member** in respect of two or more concurrent employments, **CSC** may maintain one **personal accumulation account** for the member.

|  |  |
| --- | --- |
| **Note:** | **CSC** must keep a **personal accumulation account** (and/or **pension account**) for each **PSSAP member**. (See Rule 5.1.1.) |

Concurrent memberships – current government scheme member

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

**2.1.5** Where a **current government scheme member**, who is employed by two or more **designated employers** at the same time, ceases to be an employee of one or more but not all of those **designated employers**, the person will not cease to be a **current government scheme member.** Also, where a **current government scheme member** ceases to be employed by one **designated employer** but immediately afterwards becomes an employee of another **designated employer**, the person does not cease to be a **current government scheme member**.

**2.1.6** Where a person is a **current government scheme member** in respect of two or more concurrent employments, **CSC** may maintain one **personal accumulation account** for the member.

|  |  |
| --- | --- |
| **Note:** | **CSC** must keep a **personal accumulation account** (and/or **pension account**) for each **PSSAP member**. (See Rule 5.1.1.) |

Concurrent memberships – ordinary employer‑sponsored and government scheme member

**2.1.7** A person may have concurrent PSSAP memberships as an **ordinary employer‑sponsored member** and as a **government scheme member**.

**2.1.8** Where a person is concurrently an **ordinary employer‑sponsored member** and a **government scheme member, CSC** may maintain one **personal accumulation account** for the member.

|  |  |
| --- | --- |
| **Note:** | **CSC** must keep a **personal accumulation account** (and/or **pension account**) for each **PSSAP member**. (See Rule 5.1.1.) |

|  |  |
| --- | --- |
| **Division 1A** | **MySuper product** |

**MySuper product**

|  |  |
| --- | --- |
| **Note:** | **A MySuper product is defined in Rule 1.2.1 as having the same meaning as in the SIS Act.** |

**MySuper product – general characteristics**

**2.1A.1 CSC must ensure that:**

(a) amounts held as a **MySuper product**, in respect of **PSSAP members** and **non‑member spouses**, are invested in accordance with a single diversified investment strategy; and

(b) all **PSSAP members** and **non‑member spouses** who hold a **MySuper product** are entitled access to the same options, benefits and facilities in relation to their **MySuper product**; and

(c) amounts credited to the **personal accumulation account** or **non‑member spouse interest account** in respect of a **MySuper product** under Division 2 of Part 5, or Division 3 of Part 7 of the Rules must not stream gains or losses to only some of those members, except to the extent permitted under Rule 2.1A.2; and

(d) the process used to credit and debit amounts to a **personal accumulation account** or a **non‑member spouse interest account** in respect of a **MySuper product** must be the same for each member; and

(e) the only limitation imposed on the source of contributions are those referred to in paragraph 29TC(1)(f) of the **SIS Act**;

(f) a **MySuper product** held by a **PSSAP member** or **non‑member spouse** cannot be replaced with another class of interest in **PSSAP** unless:

(i) the **PSSAP member** or **non‑member spouse** has consented in writing to the replacement no more than 30 days before it occurs; or

(ii) as otherwise permitted by the **SIS Act**;

(g) a **MySuper product** held by a **PSSAP member** or **non‑member spouse** cannot be replaced with a beneficial interest in another **superannuation entity** unless:

(i) the replacement is permitted, or is required, under a law of the Commonwealth; or

(ii) the **PSSAP member** or **non‑member spouse** has consented in writing to the replacement no more than 30 days before it occurs;

(h) a pension is not paid from MySuper assets unless it is permitted by the **SIS Act**;

(i) a **PSSAP member** or **non‑member spouse** who holds a **MySuper product** is not precluded from holding an interest in another class in PSSAP only because they hold a **MySuper product**;

(j) a **PSSAP member** or **non‑member spouse** is not precluded from holding a **MySuper product** because they hold another interest of another class in **PSSAP**.

**2.1A.2 CSC** may, for the purposes of Rule 2.1A.1, choose to adopt a single diversified investment strategy that allows gains and losses from different classes of assets of the **PSSAP Fund** to be streamed to different subclasses of the members of the fund who hold a **MySuper product**, in respect of their **MySuper product**, on the basis of the age of those members or some other basis which is permitted as a lifecycle exception within the meaning of the **SIS Act**.

**MySuper product – fees**

**2.1A.3 CSC** must ensure that any fees deducted from a **personal accumulation account** or a **non‑member spouse interest account** in respect of a **MySuper product** comply with requirements under the **SIS Act** for the provision of a **MySuper product**.

**MySuper product – insurance**

**2.1A.4** If required by the **SIS Act, CSC** must provide **death and invalidity cover,** in accordance with Division 1 of Part 4, to all **PSSAP members** and **non‑member spouses** who hold a **MySuper product**,in respect of their **MySuper product**.

**2.1A.5 CSC** must ensure that the **death and invalidity cover** provided in respect of a **MySuper product** under Division 1 of Part 4 of the Rules complies with requirements under the **SIS Act** for the provision of a **MySuper product**.

|  |  |
| --- | --- |
| **Division 2** | **Contributions by employers** |

Basic contributions by designated employers

**2.2.1** Each **pay day** the **designated employer** of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) must pay as contributions to **CSC** an amount equal to 15.4% of the **superannuation salary** of the member on that day. However, **CSC** must reject any contributions paid under this Rule if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

**2.2.1A** If the **designated employer** of a **former Commonwealth ordinary employer‑sponsored member** pays contributions to **CSC** in respect of the member, those contributions are **basic employer contributions**. However, **CSC** must reject any such contributions if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

Superannuation salary

**2.2.2** The **superannuation salary** of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**)is:

(a) where the circumstances referred to in Rule 2.2.3 apply — the **ordinary time earnings** of the person; and

(b) in all other cases the amount that would have been the person’s “fortnightly contribution salary” if they were a **PSS member**.

**2.2.3** The **superannuation salary** of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) will be the person’s **ordinary time earnings** if this is specified in:

(a) a **workplace agreement** that applies to the **ordinary employer‑sponsored member**;

(b) a **pre‑reform certified agreement** that applies to the **ordinary employer sponsored member**;

(c) a **pre‑reform AWA** that applies to the **ordinary employer‑sponsored member**;

(d) an **AWA** that applies to the **ordinary employer‑sponsored member**;

(e) a **remuneration determination** that applies to the **ordinary employer‑sponsored member**; or

(f) an **enterprise agreement** that applies to the **ordinary employer‑sponsored member**; or

(fa) a determination made under subsection 24(1) or 24(3) of the *Public Service   
Act 1999*, provided that:

(i) the determination applies to an **ordinary employer‑sponsored member** who is moved to an **APS Agency** on or after 1 February 2020 pursuant to a determination made under paragraph 72(1)(a) of that Act; and

(ii) immediately before the **ordinary employer‑sponsored member** was so moved, their **superannuation salary** was specified as **ordinary time earnings** in an **enterprise agreement** that applied to the **ordinary employer‑sponsored member**; or

(g) a **workplace determination** that applies to the **ordinary employer‑sponsored member**; or

(h) an agreement in writing between the **ordinary employer‑sponsored member** and their **designated employer** in the case of an **ordinary employer‑sponsored member** not covered by a **workplace agreement**, a **pre‑reform certified agreement**, a **pre‑reform AWA**, an **AWA**, a **remuneration determination**, an **enterprise agreement**, or a **workplace determination**.

Additional employer contributions

**2.2.4** In addition to the amounts required to be paid by the **designated employer** under Rule 2.2.1, the **designated employer** of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) may pay additional contributions to **CSC** in respect of that member, where the method of payment complies with any **CSC** determination under Rule 2.2.5. However, **CSC** must reject any contributions paid under this Rule if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

**Note:**This Rule allows most employers to make contributions for or on behalf of an employee in addition to any amounts the employer is required to pay as **basic employer contributions**. Circumstances where an employer may make additional contributions include, but are not limited to:

‑ as a result of salary sacrifice arrangements with an employee;

‑ to avoid an **employer contribution shortfall**;

‑ to provide additional superannuation cover as specified in an Australian workplace agreement or a certified agreement;

‑ to provide additional superannuation cover as specified in an enterprise agreement or a workplace determination;

‑ to provide superannuation contributions in circumstances where contributions would otherwise not be required to be paid. These circumstances differ depending upon whether the **ordinary employer‑sponsored member** has their **superannuation salary** based on **ordinary time earnings** or on fortnightly contribution salary. See Rule 2.2.2.

Additional employer contributions – salary sacrifice contributions for current government scheme members

**2.2.4A** Subject to Rule 2.2.4B, the **designated employer** of a **current government scheme member** may pay salary sacrifice contributions to **CSC** in respect of that member:

(a) where the **current government scheme member** has elected a particular investment strategy; and

(b) where **CSC** has accepted the election made by the **current government scheme member** to choose a particular investment strategy; and

(c) where the method of payment complies with any **CSC** determination under Rule 2.2.5.

|  |  |
| --- | --- |
| **Note:** | This rule allows employers to make contributions as a result of salary sacrifice arrangements with an employee. Salary sacrifice contributions are the only contributions the employer of a **current government scheme member** can make to the **PSSAP Fund**.  **CSC** must only accept salary sacrifice contributions under this Rule if the person they are in respect to was an **Australian government superannuation scheme member** at the time the contributions were made. These contributions are considered to be “**additional employer contributions**” for the purpose of the Rules. |

**2.2.4B CSC** must reject any contributions paid under Rule 2.2.4A if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

Method of payment of employer contributions

**2.2.5** **CSC** may from time to time determine the way in which **basic employer contributions** and **additional employer contributions** must be paid to **CSC**. However, this Rule does not apply in relation to **basic employer contributions** mentioned in Rule 2.2.1A.

**2.2.6** The **designated employer** of an **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) must pay **basic employer contributions** and any **additional employer contributions** in accordance with any determination of **CSC** under Rule 2.2.5.

**2.2.6A** The **designated employer** of a **current government scheme member** must pay any **additional employer contributions** in accordance with any determination of **CSC** under Rule 2.2.5.

Payments to be paid into the PSSAP Fund

**2.2.7** **CSC** must pay any **basic employer contributions** and any **additional employer contributions** into the **PSSAP Fund**.

Reporting of employer contributions

**2.2.8** Each **designated employer**, in respect of an **ordinary employer‑sponsored member** to whom Rule 2.2.2(a) applies, must inform the memberin writing, at least quarterly, of the amount of **basic employer contributions** and **additional employer contributions** paid to the **PSSAP Fund**.

**2.2.9** Within one month of the end of each **quarter**,each **designated employer** must, in respect of an **ordinary employer‑sponsored member** to whom Rule 2.2.2(b) applies or has applied at any time during the **quarter**, inform the member and **CSC** in writing of the total amount of **basic employer contributions** and **additional employer contributions** paid to the **PSSAP Fund** in the **quarter** expressed:

(a) in **dollars** and cents; and

(b) as a percentage of the **ordinary time earnings** of the **ordinary employer‑sponsored member** for the **quarter**.

**2.2.10** If the percentage reported under Rule 2.2.9(b) is less than the relevant charge percentage for the quarter, as specified in the table at subsection 19(2) of the *Superannuation Guarantee (Administration) Act 1992*, the **designated employer** is required to notify in writing the **ordinary employer‑sponsored member** and **CSC** of an **employer contribution shortfall**. The amount of the **employer contribution shortfall** to be notified is the amount, expressed in dollars and cents, by which the reported amount falls short of the relevant charge percentage multiplied by the **ordinary time earnings** of the **ordinary employer‑sponsored member**.

**2.2.11** For the purposes of Rules 2.2.8 and 2.2.9 an **ordinary employer‑sponsored member** is taken to have been informed in writing if the information is included in a **pay advice document** issued to the member.

|  |  |
| --- | --- |
| **Note:** | Since Rule 2.2.2 does not apply to a **former Commonwealth ordinary employer‑sponsored member**, Rules 2.2.8 to 2.2.11 also do not apply to such a member. |

|  |  |
| --- | --- |
| **Division 3** | **Contributions by ordinary employer‑sponsored members** |

When employee contributions can be made

**2.3.1** An **ordinary employer‑sponsored member** may pay **employee contributions** to **CSC** at any time and in any amount:

(a) **except** that **CSC** must reject any contributions paid under this Rule if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund; and

(b) **where** the method of payment complies with any **CSC** determination under Rule 2.3.5.

