

## SUPERANNUATION.

### No. 45 of 1924.

An Act to amend the *Superannuation Act* 1922.

[Assented to 20th October, 1924.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Superannuation Act* 1924.

Short title and  
citation.

(2.) The *Superannuation Act* 1922 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act* 1922–1924.

2. This Act shall commence on a date to be fixed by Proclamation.

Commencement.

3. Section three of the Principal Act is amended by inserting therein, after the words “ Division 5.—Existing Assurance Policies.”, the words—

Parts.

“ Part IVA.—Military and Air Forces.

Division 1.—General.

Division 2.—Contributions.

Division 3.—Pensions and Benefits.”.

4.—(1.) Section four of the Principal Act is amended by adding at the end of the definition of “ Service ” the words “ and, in relation to any qualifying period of employment, includes—

Interpretation.

(a) continuous service as a member of the Permanent Naval, Military or Air Forces of the Commonwealth ; and

(b) where an employee is transferred from the service of a State or Territory to the service of the Commonwealth, such permanent service of the employee under the State or Territory as is continuous with his service under the Commonwealth ”.

(2.) This section shall be deemed to have commenced upon the date of the commencement of the Principal Act.

Commencement  
and cessation of  
contributions.

5. Section twelve of the Principal Act is amended by omitting the second proviso to sub-section (2.) thereof and inserting in its stead the following proviso :—

“ Provided further that a contributor—

(a) who elects, or is called upon, to retire on or after attaining the age of sixty years and prior to attaining the age of sixty-five years ; or

(b) whose maximum age for retirement is fixed at an earlier age than sixty-five years but not less than sixty years, and who retires on attaining the age so fixed,

may contribute, in a lump sum or in such smaller sums, and at such periods as the Board approves, the actuarial equivalent of the amount necessary to complete his payments to the fund up to a later age (not exceeding the age of sixty-five years).”.

6. After section four of the Principal Act the following section is inserted :—

Member of  
Naval Forces.

“ 4A. Upon the commencement of this section no person who is a member of the Naval Forces of the Commonwealth shall be entitled to contribute for or receive pension under this Act :

Provided that this section shall not affect any pension granted prior to the commencement of this section.”.

Election to  
contribute for  
units of  
pension.

7. Section thirteen of the Principal Act is amended—

(a) by inserting at the end of sub-section (5.) thereof the following proviso :—

“ Provided further that, where an employee satisfies the Board that he has failed to make an election under paragraph (a) of this sub-section within the time specified in that paragraph owing to circumstances not within his own control, the employee may—

(c) contribute for two units, as at the rate for the age of thirty, as from the commencement of his contributions under this Act ; and

(d) elect, within such further time as is prescribed, to contribute as at the rate for the age of thirty, for additional units so that the total number of units for which he contributes at that rate is either two and a half, three or four units.” ; and

(b) by inserting therein after sub-section (7.) the following proviso :—

“ Provided that, where the employee exercises a power of election within a further prescribed time, the employee shall pay, as from the first day of the month in which he makes the election, his contributions for the units for which he has so elected to contribute.”.

8. After section sixteen of the Principal Act the following section is inserted :—

“ 16A.—(1.) A contributor who is less than sixty years of age, and to whom Part IVA. of this Act does not apply, may, within six months after the commencement of this section, and an employee who becomes a contributor after the commencement of this section may, within six months from the date of the commencement of his employment, elect to contribute at such rates specified in the Third or Fourth Schedule to this Act as are applicable. Election to contribute for full pension at sixty years of age.

“ (2.) Where an employee, who is a contributor at the date of the commencement of this section, elects to contribute at rates specified in the Third or Fourth Schedule to this Act, the rates at which he shall contribute shall, where he has previously elected under subsection (5.) of section thirteen of this Act to contribute for units at the rates prescribed for the age of thirty, be, in respect of those units, the rate prescribed in the Third or Fourth Schedule for the age of thirty, and, in respect of other units, shall be at the rate in those Schedules which is appropriate to his age at the date he elects under this section.

