DEFENCE FORCES RETIREMENT BENEFITS.

**No. 24 of 1956.**

An Act to amend the *Defence Forces Retirement Benefits Act* 1948–1955.

[Assented to 23rd May, 1956.]

BE it enacted by the Queen’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 *Defence Forces Retirement Benefits Act* 1956.

(2.) The *Defence Forces Retirement Benefits Act* 1948–1955 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Forces Retirement Benefits Act* 1948–1956.

**Commencement.**

**2.**—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sections three, four, six, nine, ten and eleven of this Act shall be deemed to have come into operation on the twenty-second day of February, One thousand nine hundred and fifty-six.

**Pension on retirement after twenty years’ service for pension— officers.**

**3.** Section thirty-eight of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Subject to section fifty of this Act, the pension payable to an officer under this section is a pension at such rate set out in column five, six or seven of Part I. of the First Schedule as is applicable to the officer having regard to the date of his retirement and the description set out in column one, two or three of that Part which applied or applies to the officer at that date.”.

**Pension on retirement after fifteen years’ service for pension— officers.**

**4.** Section thirty-nine of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) The deduction under the last preceding sub-section shall be—

(*a*) in the case of an officer who retired before the tenth day of December, One thousand nine hundred and fifty-four—in accordance with Part I. of the Third Schedule;

(*b*) in the case of an officer who retired on or after that date and before the twenty-second day of February, One thousand nine hundred and fifty-six—in accordance with Part II. of the Third Schedule; and

(*c*) in any other case—in accordance with Part III. of the Third Schedule.”.

**Pensions after twenty years—other ranks.**

**5.** Section forty-one of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Subject to section fifty of this Act, the pension payable to a member under this section is—

(*a*) a pension at such rate set out in column five or six of Part II. of the First Schedule as is applicable to the member having regard to the date of his retirement and the description set out in column one, two or three of that Part which applied or applies to the member at that date; and

(*b*) in the case of a member who has completed more than twenty years’ service for pension before attaining the retiring age for the rank held by him, additional pension, if any, in accordance with the Fourth Schedule for each completed year of service for pension in excess of twenty years.”.

**Retirement before reaching retiring age— officers.**

**6.** Section forty-eight of the Principal Act is amended by omitting sub-section (2a.) and inserting in its stead the following sub-section:—

“(2a.) The deduction under the last preceding sub-section shall be—

(*a*) in the case of an officer who retired before the sixteenth day of March, One thousand nine hundred and fifty-five—in accordance with Part I. of the Third Schedule;

(*b*) in the case of an officer who retired on or after that date and before the twenty-second day of February, One thousand nine hundred and fifty-six—in accordance with Part II. of the Third Schedule; and

(*c*) in any other case—in accordance with Part III. of the Third Schedule.”.

**Elections by members entitled to deferred pay.**

**7.** Section seventy-eight of the Principal Act is amended—

(*a*) by omitting from sub-section (3.) the word “two” and inserting in its stead the word “three”; and

(*b*) by omitting sub-section (8.) and inserting in its stead the following sub-section:—

“(8.) Subject to the next succeeding section and to section seventy-eight c of this Act, a member who elects under this section not to become a contributor under this Act shall not be required or permitted to contribute to the Fund and shall not be entitled to any benefit under this Act.”.

**8.** After section seventy-eight b of the Principal Act the following section is inserted:—

**Elections under section 78— members of the Permanent Naval Forces.**

“78c.—(1.) This section applies to a member of the Permanent Naval Forces who—

(*a*) before the date of commencement of this section, elected under section seventy-eight of this Act not. to become a contributor under this Act; and

(*b*) at the time when he made the election, was not an officer.

“(2.) A member to whom this section applies who, on or after the eleventh day of August, One thousand nine hundred and fifty-four, and before the date of commencement of this section, was appointed as an officer may, by notice in writing given to the Board within four months from the last-mentioned date, revoke the election made by him under section seventy-eight of this Act.

