

Military Superannuation and Benefits (Eligible Member) Declaration 2012

FRLI ID: F2012L02301

Portfolio: Defence

PJCHR comments: [Report 1/13](#), tabled on 6 February 2013

Response received: 12 March 2013

Summary of committee view

3.1 The committee thanks the Minister for his response, and in light of his explanation that there are no longer any members that will be affected by this Declaration, the committee considers its concerns have been addressed.

Background

3.2 The *Military Superannuation and Benefits Act 1991* makes provision for the payment of a retention benefit to certain members of the Military Superannuation and Benefits Scheme who have completed 15 years of continuous eligible service. Generally, only defence personnel who have obtained a certain rank are eligible for the benefit. However, members who do not satisfy the minimum rank requirement and are in employment categories where the normal opportunities for promotion do not exist may be declared by the Minister to be 'eligible members' for the purposes of receiving the benefit. These employment categories are referred to as 'specified categories'. The employment categories are listed in Ministerial Declarations.

3.3 The purpose of the Declaration was to withdraw specified category status from one employment category and to declare specified category status for three new categories.

3.4 The committee sought clarification from the Minister for Defence Science and Personnel in relation to the possible impact the Declaration, in particular the withdrawal of specified category status, may have on the right to the enjoyment of just and favourable conditions of work and the right to social security

3.5 The Minister's response is attached.

Committee's response

3.6 The committee thanks the Minister for clarifying that there are no longer any members in the withdrawn specified category status who would be affected by the removal of the category as a specified category.

3.7 The committee notes that it would have been useful if this information had been included in the statement of compatibility.

3.8 In light of the Minister's response the committee makes no further comment on this instrument.



The Hon Warren Snowdon MP
Minister for Veterans' Affairs
Minister for Defence Science and Personnel
Minister for Indigenous Affairs
Minister Assisting the Prime Minister on the Centenary of Anzac

Mr Harry Jenkins MP
Chair of the Parliamentary Joint Committee on Human Rights
Parliament House
CANBERRA ACT 2600

20 FEB 2013

Dear Mr Jenkins ^{Harry},

Thank you for your letter of 6 February 2013 on behalf of the Parliamentary Joint Committee on Human Rights, concerning the Military Superannuation and Benefits (Eligible Member) Declaration 2012 [F2012L02301].

On 1 October 1991, the Military Superannuation and Benefits Scheme (MSBS) was introduced under the *Military Superannuation and Benefits Act 1991* (MSBS Act), to replace the Defence Force Retirement and Death Benefits Scheme (DFRDB). The DFRDB Scheme had a strong incentive for members to serve until they achieved 20 years of service as they were then entitled to a commutable pension on separation from the Australian Defence Force. The MSBS Act introduced the payment of a retention benefit to members who complete 15 year's of eligible service, and who commit for a further 5 year's service, to encourage 20 years of service for members who either transferred from the DFRDB Scheme to the MSBS or enlisted after 1 October 1991.


Each year, the Department of Defence identifies employment categories that should be included as part of the declaration for the purposes of being a Specified Category. An employment category will be included as a Specified Category if the relevant Service identifies the category as exhibiting clear structural impediments to its members being promoted to the rank of Major, Sergeant or equivalent by their 15 year service point.

The Military Superannuation and Benefits (Eligible Member) Declaration 2012 removed the Specified Category of Aircraft Technician as it was identified by Air Force as a category that no longer presented a structural impediment to members achieving the required rank to qualify for the retention benefit. There are no longer any members in this category that will be affected by the removal of this category as a Specified Category.

For these reasons, Military Superannuation and Benefits (Eligible Member) Declaration 2012 does not infringe on articles Seven, The Right to Work, and Nine, The Right to Social Security, of the International Covenant on Economic, Social and Cultural Rights.

I trust that this information clarifies the matter for the Committee.

Yours sincerely



WARREN SNOWDON