Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Determination 2004

as amended

made under subregulation 64 (7) of the

Family Law (Superannuation) Regulations 2001

This compilation was prepared on 27 May 2005
taking into account amendments up to *Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Amendment Determination 2005 (No. 1)*

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Page

Contents

1	Name of Determination [*see* Note 1]	3
2	Commencement [*see* Note 1]	3
3	Definitions	3
4	Application of Determination	3
5	Provision of information by trustee — growth phase interests	3
6	Provision of information by trustee — payment phase interests	5

Notes 7

1 Name of Determination [*see* Note 1]

This Determination is the *Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Determination 2004*.

2 Commencement [*see* Note 1]

This Determination commences on the commencement of Schedule 1 to the *Superannuation Legislation Amendment (Family Law and Other Matters) Act 2004*.

3 Definitions

(1) In this Determination:

eligible service has the meaning given by Part 1 of Schedule 1 to the Rules.

growth phase table means the table in clause 2 of Part 4 of Schedule 1 to the Methods and Factors Approval.

Methods and Factors Approval means the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2003*.

MSBS means the Military Superannuation and Benefits Scheme established by the Trust Deed under the *Military Superannuation and Benefits Act 1991*.

officer has the meaning given by subsection 4 (1) of the *Defence Act 1903*.

payment phase table means the table in clause 3 of Part 4 of Schedule 1 to the Methods and Factors Approval.

Regulations means the *Family Law (Superannuation) Regulations 2001*.

Rules has the meaning given by subsection 3 (1) of the *Military Superannuation and Benefits Act 1991*.

(2) For this Determination, a reference to 'the relevant date' in the definition of a factor in the Methods and Factors Approval mentioned in column 4 of an item of the table in section 5 or 6 is to be read as if it were a reference to 'the appropriate date'.

4 Application of Determination

This Determination applies to a superannuation interest in the MSBS for which a method and factors have been approved under Part 4 of Schedule 1 to the Methods and Factors Approval.

5 Provision of information by trustee — growth phase interests

In relation to a superannuation interest mentioned in an item in the following table:

(a) for paragraph 64 (7) (a) of the Regulations, the trustee of the MSBS is not required to provide the information about the interest mentioned in column 3 of the item; and

(b) for paragraph 64 (7) (b) of the Regulations, the trustee of the MSBS must provide the information about the interest mentioned in column 4 of the item.

Item	Superannuation Interest	Information not required to be provided	Information that must be provided
1	An interest mentioned in item 1 of the growth phase table	The information mentioned in paragraphs 64 (4A) (a) to (c) of the Regulations	The information mentioned in the definitions of the following factors in item 1 of the growth phase table: (a) FDB; (b) UDB; (c) MB The following information about the person who has the interest: (a) the person's date of birth; (b) whether the person was an officer, or was not an officer, immediately before the time when a preserved benefit became applicable to him or her
2	An interest mentioned in item 2 of the growth phase table	The information mentioned in paragraphs 64 (4) (a) to (i) of the Regulations	The information mentioned in the definition of the following factors in item 2 of the growth phase table: (a) EB; (b) FEB; (c) FDB; (d) UDB; (e) MB The following information about the person who has the interest: (a) the person's date of birth; (b) whether the person is an officer or is not an officer; (c) the period or periods of the person's eligible service

Item	Superannuation Interest	Information not required to be provided	Information that must be provided
3	An interest mentioned in item 3 of the growth phase table	The information mentioned in paragraphs 64 (4) (a) to (i) of the Regulations	The information mentioned in the definition of the following factors in item 3 of the growth phase table: (a) EB; (b) FDB; (c) UDB; (d) MB The following information about the person who has the interest: (a) the person's date of birth; (b) whether the person is an officer or is not an officer; (c) the period or periods of the person's eligible service

6 Provision of information by trustee — payment phase interests

In relation to a superannuation interest mentioned in an item in the following table:

(a) for paragraph 64 (7B) (a) of the Regulations, the trustee of the MSBS is not required to provide the information about the interest mentioned in column 3 of the item; and

(b) for paragraph 64 (7B) (b) of the Regulations, the trustee of the MSBS must provide the information about the interest mentioned in column 4 of the item.

Item	Superannuation interest	Information not required to be provided	Information that must be provided
1	An interest mentioned in item 1 of the payment phase table	The information mentioned in paragraph 64 (3) (b) of the Regulations	The information mentioned in the definition of P in item 1 of the payment phase table The following information in relation to the person who has the interest: (a) the person's date of birth; (b) the type of pension to which the person is entitled; (c) the annual amount (if any) of the person's pension that is payable, in accordance with the Rules, in respect of 1 or more eligible children

Item	Superannuation interest	Information not required to be provided	Information that must be provided
2	An interest mentioned in item 2 of the payment phase table	The information mentioned in subparagraphs 64 (3) (b) (ii), (iii), (iv) and (v) of the Regulations	The date of birth of the person who has the interest

Notes to the *Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Determination 2004*

Note 1

The *Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Determination 2004* (in force under subregulation 64 (7) of the *Family Law (Superannuation) Regulations 2001*) as shown in this compilation is amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

Table of Instruments

Title	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Determination 2004	13 May 2004 (*see Gazette* 2004, No. S153)	18 May 2004 (*see* s. 2)	
Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Amendment Determination 2005 (No. 1)	25 May 2005 (*see* F2005L01182)	26 May 2005	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 3.....	am. 2005 No. 1
S. 5.....	am. 2005 No. 1
S. 6.....	ad. 2005 No. 1