**2.3.2** An **ordinary employer‑sponsored member** is not required to make **employee contributions**.

**2.3.3** Except as set out in Divisions 3A and 3B of Part 2, a **PSSAP member** who is not an **ordinary employer‑sponsored member** may not make **employee contributions** to the **PSSAP Fund**.

Eligible spouse contributions

**2.3.4 Eligible spouse contributions** may be made on behalf of an **ordinary employer‑sponsored member** at any time and in any amount:

(a) except that **CSC** must reject any contributions paid under this Rule if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund; and

(b) where the method of payment complies with any **CSC** determination under Rule 2.3.5.

Income protection superannuation contribution amount

**2.3.4A** Any **income protection superannuation contribution amount** paid by an **insurance company** as a result of a claim made by **CSC** under Rule 3.4.2 in respect of an **ordinary employer‑sponsored member** may be paid to **CSC** if the **SIS Act** permits the contribution to be made and the method of payment complies with any **CSC** determination under Rule 2.3.5.

Method of payment of contributions

**2.3.5 CSC** may determine the way in which **employee contributions**, **eligible spouse contributions** and **income protection superannuation contribution amounts** received in accordance with this Division must be paid to **CSC**.

Payments to be paid into the PSSAP Fund

**2.3.6** **CSC** must pay any **employee contributions**, **eligible spouse contributions** and **income protection superannuation contribution amounts** into the **PSSAP Fund**.

|  |  |
| --- | --- |
| **Division 3A** | **Contributions by current government scheme members** |

When current government scheme member contributions can be made

**2.3A.1** Subject to Rule 2.3A.2, a **current government scheme member** may pay **employee contributions** to **CSC** at any time and in any amount:

(a) where the memberhas elected a particular investment strategy; and

(b) where **CSC** has accepted the election made by the memberto choose a particular investment strategy; and

(c) where the method of payment complies with any **CSC** determination under Rule 2.3A.6.

**2.3A.2** **CSC** must reject any contributions paid under Rule 2.3A.1 if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

**2.3A.3** A **current government scheme member** is not required to make **employee contributions** under Rule 2.3A.1.

Eligible spouse contributions

**2.3A.4** Subject to Rule 2.3A.2, **eligible spouse contributions** may be made on behalf of a **current government scheme member** at any time and in any amount:

(a) where the member has elected a particular investment strategy; and

(b) where **CSC** has accepted the election made by the memberto choose a particular investment strategy; and

(c) where the method of payment complies with any **CSC** determination under Rule 2.3A.6.

**2.3A.5 CSC** must reject any contributions paid under Rule 2.3A.4 if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

Method of payment of employee contributions and eligible spouse contributions

**2.3A.6** **CSC** may determine the way in which **employee contributions** and **eligible spouse contributions** received in accordance with this Division must be paid to **CSC**.

Payments to be paid into the PSSAP Fund

**2.3A.7** **CSC** must pay any **employee contributions** and **eligible spouse contributions** received in accordance with this Division into the **PSSAP Fund**.

|  |  |
| --- | --- |
| **Division 3B** | **Contributions for consolidation with pension accounts** |

When contributions can be made for consolidation purposes

**2.3B.1** Subject to Rule 2.3B.2, a **PSSAP member** may pay **employee contributions** to **CSC** in any amount:

(a) where the member has elected a particular investment strategy; and

(b) where **CSC** has accepted the election made by the member to choose a particular investment strategy; and

(c) where the contributions are made for the sole purpose of:

(i) combination with amounts commuted or to be commuted from a **pension account** established by **CSC** under Rule 3.6.1; or

(ii) commencing an **account‑based pension**; and

(d) where the member has made an application for benefits to be cashed as an **account‑based pension** under paragraph 3.1.1(g), using contributions paid under this Rule, amounts, if any, commuted from a **pension account** and amounts, if any, transferred or rolled‑over under Division 4 of this Part; and

(e) where the method of payment complies with any **CSC** determination under Rule 2.3B.6.

**2.3B.2 CSC** must reject any contributions paid under Rule 2.3B.1 if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

**2.3B.3** A **PSSAP** member is not required to make **employee contributions** under Rule 2.3B.1.

Eligible spouse contributions

**2.3B.4** Subject to Rule 2.3B.5, **eligible spouse contributions** may be made on behalf of a **PSSAP member** in any amount:

(a) where the member has elected a particular investment strategy; and

(b) where **CSC** has accepted the election made by the member to choose a particular investment strategy; and

(c) wherethe contributions are expressly made for the sole purpose of:

(i) combination with amounts commuted or to be commuted from a **pension account** established by **CSC** under Rule 3.6.1; or

(ii) commencing an **account‑based pension**; and

(d) where the member has made an application for benefits to be cashed as an **account‑based pension** under paragraph 3.1.1(g), using contributions paid under this Rule, amounts, if any, commuted from a **pension account** and amounts, if any, transferred or rolled‑over under Division 4 of this Part; and

(e) where the method of payment complies with any **CSC** determination under Rule 2.3B.6.

**2.3B.5 CSC** must reject any contributions paid under Rule 2.3B.4 if the **SIS Act** would prevent the **PSSAP Fund** from accepting the contributions or if acceptance of the contributions by **CSC** may jeopardise the status of the **PSSAP Fund** as a complying superannuation fund.

Method of payment of contributions and eligible spouse contributions

**2.3B.6** **CSC** may determine the way in which **employee contributions** and **eligible spouse contributions** received in accordance with this Division must be paid to **CSC**.

Payments to be paid into the PSSAP Fund

**2.3B.7** **CSC** must pay any **employee contributions** and **eligible spouse contributions** received in accordance with this Division into the **PSSAP Fund**.

|  |  |
| --- | --- |
| **Division 4** | **Transfer amounts** |

Amounts that may be transferred or rolled‑over into the PSSAP Fund

**2.4.1** Subject to the **SIS Act**, an **ordinary employer‑sponsored member** may **transfer** or  
**roll‑over** any or all of the following amounts to **CSC** as a **transfer amount**:

(a) a **roll‑over superannuation benefit**;

(b) a **directed termination payment**;

(c) an amount of **shortfall component** payable to, or in respect of, the person in accordance with the *Superannuation Guarantee (Administration) Act 1992*; and

(d) an amount payable in respect of the person under the *Superannuation (Government Co‑contribution for Low Income Earners) Act 2003*,

provided the method of payment complies with Rule 2.4.2.

**2.4.1A** Subject to the **SIS Act**, a **PSSAP member** may **transfer** or **roll‑over** an amount payable in respect of the person under the *Superannuation (Government Co‑contribution for Low Income Earners) Act 2003* to **CSC** as a **transfer amount** where the amount, in total or part, relates to a period where the person was an **ordinary employer‑sponsored member**, provided the method of payment complies with Rule 2.4.2.

**2.4.1B** Subject to the **SIS Act**, a **current government scheme member** may **transfer** or **roll‑over** a **roll‑over superannuation benefit** to **CSC** as a **transfer amount** where the member has elected a particular investment strategy and **CSC** has accepted the election.

**2.4.1C** Subject to the **SIS Act**,a **former government scheme member** may **roll‑over** to **CSC** as a **transfer amount** their:

(a) **PSS** accumulated transfer amount paid under **PSS** Rule 11.2.4A; or

(b) **PSS** Accumulated Additional Contributions paid under **PSS** Rule 11.4.10A,

where the memberhas elected a particular investment strategy and **CSC** has accepted the election.

**2.4.1D** Subject to the **SIS Act**, a **PSSAP member** or **PSSAP pensioner** may **transfer** or **roll‑over** a **roll‑over superannuation benefit** to **CSC** as a **transfer amount** where:

(b) the member has elected a particular investment strategy and **CSC** has accepted the election; and

(c) the member has made an application for benefits to be cashed as an **account‑based pension** under paragraph 3.1.1(g), using the amount of the **roll‑over superannuation benefit** under this Rule and amounts paid, if any, under Division 3B of this Part, and amounts, if any, in the **PSSAP member’s personal accumulation account**.

|  |  |
| --- | --- |
| **Note:** | **CSC** may only accept a **transfer amount** under Rule 2.4.1B or 2.4.1C if they are in respect of a person who is an **Australian government superannuation scheme member** or **former Australian government superannuation scheme member** at the time of the **transfer** or **roll‑over**.  Rule 2.4.1D allows **PSSAP members** to **transfer** or **roll‑over** a **transfer amount** where that amount will be used to purchase an **account‑based pension**, in combination with any **employee contributions** paid under Division 3B of Part 2 and any amounts in the member’s **personal accumulation account**. |

**2.4.1E** Subject to the **SIS Act**, a **PSSAP pensioner** may **transfer** or **roll‑over** a **roll‑over superannuation benefit** to **CSC** as a **transfer amount**:

(a)where the member has elected a particular investment strategy; and

(b) where **CSC** has accepted the election made by the member to choose a particular investment strategy; and

(c) where the **transfer amount** is transferred for the sole purpose of combination with amounts commuted or to be commuted from an existing **pension account** established by **CSC** under Rule 3.6.1; and

(d) where the method of payment complies with any **CSC** determination under Rule 2.4.2.

Method of payment of transfer amounts

**2.4.2** **CSC** may determine the way in which **transfer amounts** must be paid to **CSC**.

Payments to be paid into the PSSAP Fund

**2.4.3** **CSC** must pay any **transfer amount** into the **PSSAP Fund**.

|  |  |
| --- | --- |
| **Division 4A** | **Contributions‑Splitting Superannuation Benefits** |

When contributions‑splitting superannuation benefits can be paid to CSC

**2.4A.1** Subject to the **SIS Act**, a **contributions‑splitting superannuation benefit** may be paid to **CSC** in respect of:

(a) an ordinary employer‑sponsored member; or

(b) a PSSAP member, provided that the amount of the benefit, in total or part, relates to contributions made to an ordinary employer‑sponsored member made to a regulated superannuation fund in a financial year where the PSSAP member was an ordinary employer‑sponsored member at any point in time in that financial year;

provided the method of payment complies with Rule 2.4A.2.

**2.4A.2** **CSC** may determine the way in which amounts set out in Rule 2.4A.1 are to be paid to **CSC**.

**2.4A.3 CSC** must pay any amounts paid to it under Rule 2.4A.1 into the **PSSAP Fund**.

|  |  |
| --- | --- |
| **Division 5** | **Administration fees** |

Administration fees for PSSAP members

**2.5.1 CSC** may determine fees to be paid from the **personal accumulation account** of a **PSSAP member** relating to the costs of the administration of the **Act** and this Deed (generally and in matters relating more specifically to the account).

|  |
| --- |
| PART 3 — BENEFITS |

|  |  |
| --- | --- |
| **Division 1** | **Benefits** |

Applications for payment of benefits

**3.1.1** A **benefit application** may be made to **CSC** by:

(a) an **ordinary employer‑sponsored member** who:

(i) *paragraph deleted in the 2nd Amending Deed*;

(ii) has applied for approval of their invalidity retirement under Rule 3.3.1; or

(iv) is a **transitional member** who is applying for an amount of benefits  
to be **cashed** as an income product which may be a **transition to retirement income stream**, a **non‑commutable allocated annuity**, a **non‑commutable allocated pension**, a **non‑commutable annuity** or a **non‑commutable pension**; or

(aa) a **former Commonwealth ordinary employer‑sponsored member** who is applying for the payment of benefits on the basis that he or she has a **permanent incapacity**; or

(b) a **PSSAP member** other than in the capacity of an **ordinary employer‑sponsored member** applying under paragraph (a); or

(c) a **PSSAP member** who is applying for the payment of benefits on compassionate grounds or due to severe financial hardship; or

(d) the **legal personal representative** of a **PSSAP member**; or

(e) a person claiming to be entitled to the benefit of a deceased **PSSAP member**; or

(g) a **PSSAP member** or **PSSAP pensioner** who is applying for an amount of benefits to be cashed as an **account‑based pension**; or

(h) a **PSSAP pensioner,** **non‑member spouse** or **reversionary beneficiary** who is applying to commute all or part of the balance of their pension account; or

(i) a **PSSAP member** who is applying for **income protection benefits** under Rule 3.4.1; or

(j) a **PSSAP member** who is applying for spouse contributions‑splitting, provided the split of contributions is permitted under Division 6.7 of the **SIS Regulations**.

