



# Leave Without Pay (LWOP) provisions

## What are MilitarySuper's leave provisions?

MilitarySuper members may be eligible to continue contributing to their super while on certain types of Leave Without Pay (LWOP).

MilitarySuper members who proceed on LWOP where contributions are permitted should carefully consider the possible benefits of electing to pay contributions for the LWOP period.

### LWOP – 21 days or less

Contributions must be paid for LWOP of up to 21 days.

### LWOP – more than 21 days

Contributions are not permitted if LWOP is more than 21 days, unless the LWOP is granted for one of the reasons shown in **Table 1**.

## IMPORTANT

All MilitarySuper members, who are proceeding on LWOP for periods in excess of 21 days, should read this factsheet.

**Table 1: LWOP summary**

Types of LWOP	May elect to pay contributions	MilitarySuper – payment will attract employer benefit accrual
Maternity or paternity reasons (birth/pregnancy/termination/adoption)	9 months	MilitarySuper employer benefit accrual limited to 9 months
Compassionate reasons	2 years	No
Accompanying a Defence Force spouse on a Defence Force posting	2 years	No
Study, training, or other activity which is approved as relevant to Defence Force requirements (eg: United Nations secondment)	No limit	MilitarySuper employer benefit accrual limited to 12 months
Temporary physical or mental incapacity	No limit	Military employer benefit accrual limited to 12 months with written approval provided by the Department of Defence

**Please note:** For information on eligibility for the retention benefit and any impact of LWOP on the benefit please contact the Department of Defence.



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## How does contributing affect my benefit?

If you elect to contribute during LWOP in cases where contributions are permitted, payment of contributions will increase the member component of the benefit and, in most cases, payment of contributions will mean the employer benefit will accrue for the LWOP period.

If you elect to pay your member contributions there are LWOP categories where the employer benefit **does not** accrue, such as compassionate grounds or accompanying spouse. You may need to consider the impact LWOP has on a claim for your retention benefit, please contact Department of Defence or your Pay Officer for full details.

Refer to **Table 1** for information regarding accrual of the employer benefit subject to payment of the member contributions.

Any contributions made for the period of LWOP will be subject to preservation requirements under MilitarySuper rules.

## How do I elect to contribute during LWOP?

Should you be granted LWOP for one of the above reasons, you may elect before the LWOP ceases, to pay contributions.

### Electing to pay LWOP contributions

You must make an election before the period of LWOP ceases by lodging an **Election to pay member contributions in respect of a period of LWOP (ML3)** form with us.

The **ML3** form is available at [csc.gov.au](http://csc.gov.au) or by contacting us on **1300 006 727**.

You may revoke the election to contribute at any time three months after the date of election to contribute. A revocation takes effect from the first payday following the date of revocation.

To elect to contribute you will need to complete the **ML3** form then send:

- the original to us together with the supporting documentation as outlined in the **ML3** form
- a copy to Department of Defence.

The **ML3** outlines the documents required to be submitted with the completed form. As appropriate, this will include a copy of a signed agreement that LWOP has been approved, by the relevant Department of Defence authorising officer.

An election to pay contributions can specify a particular period of payment, provided it does not exceed the maximum period permitted for particular types of LWOP as shown in **Table 1**.

### MilitarySuper employer benefit accrual

Subject to the time limitations and conditions indicated, payment of member contributions will mean the employer benefit will grow for each fortnight that a contribution is paid during the LWOP period, where LWOP is granted for one of the reasons shown in **Table 1**.

Payment of member contributions for each of the above types of LWOP will also count as eligible service for retention benefit purposes for the period specified.

Where LWOP is granted on compassionate grounds, or to accompany a Defence Force spouse on a Defence Force posting, the employer benefit will not grow even though contributions are permitted. Continuing to pay member contributions may maintain continuity of service for retention benefit purposes.

### MilitarySuper benefit cover

A member has full invalidity and death cover whilst on LWOP.

For the purpose of contributions and your final benefit calculation, your super salary is taken as the annual rate of pay plus certain recognised allowances that you would have received, had it not been for the LWOP.

Higher duties allowance is not included unless the Defence Force specifically advises that the allowance would have been paid if not for the LWOP.

#### Provisions apply in respect of each period of LWOP granted

These provisions apply in respect of each separate period of LWOP granted.

#### For example:

If a member is granted three separate periods of LWOP for approved education purposes over a three year period, and resumes full-time duty during the intervening non academic year periods, the provisions would apply separately in respect of each LWOP period granted.

## Absence without leave (AWOL)

If a member is AWOL for a period in excess of 21 days, contributions are not required or permitted during the period of absence.

In the event of death whilst on salary forfeited AWOL for a continuous period of more than 21 days, there **will not** be MilitarySuper death benefit available to a spouse, child/children or to the estate, unless we are satisfied there are sufficient mitigating circumstances.

Similarly, should invalidity retirement result due to an occurrence whilst on salary forfeited AWOL for a continuous period of more than 21 days, there **will not** be any MilitarySuper invalidity benefit available, unless we are satisfied there are sufficient mitigating circumstances.

Where a death or invalidity benefit is not payable in these circumstances the benefit would be limited to the resignation benefit.

## What happens with paid leave, including paid leave on less than full pay?

Full normal contributions are required during any period of paid leave. This includes a period of paid leave on less than full pay, such as long service leave on half pay.

## How do I pay my contributions?

Contributions in respect of a period of LWOP can be repaid either by lump sum or by regular deductions from your salary, following your return to work.

Any contributions outstanding following your return to work should be repaid within the same period as the debt was incurred.

**For example:** If a member takes three months LWOP, then outstanding contributions must be paid within a three month period.

If you decide to repay by lump sum, it is essential that all payments be accompanied with details of your full name, service number, and a statement indicating the payment is in respect of employee contributions. Failure to do this may mean the loss of interest on contributions, because of the difficulty in identifying payments without details. Payments should be made by cheque or money order and forwarded to:

### The Collector of Public Monies

MilitarySuper  
GPO Box 2252  
Canberra ACT 2601

**Payments can also be made by Electronic Funds Transfer (EFT) using the below bank account details:**

BSB: 092-009  
Account number: 919128  
Bank: Reserve Bank of Australia

**Please note:** When making the EFT payment please provide your service number/employer ID as the reference number.

You may also elect to repay contributions by doubling your normal contribution rate.

**Please DO NOT elect to increase your percentage of contributions.** We will advise the Defence Force Pay Accounting Centre (DEFPAC) to deduct additional contributions until the amount has been repaid.

## How can I get more information?



**EMAIL** members@enq.militarysuper.gov.au  
**PHONE** 1300 006 727  
**FAX** 02 6275 7010  
**MAIL** MilitarySuper  
GPO Box 2252  
Canberra ACT 2601  
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