

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

PSS & CSS Boards

Supplementary Estimates Hearings - 1 November 2005

Question: F54

Outcome: PSS/CSS

Topic: CSS Benefits Payments - Charles Darwin University

Hansard Page: F&PA 43

Senator Sherry asked:

With regard to the CSS and PSS cases that were considered by the SCT, could you provide me with a summary - I do not want a 10-, 20-, 30- or 40- page judgement - of the decisions that went against the Board in both cases?

Answer:

There were 19 CSS/PSS cases that were finalised at the SCT during the year ended 30 June 2005.

Most cases had the Trustee's decision confirmed, however, several were withdrawn. No cases were set aside (went against the Trustee); however, one case was remitted back to the Trustee to consider in accordance with the Tribunal's directions.

In this case (CSS member), the Tribunal directed the Trustee to have regard to whether it would be fair and reasonable in the circumstances to conclude that the complainant was an 'approved part-time employee' at the relevant time or to treat the complainant as if he had been an 'approved part-time employee' at the relevant time and, in either case, pay the complainant the benefit in dispute.

This case involved a member who transferred from the CSS to the PSS. The Tribunal considered that the member was not given sufficient information by the Trustee to make an informed decision having regard to his circumstances when he was considering transferring to the PSS, and this was unfair and unreasonable to the complainant.