



Military Superannuation and Benefits Amendment Trust Deed 1999 (No. 2)

I, BRUCE SCOTT, Minister for Veterans' Affairs and Minister Assisting the Minister for Defence, make this instrument under section 5 of the *Military Superannuation and Benefits Act 1991*.

Dated 28 June 1999.

BRUCE SCOTT
Minister for Veterans' Affairs
and Minister Assisting the Minister for Defence



Military Superannuation and Benefits Amendment Trust Deed 1999 (No. 2)

made under the

Military Superannuation and Benefits Act 1991

Contents

	Page
1 Name of instrument	2
2 Commencement	2
3 Amendment of Trust Deed made under the <i>Military Superannuation and Benefits Act 1991</i>	2
Schedule 1 Amendments	3

*Military Superannuation and Benefits Amendment Trust
Deed 1999 (No. 2)*

1

1 Name of instrument

This instrument is the *Military Superannuation and Benefits Amendment Trust Deed 1999 (No. 2)*.

2 Commencement

This instrument commences on 1 July 1999.

3 Amendment of Trust Deed made under the *Military Superannuation and Benefits Act 1991*

Schedule 1 amends the Trust Deed made under the *Military Superannuation and Benefits Act 1991*.

Schedule 1 Amendments

(section 3)

[1] Rules, subrule 2 (1)

after

prescribed year

insert

preservation age

[2] Rules, subrule 2 (1)

after

previous legislation

insert

regulated superannuation fund

[3] Rules, subrule 10 (4), definition of ***prescribed arrangement***, paragraph (b)

omit

Superannuation Industry (Supervision) Regulations

insert

Superannuation Industry (Supervision) Regulations 1994

[4] Rules, paragraph 12 (2) (a)*after*

lump sum

insert

, in accordance with Part 11

[5] Rules, paragraphs 13 (1) (a) and (2) (d)*after*

lump sum

insert

, in accordance with Part 11

[6] Rules, subrule 14 (1)*after*

lump sum

insert

, in accordance with Part 11

[7] Rules, paragraph 23 (8A) (c)*omit*

or (e)

insert

, (e) or (f)

[8] Rules, paragraphs 27 (1) (a) and 28 (1) (a)

after

lump sum

insert

, in accordance with Part 11

[9] Rules, subrule 29 (3)

after

paragraph 51 (1) (e)

insert

or (f)

[10] Rules, subrule 49 (1)

after

lump sum

insert

, in accordance with Part 11

[11] Rules, rule 51, heading

substitute

**51 Certain benefits included in preserved
benefits**

[12] Rules, subrule 51 (1)*after*

the employer benefit

insert

and member benefit

[13] Rules, paragraph 51 (1) (e)*substitute*

- (e) the Australian Prudential Regulation Authority determines that the person satisfies a condition of release on a compassionate ground under subregulation 6.19A (2) of the *Superannuation Industry (Supervision) Regulations 1994* — the date of approval;

[14] Rules, paragraph 51 (1) (f)*omit*

the Superannuation Industry (Supervision) Regulations

*insert*the *Superannuation Industry (Supervision) Regulations 1994***[15] Rules, paragraph 52 (1) (a)***after*

lump sum

insert

in accordance with Part 11

[16] Rules, subparagraphs 52 (1) (c) (ii) and (d) (iv)

after

lump sum

insert

in accordance with Part 11

[17] Rules, after rule 81

insert

Part 11 Preserved benefits

82 Member benefits accruing before 1 July 1999

If a person becomes entitled to be paid a member benefit:

- (a) the amount of the member benefit accruing to the person before 1 July 1999 is payable to him or her as a lump sum; or
- (b) the person may elect to preserve that amount in a regulated superannuation fund.

83 Member benefits accruing on or after 1 July 1999

If a person becomes entitled to be paid a member benefit, the amount of the benefit accruing to the person on or after 1 July 1999 must be preserved in a regulated superannuation fund until he or she attains his or her preservation age.

84 Employer benefits

If a person turns 55 before attaining his or her preservation age, the amount of the employer benefit accruing to the person must be preserved in a regulated superannuation fund until he or she attains his or her preservation age.

[18] Rules, Schedule 1, clause 1, definition of *interim benefit*

omit

Defence Force (Superannuation Interim Arrangement)
Determination

insert

Defence Force (Superannuation) (Productivity Benefit)
Determination

[19] Rules, Schedule 1, clause 1, after definition of *prescribed year*

insert

preservation age has the same meaning as in subregulation 6.01 (2) of the *Superannuation Industry (Supervision) Regulations 1994*.

[20] Rules, Schedule 1, clause 1, after definition of *previous legislation*

insert

regulated superannuation fund has the same meaning as in section 19 of the *Superannuation Industry (Supervision) Act 1993*.