**3.1.2** A **benefit application** must be made in a form acceptable to **CSC** and must include any supporting evidence of entitlement to the benefit required by **CSC**.

Payment of benefits to a PSSAP member who has ceased to be an ordinary employer‑sponsored member

**3.1.4** On receiving a **benefit application** from or on behalf of a **PSSAP member** pursuant to Rule 3.1.1(b), **CSC** must pay to or in respect of the member a lump sum amount of such part of their **total benefit** as requested in the **benefit application**, subject to the **SIS Act**.

|  |  |
| --- | --- |
| **Note:** | Where part of a benefit is paid to a person under Rule 3.1.4, the remainder of the benefit must be retained in the **personal accumulation account** of the **PSSAP member** or **rolled‑over** or **transferred** to another superannuation entity. See Rule 3.1.12. |

Payment of benefits to a PSSAP member on compassionate and financial hardship grounds

**3.1.6** If **CSC** receives a **benefit application** from a **PSSAP member** pursuant to Rule 3.1.1(c), **CSC** may pay the person such part of their **total benefit** as requested in the **benefit application**, subject to the **SIS Act**:

(a) on a compassionate ground in accordance with a determination of the Chief Executive Medicare under the **SIS Act**; or

(b) on grounds of severe financial hardship in accordance with the **SIS Act**.

Payment of benefits to ordinary employer‑sponsored members

**3.1.7** If **CSC** receives or is taken to have received a **benefit application** from or on behalf of an **ordinary employer‑sponsored member** pursuant to Rule 3.1.1(a)(ii) and **CSC** approves the **invalidity retirement** of the **ordinary employer‑sponsored member**, **CSC** must, if the person ceases to be an **ordinary employer‑sponsored member** following approval of their **invalidity retirement:**

(a) pay the person as a lump sum such part of their **total benefit** as the **SIS Act** permits; or

(b) if the person has, in their **benefit application** or in writing to **CSC,** applied for a lump sum amount that is less than their **total benefit**, pay the person the amount set out in the application or in writing as the **SIS Act** permits.

**3.1.8** If **CSC** receives a **benefit application** from or on behalf of an **ordinary employer‑sponsored member** pursuant toRule 3.1.1(i), the member, subject to Rules 3.4.2 and 3.4.5,is entitled to **income protection benefits** in accordance with Rule 3.4.3.

**3.1.9** If **CSC** receives a **benefit application** from a **transitional member** pursuant to Rule 3.1.1(a)(iv) and **CSC** has in place arrangements for members to purchase the income product requested in the application, **CSC**, in accordance with Rule 3.5.1, must, on behalf of the **transitional member**, arrange for the purchase by the member of an income product of the type so requested costing an amount equal to the total benefit set out in the **benefit application**.

**3.1.9A** If **CSC** receives a **benefit application** from a **former Commonwealth ordinary employer‑sponsored member** under Rule 3.1.1(aa), **CSC** may pay the person the whole or a part of the person’s **total benefit** as requested in the **benefit application**, subject to the **SIS Act**.

Payment of benefits to a legal personal representative where member not deceased

**3.1.10** On receiving a **benefit application** from the **legal personal representative** of a **PSSAP member** under Rule 3.1.1(d), **CSC** may pay to the **legal personal representative** such part of the **total benefit** as the **SIS Act** permits if **CSC** is satisfied that:

(a) the **PSSAP member** is under a legal disability; and

(b) the **PSSAP member** is entitled to the payment of a benefit under the Rules.

Payment of death benefits

**3.1.11** When **CSC**:

(a) receives an application for benefits from a person claiming to be entitled to the benefit of a person who is a deceased **PSSAP member**; or

(b) otherwise becomes aware that a **PSSAP member** has died;

**CSC** must determine who is entitled to be paid the death benefits in accordance with Division 2 of this Part and pay the **total benefit** to the person or persons so entitled in such shares as **CSC** determines.

Payment in accordance with a release authority

**3.1.11A** Where **CSC** receives a **release authority, CSC** may pay an amount, as required or permitted under the **SIS Act** and the **taxation legislation**.

|  |  |
| --- | --- |
| **Note:** | The amount that CSC is to pay is subject to the requirements under the **SIS Act** and the **taxation legislation**. |

Preservation of benefits not paid

**3.1.12** Where a part of the **total benefit** is paid to or in respect of a **PSSAP member** under this Division, the remainder of the benefit is retained in the **personal accumulation account** of the **PSSAP member** unless a **roll‑over application** or **benefit application** is made in relation to the remainder of the benefit.

Applications for roll‑over or transfer of benefits

**3.1.13** A **roll‑over application** may be made to **CSC**, in accordance with the **SIS Act**, by:

(a) a **PSSAP member**, or in respect of a **PSSAP member**, other than in their capacity as a **transitional member** applying under paragraph (b); or

(b) a **transitional member** who is applying for an amount of benefits to be **cashed** as an income product, which may be a **transition to retirement income stream**, a **non‑commutable allocated annuity**, a **non‑commutable allocated pension**, a **non‑commutable annuity** or a **non‑commutable pension**.

|  |
| --- |
| **Notes:**  Concerning paragraph 3.1.13(a)  1. Under Divisions 6.4 and 6.5 of the **SIS Regulations**, a member of a regulated superannuation fund may, in writing, ask the trustee of the fund to roll over or transfer an amount that is the whole or part of the member’s withdrawal benefit, and the trustee of the fund must roll over or transfer, as permitted by SIS, the amount in accordance with the request. Division 6.5 prescribes circumstances where the trustee must roll over or transfer an amount in accordance with a request by the member.  Concerning paragraph 3.1.13(b)  2. Under Division 6.3 of the **SIS Regulations**, a member of a regulated superannuation fund, upon reaching the preservation age, is allowed to cash their benefits as a non‑commutable income stream, subject to the conditions of release and the relevant restrictions set out in Schedule 1 of the **SIS Regulations**. |

**3.1.14** Subject to the **SIS Act**, a **roll‑over application** must be made in a form acceptable to **CSC** and must include any supporting evidence of entitlement to the benefit required by **CSC**.

Preservation or transfer of benefits

**3.1.15** Subject to the **SIS Act**, if **CSC** receives a **roll‑over application** from a **PSSAP member** under Rule 3.1.13(a), **CSC**, where required by the **SIS Act**, must, and, where not so required, may **roll‑over** or **transfer** so much of the person’s **total benefit** as is requested in the **roll‑over application** to a **superannuation entity**, **RSA** or **life insurance company**.

**Notes:**

1. Regulation 6.35 of the **SIS Regulations** sets out when a trustee may refuse to **roll‑over** or **transfer** an amount in response to a request from a scheme member.

2. Regulations 6.33 and 6.34 of the **SIS Regulations** set out that a trustee must **roll‑over** or **transfer** an amount as soon as possible or within a timeframe allowed under the **SIS Regulations**, in response to a request from a scheme member.

**3.1.18** If **CSC** receives a **roll‑over application** from a **transitional member** under Rule 3.1.13(b), **CSC** must, subject to the **SIS Act**, **roll‑over** or **transfer** such part of the person’s **total benefit** as is requested in the **roll‑over application** to a **superannuation entity** or **life insurance company**.

**3.1.19** If no **benefit application** or **roll‑over application** is received upon a **PSSAP member** ceasing to be an **ordinary employer‑sponsored member** and Rule 3.1.20 does not apply, the **total benefit** is retained in the **personal accumulation account** of the **PSSAP member**.

Payment of benefits to eligible roll‑over fund

**3.1.20** Subject to the **SIS Act**, **CSC** may pay a benefit to an **eligible roll‑over fund** if **CSC** is unable to locate a **PSSAP member**.

Payment of contributions‑splitting superannuation benefits

**3.1.21** If **CSC** receives a **benefit application** under Rule 3.1.1(j) then, subject to the **SIS Act**, CSC must pay such part of the person’s **total benefit** as requested in the application as a **contributions‑splitting superannuation benefit** to a **superannuation entity** or **RSA** as nominated by the person.

|  |  |
| --- | --- |
| **Division 2** | **Death benefits** |

Who is entitled to be paid death benefits

**3.2.1** If, upon the death of a **PSSAP member**, **CSC** is in receipt of a current valid **binding member nomination** in relation to the deceased **PSSAP member**, then the member’s **total benefit** will be paid by **CSC** to the person or persons specified in the **binding member nomination**.

**3.2.2** Subject to Rule 3.2.1, in the event of the death of a **PSSAP member**, **CSC** must pay or apply the deceased member’s **total benefit** to or for the benefit of one or more, as determined by **CSC**, of the following:

(a) one or more **dependants** of the deceased **PSSAP member**;

(b) the **legal personal representative** of the deceased **PSSAP member**.

**3.2.3** If, after making reasonable enquiries, **CSC** upon the death of a **PSSAP member** has not found either a **legal personal representative** or a **dependant** of the deceased **PSSAP member**, **CSC** will pay or apply the deceased member’s **total benefit** to or for the benefit of such one or more individuals as determined by **CSC**.

|  |  |
| --- | --- |
| **Division 3** | **Permanent invalidity** |

Scope of Division

**3.3.1A** This Division does not apply to a **former Commonwealth ordinary employer‑sponsored member**.

Application for approval of invalidity retirement

**3.3.1** An application for approval of the **invalidity retirement** of an **ordinary employer‑sponsored member** may be made to **CSC** by:

(a) the **ordinary employer‑sponsored member**; or

(b) the **designated employer** of the **ordinary employer‑sponsored member**.

**3.3.2** An **ordinary employer‑sponsored member** in respect of whom an application under Rule 3.3.1 is made is taken to have also made a **benefit application**.

Invalidity retirement process

**3.3.3** Following receipt of an application to approve the **invalidity retirement** of an **ordinary employer‑sponsored member**, **CSC** may approve the person’s **invalidity retirement** if it is satisfied that the person has a **permanent incapacity**.

**3.3.4** **CSC** may determine the process it will follow before approving the **invalidity retirement** of an **ordinary employer‑sponsored member**.

**3.3.5** **CSC** must advise its **decision** under Rule 3.3.3 to the **ordinary employer‑sponsored member** and the **designated employer** of the **ordinary employer‑sponsored member**. The advice is to include a statement of the reasons for the **decision**.

|  |  |
| --- | --- |
| **Division 4** | **Income protection benefits** |

Income protection benefits

**3.4.1** A **PSSAP member** or **non‑member spouse** may apply to **CSC** for **income protection benefits** if the **PSSAP member** or **non‑member spouse**:

(a) is unable to work due to a **temporary incapacity**; and

(b) holds **income protection cover**.

Assessment of applications for income protection benefits

**3.4.2** Following receipt of an application for **income protection benefits** that meets the requirements of Rule 3.4.1 **CSC** must make a claim against the policy or policies providing the **income protection cover**.

Payment of income protection benefits

**3.4.3** Subject to the **SIS Act**, any amount, other than an **income protection superannuation contribution amount**, paid by an **insurance company** in response to a claim against a policy providing **income protection cover** must be paid to the **PSSAP member** or **non‑member spouse** as a **non‑commutable income stream**.

**3.4.4** Any amount paid to a **PSSAP member** or **non‑member spouse** under Rule 3.4.3 does not form part of the **personal accumulation account** of the **PSSAP member** or **non‑member spouse**.

**3.4.5** Nothing in this Deed requires **CSC** to pay **income protection benefits** where:

(a) a **PSSAP member** or **non‑member spouse** does not hold **income protection cover**; or

(b) an **insurance company** does not pay any amount in response to a claim by **CSC**.

|  |  |
| --- | --- |
| **Division 5** | **Retirement income products** |

CSC may arrange income products

**3.5.1** **CSC** may enter into arrangements with a provider of products and services other than the Commonwealth to offer income products, including retirement income products, for purchase by persons in receipt of benefits under the Rules.

**3.5.2** A person in receipt of benefit under Division 1 of this Part may use the benefits to purchase income products arranged by **CSC**, subject to the **SIS Act.**

|  |  |
| --- | --- |
| **Division 6** | **Account‑based pensions provided by CSC** |

**3.6.1** If CSC receives a benefit application from a **PSSAP member** or **PSSAP pensioner** pursuant to Rule 3.1.1(g), **CSC** may, subject to the **SIS Act** and the person satisfying any requirements determined under Rule 3.6.2, provide one or more **account‑based pensions** to the person.

