

Extracts from the Military Superannuation and Benefits Scheme Rules

Schedule 1 – Glossary

Part 1A

Marital or couple relationship

- 1A. A person has a marital relationship with another person (the **other**) at a particular time if the person ordinarily lives with the other as the other's husband, wife or partner on a permanent and bona fide domestic basis at the time.
- 1AA. A person is the **partner** of another person if the two persons have a relationship as a couple (whether the persons are the same sex or different sexes).
- 1B. For the purpose of this Part:
- a) a person is regarded as ordinarily living with another person as that other person's husband, wife or partner on a permanent and bona fide domestic basis at a particular time only if:
 - i) the person had been living with that other person as that person's husband, wife or partner for a continuous period of at least 3 years up to that time; or
 - ii) the person had been living with that person as that person's husband, wife or partner for a continuous period of less than three years up to that time and the Board, having regard to any relevant evidence, is of the opinion that the person ordinarily lived with that other person as that other person's husband, wife or partner on a permanent and bona fide domestic basis at that time;whether or not the person was legally married to that other person; and
 - b) a person is taken to be living with another person if the Board is satisfied that the person would have been living with that person except for a period of:
 - i) temporary absence; or
 - ii) absence because of special circumstances (for example, absence because of a person's illness or infirmity or a posting of the person); and
 - c) A marital or couple relationship begins at the beginning of the continuous period mentioned in sub-subparagraph (a) (i) or (ii).
- 1C. For the purposes of paragraph 1B, relevant evidence includes, but is not limited to, evidence establishing any of the following:
- a) the person was wholly or substantially dependent on that person at the time;
 - b) the persons were legally married to each other at the time;
 - ba) the persons' relationship was registered under a law of a State or Territory prescribed for section 22B of the *Acts Interpretation Act 1901*;
 - c) the persons had a child who was:
 - i) born of the relationship between the persons; or
 - ii) adopted by the persons during the period of the relationship; or
 - iii) a child of both of the persons, within the meaning of the *Family Law Act 1975*;
 - d) the persons jointly owned a home which was their usual residence.

Part 5

Spouse who survives a Deceased Person

8. In this Part:

deceased person means a person who:

- a) has died; and
- b) was, at the time of his or her death, a member or a former member.

9. A person is a spouse who survives a deceased person if:

- a) the person had a marital or couple relationship with the deceased person at the time of the death of the deceased person (in this paragraph called the death); and
- b) in the case of a deceased person who was a retirement pensioner (in this paragraph called the pensioner) at the time of the death:
 - i) the marital or couple relationship began before the pensioner became a pensioner; or
 - ii) the marital or couple relationship began after the pensioner became a pensioner but before the pensioner reached 60; or
 - iii) in any other case — the marital or couple relationship had continued for a period of at least 3 years up to the time of death.

10. In spite of paragraph 9, a person is taken to be a spouse who survives a deceased person if:

- a) the person had previously had a marital or couple relationship with the deceased person; and
- b) the person did not, at the time of the death, have a marital or couple relationship with the deceased person but was legally married to the deceased person; and

- c) in the case of a marital or couple relationship that began after the pensioner became a pensioner and reached 60 — the relationship began at least 3 years before the deceased person's death; and
- d) in the Board's opinion, the person was wholly or substantially dependent upon the deceased person at the time of the death.

Note: This document contains general advice or information only

Any financial product advice in this document is general advice only and has been prepared without taking account of your personal objectives, financial situation or needs. Therefore, before acting on any such general advice, you should consider the appropriateness of the advice, having regard to your own objectives, financial situation or needs. You may wish to do so with or without the assistance of a licensed financial adviser.