



Family Law (Superannuation) (Provision of Information — Defence Force Schemes) Determination 2004

I, PHILIP MAXWELL RUDDOCK, Attorney-General, make this Determination under subregulation 64 (7) of the *Family Law (Superannuation) Regulations 2001*.

Dated 11 May 2004

PHILIP RUDDOCK
Attorney-General

1 Name of Determination

This Determination is the *Family Law (Superannuation) (Provision of Information — Defence Force Schemes) Determination 2004*.

2 Commencement

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

3 Definitions

In this Determination:

Defence Force scheme means a scheme that is mentioned in an item in the table in clause 3 or 4 of Part 3 of Schedule 1 to the Methods and Factors Approval.

Determination means the Defence Force (Superannuation) (Productivity Benefit) Determination, made under subsection 52 (1) of the *Defence Act 1903*.

DFRDB Act means the *Defence Force Retirement and Death Benefits Act 1973*.

growth phase table means the table in clause 3 of Part 3 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*.

notional retiring age, for an officer, has the meaning given by clause 1 of Part 3 of Schedule 1 to the Methods and Factors Approval.

officer has the meaning given by subsection 3 (1) of the DFRDB Act.

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

4 Application of Determination

This Determination applies to a superannuation interest in a Defence Force scheme for which a method and factors have been approved under Part 3 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 relevant Defence Force scheme 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 relevant Defence Force scheme 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 (4) (a) to (i) of the Regulations	<p>The information mentioned in the definition of the following factors in item 1 of the growth phase table:</p> <ul style="list-style-type: none"> (a) DP; (b) y'; (c) m' <p>The following information about the person who has the interest:</p> <ul style="list-style-type: none"> (a) the person's date of birth; (b) the date when the person first becomes eligible for deferred benefits by way of a pension
2	An interest mentioned in item 2 of the growth phase table	The information mentioned in paragraphs 64 (4) (a), (b) and (d) to (i) of the Regulations	<p>The information mentioned in the definition of the following factors in item 2 of the growth phase table:</p> <ul style="list-style-type: none"> (a) APM_s; (b) C; (c) CPPA <p>The following information about the person who has the interest:</p> <ul style="list-style-type: none"> (a) the person's date of birth; (b) the person's total period of effective service, within the meaning given by subsection 3 (1) of the DFRDB Act; (c) whether the person is an officer or is not an officer; (d) if the person is an officer — his or her notional retiring age

Section 5

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	<p>The information mentioned in the definition of the following factors in item 3 of the growth phase table:</p> <ul style="list-style-type: none">(a) PC;(b) SG <p>The following information about the person who has the interest:</p> <ul style="list-style-type: none">(a) the person's date of birth;(b) the person's total period of effective service, within the meaning given by subsection 3 (1) of the DFRDB Act;(c) whether the person is an officer or is not an officer;(d) if the person is an officer — his or her notional retiring age
4	An interest mentioned in item 4 of the growth phase table	The information mentioned in paragraphs 64 (4) (a) to (i) of the Regulations	<p>The information mentioned in the definition of the following factors in item 4 of the growth phase table:</p> <ul style="list-style-type: none">(a) P;(b) IR;(c) NIR;(d) C <p>The following information about the person who has the interest:</p> <ul style="list-style-type: none">(a) the person's date of birth;(b) whether the person is an officer or is not an officer;(c) if the person is an officer — his or her notional retiring age

Item	Superannuation Interest	Information not required to be provided	Information that must be provided
5	An interest mentioned in item 5 of the growth phase table	The information mentioned in paragraphs 64 (4) (a) to (i) of the Regulations	<p>The following information about the person who has the interest:</p> <ul style="list-style-type: none"> (a) the total of the amount of productivity benefit (excluding interest) that would have been credited to the person under subclauses 8 (2) and (3), 8A (2) and (3) and 8AA (2), (3) and (4) of the Determination, if it had been credited to the person at the rate of 3% of the person's pay for each of the pay periods mentioned in each of those subclauses of the Determination; (b) the total of the amount of productivity benefit (being interest) that would have been credited to the person under subclauses 8 (4) and (5), 8A (4) and (5) and 8AA (5) and (6) of the Determination on account of the amount mentioned in paragraph (a) above, if that amount had been an amount of productivity benefit credited to the person; (c) whether the person is an officer or is not an officer; (d) if the person is an officer — his or her notional retiring age
6	An interest mentioned in item 6 of the growth phase table	The information mentioned in paragraphs 64 (4) (a) to (i) of the Regulations	<p>The information mentioned in the definition of the following factors in item 6 of the growth phase table:</p> <ul style="list-style-type: none"> (a) ARP; (b) APM_s <p>The person's total period of effective service, within the meaning given by subsection 3 (1) of the DFRDB Act</p>