

SUPERANNUATION.

No. 19 of 1948.

An Act to amend the *Superannuation Act* 1922-1947 and for other purposes.

[Assented to 18th May, 1948.]

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* 1948. Short title
and citation.
(2.) The *Superannuation Act* 1922-1947* 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* 1922-1948.
(4.) The *Superannuation Act* 1947†, as amended by this Act, may be cited as the *Superannuation Act* 1947-1948.

2. Subject to this Act, this Act shall commence on a date to be Commencement fixed by Proclamation.

* Act No. 33, 1922, as amended by No. 45, 1924; No. 2, 1930; No. 10, 1931; No. 45, 1934; No. 28, 1937; No. 53, 1942; No. 18, 1943; Nos. 15 and 30, 1945; No. 2, 1946; and No. 35, 1947.

† Act No. 35, 1947.

Parts. 3. Section three of the Principal Act is amended by omitting the words—

“Part IVA.—Military and Air Forces.

Division 1.—General.

Division 2.—Contributions.

Division 3.—Pensions and Benefits.”.

Interpretation. 4. Section four of the Principal Act is amended by omitting from paragraph (a) of sub-section (3A.) the words “, or, being a contributor in accordance with Part IVA. of this Act, has attained the age of fifty-five years”.

Member of Naval Forces.

5. Section four A of the Principal Act is repealed.

Election to contribute for full pension at sixty years of age.

6. Section sixteen A of the Principal Act is amended by omitting from sub-section (1.) the words “, and to whom Part IVA. of this Act does not apply,”.

Rights under State Acts not prejudiced.

7. Section fifty-one of the Principal Act is amended by omitting the words “, not being a person to whom Part IVA. of this Act applies,”.

Repeal of Part IVA.

8.—(1.) Part IVA. of the Principal Act is repealed, but the provisions of that Part shall, subject to the succeeding sub-sections of this section, continue to apply—

(a) in relation to pensions and benefits payable under that Part at the date of commencement of this section; and

(b) in relation to pensions and benefits which, but for the repeal of that Part, would have become payable under that Part to the widows and children of deceased male pensioners,

as if that Part had not been repealed.

(2.) Part IVA. of the Principal Act, in its application from and including the first day of July, One thousand nine hundred and forty-seven, to and including the date of commencement of this section, shall be deemed to have had effect as if the salary of each officer and employee to whom that Part applied were the active pay for the substantive rank of the officer or employee together with the sum of Five shillings per day.

(3.) A person whose name is specified in the first column of the Schedule to this Act (being an officer of the Permanent Military Forces who was retired prior to the date of commencement of this section) shall, in lieu of the pension or benefit to which, but for this section, he would be entitled under the *Superannuation Act 1922-1948*, be paid out of the Superannuation Fund a pension as follows:—

(a) from and including the date of the retirement of that person to and including the thirtieth day of May, One thousand nine hundred and forty-seven—at the rate specified in the second column of that Schedule opposite to the name of that person; and

(b) from and including the thirty-first day of May, One thousand nine hundred and forty-seven, or the date of retirement of that person, whichever is the later date—at the rate specified in the fourth column of that Schedule opposite to the name of that person.

(4.) A person to whom a pension is payable under the last preceding sub-section shall pay to the Superannuation Fund an amount equal to the present value (as determined by the Superannuation Board) of the contributions which would have been payable by him under the *Superannuation Act* 1922-1948 if he had remained an employee until he attained the age of sixty years and if his salary had continued to be the salary received by him immediately prior to the date of his retirement.

(5.) A person to whom a pension is payable under sub-section (3.) of this section may commute such portion of that pension as the Superannuation Board allows for a cash payment and in that case the rate of that pension shall be reduced by the portion of the pension commuted.

(6.) The Commonwealth shall pay to the Superannuation Fund, in respect of the period during which a pension specified in the second or fourth column of the Schedule to this Act is payable, an amount at the rate specified in the third or fifth column respectively of that Schedule opposite to that pension, and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly.

9. Section seventy-two of the Principal Act is amended by inserting after the word "president" the words "or the secretary".

Delegation of power of Board.

10. Section seventy-seven of the Principal Act is amended by omitting the second proviso.

Question as to invalidity, &c., determined by Board on Medical Officers' report.

11.—(1.) Section thirty of the *Superannuation Act* 1947 is amended—

Provisions with respect to contributors whose salaries exceed £884 per annum.

(a) by omitting from sub-section (1.) the words "Where, immediately prior to the date of commencement of this Act, a contributor whose salary exceeded Eight hundred and eighty-four pounds per annum was contributing for the maximum number of units of pension for which he was eligible or required to contribute, he" and inserting in their stead the words "A contributor who, immediately prior to the date of commencement of this Act, was in receipt of a salary exceeding Eight hundred and eighty-four pounds per annum";

(b) by inserting after sub-section (1.) the following sub-section :—

"(1A.) Where a contributor who makes an election under the last preceding sub-section was, at the date of commencement of this Act, contributing for less than

the maximum number of units of pension for which he was eligible or required to contribute, the election, in so far as it relates to units of pension below the maximum number of units, shall not have effect unless within six months after the date of the election the contributor satisfies the Superannuation Board that he is not suffering from any physical or mental defect likely to render him incapable of performing his duties before attaining the maximum age for retirement.”; and

- (c) by omitting from sub-section (2.) the words “the last preceding sub-section” and inserting in their stead the words “this section”.