“ (3.) Any contributor who makes an election in accordance with this section shall be entitled, upon retirement on attaining the age of sixty years, to receive full pension according to the number of units for which he was contributing at the time of his retirement.

“ (4.) For the purposes of this Act the maximum age for retirement of a contributor who makes an election under this section shall be sixty years.

“ (5.) Where a contributor who has made an election under this section does not retire upon attaining the age of sixty years, he shall not be required to make contributions after attaining that age and shall not be entitled to receive pension until retirement.

“ (6.) Such adjustment of contributions as is, in the opinion of the Board, necessary on account of the application to a contributor of the rates of contribution specified in the Third or Fourth Schedule to this Act may be made by the Board.”.

9. Section twenty-four of the Principal Act is amended by omitting therefrom the words “ who has been in the service for not less than seven years and ”. Break-down retirement.

10. Section twenty-nine of the Principal Act is amended—

- (a) by omitting from paragraph (b) thereof the words “ in the case of a contributor ”; and
- (b) by inserting in paragraph (b) thereof, after the word “ years ” the word “, who ”. Amount of pension on retirement.

11. Section thirty of the Principal Act is amended by omitting therefrom the words “, who has been in the service for at least seven years,”. Retirement through invalidity.

Pensions to  
widows and  
children in  
certain cases.

12.—(1.) Section thirty-eight of the Principal Act is amended by inserting therein, after sub-section (4.), the following sub-section :—

“(4A.) Notwithstanding anything contained in this section, where an employee had any right referred to in section fifty-one of this Act, and any payment has been made as an act of grace, in respect of the death of the employee, to the widow of that employee, there shall be deducted from the pension payable to the widow under this section such amount of pension as is the actuarial equivalent of the payment so made, but so that the pension shall not be reduced below one unit.”.

(2.) This section shall be deemed to have commenced upon the date on which the Principal Act received the Royal Assent.

Payment of  
pension  
instalments.

13. Section forty-seven of the Principal Act is repealed and the following section inserted in its stead :—

“47.—(1.) Pensions shall be paid in fortnightly instalments.

“(2.) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.”.

Rights under  
State Acts not  
prejudiced.

14.—(1.) Section fifty-one of the Principal Act is amended—

(a) by inserting therein, after the word “employee” (first occurring), the words “, not being a person to whom Part IVA. of this Act applies,”; and

(b) by inserting at the end thereof the following proviso :—

“Provided that this section shall not prevent the payment of pensions to widows and children who would, but for this section, be entitled to receive pension under section thirty-eight of this Act.”.

(2.) The amendment contained in paragraph (b) of this section shall be deemed to have commenced upon the date of the commencement of the Principal Act.

Difference  
between State  
and  
Commonwealth  
rights.

15. Section fifty-two of the Principal Act is amended by omitting sub-section (4.) thereof and inserting in its stead the following sub-sections :—

“(4.) For the purposes of this section ‘the difference’ means the difference between the actuarial value, as at the date an employee comes under this Act, of the benefits by way of pension or retiring allowance to which the employee is then entitled by virtue of his rights under some other Act or State Act and the benefits which would, were he not entitled to those rights, be applicable, from time to time, under this Act.

“(5.) Where an employee has, prior to the commencement of this sub-section, elected, under sub-section (1.) of this section, to come under the Act for the purpose of the difference, no variation in the difference shall be made unless the employee elects, within the time prescribed for the purposes of this sub-section, to come under the Act for the purposes of the difference as defined in the last preceding sub-section.”.

16. After Part IV. of the Principal Act the following Part and sections are inserted :—

“ PART IVA.—MILITARY AND AIR FORCES.

“ DIVISION 1.—*General.*

“ 60A. In this Part, unless the contrary intention appears—

Definitions.

‘ air officer ’ means a commissioned officer of the Royal Australian Air Force ;

‘ employee ’ means a member of the Permanent Military Forces, and includes a warrant or non-commissioned officer or man of the Royal Australian Air Force.

