

MINT EMPLOYEES.

No. 45 of 1964.

An Act with respect to the Employment by the Commonwealth of certain Employees of Branches in Australia of the Royal Mint.

[Assented to 28th May, 1964.]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Mint Employees Act* 1964. Short title.
 2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
 3. This Act is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Sections 1–4).
 - Part II.—Employment by the Commonwealth (Sections 5–12).
 - Part III.—Superannuation (Sections 13–19).
 - 4.—(1.) In this Act, unless the contrary intention appears— Interpretation.
 - “ officer ” means officer of the Public Service of the Commonwealth;
 - “ Royal Mint employee ” means a person employed at the Melbourne Branch or at the Perth Branch of the Royal Mint, whether by virtue of an appointment under section fifteen of the Imperial Act entitled the Coinage Act, 1870, or otherwise;
 - “ temporary employee ” means a person employed under Division 10 of Part III. of the Public Service Act;
 - “ the Board ” means the Public Service Board constituted under the Public Service Act;
 - “ the Public Service Act ” means the *Public Service Act* 1922–1964.
- (2.) Where the services of a person employed at the Melbourne Branch or at the Perth Branch of the Royal Mint have been made available by arrangement with the deputy master of the Branch to assist in the establishment of a mint by the Commonwealth,

that person shall not, for the purposes of the definition of "Royal Mint employee" in the last preceding sub-section, be deemed to have ceased to be employed at the Branch by reason only of his services having been so made available.

(3.) For the purposes of this Act, a person who, with the authority of the Board given under section eight of this Act, is employed under the Public Service Act in a temporary capacity shall be deemed to be employed under this Act.

PART II.—EMPLOYMENT BY THE COMMONWEALTH.

Incorporation
with Public
Service Act.

5. This Part is incorporated and shall be read as one with the Public Service Act.

Notice to
Royal Mint
employee of
right to elect
for transfer
to Public
Service.

6.—(1.) For the purpose of enabling qualified staff to be provided for the minting of coins by the Commonwealth, the Board may, by notice in writing addressed to a person who is, and since the date of commencement of this Act has continuously been, a Royal Mint employee—

(a) inform the person that he may elect to be appointed to the Public Service of the Commonwealth; or

(b) inform the person that he may elect to be employed under the Public Service Act in a temporary capacity in the Department of the Treasury.

(2.) An election in pursuance of a notice given under the last preceding sub-section shall be in writing addressed to the Board and shall be delivered to the Secretary of the Board within the period of twenty-one days after the date of the notice or within such further period as the Board, within that period of twenty-one days, allows.

(3.) A notice under sub-section (1.) of this section shall include particulars of the proposed appointment or employment.

Appointment
of Royal Mint
employees.

7. Where a Royal Mint employee elects, in pursuance of a notice given under the last preceding section, to be appointed to the Public Service of the Commonwealth, the Board may (notwithstanding anything contained in the Public Service Act, except in paragraphs (a), (c) and (d) of section thirty-four of that Act) appoint him accordingly.

Employment
of Royal Mint
employees.

8.—(1.) Where a Royal Mint employee elects, in pursuance of a notice given under section six of this Act, to be employed under the Public Service Act in a temporary capacity in the Department of the Treasury, the Board may authorize his employment under Division 10 of Part III. of the Public Service Act accordingly.

(2.) Sub-sections (1.) and (2.) of section eighty-two of the Public Service Act do not apply in relation to any employment authorized by the Board under the last preceding sub-section.

9.—(1.) Subject to this section and to sections twenty, fifty-five, fifty-six, sixty-two and sixty-seven of the Public Service Act and to any law providing for a reduction in the remuneration payable to officers or temporary employees generally, the rate of remuneration of a person appointed or employed under this Act shall, while he continues to be an officer or temporary employee, be not less favourable than that to which, in the opinion of the Board, he would have been entitled in respect of the position that he ordinarily occupied as a Royal Mint employee before his appointment or employment under this Act.

Rate of remuneration.

(2.) Where, by virtue of the last preceding sub-section, the rate of remuneration to which a person is entitled would or might be increased by reason of an increment of salary in respect of the position that he ordinarily occupied as a Royal Mint employee, his entitlement to the increase is subject to the provisions that, under sub-sections (4.), (5.) and (6.) of section thirty-one of the Public Service Act, apply to increments of salary referred to in sub-section (1.) of that section.

(3.) For the purposes of this section, “ remuneration ” means salary or pay, and includes such allowances as, in the opinion of the Board, should be regarded as having formed part of the salary or pay of the officer or temporary employee in the position that he ordinarily occupied as a Royal Mint employee.