**3.6.2 CSC** may, subject to the **SIS Act** and this Division, determine terms and conditions for the provision of an **account‑based pension**, including the amount and manner of payments from the account.

|  |  |
| --- | --- |
| **Note:** | Rule 3.6.2 allows **CSC** to set terms and conditions for the provision of an **account‑based pension**.  For example, **CSC** may:  ‑ Decide to only provide a pension where the amount paid from a **PSSAP member’s** **personal accumulation account** into their **pension account** is above a certain amount.  ‑ Allow **PSSAP pensioners** to select the amounts and timing of their pension payments, within specified restrictions.  ‑ Offer **PSSAP pensioners** the opportunity to elect to have amounts held in their **pension account** invested in accordance with particular investment strategies, including conditions on how and when changes to their investment strategy can be made.  ‑ Determine the eligibility requirements and the manner and form required for the nomination, and variations of nomination, of **reversionary beneficiaries**. |

Payment of account‑based pensions

**3.6.3** If **CSC** provides an **account‑based pension** under Rule 3.6.1, the following conditions, in addition to any terms and conditions determined by CSC under Rule 3.6.2, shall apply to the pension:

(a) the pension shall be paid from the **pension account**;

(b) payment of the pension shall be made at least annually until the earlier of the member’s death or the date that the **pension account** balance is exhausted;

(c) the amount of any pension payment cannot be greater than balance of the **pension account** at the time of the payment;

(d) the amount of the pension shall be subject to the minimum and maximum limits specified by the **SIS Act**;

(e) once the pension is commenced, no amounts can be added to it by way of contribution or **roll‑over** to the **pension account**;

(f) the pension is transferable to another person only on the death of the **PSSAP pensioner** or **reversionary beneficiary** or as otherwise permitted under the **SIS Act**;

(g) the capital value of the pension and income from the pension cannot be used by a person as security for a borrowing;

(h) the pension is to be commuted in whole or part to a lump sum only if permitted or required by the **SIS Act**; and

(i) the pension must be commuted in whole or part to a lump sum where **CSC** receives a **commutation authority** issued under the *Taxation Administration Act 1953* and the **SIS Act** permits the commutation.

|  |  |
| --- | --- |
| **Note:** | Under the **SIS Regulations**, **account‑based pensions** are subject to an annual minimum based on the pensioner’s age. Where a **PSSAP pensioner** has reached their relevant preservation age and is taking their pension as a transition to retirement income stream, the **SIS Regulations** also prescribe an annual maximum for the payments, based on the total account balance. |

Pension account

**3.6.4** Where **CSC** provides one or more **account‑based pensions** to a **PSSAP member** under Rule 3.6.1, **CSC** shall establish and maintain a separate **pension account** for each pension.

**3.6.5** At any particular time, the balance of the **pension account** of a **PSSAP pensioner** is equal to the total of the amounts credited to the **pension account** of the **PSSAP pensioner** under Rule 3.6.6 less the total of the amounts debited to the **pension account** under Rule 3.6.7.

**3.6.6** The following amounts are to be credited to a **pension account:**

(a) the amount transferred from the **personal accumulation account** or **non‑member spouse interest account** of the **PSSAP pensioner**, as requested by the **PSSAP pensioner**;

(b) the interest (if any) in respect of fund earnings on the **pension account** as determined by **CSC**;

(c) the amount (if any) of **roll‑over superannuation benefit** transferred or rolled‑over under Rule 2.4.1D, unless that amount is credited to the PSSAP member’s **personal accumulation account**; and

(d) such other amounts as **CSC** determines from time to time.

**3.6.7** The following amounts are to be debited to a **pension account:**

(a) any pension payments made to or in respect of the **PSSAP pensioner** or a **reversionary beneficiary**;

(b) the interest (if any) in respect of fund losses on the **pension account** as determined by **CSC**;

(c) any fees, costs and expenses paid or deducted from the **pension account** under Rule 3.6.9;

(d) any amounts commuted under Rule 3.6.3(i) or Rule 3.6.8;

(da) any amount paid by **CSC** in respect of the **PSSAP pensioner** under Rule 3.1.11A; and

(e) such other amounts as **CSC** determines from time to time.

Commutation of amounts held in pension account

**3.6.8** If **CSC** receives a benefit application from a **PSSAP pensioner**, **reversionary beneficiary** or **non‑member spouse** pursuant to Rule 3.1.1(h), **CSC** may, subject to the **SIS Act:**

(a) **roll‑over** or **transfer** to a superannuation entity or life assurance company;

(b) pay to the person (as a lump sum);

(c) if the application is from a **PSSAP member**, credit the person’s **personal accumulation account**;

(d) if the application is from a **non‑member spouse**, credit the person’s **non‑member spouse interest account**;

(e) if the application is from a **PSSAP member** with no **personal accumulation account**, create a **personal accumulation account** for the person, and credit that **personal accumulation account**;

(f) if the application is from a former **non‑member spouse** with no **personal accumulation account** or **non‑member spouse interest account**, create a **non‑member spouse interest account** for the person, and credit that **non‑member spouse interest account**;

such part of the person’s **pension account** as is requested in the application.

**3.6.8A** Where the pension is commuted because of Rule 3.6.3(i), **CSC** may, subject to the **SIS Act**:

(a) **rollover** or **transfer** to a **superannuation entity**;

(b) pay to the person (as a lump sum);

(c) credit the person’s **personal accumulation account**;

(d) credit the person’s **non‑member spouse interest account**;

(e) if the person is a **PSSAP member** with no **personal accumulation account**, create a **personal accumulation account** for the person, and credit that **personal accumulation account**;

(f) if the person is a **non‑member spouse** with no **personal accumulation account** or **non‑member spouse interest account**, create a **non‑member spouse interest account** and credit that **non‑member spouse interest account**;

all or part of the commutation amount.

|  |
| --- |
| **Notes:**  1 The **SIS Regulations** may restrict the commutation of the pension if minimum thresholds for pension payments have not yet been paid in the financial year. There may also be restrictions on commutation where a transition to retirement income stream is taken.  2 Generally a superannuation income stream in the retirement phase needs to be commuted in part or in full where the balance of a person’s transfer balance account exceeds their transfer balance cap. For this purpose, the Commissioner of Taxation is able to issue a commutation authority to a superannuation income stream provider to commute some or all of a superannuation income stream. |

Fees, costs and expenses relating to pension accounts

**3.6.9** Fees, costs and expenses incurred in relation to a **pension account** are to be determined by **CSC** and deducted from that **pension account.**

Pension account – member investment choice on death

**3.6.10** If **CSC** is satisfied that a **PSSAP pensioner** or **reversionary beneficiary** has died, **CSC** may, pending payment of the person’s benefit, switch the investment options in which the person’s benefit was then invested to an investment option that **CSC** selects.

References in other rules

**3.6.11** A reference in Rule 3.1.1(c), Rule 3.1.1(d) Rule 3.1.1(e), Rule 3.1.1(f), Rule 3.1.6, Rule 3.1.10, Rule 3.1.11A, and Rule 3.1.20 to a **PSSAP member** is taken to include a **PSSAP pensioner** or **reversionary beneficiary.**

**3.6.12** A reference in Rule 3.1.6, Rule 3.1.10, and Rule 3.1.11A to **total benefit** is taken to include the balance of the person’s **pension account.**

Nomination of reversionary beneficiary

**3.6.13 A PSSAP pensioner** may, before their **account‑based pension** commences to be paid or at such other times as **CSC** may allow, nominate one or more dependants as a beneficiary.

Death of a person with a pension account

**3.6.14** On the death of a **PSSAP pensioner:**

(a) if there is a valid nomination of a beneficiary under Rule 3.6.13 at the date of the death of the **PSSAP pensioner**, **CSC** must continue payment of the pension to the nominated beneficiary if the **SIS Act** permits it to do so; or

(b) if the pensioner has not nominated a beneficiary under Rule 3.6.13, but has made a valid **binding member nomination**, **CSC** must deal with payment of that balance in accordance with that **binding member nomination** subject to the **SIS Act**; or

(c) where paragraphs (a) and (b) do not apply, **CSC** may pay the **pension account** balance in such manner and in such proportions as it determines, as permitted or required by the **SIS Act**.

**3.6.15** On the death of a **reversionary beneficiary**, any remaining **pension account** balancewill be paid as determined by **CSC**, subject to the **SIS Act**.

|  |
| --- |
| PART 4 — INSURANCE |

|  |  |
| --- | --- |
| **Division 1** | **Death and invalidity cover** |

CSC to arrange policy

**4.1.1** **CSC** must take out a policy or policies with an **insurance company** or companies in its name to provide **death and invalidity cover** for **ordinary employer‑sponsored members** (except **former Commonwealth ordinary employer‑sponsored members**). **Death and invalidity cover** is to be on the terms and conditions, including the circumstances, agreed between **CSC** and the relevant **insurance company** or companies.

|  |  |
| --- | --- |
| **Note:** | CSC may take out death cover and invalidity cover in separate policies. |

**4.1.1AA** **CSC** may take out a policy or policies with an **insurance company** or companies in its name to provide **death and invalidity cover** for **former Commonwealth ordinary employer‑sponsored members**. **Death and invalidity cover** is to be on the terms and conditions, including the circumstances, agreed between **CSC** and the relevant **insurance company** or companies.

|  |  |
| --- | --- |
| **Note:** | CSC may take out death cover and invalidity cover in separate policies. |

**4.1.1A** **CSC** may take out a policy or policies with an **insurance company** or companies in its name to **provide death and invalidity cover** for some or all **PSSAP members** and **non‑member spouses** (other than **ordinary employer‑sponsored members**). **Death and invalidity cover** is to be on the terms and conditions, including the circumstances, agreed between **CSC** and the relevant **insurance company** or companies.

|  |  |
| --- | --- |
| **Note:** | Rule 2.1A.4 may require **CSC** to take out such a policy or policies in relation to persons who hold a **MySuper product**, in respect of their **MySuper product**. |

Provision of death and invalidity cover

**4.1.2** An **ordinary employer‑sponsored member** (except a **former Commonwealth ordinary employer‑sponsored member**) will be provided with **death and invalidity cover** on and subject to the terms and conditions of the policy taken out pursuant to Rule 4.1.1, unless the **insurance company** does not provide cover in respect of the member under that policy.

**4.1.2AA** Subject to the **SIS Act, CSC** may offer **death and invalidity cover** to some or all **former Commonwealth ordinary employer‑sponsored members**, subject to the terms and conditions of the policy taken out under Rule 4.1.1AA, unless the **insurance company** does not provide cover in respect of the member under that policy.

**4.1.2A** Subject to the **SIS Act, CSC** may offer **death and invalidity cover** to some or all **PSSAP members** and **non‑member spouses**, except **ordinary employer‑sponsored members**, subject to the terms and conditions of the policy taken out pursuant to Rule 4.1.1A, unless the **insurance company** does not provide cover in respect of the person under that policy.

**4.1.2B** Subject to the **SIS Act, CSC** may determine the terms and conditions of any **death and invalidity** cover provided to persons under Rule 4.1.2AA or 4.1.2A.

|  |  |
| --- | --- |
| **Note:** | Terms and conditions determined by **CSC** under this rule may include the circumstances in which persons can cease to be covered and whether the member may elect to cease cover. Terms and conditions determined by **CSC** under this rule may also include any special requirements that apply in respect of persons who hold a **MySuper product**, consistent with the **SIS Act**. |

Claims by CSC

**4.1.3** Where an **ordinary employer‑sponsored member** dies, an application for approval of the member’s **invalidity retirement** is made under Rule 3.3.1 or the member makes a **benefit application** under Rule 3.1.1(aa), CSC:

(a) may make a claim against the policy providing the **death and invalidity cover**; and

(b) must make a claim against the policy providing the **death and invalidity cover** if:

(i) this is permitted under the policy; and

(ii) the member is unable to make a claim or has requested that CSC do so on their behalf;

unless the insurance company does not provide cover in respect of the member under that policy.