“ 60B. This Part shall apply to and in respect of employees and air officers and not otherwise.

Application of Part.

“ 60C.—(1.) Upon the commencement of this Part, an air officer shall not be required or permitted to contribute for units of pension under this Act, except in pursuance of the provisions of this Part, nor shall pension under this Act be payable to or in respect of any such air officer except in pursuance of those provisions.

Transfer of contributors to this Part.

“ (2.) Where any air officer is, at the commencement of this Part, contributing in pursuance of any other provisions of this Act, he shall, upon that commencement, cease to so contribute, and such adjustments in his contributions shall be made as the Board determines.

“ (3.) An employee who is, prior to the commencement of this Part, a contributor under this Act shall not be required or permitted to contribute for units of pension under this Part nor shall pension be payable under this Part to or in respect of that employee unless, within three months after the commencement of this Part, he elects to contribute under this Part.

“ (4.) An employee, who is not, prior to the commencement of this Part, a contributor under this Act, shall not be required or permitted to contribute for units of pension under this Act, except in pursuance of the provisions of this Part, nor shall pension under this Act be payable to or in respect of that employee, except in pursuance of those provisions.

“ (5.) Where an employee, to whom sub-section (3.) of this section applies, makes an election in pursuance of that sub-section, the Board may, upon the commencement of his contributions under this Part, make such adjustments in relation to his contributions as the Board determines.

“ DIVISION 2.—*Contributions.*

“ 60D. Employees and air officers shall, subject to this Part, be liable and entitled to contribute in accordance with Part III. of this Act for units of pension under this Act, and, for the purpose of determining the rights and obligations of those employees and air officers in respect of contributions for units of pension, Part III.

Application of Part III.

shall, subject to this Part, apply in relation to contributions by those employees and air officers :

Provided that an air officer shall not become a contributor under this Part unless he makes an election in accordance with the next succeeding section.

Right of  
air officers to  
elect to  
contribute.

“ 60E.—(1.) An air officer who is serving at the commencement of this Part shall not be compelled, but may, within three months of that commencement, elect, to contribute in accordance with this Part.

“ (2.) An air officer who is appointed after the commencement of this Part may, within three months of the date he is appointed, elect to contribute in accordance with this Part and thereupon his contributions shall commence as from the date of his appointment.

“ (3.) Where an employee who is a contributor under this Part becomes an air officer, he shall cease to contribute as an employee and shall receive a refund of his prior contributions, and may, within three months after becoming an air officer, elect to contribute according to the scale of contributions prescribed in respect of air officers and thereupon—

(a) his right to pension or benefits under this Act shall, as from the date he became an air officer, be those provided in this Part in respect of an air officer ; and

(b) his contributions in pursuance of this paragraph shall commence as from the date he became an air officer.

Commencement  
of Part and  
contributions  
thereunder.

“ 60F.—(1.) Any reference in Part III. to the commencement of this Act shall, in the application of the provisions of that Part to employees and air officers who are contributors under this Part, be read as a reference to the commencement of this Part.

“ (2.) The Governor-General may notify in the *Gazette* a date (not being later than six months after the commencement of this Part) upon which the contributions of an employee or air officer engaged prior to the commencement of this section shall commence, and that date shall, in the application of Part III. to that employee or air officer, be substituted for the date notified in pursuance of sub-section (1.) of section twelve of this Act.

Contributors  
retiring on or  
after 60 years  
of age.

“ 60G. The second proviso to sub-section (2.) of section twelve of this Act shall not apply to employees or air officers who are contributors under this Part.

Tables of  
contributions.

“ 60H.—(1.) In the application of section seventeen of this Act to contributions by employees who are contributors under this Part the reference to Schedules I. and II. shall be read as a reference to Schedules III. and IV. to this Act.

“ (2.) The contributions by air officers who are contributors under this Part shall be according to such rates as are prescribed.

