

SUPERANNUATION.

No. 76 of 1950.

An Act to amend the *Superannuation Act* 1922-1948, and for other purposes.

[Assented to 15th December, 1950.]

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

Short title
and citation.

- 1.—(1.) This Act may be cited as the *Superannuation Act* 1950.
- (2.) The *Superannuation Act* 1922-1948* 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* 1922-1950.
- (4.) The *Superannuation Act* 1947-1948†, as amended by this Act, may be cited as the *Superannuation Act* 1947-1950.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

* Act No. 33, 1922, as amended by No. 45, 1924 ; No. 22, 1930 ; No. 10, 1931 ; No. 45, 1934 ; No. 28, 1937 ; No. 53, 1942 ; No. 18, 1943 ; Nos. 15 and 30, 1945 ; No. 2, 1946 ; Nos. 1 and 35, 1947 ; and No. 19, 1948.

† Act No. 35, 1947, as amended by Act No. 19, 1948.

3. Section thirteen of the Principal Act is amended by omitting from sub-section (1.) the scale contained therein and inserting in its stead the following scale:—

Scale of units of pension.

COLUMN ONE.			COLUMN TWO.		COLUMN THREE.		
Where the Annual Salary of the Employee—			The employee shall contribute the amount necessary to provide units of pension as under—		Equivalent to an annual pension of—		
					£ s. d.		
Does not exceed	£	130 ..	Two units	..	78	0	0
Exceeds	130 and does not exceed	156 ..	Two and a half units	..	97	10	0
Exceeds	156 and does not exceed	208 ..	Three units	..	117	0	0
Exceeds	208 and does not exceed	260 ..	Four units	..	156	0	0
Exceeds	260 and does not exceed	312 ..	Five units	..	195	0	0
Exceeds	312 and does not exceed	364 ..	Six units	..	234	0	0
Exceeds	364 and does not exceed	416 ..	Seven units	..	273	0	0
Exceeds	416 and does not exceed	468 ..	Eight units	..	312	0	0
Exceeds	468 and does not exceed	520 ..	Nine units	..	344	10	0
Exceeds	520 and does not exceed	572 ..	Ten units	..	377	0	0
Exceeds	572 and does not exceed	624 ..	Eleven units	..	409	10	0
Exceeds	624 and does not exceed	676 ..	Twelve units	..	442	0	0
Exceeds	676 and does not exceed	728 ..	Thirteen units	..	474	10	0
Exceeds	728 and does not exceed	780 ..	Fourteen units	..	507	0	0
Exceeds	780 and does not exceed	832 ..	Fifteen units	..	539	10	0
Exceeds	832 and does not exceed	884 ..	Sixteen units	..	572	0	0
Exceeds	884 and does not exceed	936 ..	Seventeen units	..	604	10	0
Exceeds	936 and does not exceed	988 ..	Eighteen units	..	637	0	0
Exceeds	988 and does not exceed	1,040 ..	Nineteen units	..	669	10	0
Exceeds	1,040 and does not exceed	1,144 ..	Twenty units	..	702	0	0
Exceeds	1,144 and does not exceed	1,248 ..	Twenty-one units	..	734	10	0
Exceeds	1,248 and does not exceed	1,352 ..	Twenty-two units	..	767	0	0
Exceeds	1,352 and does not exceed	1,456 ..	Twenty-three units	..	799	10	0
Exceeds	1,456 and does not exceed	1,560 ..	Twenty-four units	..	832	0	0
Exceeds	1,560 and does not exceed	1,664 ..	Twenty-five units	..	864	10	0
Exceeds	1,664	Twenty-six units	..	897	0	0

4. Section eighteen of the Principal Act is repealed and the following section inserted in its stead:—

“18.—(1.) Where the number of units of pension paid from the Fund on the basis of a contribution corresponding to the rate prescribed for the age of the employee at the date on which he commenced to pay the contribution does not exceed eight, the Commonwealth shall, in respect of each unit or part of a unit of pension, pay to the Fund a sum equal to two-thirds of the payment so made.

Payments by Commonwealth where contributions are at rate for age.

“(2.) Where the number of units of pension paid from the Fund on the basis of a contribution corresponding to the rate prescribed for the age of the employee at the date on which he commenced to pay the contribution exceeds eight, the Commonwealth shall pay to the Fund—

- (a) a sum equal to two-thirds of the payment so made in respect of eight units; and

- (b) a sum equal to three-fifths of the payment so made in respect of the remaining units.