**4.1.3A** Where a personwho has been provided with **death and invalidity** cover under Rule 4.1.2AA or 4.1.2A dies, or makes an application for a claim against their invalidity cover, **CSC** must make a claim against the policy providing the **death and invalidity cover.**

|  |  |
| --- | --- |
| **Note:** | **CSC** may determine the terms and conditions that apply to an application for a claim against an invalidity insurance policy for persons holding invalidity cover under Rule 4.1.2AA or 4.1.2A. |

**4.1.3B** Any amount paid by an **insurance company** to **CSC** in response to a claim under Rule 4.1.3A against a policy providing **death and invalidity cover** must be paid into the **PSSAP Fund** and is credited to the **personal accumulation account** of the **PSSAP member** or **non‑member spouse interest account** of the **non‑member spouse.**

**4.1.4** Any amount paid by an **insurance company** to **CSC** in response to a claim under Rule 4.1.3 against a policy providing **death and invalidity cover** must be paid into the **PSSAP Fund** and is credited to the **personal accumulation account** of the **ordinary employer‑sponsored member**.

Death and invalidity cover premiums

**4.1.5** All premiums for **death and invalidity cover** provided under Rule 4.1.1, 4.1.1AA or 4.1.1A are to be paid by **CSC** from the **PSSAP Fund**.

**4.1.6** Subject to Rule 4.1.7, the premium for **death and invalidity cover** provided in respect of a **PSSAP member** or **non‑member spouse** is the amount determined by **CSC**, being the same amount as the amount of premium specified in the **death and invalidity cover** policy, and must be deducted from the **personal accumulation account** or **non‑member spouse interest account** of the person.

**4.1.7** Where a premium payable for **death and invalidity cover** is more than the amount in the **personal accumulation account** or **non‑member spouse interest account** of the **PSSAP member** or **non‑member spouse**, Rule 4.1.6 shall not apply.

Cessation of death and invalidity cover

**4.1.8** The **death and invalidity cover** of a **PSSAP member** or **non‑member spouse** ceases in the circumstances set out in the terms and conditions agreed between **CSC** and the relevant **insurance company** or companies, but subject to the requirements of the **SIS Act**.

**4.1.9** Subject to the **SIS Act**, a **PSSAP member** or **non‑member spouse** may elect to cease their **death and invalidity cover,** in accordance with terms and conditions determined by **CSC**, which may include the amount of notice that must be given, and whether the member may elect to cease cover.

|  |  |
| --- | --- |
| **Division 3** | **Income protection cover** |

CSC to arrange policy

**4.3.1** **CSC** must take out a policy or policies with an **insurance company** or companies in its name to provide **income protection cover** for **ordinary employer‑sponsored members** (except **former Commonwealth ordinary employer‑sponsored members**). A **income protection cover** policy is to be on the terms and conditions, including the circumstances, agreed between **CSC** and the relevant **insurance company** but subject to the requirements of the **SIS Act**.

**4.3.1AA** **CSC** may take out a policy or policies with an **insurance company** or companies in its name to provide **income protection cover** for some or all **former Commonwealth ordinary employer‑sponsored members**. **Income protection cover** is to be on the terms and conditions, including the circumstances, agreed between **CSC** and the relevant **insurance company** or companies.

**4.3.1A** **CSC** may take out a policy or policies with an **insurance company** or companies in its name to provide **income protection cover** for some or all **PSSAP members** and **non‑member spouses** (other than **ordinary employer‑sponsored members**). **Income protection cover** is to be on the terms and conditions, including the circumstances, agreed between **CSC** and the relevant **insurance company** or companies.

Provision of income protection cover

**4.3.2** Subject to the terms of the **income protection cover** policy taken out pursuant to Rule 4.3.1, **ordinary employer‑sponsored members** (except **former Commonwealth ordinary employer‑sponsored members**) will be provided with **income protection cover** in accordance with arrangements made under Rule 4.3.1 unless:

(a) the **ordinary employer‑sponsored member** has notified **CSC** in writing that they do not wish to be provided with **income protection cover**; or

(b) in accordance with the policy between **CSC** and the **insurance company**,the company refuses to provide cover in respect of the **ordinary employer‑sponsored member**.

**4.3.2AA** Subject to the **SIS Act**, **CSC** may offer **income protection cover** to some or all **former Commonwealth ordinary employer‑sponsored members**, subject to the terms and conditions of the policy taken out under Rule 4.3.1AA, unless the **insurance company** does not provide cover in respect of the member under that policy.

**4.3.2A** Subject to the **SIS Act**, **CSC** may offer **income protection cover** to some or all **PSSAP members** and **non‑member spouses**, except **ordinary employer‑sponsored members**, subject to the terms and conditions of the policy taken out pursuant to Rule 4.3.1A, unless the **insurance company** does not provide cover in respect of the person under that policy.

**4.3.2B** Subject to the **SIS Act**, **CSC** may determine the terms and conditions of any income protection cover provided to persons under Rule 4.3.2AA or 4.3.2A.

Cessation of income protection cover

**4.3.3** The **income protection cover** of a **PSSAP member** or **non member spouse** ceases on the terms and conditions, including the circumstances, agreed between **CSC** and the relevant **insurance company** but subject to the requirements of the **SIS Act**.

Income protection cover premiums

**4.3.4** All premiums for **income protection cover** are to be paid by **CSC** from the **PSSAP Fund**.

**4.3.5** Subject to Rule 4.3.6, the premium for **income protection cover** provided in respect of a **PSSAP member** or **non‑member spouse** is the amount determined by **CSC**,being the same amount as the amount of premium specified in the **income protection cover** policy, and must be deducted from the **personal accumulation account** or **non‑member spouse interest account** of the **PSSAP member** or **non‑member spouse.**

|  |  |
| --- | --- |
| **Note:** | **CSC** must make a claim against a policy providing **income protection cover**. See Rule 3.4.2.  Amounts other than **income protection superannuation contribution amounts** paid by an insurer in response to a claim are paid directly to the **PSSAP member** or **non‑member spouse**. They are not credited to their **personal accumulation account** or **non‑member spouse interest account**. See Rules 3.4.3 and 3.4.4  **Income protection superannuation contribution amounts** paid by an insurer in response to a claim are paid to **CSC** and then into the **PSSAP Fund** and credited to a **personal accumulation account**. See Rules 2.3.6 and 5.1.5(da). |

**4.3.6** Where a premium payable for **income protection cover** is more than the amount in the **personal accumulation account** of the **PSSAP member** or **non‑member spouse**, Rule 4.3.5 shall not apply.

|  |
| --- |
| PART 5 — OTHER MATTERS |

|  |  |
| --- | --- |
| **Division 1** | **Personal accumulation account** |

CSC must keep personal accumulation accounts

**5.1.1 CSC** must keep a **personal accumulation account** and/or **pension account** for each **PSSAP member**.

|  |  |
| --- | --- |
| **Note:** | A **PSSAP member** includes an **ordinary employer‑sponsored member** and a **government scheme member**. |

**5.1.2** **CSC** may keep only one **personal accumulation account** for each **PSSAP member**.

**5.1.3** The **personal accumulation account** records the **accumulation amount** of a **PSSAP** **member**.

Accumulation amount

**5.1.4** The **accumulation amount** of a **PSSAP member** is equal to the total of the amounts credited to the **personal accumulation account** of the **PSSAP member** under Rule 5.1.5 less the total of the amounts debited to the **personal accumulation account** under Rule 5.1.6.

**5.1.5** If any or all of the following amounts are paid to the **PSSAP Fund** in respect of a **PSSAP member**, the amounts must be credited to the person’s **personal accumulation account**:

(a) **basic employer contributions**;

(b) any **additional employer contributions**;

(c) **employee contributions** that have been paid by the **PSSAP member**;

(d) **eligible spouse contributions** accepted by **CSC** under Part 2 of the Rules paid on behalf of the **PSSAP member**;

(da) any **income protection superannuation contribution amount** paid under Rule 2.3.4A;

(e) the interest credited (if any) in respect of fund earnings on the person’s **accumulation amount** as decided by **CSC** under Rule 5.2.1;

(f) any amount paid by an insurance **company** to **CSC** in respect of the person in response to a claim against a life policy unless the amount is an amount referred to in Rule 3.4.3;

(g) any **transfer amounts**;

(h) any amount credited to the person’s **personal accumulation account** under Rule 7.2.2;

(i) amount of any tax offset as determined by **CSC**;

(j) any amount credited to the person’s **personal accumulation account** under Rule 3.6.8;

(k) any amount paid to **CSC** under Rule 2.4A.1.

**5.1.6** If any or all of the following amounts are paid from the **PSSAP Fund** or are payable by or in respect of a **PSSAP member** the amounts must be debited from the person’s **personal accumulation account**:

(a) income tax as determined by **CSC**;

(b) any **insurance premium** payable under Rule 4.1.6 and 4.3.5 paid from the person’s **accumulation amount**;

(c) the interest debited (if any) in respect of fund losses on the person’s **accumulation amount** as decided by **CSC** under Rule 5.2.1;

(d) any benefit paid to or in respect of the **PSSAP member** from their **accumulation amount** including any benefit paid as a **roll‑over** or **transfer**;

(e) any fees, costs and expenses paid from the person’s **personal accumulation account** under Rule 5.4.3 and Rule 2.5.1;

(f) any **surcharge** payable by **CSC** under Rule 5.3.1 in respect of the **PSSAP member**;

(g) any benefit paid to or in respect of the **PSSAP member** from their **accumulation amount** under Rule 3.1.1(g);

(h) any amount paid under Rule 3.1.21 in respect of an application made by a **PSSAP member** under Rule 3.1.1(j);

(i) any amount paid in respect of the PSSAP member under Rule 3.1.11A.

|  |  |
| --- | --- |
| **Division 2** | **Crediting of fund earnings and debiting of fund losses** |

Crediting of earnings and debiting of expenses and losses

**5.2.1** **CSC** may determine the amounts to be credited or debited to a person’s **personal accumulation account** under Rule 5.1.5(e) and 5.1.6(c) that reasonably reflects the after tax earnings or losses derived from the investment of the amount in the account.

**5.2.2** In determining the amount referred to in Rule 5.2.1 **CSC** must have regard to:

(a) the charges, costs and expenses incurred in the investment of amounts in all **personal accumulation accounts**; and

(b) if, under Rule 5.4.1, a **PSSAP member** may choose between two or more investment strategies — the investment strategies chosen by the **PSSAP member** for their **personal accumulation account**.

**Note:**   The PSSAP is subject to provisions relating to financial management of funds (including solvency and winding up of accumulation funds) set out at Part 9 of the **SIS Regulations**.

|  |  |
| --- | --- |
| **Division 3** | **Superannuation surcharge** |

Application of the Superannuation Contributions Tax

**5.3.1** **CSC** must pay from the **PSSAP Fund** any amount of **surcharge** payable in respect of an **assessment** of **surcharge** on **surchargeable contributions** for a **PSSAP member** held in the **PSSAP Fund**.

**Note:**   As well as covering possible surcharge assessments received in respect of surchargeable contributions made on or after 1 July 2005 (legislation has been introduced in Parliament to abolish the surcharge from 1 July 2005), Rule 5.3.1 will cover surcharge assessments received in relation to surchargeable contributions made before 1 July 2005 and transferred by **PSSAP members** to the **PSSAP Fund**.

|  |  |
| --- | --- |
| **Division 4** | **Member investment choice** |

Member Investment Choice

**5.4.1** **CSC** may offer **PSSAP members** the opportunity to elect to have amounts held in their **personal accumulation account** invested in accordance with a particular investment strategy.

**5.4.2 CSC** may determine when and how **PSSAP members**, or particular **PSSAP members**, may make or change an election about their choice of investment strategy.

**5.4.3** **CSC** may determine, in relation to choice of investment strategy, the fees, costs and expenses to be paid from a person’s **personal accumulation account**, including, fees, costs and expenses in connection with the investment of contributions, the realisation of those investments, the choice of an investment strategy and changes to an investment strategy.

|  |  |
| --- | --- |
| **Division 5** | **Incorrectly paid amounts** |

CSC must redirect incorrectly paid amounts and correct the PSSAP Fund

**5.5.1** If any moneys paid to or withdrawn from the **PSSAP Fund**, in the opinion of **CSC**, have been paid to or withdrawn from the **PSSAP Fund** by mistake (whether of law or of fact), **CSC** must take steps to correct the mistake, including:

(a) in the case of moneys paid by mistake — refunding those moneys to the person who paid them to the **PSSAP Fund** and doing all things necessary to correct the records of the **PSSAP Fund** to reflect such refunding;

(b) in the case of moneys withdrawn by mistake — taking all reasonable steps to recover the moneys and doing all things necessary to correct the records of the **PSSAP Fund** to reflect such recovery.