### “ DIVISION 3.—*Pensions and Benefits.*

Application of  
Part IV.

“ 60I. The provisions of Part IV. of this Act shall, subject to this Part, apply in relation to the pensions and benefits of employees and air officers.

“ 60J. Pension shall not be payable under this Act to, or in respect of, an air officer who is a contributor except— Pensions for air officers.

- (a) a pension for himself upon retirement upon the ground of invalidity or physical or mental incapacity to perform his duties not due to his own fault; and
- (b) a pension to his widow and children upon his death while in the service or while he is in receipt of a pension under this Act.

“ 60K. Pension shall not be payable under this Part to, or in respect of, any person to whom compensation upon retirement or discharge has been paid under the *Defence Retirement Act 1922* : Pensions not payable in addition to compensation.

Provided that this section shall not apply to any person who, having received such compensation upon retirement or discharge, is re-appointed to the service and becomes a contributor.

“ 60L.—(1.) Where any pension or benefit, not being a refund of contributions, is granted to an air officer or to the widow or children of an air officer, the air officer or his widow or children, as the case may be, shall cease to be entitled to receive any payment in the nature of deferred pay which, apart from this section, would have been payable under any other Act or under any regulations under an Act, and the amount of that deferred pay shall, upon the grant of the pension or benefits be paid into the Consolidated Revenue Fund. Deferred pay.

“(2.) Where any payment in the nature of deferred pay is paid, under any other Act or under any regulations under an Act, to or in respect of an air officer, no pension or benefit under this Act shall be paid to or in respect of that officer.

“ 60M. Subject to this Act, a contributor shall, upon retirement, be entitled to receive a pension according to the number of units for which he was contributing at the time of his retirement : Amount of pension on retirement.

Provided that any contributor—

- (a) who has attained the age of fifty-five years and elects, or is called upon, to retire before attaining the age of sixty years; or
- (b) the age for whose retirement is fixed by law at an earlier age than sixty years, who retires on attaining the age so fixed,

shall, as from the date of his retirement,—

- (c) be entitled to a pension which is the actuarial equivalent of the contributions made or to be made by him and of the share of pension payable by the Commonwealth and accruing to him under this Act; or
- (d) if he contributes in a lump sum or in such smaller sums and at such periods as the Board approves, the actuarial equivalent of the amount necessary to complete his payments to the fund up to the age of sixty years, be entitled to a pension which is the actuarial equivalent of pension for retirement as at sixty years of age.

Retirement  
through  
invalidity—  
amount of  
pension.

“ 60N. Where a contributor under this Part is retired on the ground of invalidity or physical or mental incapacity to perform his duties, he shall—

- (a) if the invalidity or incapacity is not due to his own fault, be entitled to the full pension for which he was contributing at the time of his retirement ; and
- (b) if the invalidity or incapacity is due to his own fault, be entitled to a refund of his contributions.

Partial  
incapacity.

“ 60o.—(1.) Where an air officer or employee is retired upon the ground of invalidity or physical or mental incapacity to perform his duties and the invalidity or incapacity is, in the opinion of the Board, of an extent which constitutes a less degree than fifty per centum of total incapacity in relation to civil employment, the air officer or employee shall not be entitled to pension except in accordance with this section.

“ (2.) An air officer or employee to whom this section applies may upon retirement—

- (a) receive such amount of pension as is proportionate to the degree of his incapacity in relation to civil employment ; or
- (b) if, within two months of his retirement, he so elects—receive payment in the form of a lump sum of such amount as is the actuarial equivalent of his contributions and of the share of pension payable by the Commonwealth and accruing to him under this Act.

“ (3.) Where an air officer or employee, who is in receipt of a pension under paragraph (a) of the last preceding sub-section, dies from any disease which, in the opinion of the Board, was the cause of his retirement, pension shall be payable to his widow at the rate of one-half of the pension for which the air officer or employee was contributing at the time of his retirement.

Application of  
section 35.

