



Defence (Superannuation Interim Arrangement) Amendment Act 1988

No. 67 of 1988

An Act to empower the Minister for Defence to make provision for an interim superannuation benefit for members of the Defence Force

[Assented to 15 June 1988]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title etc.

1. (1) This Act may be cited as the *Defence (Superannuation Interim Arrangement) Amendment Act 1988*.

(2) In this Act, "Principal Act" means the *Defence Act 1903*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

3. After Part III of the Principal Act the following Part is inserted:

Defence (Superannuation Interim Arrangement) Amendment
No. 67, 1988

“PART IIIAA—INTERIM SUPERANNUATION BENEFIT

Determination of interim benefit

“52. (1) The Minister may, by instrument in writing, make determinations for the purpose of providing an interim superannuation benefit in respect of:

- (a) service on and after 1 January 1988 by members of the Permanent Forces; and
- (b) continuous full time naval, military or air force service on and after that day by members of the Reserve Forces and members of the Emergency Forces.

“(2) A determination:

- (a) shall not be inconsistent with this Act, the *Naval Defence Act 1910* or the *Air Force Act 1923*; and
- (b) shall not be expressed to take effect from a day before 1 January 1988.

“(3) In making determinations, the Minister shall have regard to:

- (a) principle 3 of the wage fixing principles adopted by the Conciliation and Arbitration Commission in its national wage case decision of 23 September 1983, as modified by its national wage case decision of 26 June 1986;
- (b) the provisions of the *Superannuation Benefit (Interim Arrangement) Act 1988*; and
- (c) matters relating to the terms and conditions of service of members of the Defence Force and the arrangements for the administration of the Defence Force.

“(4) Determinations are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*, but that section applies to determinations as if subparagraph 46A (1) (b) (ii) were omitted and the following subparagraph were substituted:

- ‘(ii) the reference in paragraph (1) (a) to regulations included a reference to other instruments made under section 52 of the *Defence Act 1903* and instruments made under section 58B or 58H of that Act;’.”

[Minister's second reading speech made in—
House of Representatives on 13 April 1988
Senate on 25 May 1988]