

SUPERANNUATION AND FAMILY BENEFITS (No. 2).

13° Elizabeth II., No. CI.

No. 101 of 1964.

AN ACT to amend the Superannuation and Family Benefits Act, 1938-1964.

[Assented to 23rd December, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Superannuation and Family Benefits Act Amendment Act (No. 2)*, 1964.

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Vol. 16 of
the Reprinted
Acts.
Approved
for reprint
14th January,
1963, and
amended by
Acts Nos. 43
of 1963 and
21 of 1964.

(2) In this Act the Superannuation and Family Benefits Act, 1938-1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1964.

2. Section six of the principal Act is amended— S. 6
amended.

(a) by inserting after the word, "Australia", in line six of the interpretation, "department" in subsection (1), the passage, ", the Metropolitan Water Supply, Sewerage, and Drainage Board";

(b) by inserting the passage, ", hospital board" after the word, "management" where it occurs in the interpretation, "department" in subsection (1)—

(i) in line ten of the second paragraph;

(ii) in lines four, six and twelve, and the sixth last line, of paragraph (i) of the proviso; and

(iii) in line two of paragraph (ii) of the proviso,

in each case;

(c) by deleting the passage, "or under a hospital board constituted under the Hospitals Act, 1927," which passage occurs immediately before the word, "who" in line three of the interpretation, "employee" in subsection (1);

(d) by adding after the interpretation, "service" in subsection (1), the following interpretation—

"student child" means a child who is not less than sixteen years of age but is less than twenty-one years of age and is receiving full-time education at a school, college or university; ; and

(e) by adding to subsection (3), the following proviso—

Provided that where an employee who is the holder of a statutory office became a contributor before the commencement of the Acts Amendment (Superannuation and Pensions) Act, 1960, the requirement of completion of an aggregate period of

ten years' service under the State shall not apply in respect of that employee if the cessation of his employment (otherwise than by retrenchment, discharge, dismissal or resignation) occurs after he attains the age of sixty years. .

S. 37
amended.

3. Section thirty-seven of the principal Act is amended—

- (a) by substituting for the item, “4,160 — Forty-two.”, being the last item in SCALE B appended to subsection (1), the following item—

4,160	4,290	Forty-two. ;
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- (b) by adding at the end of SCALE B appended to subsection (1), the following items—

4,290	4,420	Forty-three.
4,420	4,550	Forty-four.
4,550	4,680	Forty-five.
4,680	4,810	Forty-six.
4,810	4,940	Forty-seven.
4,940	5,070	Forty-eight.
5,070	5,200	Forty-nine.
5,200	—	Fifty. ; and

- (c) by inserting after the word, “election” in line six of paragraph (ii) of the proviso to subsection (9), the passage, “, other than a person who at the time of such election has ceased duty but has not attained the age for which he has elected to retire,”.

S. 37A
amended.

4. Section thirty-seven A of the principal Act is amended by substituting for the passage commencing with the word, “Acts” in line two of subsection (1) down to and including the word, “pounds” in line five of that subsection, the passage, “Superannuation and Family Benefits Act Amendment Act, 1964, a contributor whose salary exceeded four thousand one hundred and sixty pounds”.

5. Section fifty-seven of the principal Act is ^{S. 57} amended—

(a) by substituting for paragraph (a) of subsection (2), the following paragraph—

(a) In addition to the pension and benefits payable under subsection (1) of this section, there shall be payable as from and including the twenty-sixth day of December, nineteen hundred and sixty-four, a payment of one pound ten shillings per week for the benefit of each child of the deceased qualified contributor who is a child under sixteen years of age or is a student child—

- (i) until, in the case of a child under sixteen years of age, he attains that age, or if he then becomes a student child, until he ceases to be a student child; and
- (ii) until, in the case of a student child, he ceases to be a student child,

or in either case until the child ceases to be wholly maintained by the widow or by a person or body having the care of the child, whichever happens first. ;

- (b) by substituting for the words, “one pound” in line one of paragraph (b) of subsection (2), the words, “one pound ten shillings”;
- (c) by substituting for the words, “twelve shillings and sixpence” in line five of subparagraph (ii) of paragraph (b) of subsection (2), the words, “one pound two shillings and sixpence”;
- (d) by substituting for the passage commencing with the word, “but” in line six of paragraph (a) of subsection (3) down to the end of that paragraph, the passage, “and including the twenty-sixth day of December, nineteen hundred and sixty-four, a payment of two pounds per week

for the benefit of each child he so leaves who is a child under sixteen years of age or is a student child—