“(3.) A member who, under the last preceding sub-section, revokes an election, is required, and shall, from the date of his appointment as an officer, be deemed to have been required, to contribute to the Fund for full benefits under this Act.

“(4.) A member to whom this section applies who, on or after the date of commencement of this section, is appointed as an officer is required to contribute to the Fund for full benefits under this Act from the date of his appointment as an officer.

“(5.) Sub-section (4.) of section seventy-eight of this Act does not apply in relation to a member who is required to contribute to the Fund by virtue of this section.

“(6.) A member who is required to contribute to the Fund by virtue of this section is not eligible for credit or payment of deferred pay in respect of service on or after the date of his appointment as an officer.”.

**First Schedule.**

**9.** The First Schedule to the Principal Act is amended by omitting Part I. and inserting in its stead the Part set out in the Schedule to this Act.

**Third Schedule.**

**10.** The Third Schedule to the Principal Act is amended by adding at the end thereof the following Part:—

*Part III.*

|  |  |
| --- | --- |
| Pension per annum— | Deductions for each year or part of a year— |
|  | £ |
| Exceeds £1,128 | 52 |
| Exceeds £741 but does not exceed £1,128 | 37 |
| Exceeds £588 but does not exceed £741 | 28 |
| Exceeds £395 but does not exceed £588 | 20 |
| Does not exceed £395 | 10 |

**Increased contributions.**

**11.** If the number of units for which a member is required to contribute under the Principal Act as amended by this Act is greater than the number of units for which he was required to contribute under the Principal Act—

(*a*) the contributions of the member falling due after the date of commencement of this section shall be payable in respect of the greater number of units; and

(*b*) he shall be deemed, for the purposes of sub-section (5.) of section twenty-three of the Principal Act as amended by this Act, to have increased his contributions in such circumstances that an increased pension is payable as a result of the increased contributions.

THE SCHEDULE. Section 9.

Part to be Substituted for Part I. of the First Schedule to the Principal Act.

Part I.—Officers.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Column 1. | Column 2. | Column 3. | Column 4. | Column 5. | | | Column 6. | Column 7. |
| Permanent Naval Forces. | Permanent Military Forces. | Permanent Air Force. | Number of Units. | Rate of Pension per Annum— Retirement before 10th December, 1954. | | | Rate of Pension per Annum— Retirement on or after 10th December, 1954, and before 22nd February, 1956. | Rate of Pension per Annum— Retirement on or after 22nd February, 1956. |
|  |  |  |  | £ | *s.* | *d.* | £ | £ |
| *Table* 1.—*Officers other than those referred to in Table* 2, *Table* 3 *and Table* 4 *of this Part.* | | | | | | | | |
| Vice-Admiral | Lieutenant-General, Chief of the General Staff | Air Marshal | 36 | 1,638 | 0 | 0 | 1,638 | 1,638 |
|  | Lieutenant-General |  | 36 | 1,547 | 0 | 0 | 1.638 | 1,638 |
| Rear-Admiral (Non-Executive Branch) |  |  | 36 | 1,410 | 10 | 0 | 1,638 | 1,638 |
| Rear-Admiral (Executive Branch) |  |  | 36 | 1,410 | 10 | 0 | 1,454 | 1,454 |
|  | Major-General | Air Vice-Marshal | 36 | 1,252 | 0 | 0 | 1,454 | 1,454 |
| Captain (and relative rank) of six years’ or more service in that rank | Brigadier | Air Commodore | 31 | 910 | 0 | 0 | 1,056 | 1,128 |
| Captain (and relative rank) of less than six years’ service in that rank | Colonel | Group Captain | 29 | 855 | 0 | 0 | 997 | 1,033 |
| Commander (and relative rank) | Lieutenant-Colonel | Wing Commander | 25 | 665 | 0 | 0 | 760 | 792 |
| Lieutenant-Commander (and relative rank) | Major | Squadron Leader | 22 | 505 | 0 | 0 | 589 | 617 |
| Lieutenant (and relative rank) | Captain | Flight Lieutenant | 18 | 415 | 0 | 0 | 504 | 533 |
|  | Lieutenant | Flying Officer | 14 | 310 | 0 | 0 | 366 | 395 |
| Sub-Lieutenant | Second Lieutenant | Pilot Officer | 11 | .. |  |  | .. | .. |
| Acting Sub-Lieutenant |  |  | 9 | .. |  |  | .. | .. |
| Sub-Lieutenant (under-graduate) |  | Pilot Officer (student) | 8 | .. |  |  | .. | .. |
| Midshipman |  |  | 5 | .. |  |  | .. | .. |