“(3.) The Commonwealth shall, in respect of each payment of pension (other than a pension payable in respect of a child) made to a widow of a pensioner or contributor who contributed to the Fund on the basis referred to in this section, pay to the Fund a sum equal to one-half of the sum which would have been payable by the Commonwealth to the Fund under the preceding provisions of this section in respect of the pension which would have been payable to the pensioner or contributor if he had not died or if he had retired immediately prior to his death.”.

Payments by
Commonwealth
where
contributions
are not at
rate for age.

5. Section nineteen of the Principal Act is amended—

- (a) by omitting from sub-section (2.) the word “twice” (wherever occurring) and inserting in its stead the words “three times”; and
- (b) by omitting sub-section (2A.) and inserting in its stead the following sub-section:—

“(2A.) The Commonwealth shall, in respect of each payment of pension (other than a pension payable in respect of a child) made to a widow of a pensioner or contributor who contributed to the Fund on the basis referred to in sub-section (1.) of this section, pay to the Fund a sum equal to one-half of the sum which would have been payable by the Commonwealth to the Fund under the preceding provisions of this section in respect of the pension which would have been payable to the pensioner or contributor if he had not died or if he had retired immediately prior to his death.”.

Pension units.

6. Section twenty-eight of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The unit of pension is—

- (a) where the number of units of pension does not exceed eight—the sum of Thirty-nine pounds per annum; or
- (b) where the number of units of pension exceeds eight—the sum of Thirty-nine pounds per annum in respect of eight of those units and the sum of Thirty-two pounds ten shillings in respect of the remaining units.”.

Pension to
widow and
children on
death of
pensioner after
retirement.

7. Section thirty-two of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words “Thirty-two pounds ten shillings” and inserting in their stead the words “Thirty-nine pounds”.

8. Sections sixty x and sixty z of the Principal Act are repealed and the following sections inserted in their stead :—

“60y.—(1.) Subject to this Act, where a contributor to the Provident Account retires or is retired on or after having attained the age of sixty years or where his services are terminated— Payments on retirement.

(a) on the ground of invalidity ; or

(b) owing to retrenchment,

there shall be paid to him a sum equal to two and one-half times the following amount, namely, the aggregate of his contributions to the Provident Account, together with compound interest on those contributions at the rate of Three pounds per centum per annum.

“(2.) In addition to the sum payable under the last preceding sub-section, there shall be paid to a contributor to the Provident Account a sum equal to one-half of the amount of the contributions paid by him to the Provident Account after the date of commencement of this section, but not including so much of any fortnightly contribution as exceeds Eighteen shillings, together with compound interest at the rate of Three pounds per centum per annum, calculated from that date, on that sum.

“(3.) Where the aggregate of the sums payable under the preceding provisions of this section is less than one-half the annual rate of salary payable to the contributor to the Provident Account at the date of his retirement, there shall be paid to the contributor, in lieu of the sums payable under those provisions, a sum equal to one-half the annual rate of salary payable to him at that date.

“(4.) The last preceding sub-section does not apply in relation to a person who has become or becomes a contributor to the Provident Account after the commencement of the *Superannuation Act 1946* and retires or is retired on or after reaching the age of sixty years.

“(5.) Where a contributor to the Provident Account has been paid a sum under sub-section (3.) of this section and he again becomes a contributor to the Provident Account, that sub-section shall not apply to any subsequent payment to which he becomes entitled under this section.

“60z.—(1.) On the death of a male contributor to the Provident Account before retirement, there shall be paid to his widow a sum equal to two and one-half times the following amount, namely, the aggregate of his contributions to the Provident Account, together with compound interest on those contributions at the rate of Three pounds per centum per annum. Payments on death of contributor with dependants.

“(2.) In addition to the sum payable under the last preceding sub-section, there shall be payable to the widow of a deceased male contributor to the Provident Account, a sum equal to one-half of the amount of the contributions paid by him to the Provident Account after the date of commencement of this section, but not including

so much of any fortnightly contribution as exceeds Eighteen shillings, together with compound interest at the rate of Three pounds per centum per annum, calculated from that date, on that sum.

“(3.) Where the aggregate of the sums payable under the preceding provisions of this section is less than one-half the annual rate of salary payable to the contributor to the Provident Account at the date of his death, the sum payable to his widow shall be a sum equal to one-half of that annual rate of salary.

“(4.) Where a male contributor to the Provident Account is not survived by a widow but is survived by children under the age of sixteen years, the sums payable under this section shall be divided equally amongst those children.”.

