Commonwealth of Australia

*Military Superannuation and Benefits Act 1991*

**Military Superannuation and Benefits Trust Deed (Amendment)(No.4 of 1998)**


[Signature]

Minister for Defence Industry, Science and Personnel

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1. **Commencement**
   1.1 This instrument commences on 1 July 1998.

2. **Amendment**
   2.1 The Military Superannuation and Benefits Trust Deed made under the *Military Superannuation and Benefits Act 1991* is amended as set out in this instrument.

3. **Schedule (Military Superannuation and Benefits Rules)**
   3.1 The Military Superannuation and Benefits Rules are amended as set out in the Schedule.
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SCHEDULE

1. **Rule 22 (Classification in respect of incapacity)**
   1.1 Subrule 22 (1):
   Omit "is retired", substitute "is, or is about to be, retired".

   1.2 Paragraph 22 (2) (c):
   Omit "has been", substitute "has been, or is to be;".

2. **Rule 22A (Interim classification)**
   2.1 Subrule 22A (1):
   Omit "is retired", substitute "is, or is about to be retired".

3. **Rule 32 (Pre-existing condition)**
   3.1 Paragraph 32 (1) (a):
   Omit the paragraph, substitute:
   "(a) a member other than a transferred person is, or is about to be, retired on the ground of invalidity within a period of 2 years after becoming a member; and".

   3.2 Paragraph 32 (1A) (a):
   Omit the paragraph, substitute:
   "(a) a transferred person is, or is about to be, retired on the ground of invalidity within a period of 12 months after becoming an eligible member; and".

4. **Rule 33 (Invalidity due to intentional act)**
   4.1 Paragraph 33 (1) (a):
   Omit "is retired", substitute "is, or is about to be retired".

   4.2 Paragraph 33 (2) (a):
   Omit "was retired", substitute "is, or is about to be retired".
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5. Rule 34 (Invalidity arising during absence without leave exceeding 21 days)
5.1 Paragraph 34 (1) (a):
Omit “is retired”, substitute “is, or is about to be retired”.

6. Schedule 8 (Calculation of employer benefit)
6.1 Clause 5 (definition of \( P \)):
Omit the second occurring table, substitute:

<table>
<thead>
<tr>
<th>Completed years of eligible service</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>40</td>
</tr>
<tr>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>6</td>
<td>75</td>
</tr>
<tr>
<td>7</td>
<td>100</td>
</tr>
</tbody>
</table>
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6.2 Clause 10 (definition of $P$):
Omit the second occurring table, substitute:

<table>
<thead>
<tr>
<th>Completed years of aggregated service</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>2</td>
<td>20</td>
</tr>
<tr>
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</tr>
<tr>
<td>6</td>
<td>75</td>
</tr>
<tr>
<td>7</td>
<td>100</td>
</tr>
</tbody>
</table>

NOTES


2. Trust Deed made on 18 September 1991, as amended by Instruments No. 1 of 1991; Nos. 1, 2 and 3 of 1992; Nos. 1, 2, 3 and 4 of 1993; Nos. 1, 2 and 3 of 1994; No. 1, 1995; Nos. 1 and 2 of 1998.