The Schedule—*continued.*

Part I.—Officers—*continued.*

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Column 1. | Column 2. | | Column 3. | | Column 4. | | Column 5. | | | Column 6. | Column 7. |
| Permanent Naval Forces. | Permanent Military Forces. | | Permanent Air Force. | | Number of Units. | | Rate of Pension per Annum— Retirement before 10th December, 1954. | | | Rate of Pension per Annum— Retirement on or after 10th December, 1954, and before 22nd February, 1956. | Rate of Pension per Annum— Retirement on or after 22nd February, 1950. |
|  |  | |  | |  | | £ | *s.* | *d.* | £ | £ |
| *Table* 2. | | | | | | | | | | | |
| Officers promoted from Warrant Rank or from Branch Rank (except those specially selected and promoted direct to Lieutenant)— |  |  | |  | |  | | | | |  |
| Commander (and relative rank) |  |  | | 25 | | 665 | | 0 | 0 | 880 | 917 |
| Lieutenant-Commander (and relative rank) | Major (Quartermaster) |  | | 22 | | 665 | | 0 | 0 | 776 | 813 |
| Lieutenant (and relative rank) | Captain (Quartermaster) |  | | 19 | | 595 | | 0 | 0 | 706 | 706 |
| Senior Commissioned Officer (and relative rank) |  |  | | 17 | | 525 | | 0 | 0 | 637 | 637 |
| Commissioned Officer (and relative rank) | Lieutenant (Quartermaster) |  | | 15 | | 455 | | 0 | 0 | 569 | 569 |
| *Table* 3. | | | | | | | | | | | |
|  | Matron-in-Chief | Matron-in-Chief or Group Officer | | 20 | | 630 | | 0 | 0 | 704 | 741 |
|  | Principal Matron | Principal Matron or Wing Officer | | 17 | | 485 | | 0 | 0 | 597 | 634 |
|  | Matron | Matron or Squadron Officer | | 16 | | 450 | | 0 | 0 | 520 | 554 |
|  | Senior Sister | Senior Sister or Flight Officer | | 13 | | 375 | | 0 | 0 | 450 | 487 |
|  | Sister | Sister or Section Officer | | 10 | | 305 | | 0 | 0 | 343 | 381 |

The Schedule—*continued.*

*Table* 4.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Principal Chaplain and Senior Chaplain | Chaplain, First Class | Chaplain, First Class | 24 | 660 | 0 | 0 | 759 | 792 |
| Chaplain of eighteen years’ or more service in that rank |  |  | 24 | 630 | 0 | 0 | 724 | 756 |
| Chaplain of fifteen years’ or more, and less than eighteen years’, service in that rank | Chaplain, Second Class | Chaplain, Second Class | 23 | 595 | 0 | 0 | 689 | 720 |
|  | Chaplain, Third Class | Chaplain, Third Class | 20 | 500 | 0 | 0 | 559 | 588 |
|  | Chaplain, Fourth Class | Chaplain, Fourth Class | 17 | 415 | 0 | 0 | 504 | 504 |
| Chaplain of ten years’ or more, and less than fifteen years’, service in that rank |  |  | 20 | .. |  |  | .. | .. |
| Chaplain of less than ten years’ service in that rank |  |  | 17 | .. |  |  | .. | .. |