Payments by
Commonwealth.

9. Section sixty AE of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “section sixty y or section sixty z” and inserting in their stead the words “sub-section (1.) of section sixty y or sub-section (1.) of section sixty z”; and
- (b) by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) The Commonwealth shall pay to the Provident Account an amount equal to any sums payable to the contributor to the Provident Account or to the widow or children of any such deceased contributor, as the case may be, in pursuance of sub-section (2.) or (3.) of section sixty y, or under sub-section (2.), (3.) or (4.) of section sixty z, of this Act.”.

Superannuation
rights and
obligations of
persons
formerly
employed by
States

10. Section sixty AO of the Principal Act is amended—

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

“(1A.) Where—

- (a) during the period between the twenty-ninth day of June, One thousand nine hundred and fifty, and the date of commencement of this sub-section, the benefits payable from a State Fund have been increased without the contributors to that State Fund being required to make additional contributions for the increased benefits;

- (b) a State employee who was a contributor to that State Fund has become an employee after the date from which the increased benefits became payable and before the date of commencement of this sub-section; and

- (c) that State employee has elected to contribute in accordance with this section and has paid to the Board the contributions refunded to him from the State Fund,

the number of units which the actuarial member of the Board has certified under the last preceding sub-section shall be reduced, from the date of commencement of this sub-section, to so many units of pension (including, where necessary, a fraction of a unit) as the actuarial member of the Board certifies will entitle the employee to benefits equal to those to which he was entitled immediately prior to the commencement of this sub-section.

“(1B.) Where—

- (a) after the twenty-ninth day of June, One thousand nine hundred and fifty, the benefits payable from a State Fund have been or are increased without the contributors to that State Fund being required to make additional contributions for the increased benefits ; and

- (b) a State employee who was contributing to that State Fund becomes an employee after the date of commencement of this sub-section,

the benefits to which the employee would, for the purposes of sub-section (1.) of this section, have been entitled if he had continued to contribute to the State Fund shall not include so much of the increased benefits specified in paragraph (a) of this sub-section as, in the opinion of the actuarial member of the Board, exceeds the difference between the benefits payable under the *Superannuation Act 1922-1948* and the benefits payable under the *Superannuation Act 1922-1950.*” ;

- (b) by omitting from sub-section (2.) the words “ any such State employee ” and inserting in their stead the words “ a State employee referred to in sub-section (1.) of this section ” ;
- (c) by inserting in sub-section (4.), before the words “ of this section ”, the words “ or sub-section (1A.) ” ; and
- (d) by omitting from sub-section (4.) the words “ that sub-section ” and inserting in their stead the words “ those sub-sections ”.

11. Section seventy-six of the Principal Act is repealed.

12.—(1.) Schedule I. to the Principal Act is amended—

- (a) by omitting the headings to the second and fifth columns and inserting in their stead the heading “ Contribution for first two units.” ; and

Application of
Act to certain
officers of
Commonwealth
Bank.
The Schedules.

- (b) by omitting the headings to the third and sixth columns and inserting in their stead the heading "Contribution for each subsequent two units."
- (2.) Schedules III., V. and VII. to the Principal Act are amended—
 - (a) by omitting the heading to the second column and inserting in its stead the heading "Contribution for first two units."; and
 - (b) by omitting the heading to the third column and inserting in its stead the heading "Contribution for each subsequent two units."
- (3.) Schedules II., IV., VI. and VIII. to the Principal Act are amended by omitting the heading "Contribution for £65 pension." (wherever occurring) and inserting in its stead the heading "Contribution for each two units."

Increase in
rates of
existing
pensions.

13.—(1.) The amount of pension payable to a person who is, at the date of commencement of this Act, in receipt of a pension under the Principal Act, not being a pension payable—

- (a) in respect of a child ;
- (b) under section fifty-seven of the Principal Act (other than a pension for which that person made contributions to a State Fund as defined in section sixty AN of the Principal Act) ;
- (c) under section fifty-eight of the Principal Act ;
- (d) in respect of a person referred to in paragraph (b) of sub-section (1A.) of section sixty AO of the *Superannuation Act 1922-1950* ; or
- (e) to a person whose name is specified in the Schedule to this Act,

shall be increased as follows :—

- (f) where the number of units in respect of which pension is payable does not exceed eight, the amount of pension payable shall be increased by one-fifth ; or
- (g) where the number of units in respect of which pension is payable exceeds eight, the amount of pension payable shall be increased by one-fifth of the amount paid in respect of eight of those units.

