

# TELSTRA SUPERANNUATION SCHEME

("Scheme")

## Special Determination

### Subject Matter of Determination:

- (a) Who is an "Employee" for purposes of division 2, division 3, division 5 and division 6?
- (b) Who is an "Eligible Employee" for purposes of division 2, division 3, division 5 and division 6?
- (c) When does an Eligible Employee become a Member for the purposes of division 2, division 3, division 5 and division 6?

**Effective Date:** 1 July 1999

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## 1 Interpretation

### 1.1 Definitions in Deed

- (a) Except where expressly defined otherwise in this Determination and subject to clause 2 of this Determination, a word or expression defined in the Deed has, when used in this Determination, the same meaning as that word or expression is given in the Deed.
- (b) This Determination is subject to part 1.2 of the Deed.
- (c) This Determination applies to division 2, division 3, division 5 and division 6 of the Deed.

### 1.2 Special definitions

In this Determination -

**"Authorised Delegate"** means at any particular date and for any particular purpose a person who is an authorised delegate of the Principal Employer at that time and for that purpose in accordance with relevant delegations made by the Principal Employer.

**"Casual Employee"** has the same meaning as is given to those words (or the closest equivalent words) in the Employer's policy.

### 1.3 Clarification

An Authorised Delegate may resolve any doubt regarding the interpretation or effect of this Determination.

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## **2 Who is an “Employee”?**

Except where the Principal Employer specifies otherwise in a written notice to the Trustee, for the purposes of this Determination and the Deed, “Employee” has the same meaning as in the Supervision Act (as amended from time to time).

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## **3 Admission of Eligible Employees for purposes of division 2**

### **3.1 Restrictions on eligibility**

On and from 1 July 1999, no person is eligible for membership of division 2.

### **3.2 Eligibility date**

The Principal Employer shall advise the Trustee -

- (a) of the date as at which an Employee becomes an Eligible Employee; and
- (b) the employment category of that Employee.

### **3.3 Admission to Membership**

Unless otherwise determined by the Principal Employer, either generally or in a particular case, each Eligible Employee for the purposes of division 2 becomes a Member of division 2 of the Scheme on the date he or she becomes an Eligible Employee, as notified to the Trustee by the Employer.

### **3.4 CSS Members**

Eligible Employees who are members of the Commonwealth Superannuation Scheme (“CSS”) remain members of the CSS in accordance with the conditions and procedures laid down by the Principal Employer and the Trustee.

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## **4 Admission of Eligible Employees for purposes of division 3**

### **4.1 Who is an “Eligible Employee”**

An Eligible Employee for purposes of division 3 is an Employee who-

- (a) is a Casual Employee;
- (b) is for the time being a member of the Commonwealth Superannuation Scheme; or
- (c) (not being an Eligible Employee under clause 4.1(a) or (b)) is approved for the time being by the Principal Employer as an Eligible Employee by written notice given to the Trustee or who falls within a class of Employees so approved.

#### **4.2 Admission to Membership**

Unless otherwise determined by the Principal Employer, either generally or in a particular case, each Eligible Employee for the purposes of division 3 becomes a Member of division 3 of the Scheme on the date he or she becomes an Eligible Employee, as notified to the Trustee by the Employer.

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### **5 Admission of Eligible Employees for purposes of division 5**

#### **5.1 Restrictions on eligibility**

On and from 24 August 1992, no person is eligible for membership of division 5.

#### **5.2 Admission to Membership**

Unless otherwise determined by the Principal Employer, either generally or in a particular case, each Eligible Employee for the purposes of division 5 becomes a Member of division 5 of the Scheme on the date he or she becomes an Eligible Employee, as notified to the Trustee by the Employer.

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### **6 Admission of Eligible Employees for purposes of division 6**

#### **6.1 Who is an “Eligible Employee”**

An Eligible Employee for the purposes of division 6 is:

- (a) an Employee who is an award employee, as notified by the Principal Employer to the Trustee;
- (b) an Employee who is a fixed term staff member, as notified by the Principal Employer to the Trustee;
- (c) an Employee who is a contract employee who elects, or is deemed to elect, to become a member of division 6;
- (d) a Director of the Principal Employer or the Trustee.

#### **6.2 Admission to Membership**

Unless otherwise determined by the Principal Employer, either generally or in a particular case, each Eligible Employee for the purposes of division 6 becomes a Member of division 6 of the Scheme on the date he or she becomes an Eligible Employee as notified to the Trustee by the Principal Employer.

**This Determination entirely replaces any previous Special Determination regarding the specified Subject Matter, with effect on the Effective Date.**

**Authorised Delegate of Principal Employer**

Full Name: Anthony P. CHERUBIN

Signature: [Handwritten Signature]

Date: 3/7/02