**Note:**Among other things, Rule 5.5.1 covers the situation where an amount transferred to **CSC** by the Australian Taxation Office under Rule 2.4.1(c) or (d) has been found, upon reassessment by the Commissioner of Taxation, to be more than the correct amount.

CSC must redirect incorrectly paid amounts and correct personal accumulation accounts, pension accounts and non‑member spouse accounts

**5.5.2** If any moneys paid to or withdrawn from the **personal accumulation account**, **pension account** or **non‑member spouse interest account** of a **PSSAP member**, **PSSAP pensioner** or **reversionary beneficiary** were, in the opinion of **CSC**, paid into or withdrawn from the respective account by mistake (whether of law or of fact), **CSC** must take steps to correct the mistake, including:

(a) withdrawing an amount from the **personal accumulation account**, **pension account** or **non‑member spouse interest account** or paying an amount to the **personal accumulation account**, **pension account** or **non‑member spouse interest account**; and

(b) doing all things necessary to correct the records of the **PSSAP Fund** to reflect action taken under paragraph (a).

CSC must return contributions that should not have been accepted

**5.5.3** If **CSC** becomes aware that it has accepted contributions in relation to a **PSSAP member** which should not be accepted into the **PSSAP Fund** under the **SIS Act**, **CSC** must repay, return or refund them to the contributor and make any adjustments it considers appropriate to the **personal accumulation account** of the **PSSAP member**. Subject to the **SIS Act**, **CSC** may adjust the repaid, returned or refunded contributions for:

(a) **insurance premiums** paid from the person’s **personal** **accumulation account** during the period the contributions were held in the **PSSAP Fund**;

(b) interest (if any) in respect of the fund earnings or fund losses for the period the contributions were held in the **PSSAP Fund**; and

(c) fees, costs and expenses paid from the person’s **personal accumulation account** during the period the contributions were held in the **PSSAP Fund**.

**Note:**   Among other things, Rule 5.5.3 covers the situation where a member contributes an amount that exceeds the non‑concessional contribution cap and **CSC** must return that amount, in accordance with the **SIS Act**.

|  |
| --- |
| PART 6 — REVIEW OF DECISIONS |

|  |  |
| --- | --- |
| **Division 1** | **Reconsideration Advisory Committees** |

Establishing Reconsideration Advisory Committees

**6.1.1** **CSC** will establish one or more Reconsideration Advisory Committees comprising people with such qualifications as **CSC** determines and may refer a **decision** of **CSC**, or of a delegate of **CSC**, to be considered by a Reconsideration Advisory Committee. A member of a Reconsideration Advisory Committee may also be a **director** of **CSC**.

**6.1.2** Subject to CSC directions, a Reconsideration Advisory Committee will regulate its own affairs.

CSC responsibilities to Reconsideration Advisory Committees

**6.1.3** Where **CSC** has referred a **decision** in relation to **PSSAP** to a Reconsideration Advisory Committee, **CSC** is to provide the Committee with all relevant evidence and information.

Recommendation by Reconsideration Advisory Committees

**6.1.4** Where **CSC** has referred a **decision** in relation to **PSSAP** to a Reconsideration Advisory Committee for review and to make a recommendation to **CSC**, the Committee is to review the **decision** and make a recommendation to **CSC** whether the **decision** should be affirmed, varied, substituted or set aside.

|  |  |
| --- | --- |
| **Division 2** | **Reconsidering delegate’s decisions** |

Request for reconsideration

**6.2.1** A person affected by a **decision** in relation to **PSSAP** made by a delegate of **CSC** may request **CSC** to reconsider the original **decision**.

**6.2.2** A request for reconsideration must be made in writing, or any other form acceptable to **CSC**, and must set out the particulars of the **decision** to be reconsidered.

Reconsideration of decision of delegate

**6.2.3** Where **CSC** accepts a request to reconsider a **decision** of a delegate of **CSC** in relation to **PSSAP**, **CSC** must:

(a) if **CSC** has delegated to a Reconsideration Advisory Committee **CSC**’s power to determine the matter, refer the request to the Committee for review and to exercise that power and in that event the Committee must review the **decision** and determine the matter in accordance with the delegated power by:

(i) affirming the **decision** under review;

(ii) varying the **decision**;

(iii) substituting another **decision**; or

(iv) setting the **decision** aside; or

(b) itself review the **decision** and decide whether to affirm the **decision**, vary the **decision**, substitute another **decision** or set the **decision** aside, after considering the recommendation of a Reconsideration Advisory Committee, if any, if, at its discretion, it has referred the request to the Committee for review and to make a recommendation in relation to the **decision**.

Decision to be notified to affected person

**6.2.4** The **decision** of **CSC** or the Reconsideration Advisory Committee under Rule 6.2.3 on a reconsideration must be notified to the person requesting reconsideration of the original **decision**. The notification is to include a statement of reasons for the **decision**.

|  |  |
| --- | --- |
| **Division 3** | **Reconsidering CSC Decisions** |

Request for reconsideration

**6.3.1** A person affected by a **decision** of **CSC** in relation to **PSSAP**, including a **decision** under Division 2 or 4 of this Part, may request **CSC** to reconsider that **decision**.

**6.3.2** A request for reconsideration of a **decision** of **CSC** in relation to **PSSAP** must be made in writing and:

(a) set out the particulars of the **decision** to be reconsidered;

(b) specify the grounds for the request;

(c) include new evidence, being evidence not previously known to **CSC**, supporting the grounds for the request; and

(d) be accompanied by the fee prescribed under the **Act**.

**6.3.3** **CSC** must not proceed with a request for reconsideration of a **decision** of **CSC** in relation to **PSSAP**:

(a) that does not include new evidence; or

(b) if in the opinion of **CSC**, the evidence included in the request does not support the grounds specified for the request;

and **CSC** may refund the fee paid. **CSC** may subsequently proceed with the request if sufficient new evidence is provided.

Clear decision in favour of person

**6.3.4** If **CSC** accepts a request to reconsider a **decision** of **CSC** in relation to **PSSAP**, **CSC** may decide in favour of the person seeking reconsideration without referring the request to a Reconsideration Advisory Committee or to an Assessment Panel if, after considering:

(a) the new evidence provided with the request; and

(b) any other evidence **CSC** considers relevant;

it is satisfied there is no reasonable doubt it should decide in favour of the person.

Reconsideration of decision of CSC

**6.3.5** Where **CSC** accepts a request to reconsider one of its **decisions** in relation to **PSSAP**, **CSC**, unless under Rule 6.3.4 it has decided in favour of the person seeking reconsideration, must:

(a) if **CSC** has delegated to a Reconsideration Advisory Committee  **CSC’s** power to determine the matter, refer the request to the Committee for review and to exercise that power and in that event the Committee must review the **decision** and determine the matter in accordance with the delegated power by:

(i) affirming the **decision** under review;

(ii) varying the **decision**;

(iii) substituting another **decision**; or

(iv) setting the **decision** aside; or

(b) itself review the **decision** and decide whether to affirm the **decision**, vary the **decision**, substitute another **decision** or set the **decision** aside, after considering the recommendation of a Reconsideration Advisory Committee, if any, if, at its discretion, it has referred the request to the Committee for review and to make a recommendation in relation to the **decision**;

after first obtaining, if appropriate, the recommendation of an Assessment Panel, and the Committee or **CSC**, as the case requires, may, at its discretion, refund the fee paid.

Decision to be notified to affected person

**6.3.6** The **decision** of **CSC** or the Reconsideration Advisory Committee under Rule 6.3.5 must be notified to the person requesting reconsideration of the original **decision**. The notification is to include a statement of reasons for the **decision**.

|  |  |
| --- | --- |
| **Division 4** | **CSC initiated reconsiderations** |

CSC may initiate a reconsideration of a decision

**6.4.1** **CSC**, on its own motion, may initiate the reconsideration of a delegate’s **decision** or a **decision** of **CSC** in relation to **PSSAP** and may vary the **decision**, substitute another **decision** or set the **decision** aside. **CSC** will advise the person affected of that reconsideration and any changed decision.

|  |
| --- |
| PART 7 — FAMILY LAW SUPERANNUATION SPLITTING |

|  |  |
| --- | --- |
| **Division 1** | **CSC powers and duties: superannuation interests subject to payment split** |

Powers and duties of CSC: adoption of SIS Regulations

**7.1.1** Subject to this Part, where an interest in the **PSSAP Fund** becomes subject to a payment split under the *Family Law Act 1975*:

(a) **CSC** shall have the same powers and duties in relation to the interest as a trustee has under Part 7A of the **SIS Regulations** in relation to a relevant accumulation interest;

(b) a **non‑member spouse** in relation to the interest has the same rights in relation to benefits connected with the interest as the **non‑member spouse** would havein relation to benefits connected with the interest if Part 7A of the **SIS Regulations** applied in relation to the interest; and

(c) a **member spouse** in relation to the interest has the same rights in relation to reduction of benefits connected with the interest as the **member spouse** would have in relation to such reduction if Part 7A of the **SIS Regulations** applied in relation to the interest.

|  |  |
| --- | --- |
| **Division 2** | **CSC to establish a non‑member spouse interest account where a non‑member spouse interest is created** |

CSC to establish a non‑member spouse interest account

**7.2.1** Where **CSC** creates a **non‑member spouse interest**, **CSC** must create an account to which the value of the **non‑member spouse interest** is credited (**non‑member spouse interest account**).

**Note:**Regulation 7A.20 of the **SIS Regulations** governs the apportionment of the **non‑member spouse interest** among unrestricted non‑preserved benefits, restricted non‑preserved benefits and preserved benefits.

Administration fees debited from non‑member spouse interest account

**7.2.1A** There must be debited from a **non‑member spouse interest account** fees determined by **CSC** under Rule 7.2.1B.

**7.2.1B CSC** may determine fees to be paid from a **non‑member spouse interest account** relating to the costs of the administration of the **Act** and this Deed (generally and in matters relating more specifically to the account).

Payments made under a release authority

**7.2.1C** There must be debited from a **non‑member spouse interest account** any amount paidby **CSC** under Rule 3.1.11A in respect of the **non‑member spouse**.

CSC to consolidate non‑member spouse interest account and personal accumulation account

**7.2.2** Where the **non‑member spouse** is a **PSSAP member** with both a **personal accumulation account** and a **non‑member spouse interest account**, **CSC** shall, within 28 days after being requested to do so by the **non‑member spouse**:

(a) increase the amount credited to the **personal accumulation account** of the **PSSAP member** by the amount credited to the **non‑member spouse interest account**; and

(b) thereafter and on the same day reduce to zero the value of the **non‑member spouse interest** **account** and then close the **non‑member spouse interest** **account**.

|  |  |
| --- | --- |
| **Division 3** | **Rights and restrictions applying to a non‑member spouse interest** |

CSC may determine terms and conditions for non member spouse interest

**7.3.1** Subject to the provisions of this Division, **CSC** may, in creating a  
**non‑member spouse interest**, determine terms and conditions for the **non‑member spouse interest**.

Right of non‑member spouse to benefits

**7.3.2** Subject to the **SIS Act**, the rights of a **non‑member spouse** or their **legal personal representative** applying for benefits or the **roll‑over** of benefits in relation to their **non‑member spouse interest** are the same as those of a **PSSAP member** who has ceased to be an **ordinary employer‑sponsored member** — or their **legal personal representative** — applying for benefits or the **roll‑over** of benefits in relation to an interest in the **PSSAP Fund** of the **PSSAP member**.

Right of person claiming death benefits

**7.3.3** Subject to the **SIS Act**, the rights of persons claiming death benefits upon the death of a **non‑member spouse** in relation to their **non‑member spouse interest** are the same as the rights of persons claiming death benefits upon the death of a **PSSAP member** in relation to the interest in the **PSSAP Fund** of the deceased **PSSAP member**.

