

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**BUDGET ESTIMATES 2017-18**

Finance Portfolio  
24-25 May 2017

**Department/Agency:** CSC  
**Outcome/Program:** General  
**Topic:** Military Superannuation

**Senator:** Lambie

**Question reference number:** F96

**Type of question:** Written

**Date set by the committee for the return of answer:** Friday, 7 July 2017

**Number of pages:** 2

**Question:**

1. Please confirm that Class A and Class B Military Superannuation benefits which are paid to wounded, injured or ill veterans may be ceased or modified, based on the recovery of the veteran, up to the age of 55.
2. The Family Law Act 1975 allows an eligible person to request Commonwealth Superannuation Corporation (CSC) to provide certain information about a Member's superannuation account via a Family Law Court Form 6 declaration. Please confirm that the information requested in relation to an Invalidity Military Superannuation recipient is the same as information requested in relation to a person in receipt of a lifetime benefit.
3. Please confirm that the Superannuation Complaints Tribunal (SCT) applied the determination – *Family Law (Superannuation) (Provision of Information – [Fund] ) Amendment Determination 2016* as registered in the Federal Register of legislation on 15 November 2016. Has this action has ensured that an Invalidity payment has been treated in the same way as a lifetime benefit.
4. Please confirm that a Military Superannuation Invalidity payment is a pension as defined in Reg 1.06 para 9A of the Superannuation Industry (Supervision) Regulations 1994.
5. Please confirm the following information:
  - a. The number of former defence members who are currently in receipt of invalidity payments under MSBS – numbers to be provided according to Class A and Class B classification.
  - b. How many reviews (on average) are conducted per year in relation to the medical status of Class A and Class B recipients
  - c. How many Invalidity Reviews have been conducted since 2005
  - d. How many members have had their classifications reduced as a result of these reviews
  - e. How many Family Law Court Form 6 declarations have been processed through the Commonwealth Superannuation Corporation (and applicable to MSBS) since 2005.

**Answer:**

1. Class A and B classifications may both be reclassified upon request or at any time CSC is satisfied that there has been a change. Once a member of the DFRDB or MSBS has attained the age of 55 (age 60 for ADF Cover) they will no longer be downgraded. However a classification may be reviewed if member initiated to seek upgrade up to the age of 65

<https://www.legislation.gov.au/Details/C2012C00549>

<https://www.legislation.gov.au/Details/C2015A00118>

2. Under Section 90ZMB of the *Family Law Act 1975*, all trustees are required to provide information to an eligible person who makes an application accompanied by a declaration in accordance with Form 6. Form 6 is a prescribed form as set out in schedule 1 of the Family (Superannuation) Regulations 2001(the Regulations). The information requested in an application accompanied by Form 6 Declaration is the same for all 'superannuation interests'.

3. The Superannuation Complaints Tribunal (SCT) in Determination No. D16-17\156 applied the Family Law (Superannuation) (Provision of Information – [Fund]) Amendment Determination 2016. The SCT Determination did not address the question asked. It is noted that Determination D16-17\156 has been appealed to the Federal Court.

4. This is a question of law. The question is on appeal to the Federal Court.

5. a) As at 24 May 2017 the number is 8,710.

b) 250 reviews are conducted on average per year.

c) 250 reviews are conducted on average per year.

d) 658.

e) 2,645.