(2.) The Commonwealth shall pay to the Fund the amount of the increase and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly.

(3.) Where an amount is paid by the Commonwealth under this section to the Fund in respect of a person who was or is employed by an approved authority, the approved authority shall pay to the Commonwealth the amount so paid by the Commonwealth and may apply for that purpose any moneys under the control of the approved authority.

14.—(1.) Section eight of the *Superannuation Act* 1948 is amended by omitting sub-sections (2.), (3.), (4.), (5.) and (6.).

Amendment of the *Superannuation Act* 1948.

(2.) The Schedule to the *Superannuation Act* 1948 is repealed.

15.—(1.) A person whose name is specified in the first column of the Schedule to this Act, shall, in lieu of the pension to which, but for this section, he would be entitled under the *Superannuation Act* 1922–1950, be paid out of the Fund a pension at the rate specified in the second column of that Schedule opposite to the name of that person.

Pensions payable to persons whose names are specified in the Schedule to this Act.

(2.) On the death of a male person whose name is specified in the first column of the Schedule to this Act, pension shall be payable to his widow at one-half of the rate specified in the second column of that Schedule opposite to the name of that person.

(3.) Payment of a pension under the last preceding sub-section, and payment of the pension to the female person whose name is specified in the first column of the Schedule to this Act, shall be subject to the same conditions as apply in the case of a pension payable to a widow of a deceased pensioner under the *Superannuation Act* 1922–1950.

(4.) The Commonwealth shall pay to the Fund—

(a) in respect of each payment of pension made from the Fund to a person whose name is specified in the first column of the Schedule to this Act—an amount at the rate specified in the third column of that Schedule opposite to the name of that person; and

(b) in respect of each payment of pension made from the Fund to the widow of one of those persons—an amount at one-half of the rate specified in the third column of that Schedule opposite to the name of that person,

and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly.

16. The increases effected by this Act in the rates of pensions shall be deemed to have commenced to apply in respect of the payments of pension which fell due on the ninth day of November, One thousand nine hundred and fifty.

Application of amendments.

17.—(1.) Section twenty-nine of the *Superannuation Act* 1947–1948 is repealed.

Amendment of the *Superannuation Act* 1947–1948.

(2.) Section thirty of the *Superannuation Act* 1947–1948 is amended by omitting sub-sections (1.), (1A.) and (3.).

(3.) Section thirty-two of the *Superannuation Act* 1947–1948 is repealed.

(4.) Section thirty-three of the *Superannuation Act* 1947–1948 is amended by omitting the words “any of the last three preceding sections” and inserting in their stead the words “sub-section (2.) of section thirty, section thirty-one or section thirty-one A of this Act”.

THE SCHEDULE.

Section 15.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Name of Pensioner.	Rate of Pension per annum.	Amount payable per annum by the Commonwealth to the Fund.
	£ s. d.	£ s. d.
Smart, Edward Kenneth	492 2 7	350 14 7
Hoad, Oswald Vick	538 19 8	376 9 5
Meredith, Gwynydd Purves Wynne Aubrey	437 11 7	309 13 1
Weavers, Thomas Edgar	472 17 10	337 2 1
Russell, John Henry	480 19 0	343 16 9
Stoyles, Arthur Martin	402 5 8	292 4 5
White, Aubrey Philip Oscar	384 19 5	281 9 5
Wells, Frank Elwyn	330 15 6	223 5 6
Durant, Herbert Frederic Henry	350 19 3	258 10 3
Heward, Frank Lowe	356 16 8	263 7 1
Thomson, Alan Gilbert	362 17 5	264 18 0
Hilless, William Henry	355 2 2	259 17 2
Hoare, Harold Murphy	295 11 3	201 3 9
Hurst, Rupert John Rostron	350 3 3	255 15 9
Urquhart, Walter James	414 17 7	287 12 11
Morris, Basil Moorhouse	516 1 4	360 17 7
Ellison, Edward Burnett	308 7 9	209 9 8
Adams, Gerald Robert Lloyd	370 9 4	271 4 0
Boyle, Henry Noel	505 19 9	356 4 9
Huxtable, Cyril William	553 11 7	381 16 7
Tinsley, Walter Noel	409 11 4	296 6 4
Moore, Paterson Lisle	365 5 5	242 0 6
Richardson, Lyall	452 14 6	322 0 0
Plant, Oona Hunter (widow of Eric Clive Pogus Plant)	257 13 0	182 4 0