CSC may offer non‑member spouse choice of investment strategy

**7.3.4** **CSC** may offer a **non‑member spouse** the opportunity to elect to have amounts held in his or her **non‑member spouse interest account** invested in accordance with a particular investment strategy.

**7.3.5** **CSC** may determine when and how a **non‑member spouse** may make or change an election about their choice of investment strategy.

**7.3.6** **CSC** may determine the administration fees to be paid from a person’s **non‑member spouse interest account** for changing elections about choice of investment strategy.

Employee contributions not able to be credited to non‑member spouse interest account

**7.3.8 CSC** shall not accept **employee contributions**, contributions by an employer or **transfer amounts**, including those referred to in Part 2, Division 4, for the purpose of them being credited to the **non‑member spouse interest account**.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Deed to Establish the Public Sector Superannuation Accumulation Plan 2005 | 30 June 2005 (F2005L01901) | 1 July 2005 |  |
| First Amending Deed 2006 | 1 Aug 2006 (F2006L02524) | 2 Aug 2006 (c 1) | — |
| Second Amending Deed 2007 | 28 June 2007 (F2007L01942) | c 3.1, 4.4 and 4.8: 29 June 2007 Remainder: 1 July 2007 | — |
| Third Amending Deed 2008 | 18 Apr 2008 (F2008L01089) | 28 Mar 2008 (c 1) | — |
| Fourth Amending Deed 2009 | 25 June 2009 (F2009L02531) | c 3.1, 3.2–3.9: 1 July 2009 Remainder: 26 June 2009 | c 5 |
| Fifth Amending Deed 2011 | 30 June 2011 (F2011L01390) | 1 July 2011 (c 1) | — |
| Sixth Amending Deed 2012 | 15 Feb 2012 (F2012L00319) | 16 Feb 2012 (c 1) | c 3 |
| Seventh Amending Deed 2013 | 7 Jan 2013 (F2013L00027) | 1 July 2013 (c 1) | c 3 |
| Eighth Amending Deed 2013 | 25 Mar 2013 (F2013L00551) | 26 Mar 2013 (c 1) | c 3 |
| Ninth Amending Deed 2013 | 7 June 2013 (F2013L00934) | c 7, 8: 1 July 2014 c 9: 1 July 2013 Remainder: 8 June 2013 | c 3, 5 and 7 |
| Tenth Amending Deed 2013 | 9 Dec 2013 (F2013L02063) | 10 Dec 2013 (c 1) | — |
| Eleventh Amending Deed 2015 | 10 Mar 2015 (F2015L00278) | 11 Mar 2015 (c 1) | — |
| Superannuation (PSSAP) Amendment (Administration Costs) Instrument 2015 | 26 June 2015 (F2015L00952) | 1 July 2015 (s 2(1) item 1) | — |
| Superannuation (PSSAP Trust Deed) (Insurance and Other Matters) Amendment Instrument 2016 | 9 Sept 2016 (F2016L01410) | Sch 1 (items 1, 20–22): 10 Sept 2016 (s 2(1) item 1) Sch 1 (items 2–19): 1 Oct 2016 (s 2(1) item 2) | — |
| Superannuation (PSSAP Trust Deed) (Superannuation Reforms and Other Matters) Amendment Instrument 2017 | 13 June 2017 (F2017L00658) | Sch 1 (items 1–15), Sch 2: 14 June 2017 (s 2(1) item 1) Sch 1 (items 16–22): 1 July 2017 (s 2(1) item 2) | — |
| Superannuation Amendment (PSSAP Trust Deed—Membership) Instrument 2017 | 6 Nov 2017 (F2017L01436) | 4 Dec 2017 (s 2(1) item 1) | — |
| Superannuation Amendment (PSSAP Trust Deed –Superannuation Salary) Instrument 2020 | 30 Jan 2020 (F2020L00064) | 31 Jan 2020 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Trust Deed** |  |
| Preamble | am 1st Amdt, 2006; 2nd Amdt, 2007; 5th Amdt, 2011 |
| **Clause 1** |  |
| c 1 | ad 5th Amdt, 2011 |
| c 1.3 | rep 5th Amdt, 2011 |
| c 1.4 | am 11th Amdt, 2015 |
| c 1.6 | rep 5th Amdt, 2011 |
| c 1.8 | rep 5th Amdt, 2011 |
| **Clause 2** |  |
| c 2.1 | rs 5th Amdt, 2011 |
| c 2.2 | rs 5th Amdt, 2011 |
| **Clause 3** |  |
| c 3 | am 5th Amdt, 2011 |
| c 3.1 | am 5th Amdt, 2011 |
| c 3.2 | am 5th Amdt, 2011; F2015L00952 |
| c 3.3 | am 5th Amdt, 2011 |
| c 3.4 | am 5th Amdt, 2011 |
| c 4 | rep 1st Amdt, 2006 |
| **Clause 5** |  |
| c 5.1 | am 5th Amdt, 2011 |
| c 5.2 | am 5th Amdt, 2011 |
| c 5.3 | am 5th Amdt, 2011 |
|  | rs F2015L00952 |
| c 5.4 | rep 5th Amdt, 2011 |
| c 5.5 | rep 5th Amdt, 2011 |
| **Clause 6** |  |
| c 6.2 | am 5th Amdt, 2011 |
| c 6.3 | am 5th Amdt, 2011 |
| c 6.4 | am 5th Amdt, 2011 |
| c 6.5 | am 5th Amdt, 2011 |
| c 6.6 | am 5th Amdt, 2011 |
| **Clause 7** |  |
| c 7.1 | am 5th Amdt, 2011 |
| **Clause 8** |  |
| c 8.1 | am 5th Amdt, 2011; F2017L00658 |
| c 8.2 | am 5th Amdt, 2011 |
| c 8.3 | am 5th Amdt, 2011; F2017L00658 |
| **Clause 9** |  |
| c 9 | am 11th Amdt, 2015 |
| c 9.1 | am 5th Amdt, 2011; F2017L00658 |
| **The Schedule** |  |
| **Rules** |  |
| **Part 1** |  |
| **Division 1** |  |
| r 1.1.1 | am 5th Amdt, 2011; 11th Amdt, 2015 |
| **Division 2** |  |
| r 1.2.1 | am 1st Amdt, 2006; 2nd Amdt, 2007; 3rd Amdt, 2008; 4th Amdt, 2009; 5th Amdt, 2011; 6th Amdt, 2012; 7th, 8th, 9th and 10th Amdt, 2013; 11th Amdt, 2015; F2016L01410; F2017L00658 ; F2017L01436 |
| **Part 2** |  |
| **Division 1** |  |
| Division 1 | am F2017L01436 |
| r 2.1.1 | am 9th Amdt, 2013; F2017L01436 |
| r 2.1.3 | am 5th Amdt, 2011; 9th Amdt, 2013 |
| **Division 1A** |  |
| Division 1A | ad 7th Amdt, 2013 |
| r 2.1A.1 | ad 7th Amdt, 2013 |
|  | am F2016L01410 |
| r 2.1A.2 | ad 7th Amdt, 2013 |
| r 2.1A.3 | ad 7th Amdt, 2013 |
| r 2.1A.4 | ad 7th Amdt, 2013 |
|  | am 11th Amdt, 2015 |
| r 2.1A.5 | ad 7th Amdt, 2013 |
|  | am 11th Amdt, 2015 |
| r 2.1.4 | ad 9th Amdt, 2013 |
| r 2.1.5 | ad 9th Amdt, 2013 |
| r 2.1.6 | ad 9th Amdt, 2013 |
| r 2.1.7 | ad 9th Amdt, 2013 |
| r 2.1.8 | ad 9th Amdt, 2013 |
| **Division 2** |  |
| r 2.2.1 | am 5th Amdt, 2011; F2017L01436 |
| r 2.2.1A | ad F2017L01436 |
| r 2.2.2 | am 2nd Amdt, 2007; F2017L01436 |
| r 2.2.3 | rs 1st Amdt, 2006; 3rd Amdt, 2008; 4th Amdt, 2009 |
|  | am F2017L01436; F2020L00064 |
| r 2.2.4 | am 4th Amdt, 2009; 5th Amdt, 2011; 11th Amdt, 2015; F2017L01436 |
| r 2.2.4A | ad 9th Amdt, 2013 |
|  | am 11th Amdt, 2015 |
| r 2.2.4B | ad 9th Amdt, 2013 |
| r 2.2.5 | am 5th Amdt, 2011; F2017L01436 |
| r 2.2.6 | am 5th Amdt, 2011; F2017L01436 |
| r 2.2.6A | ad 9th Amdt, 2013 |
| r 2.2.7 | am 5th Amdt, 2011 |
| r 2.2.9 | am 5th Amdt, 2011 |
| r 2.2.10 | am 5th Amdt, 2011 |
|  | rs 10th Amdt, 2013 |
| r 2.2.11 | am F2017L01436 |
| **Division 3** |  |
| Division 3 heading | rs 11th Amdt, 2015 |
| r 2.3.1 | am 5th Amdt, 2011; 11th Amdt, 2015 |
| r 2.3.3 | rs 11th Amdt, 2015 |
| r 2.3.4 | am 5th Amdt, 2011 |
| r 2.3.4A | ad F2016L01410 |
| r 2.3.5 | am 5th Amdt, 2011; 11th Amdt, 2015 |
|  | rs F2016L01410 |
| r 2.3.6 | am 5th Amdt, 2011 |
|  | rs F2016L01410 |
| **Division 3A** |  |
| Division 3A | ad 11th Amdt, 2015 |
| r 2.3A.1 | ad 11th Amdt, 2015 |
| r 2.3A.2 | ad 11th Amdt, 2015 |
| r 2.3A.3 | ad 11th Amdt, 2015 |
| r 2.3A.4 | ad 11th Amdt, 2015 |
| r 2.3A.5 | ad 11th Amdt, 2015 |
| r 2.3A.6 | ad 11th Amdt, 2015 |
| r 2.3A.7 | ad 11th Amdt, 2015 |
| **Division 3B** |  |
| Division 3B | ad 11th Amdt, 2015 |
| r 2.3B.1 | ad 11th Amdt, 2015 |
| r 2.3B.2 | ad 11th Amdt, 2015 |
| r 2.3B.3 | ad 11th Amdt, 2015 |
| r 2.3B.4 | ad 11th Amdt, 2015 |
| r 2.3B.5 | ad 11th Amdt, 2015 |
| r 2.3B.6 | ad 11th Amdt, 2015 |
| r 2.3B.7 | ad 11th Amdt, 2015 |
| **Division 4** |  |
| r 2.4.1 | rs 2nd Amdt, 2007 |
|  | am 5th Amdt, 2011 |
| r 2.4.1A | ad 4th Amdt, 2009 |
|  | am 5th Amdt, 2011 |
| r 2.4.1B | ad 9th Amdt, 2013 |
|  | am 9th Amdt, 2013 |
| r 2.4.1C | ad 9th Amdt, 2013 |
|  | am 9th Amdt, 2013 |
| r 2.4.1D | ad 9th Amdt, 2013 |
|  | am 9th Amdt, 2013; 11th Amdt, 2015; F2017L00658 |
| r 2.4.1E | ad 11th Amdt, 2015 |
| r 2.4.2 | am 5th Amdt, 2011 |
| r 2.4.3 | am 5th Amdt, 2011 |
| **Division 4A** |  |
| Division 4A | ad F2016L01410 |
| r 2.4A.1 | ad F2016L01410 |
| r 2.4A.2 | ad F2016L01410 |
| r 2.4A.3 | ad F2016L01410 |
| **Division 5** |  |
| Division 5 | ad 9th Amdt, 2013 |
|  | rs F2015L00952 |
| r 2.5.1 | ad 9th Amdt, 2013 |
|  | rs F2015L00952 |
| **Part 3** |  |
| **Division 1** |  |
| r 3.1.1 | am 1st Amdt, 2006 |
|  | rs 2nd Amdt, 2007 |
|  | am 5th Amdt, 2011; 8th Amdt, 2013; 11th Amdt, 2015; F2016L01410; F2017L00658; F2017L01436 |
| r 3.1.2 | am 5th Amdt, 2011 |
| r 3.1.3 | rep 2nd Amdt, 2007 |