“ 60p.—(1.) Section thirty-five of this Act shall not apply so as to entitle an employee who was a contributor under this Act, or an air officer, to receive a pension.

“ (2.) In the application of section thirty-five of this Act to employees—

- (a) the date referred to in paragraph (b) of sub-section (1.) shall be deemed to refer to the date notified in pursuance of sub-section (2.) of section sixty F of this Part ;
- (b) the reference to the passing of this Act shall be read as a reference to the commencement of this Part ;
- (c) any reference to the age of sixty-five years shall be read as a reference to the age of sixty years.

Application of  
section 36.

“ 60q. In the application of section thirty-six of this Act to employees—

- (a) any reference to the passing of this Act shall be read as a reference to the commencement of this Part ; and
- (b) any reference to the age of sixty-five years shall be read as a reference to the age of sixty years.



“ 60r.—(1.) Section thirty-seven of this Act shall not apply so as to entitle— Application of section 37.

- (a) an employee who was a contributor under this Act or who was retired on the ground of invalidity or incapacity which was, in the opinion of the Board, of an extent which constituted a less degree than fifty per centum of total incapacity in relation to civil employment ; or

(b) an air officer,  
to receive a pension.

“ (2.) In the application of section thirty-seven of this Act to employees the references to the commencement of this Act and to the passing of this Act shall be read as references to the date notified in pursuance of sub-section (2.) of section sixty r of this Act.

“ 60s.—(1.) Section thirty-eight of this Act shall not apply— Application of section 38.

- (a) so as to entitle the widow or children of an air officer to receive a pension ; or

(b) in respect of an employee who was a contributor under this Act.

“ (2.) In the application of section thirty-eight of this Act to employees—

- (a) the reference to sub-section (1.) of section twelve of this Act shall be read as a reference to sub-section (2.) of section sixty r of this Act ; and

(b) the reference to the passing of this Act shall be read as a reference to the commencement of this Part.

“ 60r. The provisions of Division 4 of Part IV. of this Act shall, as from the commencement of this Part, cease to apply in relation to persons who are employees and air officers.” Application of Division 4 of Part IV.

**17.—**(1.) Section seventy-six of the Principal Act is amended by inserting at the end thereof the following sub-section :— Officers transferred to Shipping Board.

“ (2.) This Act shall apply to any officer of the Australian Commonwealth Line of steamers—

- (a) who, immediately prior to his becoming an officer of the Line, was an officer of the Commonwealth Public Service ; and

(b) who was a contributor under this Act,  
in like manner as if he had remained an officer of the Commonwealth Public Service.”

(2.) This section shall be deemed to have commenced upon the date of the commencement of the Principal Act.

**18.** Section seventy-seven of the Principal Act is amended by adding at the end thereof the following proviso :— Medical officer's report.

“ Provided that upon receipt of an adverse report by the Board, and before a determination is arrived at the contributor shall have the right to a second medical report from a doctor mutually agreed upon by the contributor and the Board :

“ Provided further that, where the contributor is one to whom Part IVA. of this Act applies, the Board may determine the question upon a joint report from the medical officer appointed for the purposes of this Act and a medical officer attached to the branch of the Commonwealth Service in which the contributor is employed.”

Schedules.

**19.** After Schedule II. of the Principal Act the following Schedules are inserted :—

## “SCHEDULE III.

RATES OF CONTRIBUTION TO BE PAID FORTNIGHTLY BY MALE MEMBERS FOR UNITS OF PENSION BASED ON A RETIRING AGE OF 60.

