

EXPLANATORY STATEMENT

STATUTORY RULES 2004 NO. 408

DEFENCE FORCE RETIREMENT AND DEATH BENEFITS (FAMILY LAW SUPERANNUATION) AMENDMENT ORDER 2004 (NO. 1)

ISSUED BY THE AUTHORITY OF THE MINISTER FOR VETERANS' AFFAIRS FOR THE MINISTER FOR DEFENCE

Section 49F(1) of the *Defence Force Retirement and Death Benefits Act 1973* empowers the Minister for Veterans' Affairs to make Orders prescribing matters required or permitted by this part to be prescribed. An Order is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*. An Order is taken to be a statutory rule for the purposes of the *Statutory Rules Publication Act 1903*.

The amendment to subsection 2.04(1) made by the Defence Force Retirement and Death Benefits (Family Law Superannuation) Amendment Order 2004 (No.1) provides for a change in the annual rate of associate pension which may be commuted to a lump sum. The other two amendments correct drafting errors.

Section 1.01 – Name of Order

This clause is formal.

Section 1.02 – Commencement

This clause provides for commencement of sections 1 to 3 and Schedule 1 on 1 July 2004 and Schedule 2 on gazettal.

Section 1.03 – Amendment of Defence Forces Retirement Benefits (Family Law Superannuation) Orders 2004

This clause is formal.

Schedule 1 - Amendment taken to have commenced on 1 July 2004

Subsection 2.04(1) – Commutation of small associate pension – amount

This item omits everything after the term 'the amount is' and inserts the term '\$1 303.03' to bring the Defence Forces Retirement Benefits Scheme into alignment with the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme. No person, other than the Commonwealth, will be disadvantaged by this change.

Schedule 2 – Amendments commencing on gazettal

Subsection 2.05 (1) – Indexation of amount for small associate pension

This item corrects a drafting error by inserting the term 'the first quarter of' before the term 'any earlier half-year'.

Subsection 2.05(1) – Indexation of amount of small associate pension

This item corrects a drafting error by omitting the term '1 January 2004, (factor **B**)' and inserting the term '1 January 2004 (factor **B**)'.