10.—(1.) Where a Royal Mint employee is appointed or employed under this Act and his service as an officer or temporary employee is continuous with service by him as a Royal Mint employee, that last-mentioned service shall be reckoned, for the purposes of the Public Service Act, as service as an officer or temporary employee.

Prior service reckoned as Commonwealth service.

(2.) Where a Royal Mint employee is employed under this Act and his service as a temporary employee is continuous with service by him as a Royal Mint employee, the period of his service as a Commonwealth employee shall, for the purposes of the *Commonwealth Employees' Furlough Act 1943–1959*, include his service as a Royal Mint employee.

11. A Royal Mint employee appointed or employed under this Act preserves his eligibility for the grant of annual leave of absence that has accrued immediately prior to his being so appointed or employed.

Accrued recreation leave.

Preservation of
sick leave
credits.

12.—(1.) A Royal Mint employee shall, upon appointment or employment under this Act, be credited with the eligibility for sick leave for which he would have been eligible if he had been continuously employed as an officer of the Public Service of the Commonwealth for the period of his continuous service as a Royal Mint employee, less any sick leave granted since the commencement of that period.

(2.) If, at any time—

(a) a person appointed or employed under this Act has exhausted his sick leave credit on full pay; and

(b) the Board is satisfied that, if he had continued to be a Royal Mint employee, he would have been eligible for the grant of sick leave,

the Board may grant to him additional sick leave to the extent to which, and on the conditions on which, the Board is satisfied he would have been eligible for sick leave if he had continued to be a Royal Mint employee.

PART III.—SUPERANNUATION.

Definitions.

13. In this Part—

“benefit” includes refund of contributions;

“the Superannuation Act” means the *Superannuation Act 1922–1963*;

“the United Kingdom superannuation scheme”, in relation to a person to whom this Part applies, means the superannuation scheme that, immediately before his appointment or employment under this Act, was applicable to him under the terms and conditions of his employment as a Royal Mint employee.

Incorporation
with
Superannuation
Act.

14. This Part is incorporated and shall be read as one with the Superannuation Act.

Application
of Part.

15. This Part, other than section nineteen of this Act, applies to—

(a) a person—

(i) who is appointed under this Act; and

(ii) whose service as an officer is continuous with his service as a Royal Mint employee; or

(b) a person—

(i) who is employed under this Act;

(ii) who, before his employment under this Act, had been a Royal Mint employee for a continuous period of not less than three years;

- (iii) whose service as a temporary employee is continuous with his service as a Royal Mint employee; and
- (iv) who is certified by the Board, before or at the time of his employment under this Act, to be a person whose employment by the Commonwealth is likely to be continued for a period of at least seven years,

and a reference in this Part to a person to whom this Part applies shall be read as a reference to such a person.

16. The definition of "Employee" in sub-section (1.) of section four of the Superannuation Act shall, for the purposes of that Act, be deemed to include a person referred to in paragraph (b) of the last preceding section.

Certain persons employed under this Act to be "Employees" for purposes of Superannuation Act.

17.—(1.) A person to whom this Part applies may, within one month after his appointment or employment under this Act, or within such further period as the Superannuation Board allows, elect not to contribute to the Superannuation Fund.

Election not to contribute to Superannuation Fund.

(2.) Where a person makes an election under the last preceding sub-section—

- (a) he is not entitled, and is not required, to contribute to the Superannuation Fund or to the Provident Account;
- (b) there is payable to the Commonwealth—
 - (i) an amount equivalent to any contribution that, in the opinion of the Superannuation Board, would, under the United Kingdom superannuation scheme, have become payable by or in respect of him if he had continued to be a Royal Mint employee and had been paid as such an employee such salary and emoluments as are from time to time payable to him as an officer or as a temporary employee, as the case may be; and
 - (ii) an amount equivalent to any benefit that is paid to or in respect of him under the United Kingdom superannuation scheme; and
- (c) there is payable to or in respect of him such benefits (if any) as, in the opinion of the Superannuation Board, would have been payable to or in respect of him under the United Kingdom superannuation scheme if he had continued to be a Royal Mint employee until such time as he ceases to be employed by the Commonwealth and had been paid as a Royal Mint employee such salary and emoluments as are from time to time payable to him as an officer or as a temporary employee, as the case may be.

(3.) An amount that is payable to the Commonwealth under paragraph (b) of the last preceding sub-section is a debt due to the Commonwealth by the person by whom the contribution under the United Kingdom superannuation scheme would have been payable or to whom the benefit under the United Kingdom superannuation scheme is paid, as the case may be, and may be recovered in any court of competent jurisdiction.

(4.) Where an amount payable to the Commonwealth under paragraph (b) of sub-section (2.) of this section in relation to a person to whom this Part applies has not been paid, the Commonwealth may deduct an amount equivalent to that amount from any benefit payable under paragraph (c) of that sub-section to or in respect of the person.

