

**Commonwealth of Australia**

*Military Superannuation and Benefits Act 1991*

**Military Superannuation and Benefits Trust  
Deed (Amendment) (No. 1 of 1998)<sup>1</sup>**

I, BRONWYN KATHLEEN BISHOP, Minister for Defence Industry, Science and Personnel, acting under subsection 5 (1) of the *Military Superannuation and Benefits Act 1991*, make the following amendments of the Military Superannuation and Benefits Trust Deed.

Dated 24 April 1998.

BRONWYN BISHOP

Minister for Defence Industry, Science and Personnel

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**1. Commencement**

1.1 This instrument commences on gazettal.

**2. Amendment**

2.1 The Military Superannuation and Benefits Trust Deed<sup>2</sup> is amended as set out in this instrument.

### **3. Rule 10 (Liability of Department to pay employer contributions)**

#### **3.1 Paragraph 10 (2) (a):**

Omit the paragraph, substitute:

- “(a) in the case of any part of a period of leave without pay referred to in subparagraph 7 (2) (a) (i) in respect of which no amount is paid under a prescribed arrangement; or
- (aa) in the case of a period of leave without pay referred to in subparagraph 7 (2) (a) (ii), (iii) or (iv) or paragraph 7 (2) (b) that exceeds 12 months—to any part of the excess period; or”.

#### **3.2 Subrule 10 (4):**

Definition of “prescribed arrangement”:

Omit the definition, substitute:

“**“prescribed arrangement”**, in relation to a member who is engaged in employment referred to in subparagraph 7 (2) (a) (i), means an arrangement between the Commonwealth and the member’s employer under which the employer agrees to pay to the Commonwealth, in relation to the member, a contribution:

- (a) in respect of each salary fortnight:
  - (i) in the period of that employment; or
  - (ii) in a specified part of that period;as the case may be, in respect of which the member pays a contribution under this Part; and
- (b) of an amount equivalent to the amount that would be payable by the Commonwealth, as employer, in respect of the period referred to in subparagraph (a) (i) or (a) (ii), as the case may be, if the Scheme were fully funded within the meaning of that expression in Division 9.5 of the Superannuation Industry (Supervision) Regulations.”.

**4. Rule 12 (Benefits on retirement before reaching 55 years of age or earlier retiring age, otherwise than for redundancy or retrenchment etc)**

4.1 Add at the end:

“(4) If a person who is entitled to be paid a member benefit under paragraph 2 (a):

- (a) does not request that the benefit be paid to him or her as a lump sum; and
- (b) does not make an election under subrule (3), 15 (2) or 15 (3);

within the period of 3 months after becoming entitled to the benefit, there is applicable to him or her a preserved benefit of the amount of that benefit.”.

**5. Rule 13 (Benefits on retirement for redundancy or retrenchment or on completion of limited tenure appointment or on attaining retiring age of less than 55 years)**

5.1 Add at the end:

“(6) If a person who is entitled to be paid a member benefit under paragraph 1 (a) or 2 (d):

- (a) does not request that the benefit be paid to him or her as a lump sum; and
- (b) does not make an election under subrule (3), 15 (2) or 15 (3);

within the period of 3 months after becoming entitled to the benefit, there is applicable to him or her a preserved benefit of the amount of that benefit.”.

**6. Rule 14 (Benefits on retirement on or after attaining age of 55 years)**

6.1 Add at the end:

“(5) If a person who is entitled to be paid a member benefit under subrule (1):

- (a) does not request that the benefit be paid to him or her as a lump sum; and

(b) does not make an election under subrule (2), 15 (2) or 15 (3);  
within the period of 3 months after becoming entitled to the benefit, there is applicable to him or her a preserved benefit of the amount of that benefit.”.

**7. Rule 27 (Invalidity benefits for person classified as Class A)**

7.1 Add at the end:

“(3) If a person who is entitled to be paid a member benefit under subrule (1):

(a) does not request that the benefit be paid to him or her as a lump sum; and

(b) does not make an election under subrule (2);

within the period of 3 months after becoming entitled to the benefit, there is applicable to him or her a preserved benefit of the amount of that benefit.”.

**8. Rule 28 (Invalidity benefits for person classified as Class B)**

8.1 Add at the end:

“(3) If a person who is entitled to be paid a member benefit under subrule (1):

(a) does not request that the benefit be paid to him or her as a lump sum; and

(b) does not make an election under subrule (2);

within the period of 3 months after becoming entitled to the benefit, there is applicable to him or her a preserved benefit of the amount of that benefit.”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 1998.
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.