Military Superannuation and Benefits Trust
Deed Amendment 2010 (No. 1)¹

Military Superannuation and Benefits Act 1991

I, ALAN GRIFFIN, Minister for Defence Personnel, make this instrument under subsection 5 (1) of the Military Superannuation and Benefits Act 1991.

Dated 4 July 2010

ALAN GRIFFIN
Minister for Defence Personnel
1 Name of instrument
This instrument is the Military Superannuation and Benefits Trust Deed Amendment 2010 (No. 1).

2 Commencement
This instrument is taken to have commenced as follows:
(a) on 18 September 1991 — sections 1 to 3 and Schedule 1;
(b) on 25 September 1991 — section 4 and Schedule 2

3 Amendment of Military Superannuation and Benefits Trust Deed
(1) Schedule 1 amends the Military Superannuation and Benefits Trust Deed.

(2) The amendments made by Schedule 1 do not apply to the extent that, in the period commencing on 18 September 1991 and ending at the end of the day on which this instrument is registered:
(a) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) as at the date of registration would be affected so as to disadvantage that person; or
(b) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the date of registration.

4 Amendment of Military Superannuation and Benefits Trust Deed
(1) Schedule 2 amends the Military Superannuation and Benefits Trust Deed, as amended by the Military Superannuation and Benefits Trust Deed (Amendment) (Instrument No 1 of 1991).
(2) The amendments made by Schedule 2 do not apply to the extent that, in the period commencing on 25 September 1991 and ending at the end of the day on which this instrument is registered:

(a) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) as at the date of registration would be affected so as to disadvantage that person; or

(b) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the date of registration.
Schedule 1 Amendments taken to have commenced on 18 September 1991

(section 3)

[1] Schedule 5, paragraph 2

substitute

2. In the application of paragraph 1 in relation to a person who is entitled to invalidity benefits and is:
   (a) classified as Class A; or
   (b) classified as Class B and entitled to a pension calculated at the rate set out in subparagraph 28 (1) (b) (i);

   the references in that paragraph to the person’s age on the day on which he or she becomes entitled to invalidity benefits are read as references to the greater of his or her retiring age immediately before his or her retirement and the age of 55 years.

[2] Schedule 6, paragraph 1 (a)

after

as a member

insert

(treating a member who is entitled to invalidity benefits, classified as Class B and entitled to a pension calculated at the rate set out in subparagraph 28 (1) (b) (ii) as if he or she had not been retired on the grounds of invalidity and had elected to convert his or her employer benefit into pension)

[3] Schedule 6, paragraph 1 (b)

substitute

(b) in the case of a person entitled to an invalidity pension who:
   (i) is classified as Class A; or
   (ii) at the time of his or her death, was classified as Class B and was entitled to a pension that was equal to half the rate of pension payable to a pensioner who had been classified as Class A under rule 22 or 23;

   a period equal to the period commencing on the day immediately following the last day of the person’s service and ending on the day on which the person would have retired if he or she had not been retired on the ground of invalidity but had served until the greater of his or her retiring age immediately before his or her retirement and the age of 55 years; and
Schedule 2  Amendments taken to have commenced on 25 September 1991

(section 4)

[1]  Rules, paragraph 43 (1) (a)
after
was an invalidity pensioner
insert
immediately before the pensioner’s death

[2]  Rules, after paragraph 43 (1) (c)
omit
employer benefit
insert
lump sum

[3]  Rules, paragraph 43 (1) (d)
omit
employer benefit
insert
lump sum

Note