(5.) Any benefit payable under paragraph (c) of sub-section (2.) of this section is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Persons
who do no
make elections
under
section 17.

18.—(1.) This section applies to a person—

- (a) to whom this Part applies;
- (b) who does not make an election under the last preceding section; and
- (c) who does not give notice to the Superannuation Board under the next succeeding sub-section.

(2.) A person to whom this Part applies who does not make an election under the last preceding section may inform the Superannuation Board, by notice in writing, not later than the expiration of two weeks after the expiration of the period within which he could have made an election under the last preceding section, that he does not wish this section to apply in relation to him.

(3.) Notwithstanding anything contained in section five of the Superannuation Act, that section does not apply in relation to a person to whom this section applies.

(4.) Subject to this section, a person to whom this section applies shall make contributions to the Superannuation Fund in accordance with the Superannuation Act.

(5.) A person to whom this section applies shall be credited with such number of fully paid units (including, where necessary, a fraction of a unit) as the actuarial member of the Superannuation Board certifies to be the actuarial equivalent of the benefits that, in his opinion, were applicable in relation to that person, immediately before his appointment or employment under this Act, under the United Kingdom superannuation scheme.

(6.) The actuarial member of the Superannuation Board may, for the purpose of issuing a certificate under the last preceding sub-section in relation to a person to whom this section applies—

- (a) disregard any increase in salary to which the person might have become entitled if he had continued to be a Royal Mint employee; and
- (b) take into account any contributions that might have become payable by or in respect of the person under the United Kingdom superannuation scheme if he had so continued.

(7.) Where a person is credited with fully paid units under sub-section (5.) of this section, he is not required to make contributions for those units but shall be deemed to be a contributor for those units and to have completed payment of contributions for those units.

(8.) Where, under the United Kingdom superannuation scheme, any benefit is paid to or in respect of a person to whom this section applies, an amount equivalent to that benefit is payable to the Commonwealth.

(9.) An amount that is payable to the Commonwealth under the last preceding sub-section is a debt due to the Commonwealth by the person to whom the benefit under the United Kingdom superannuation scheme is paid, and may be recovered in any court of competent jurisdiction.

(10.) Where an amount payable to the Commonwealth under sub-section (8.) of this section in relation to a person to whom this section applies has not been paid, an amount equivalent to that amount may be deducted from any benefit payable under the Superannuation Act to or in respect of the person, and, where an amount is so deducted, an amount equivalent to that amount shall be paid out of the Superannuation Fund to the Commonwealth.

(11.) For the purposes of section twenty of the Superannuation Act, the number of years of prospective service of a person to whom this section applies is the number of complete years between the date upon which his service as a Royal Mint employee commenced and the date upon which he will attain the age that, for the purposes of that section, is his selected retiring age.

(12.) For the purposes of section thirty-nine of the Superannuation Act, a person to whom this section applies shall be deemed to have been an employee during the period of his service as a Royal Mint employee.

(13.) For the purposes of the last two preceding sub-sections, any service of a person as a Royal Mint employee that is not continuous with his service as an officer or as a temporary employee shall be disregarded.

(14.) Where, under section forty-nine, fifty or fifty-one of the Superannuation Act, a benefit becomes payable to or in respect of a person who has been credited with fully paid units under this section, there is payable by the Commonwealth to him, or to the other person to whom the benefit is payable, such amount in respect of the fully paid units as the Treasurer considers appropriate having regard to all the circumstances of the case.

(15.) Notwithstanding anything contained in section thirty-three of the Superannuation Act, where pension is paid in respect of a unit, or part of a unit, of pension that has been credited as fully paid under this section, the Commonwealth shall pay to the Superannuation Fund an amount equal to that payment of pension.

(16.) Notwithstanding anything contained in section thirty-three of the Superannuation Act, where, within five years after a person to whom this section applies is appointed or employed under this Act, he dies or is retired on grounds of invalidity or of physical or mental incapacity to perform his duties and a pension is payable to or in respect of him, the Commonwealth shall pay to the Superannuation Fund the amount by which the proportion of the pension equivalent to the contributions made by him to the Superannuation Fund is less than the amount of the pension.

(17.) An amount payable by the Commonwealth under this section is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Counting of
Royal Mint
service for
purposes of
Superannuation
Act.

19. Where—

(a) a Royal Mint employee who is employed under this Act has been a Royal Mint employee for a continuous period of less than three years; and

(b) his service as a temporary employee is continuous with his service as a Royal Mint employee,

he shall, for the purposes of paragraph (b) of sub-section (5) of section four of the Superannuation Act, be deemed to have been employed by the Commonwealth during the period of his service as a Royal Mint employee.