| r 3.1.4 | am 5th Amdt, 2011; 8th Amdt, 2013 |
| r 3.1.5 | rep 2nd Amdt, 2007 |
| r 3.1.6 | am 5th Amdt, 2011; F2016L01410 |
| r 3.1.7 | am 5th Amdt, 2011 |
|  | rs F2016L01410 |
|  | ed C16 |
| r 3.1.8 | am 5th Amdt, 2011; 11th Amdt, 2015 |
| r 3.1.9 | am 5th Amdt, 2011 |
| r 3.1.9A | ad F2017L01436 |
| r 3.1.10 | am 5th Amdt, 2011 |
| r 3.1.11 | am 5th Amdt, 2011 |
| r 3.1.11A | ad 2nd Amdt, 2007 |
|  | am 5th Amdt, 2011; 10th Amdt, 2013 |
|  | rs F2017L00658 |
| r 3.1.13 | rs 1st Amdt, 2006 |
|  | am 2nd Amdt, 2007; 5th Amdt, 2011; 7th Amdt, 2013; 8th Amdt, 2013 |
| r 3.1.14 | rs 2nd Amdt, 2007 |
|  | am 5th Amdt, 2011 |
| r 3.1.15 | rs 1st Amdt, 2006; 2nd Amdt, 2007 |
|  | am 5th Amdt, 2011 |
| r 3.1.15A | ad 1st Amdt, 2006 |
|  | rep 2nd Amdt, 2007 |
| r 3.1.16 | rep 1st Amdt, 2006 |
| r 3.1.17 | rep 1st Amdt, 2006 |
| r 3.1.18 | rs 1st Amdt, 2006 |
|  | am 5th Amdt, 2011 |
| r 3.1.20 | rs 2nd Amdt, 2007 |
|  | am 5th Amdt, 2011 |
| r 3.1.21 | ad F2016L01410 |
| **Division 2** |  |
| r 3.2.1 | am 5th Amdt, 2011 |
| r 3.2.2 | am 5th Amdt, 2011 |
| r 3.2.3 | am 5th Amdt, 2011 |
| **Division 3** |  |
| r 3.3.1A | ad F2017L01436 |
| r 3.3.1 | am 5th Amdt, 2011 |
| r 3.3.3 | am 5th Amdt, 2011 |
| r 3.3.4 | am 5th Amdt, 2011 |
| r 3.3.5 | am 5th Amdt, 2011 |
| **Division 4** |  |
| r 3.4.1 | am 5th Amdt, 2011; 11th Amdt, 2015 |
| r 3.4.2 | am 5th Amdt, 2011 |
| r 3.4.3 | am 7th Amdt, 2013; 11th Amdt, 2015 |
|  | rs F2016L01410 |
| r 3.4.4 | am 11th Amdt, 2015; F2016L01410 |
| r 3.4.5 | am 5th Amdt, 2011; 7th Amdt, 2013; 11th Amdt, 2015 |
| **Division 5** |  |
| r 3.5.1 | rs 1st Amdt, 2006 |
|  | am 5th Amdt, 2011 |
| r 3.5.2 | am 5th Amdt, 2011 |
|  | rs 7th Amdt, 2013 |
| **Division 6** |  |
| Division 6 | ad 8th Amdt, 2013 |
| r 3.6.1 | ad 8th Amdt, 2013 |
|  | am F2017L00658 |
| r 3.6.2 | ad 8th Amdt, 2013 |
| r 3.6.3 | ad 8th Amdt, 2013 |
|  | am 11th Amdt, 2015 (md); F2017L00658 |
| r 3.6.4 | ad 8th Amdt, 2013 |
| r 3.6.5 | ad 8th Amdt, 2013 |
| r 3.6.6 | ad 8th Amdt, 2013 |
|  | am 9th Amdt, 2013 |
| r 3.6.7 | ad 8th Amdt, 2013 |
|  | am F2017L00658 |
| r 3.6.8 | ad 8th Amdt, 2013 |
|  | am 11th Amdt, 2015; F2017L00658 |
| r 3.6.8A | ad F2017L00658 |
| r 3.6.9 | ad 8th Amdt, 2013 |
| r 3.6.10 | ad 8th Amdt, 2013 |
| r 3.6.11 | ad 8th Amdt, 2013 |
| r 3.6.12 | ad 8th Amdt, 2013 |
| r 3.6.13 | ad 8th Amdt, 2013 |
| r 3.6.14 | ad 8th Amdt, 2013 |
| r 3.6.15 | ad 8th Amdt, 2013 |
| **Part 4** |  |
| **Division 1** |  |
| Division 1 heading | rs 11th Amdt, 2015 |
| r 4.1.1 | rs 5th Amdt, 2011 |
|  | am 7th Amdt, 2013; 11th Amdt, 2015; F2017L01436 |
| r 4.1.1AA | ad F2017L01436 |
| r 4.1.1A | ad 7th Amdt, 2013 |
|  | am 11th Amdt, 2015 |
| r 4.1.2 | am 7th Amdt, 2013; 11th Amdt, 2015; F2017L01436 |
| r 4.1.2AA | ad F2017L01436 |
| r 4.1.2A | ad 7th Amdt, 2013 |
|  | am 11th Amdt, 2015 |
| r 4.1.2B | ad 7th Amdt, 2013 |
|  | am 11th Amdt, 2015; F2017L01436 |
| r 4.1.3 | am 5th Amdt, 2011; 7th Amdt, 2013; 11th Amdt 2015 |
|  | rs F2016L01410 |
|  | am F2017L01436 |
| r 4.1.3A | ad 7th Amdt, 2013 |
|  | am 11th Amdt, 2015; F2017L01436 |
| r 4.1.3B | ad 7th Amdt, 2013 |
|  | am 11th Amdt, 2015; F2016L01410 |
| r 4.1.4 | am 5th Amdt, 2011; 7th Amdt, 2013; 11th Amdt, 2015 |
| r 4.1.5 | am 5th Amdt, 2011 |
|  | rs 7th Amdt, 2013 |
|  | am 11th Amdt, 2015; F2017L01436 |
| r 4.1.6 | am 5th Amdt, 2011 |
|  | rs 7th Amdt, 2013 |
|  | am 11th Amdt, 2015; F2017L01436 |
| r 4.1.7 | rs 7th Amdt, 2013 |
|  | am 11th Amdt, 2015 |
| r 4.1.8 | am, 7th Amdt, 2013; 11th Amdt, 2015 |
|  | rs 11th Amdt, 2015 |
| r 4.1.9 | ad 7th Amdt, 2013; 11th Amdt, 2015 |
| Division 2 | rep 11th Amdt, 2015 |
| r 4.2.1 | am 5th Amdt, 2011; 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.2.2 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.2.3 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.2.4 | am 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.2.5 | am 5th Amdt, 2011; 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.2.6 | am 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.2.7 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.2.8 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.2.9 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.2.10 | am 5th Amdt, 2011; 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.2.11 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.2.12 | rep 11th Amdt, 2015 |
| r 4.2.13 | rep 11th Amdt, 2015 |
| **Division 3** |  |
| Division 3 heading | rs 11th Amdt, 2015 |
| r 4.3.1 | am 5th Amdt, 2011; 7th Amdt, 2013; 11th Amdt, 2015; F2017L01436 |
| r 4.3.1AA | ad F2017L01436 |
| r 4.3.1A | ad 11th Amdt, 2015 |
| r 4.3.2 | am 5th Amdt, 2011; 7th Amdt, 2013; 11th Amdt, 2015; F2017L01436 |
| r 4.3.2AA | ad F2017L01436 |
| r 4.3.2A | ad 11th Amdt, 2015 |
| r 4.3.2B | ad 11th Amdt, 2015; F2017L01436 |
| r 4.3.3 | am 5th Amdt, 2011; 11th Amdt, 2015 |
|  | rs 11th Amdt, 2015 |
| r 4.3.4 | am 5th Amdt, 2011; 11th Amdt, 2015 |
| r 4.3.5 | am 5th Amdt, 2011 |
|  | rs 11th Amdt, 2015 |
|  | am F2016L01410 |
| r 4.3.6 | am 11th Amdt, 2015 |
| Division 4 | rep 11th Amdt, 2015 |
| r 4.4.1 | am 5th Amdt, 2011; 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.4.2 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.4.3 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.4.4 | am 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.4.5 | am 5th Amdt, 2011; 7th Amdt , 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.4.6 | am 7th Amdt, 2013 |
|  | rep 11th Amdt, 2015 |
| r 4.4.7 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.4.8 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.4.9 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.4.10 | am 5th Amdt, 2011 |
|  | rep 11th Amdt, 2015 |
| r 4.4.11 | rep 11th Amdt, 2015 |
| **Part 5** |  |
| **Division 1** |  |
| r 5.1.1 | am 5th Amdt, 2011; 7th Amdt, 2013 |
|  | rs 9th Amdt, 2013 |
| r 5.1.2 | am 5th Amdt, 2011 |
| r 5.1.5 | am 2nd Amdt, 2007; 5th Amdt, 2011; 7th and 8th Amdt, 2013; 11th Amdt, 2015; F2016L01410 |
| r 5.1.6 | am 5th Amdt, 2011; 9th Amdt, 2013; 11th Amdt, 2015; F2016L01410; F2017L00658 |
| **Division 2** |  |
| r 5.2.1 | rs 1st Amdt, 2006 |
|  | am 5th Amdt, 2011 |
| r 5.2.2 | am 5th Amdt, 2011 |
| **Division 3** |  |
| r 5.3.1 | am 5th Amdt, 2011 |
| **Division 4** |  |
| r 5.4.1 | am 5th Amdt, 2011 |
| r 5.4.2 | am 5th Amdt, 2011 |
|  | rs 9th Amdt, 2013 |
| r 5.4.3 | am 5th Amdt, 2011 |
| **Division 5** |  |
| r 5.5.1 | am 5th Amdt, 2011 |
| r 5.5.2 | am 5th Amdt, 2011 |
|  | rs 8th Amdt, 2013 |
| r 5.5.3 | ad 2nd Amdt, 2007 |
|  | am 5th Amdt, 2011 |
| **Part 6** |  |
| **Division 1** |  |
| r 6.1.1 | rs 5th Amdt, 2011 |
| r 6.1.2 | am 5th Amdt, 2011 |
| r 6.1.3 | am 5th Amdt, 2011 |
| r 6.1.4 | am 5th Amdt, 2011 |
| **Division 2** |  |
| r 6.2.1 | am 5th Amdt, 2011 |
| r 6.2.2 | am 5th Amdt, 2011 |
| r 6.2.3 | am 5th Amdt, 2011 |
| r 6.2.4 | am 5th Amdt, 2011 |
| **Division 3** |  |
| Division 3 heading | am 5th Amdt, 2011 |
| r 6.3.1 | am 5th Amdt, 2011 |
| r 6.3.2 | am 5th Amdt, 2011 |
| r 6.3.3 | am 5th Amdt, 2011 |
| r 6.3.4 | am 5th Amdt, 2011 |
| r 6.3.5 | am 5th Amdt, 2011 |
| r 6.3.6 | am 5th Amdt, 2011 |
| **Division 4** |  |
| Division 4 heading | am 5th Amdt, 2011 |
| r 6.4.1 | am 5th Amdt, 2011 |
| **Part 7** |  |
| **Division 1** |  |
| Division 1 heading | am 5th Amdt, 2011 |
| r 7.1.1 | am 5th Amdt, 2011 |
| **Division 2** |  |
| Division 2 heading | am 5th Amdt, 2011 |
| r 7.2.1 | am 5th Amdt, 2011 |
| r 7.2.1A | ad F2015L00952 |
| r 7.2.1B | ad F2015L00952 |
| r 7.2.1C | ad F2017L00658 |
| r 7.2.2 | am 5th Amdt, 2011 |
| **Division 3** |  |
| r 7.3.1 | am 5th Amdt, 2011 |
| r 7.3.4 | am 5th Amdt, 2011 |
| r 7.3.5 | am 5th Amdt, 2011 |
| r 7.3.6 | am 5th Amdt, 2011 |
| r 7.3.7 | am 5th Amdt, 2011 |
|  | rep 7th Amdt, 2013 |
| r 7.3.8 | am 5th Amdt, 2011 |
|  | rs 9th Amdt, 2013 |