Age next Birthday at Entry.				Retiring Age of 60 Years.	
				First £52 Pension to Member; £26 to widow; £13 to each child to Age 16.	Subsequent increments £52 pension to Member; £26 to widow.
				£ s. d.	£ s. d.
16	..	..	..	0 2 7	0 2 4
17	..	..	..	0 2 9	0 2 6
18	..	..	..	0 2 11	0 2 7
19	..	..	..	0 3 1	0 2 9
20	..	..	..	0 3 3	0 2 11
21	..	..	..	0 3 5	0 3 1
22	..	..	..	0 3 7	0 3 3
23	..	..	..	0 3 10	0 3 5
24	..	..	..	0 4 1	0 3 8
25	..	..	..	0 4 3	0 3 10
26	..	..	..	0 4 6	0 4 0
27	..	..	..	0 4 8	0 4 3
28	..	..	..	0 4 11	0 4 5
29	..	..	..	0 5 2	0 4 8
30	..	..	..	0 5 5	0 4 11
31	..	..	..	0 5 9	0 5 2
32	..	..	..	0 6 0	0 5 5
33	..	..	..	0 6 4	0 5 9
34	..	..	..	0 6 8	0 6 1
35	..	..	..	0 7 1	0 6 5
36	..	..	..	0 7 5	0 6 9
37	..	..	..	0 7 11	0 7 2
38	..	..	..	0 8 4	0 7 8
39	..	..	..	0 8 10	0 8 2
40	..	..	..	0 9 5	0 8 9
41	..	..	..	0 10 0	0 9 4
42	..	..	..	0 10 8	0 10 0
43	..	..	..	0 11 5	0 10 9
44	..	..	..	0 12 4	0 11 8
45	..	..	..	0 13 4	0 12 8
46	..	..	..	0 14 5	0 13 9
47	..	..	..	0 15 8	0 15 1
48	..	..	..	0 17 2	0 16 6
49	..	..	..	0 19 0	0 18 4
50	..	..	..	1 1 2	1 0 6
51	..	..	..	1 3 9	1 3 2
52	..	..	..	1 7 0	1 6 5
53	..	..	..	1 11 3	1 10 8
54	..	..	..	1 16 10	1 16 3
55	..	..	..	2 4 8	2 4 1
56	..	..	..	2 16 6	2 15 11
57	..	..	..	3 16 4	3 15 7
58	..	..	..	5 16 1	5 15 2
59	..	..	..	11 16 0	11 14 5
60	..	..	..	12 0 8	11 19 1

## "SCHEDULE IV.

"RATES OF CONTRIBUTION TO BE PAID FORTNIGHTLY BY FEMALE MEMBERS BASED ON A RETIRING AGE OF 60.

Age next Birthday at Entry.	Contribution for £52 Pension.	Age next Birthday at Entry.	Contribution for £52 Pension.
	£ s. d.		£ s. d.
16. .. ..	0 1 9	38 .. ..	0 6 4
17 .. ..	0 1 11	39 .. ..	0 6 10
18 .. ..	0 2 0	40 .. ..	0 7 4
19 .. ..	0 2 1		
20 .. ..	0 2 2	41 .. ..	0 7 11
		42 .. ..	0 8 6
21 .. ..	0 2 4	43 .. ..	0 9 2
22 .. ..	0 2 5	44 .. ..	0 10 0
23 .. ..	0 2 7	45 .. ..	0 10 11
24 .. ..	0 2 9		
25 .. ..	0 2 11	46 .. ..	0 12 0
		47 .. ..	0 13 2
26 .. ..	0 3 1	48 .. ..	0 14 7
27 .. ..	0 3 3	49 .. ..	0 16 3
28 .. ..	0 3 5	50 .. ..	0 18 3
29 .. ..	0 3 7		
30 .. ..	0 3 10	51 .. ..	1 0 9
		52 .. ..	1 3 10
31 .. ..	0 4 1	53 .. ..	1 7 9
32 .. ..	0 4 4	54 .. ..	1 13 0
33 .. ..	0 4 7	55 .. ..	2 0 4
34 .. ..	0 4 11		
35 .. ..	0 5 2	56 .. ..	2 11 5
		57 .. ..	3 9 11
36 .. ..	0 5 7	58 .. ..	5 7 1
37 .. ..	0 5 11	59 .. ..	10 19 1
		60 .. ..	11 2 9."