(2.) This section shall be deemed to have come into operation on the date of commencement of the *Superannuation Act 1947*.

Increase of
certain
pensions.

12.—(1.) After section thirty-one of the *Superannuation Act 1947* the following section is inserted:—

“31A.—(1.) Where, at the date of commencement of this section, an employee who had a right referred to in section fifty-one of the Principal Act had transferred that right to the Board for new rights of pension in accordance with the provisions of section fifty-seven or fifty-eight of the Principal Act, the rate of the pension which would, but for this section, be payable to him upon retirement, under the provisions of either of those sections, being pension at a rate less than Three hundred and sixty pounds per annum, shall be increased—

- (a) if the rate of the pension does not exceed Two hundred and eighty-eight pounds per annum—by one-quarter; or
- (b) if the rate of the pension exceeds Two hundred and eighty-eight pounds per annum but is less than Three hundred and sixty pounds per annum—by such sum as will increase the rate of that pension to Three hundred and sixty pounds per annum.

“(2.) Where, at the date of commencement of this section, a person is in receipt of, or is entitled to, a pension under section fifty-seven or fifty-eight of the Principal Act in respect of a right to pension or superannuation allowance transferred by him to the Board, being pension at a rate less than Three hundred and sixty pounds per annum, the amount of the pension shall be increased—

- (a) if the rate of the pension does not exceed Two hundred and eighty-eight pounds per annum—by one-quarter; or
- (b) if the rate of the pension exceeds Two hundred and eighty-eight pounds per annum but is less than Three hundred and sixty pounds per annum—by such sum as will increase the rate of that pension to Three hundred and sixty pounds per annum.

"(3.) The amount of pension which would, but for this section be payable to the widow of a person referred to in sub-section (1.) or sub-section (2.) of this section, being pension at a rate less than One hundred and eighty pounds per annum, shall be increased—

- (a) if the rate of the pension does not exceed One hundred and forty-four pounds per annum—by one-quarter; or
- (b) if the rate of the pension exceeds One hundred and forty-four pounds per annum but is less than One hundred and eighty pounds per annum—by such sum as will increase the rate of that pension to One hundred and eighty pounds per annum.

"(4.) The Commonwealth shall pay to the Superannuation Fund the amount of any increase of pension provided under this section and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly."

(2.) This section shall be deemed to have come into operation on the first day of February, One thousand nine hundred and forty-eight.

THE SCHEDULE.

Section 8.

First Column.	Second Column.	Third Column.	Fourth Column.	Fifth Column.
Name of Former Employee.	Rate of Pension per annum from Date of Retirement to and including 30th May, 1947.	Amount payable per annum by Commonwealth to Superannuation Fund.	Rate of Pension per annum from and including 31st May, 1947, or from Date of Retirement, whichever is the later.	Amount payable per annum by Commonwealth to Superannuation Fund.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Smart, Edward Kenneth ..	396 1 4	254 13 4	460 2 2	318 14 2
Hoad, Oswald Vick ..	416 0 0	253 9 9	497 19 9	335 9 6
Meredith, Gwynydd Purves				
Wynne Aubrey ..	319 6 0	191 7 6	390 5 4	262 6 10
Weavers, Thomas Edgar ..	388 5 4	252 9 7	444 13 8	308 17 11
Russell, John Henry ..	390 17 4	253 15 1	450 18 5	313 16 2
Stoyles, Arthur Martin ..	341 10 6	231 9 3	381 3 0	271 1 9
White, Aubrey Philip Oscar ..	333 13 4	230 3 4	367 17 5	264 7 5
Wells, Frank Elwyn ..	340 12 0	233 2 0	375 18 4	268 8 4
Durant, Herbert Frederic Henry	312 17 4	220 8 4	338 5 3	245 16 3
Heward, Frank Lowe ..	300 19 6	207 9 11	335 11 1	242 1 6
Thomson, Alan Gilbert ..	314 8 9	216 9 4	346 0 6	248 1 1
Hilless, William Henry ..	309 11 3	214 6 3	339 5 4	244 0 4
Hoare, Harold Murphy ..	307 18 9	213 11 3	337 7 9	243 0 3
Hurst, Rupert John Rostrom ..	307 18 9	213 11 3	335 9 6	341 2 0
Plant, Eric Clive Pegus ..	408 4 0	257 6 0	479 11 11	328 13 11
Urquhart, Walter James ..	370 1 4	242 16 8	420 10 8	293 6 0
Morris, Basil Moorhouse ..	393 14 0	238 10 3	473 10 1	318 6 4
Ellison, Edward Burnett ..	316 1 3	217 3 2	347 12 5	248 14 4
Adams, Gerald Robert Lloyd ..	325 17 4	226 12 0	355 12 0	256 6 8
Boyle, Henry Noel ..	..	..	489 17 5	340 2 5
Huxtable, Cyril William ..	..	..	532 10 8	360 15 8
Tinsley, Walter Noel ..	..	..	397 4 11	283 19 11
Moore, Paterson Lisle ..	..	..	420 12 10	297 7 11
Richardson, Lyall ..	..	..	436 2 6	305 8 0