(i) until, in the case of a child under sixteen years of age, he attains that age, or if he then becomes a student child, until he ceases to be a student child; and

(ii) until, in the case of a student child, he ceases to be a student child,

and in either case until the child ceases to be maintained by any person or body having the care of the child, whichever happens first.” ;

(e) by substituting for the words, “one pound” in line one of paragraph (b) of subsection (3), the words, “two pounds”; and

(f) by substituting for the words, “twelve shillings and sixpence” in line five of subparagraph (ii) of paragraph (b) of subsection (3), the words, “one pound twelve shillings and sixpence”.

S. 59
amended.

6. (1) Section fifty-nine of the principal Act is amended—

(a) by substituting for paragraph (a), the following paragraph—

(a) the commencing date for payment of any pension or superannuation allowance under this Act to a contributor shall, subject to paragraph (c) of this section, be the day following the day when such contributor ceased duty on or after attaining the age for which he elected to retire; ; and

(b) by substituting for paragraph (c), the following paragraph—

(c) a personal pension or superannuation allowance shall not be payable to a contributor until the completion

1964.]

Superannuation and Family [No. 101.
Benefits (No. 2).

of payment of the equivalent of twenty-six contributions at the periodical rates applicable to that contributor. .

(2) The provisions of paragraph (a) of subsection (1) of this section shall operate and have effect, and shall be deemed to have operated and to have had effect, from and including the first day of January, nineteen hundred and sixty-four.

7. Section sixty of the principal Act is amended S. 60
amended. by inserting after the word, "that" in line one of the third proviso to subsection (1), the passage, "subject to the proviso to subsection (3) of section six of this Act,".

8. Section sixty-two of the principal Act is S. 62
amended. amended—

(a) by adding after paragraph (b) of subsection (1), the following paragraph—

(c) Where the widow of a male contributor remarries and subsequently again becomes a widow, pension at the same rate as she would be receiving had she not remarried shall be paid to her as from the date of the death of the husband of her remarriage until her death or if she again remarries until her further remarriage. ;

(b) by adding after subsection (1), the following subsection—

(1a) Notwithstanding the provisions of subsection (1) of this section, on the death of a male contributor his widow may within one month after his death elect by notice in writing to the Board to receive payment of the amount of the contributions paid by the contributor to the Fund together with compound interest on that amount at a rate per centum determined by the Board, in the form of a lump sum in lieu of payment

to her of the pension to which she is entitled under that subsection, and upon the widow so electing and receiving payment in the form of a lump sum, she shall not be entitled to claim any further benefit under this Act. ;

- (c) by substituting for paragraph (a) of subsection (2), the following paragraph—

(a) In addition to the pension payable under subsection (1), or the lump sum payable under subsection (1a), of this section, there shall be payable as from and including the twenty-sixth day of December, nineteen hundred and sixty-four, a payment at the rate of one pound ten shillings per week for the benefit of each child of the deceased male contributor who is a child under sixteen years of age or is a student child, and except as provided in paragraph (b) of this subsection, for the benefit of each such child of his widow,—

- (i) until, in the case of a child under sixteen years of age, he attains that age, or if he then becomes a student child, until he ceases to be a student child; and
- (ii) until, in the case of a student child, he ceases to be a student child,

or in either case until the child ceases to be wholly maintained by the widow or by a person or body having the care of the child, whichever happens first. ; and

- (d) by substituting for the words, “twelve shillings and sixpence” in line five of paragraph (b) of subsection (3), the words, “one pound two shillings and sixpence”.

9. Section sixty-four of the principal Act is ^{S. 64} amended—

- (a) by inserting after the word, “years” in line four of subsection (1), the words, “or are student children”;
- (b) by substituting for the passage commencing with the word, “after” in line eight of subsection (1) down to the end of that subsection, the passage, “from and including the twenty-sixth day of December, nineteen hundred and sixty-four, in respect of those children so left and so dependent, but as if the reference in those sections to “one pound ten shillings per week” were a reference to “two pounds per week” ”; and
- (c) by repealing subsection (2) and substituting the following subsection—

(2) Where a male contributor or a male pensioner whose wife is dead or divorced has died leaving children of himself or of his wife who were under the age of sixteen years or were student children at the time of his death, and all such children have ceased to be entitled to the benefit of the pension referred to in subsection (1) of this section, and the total amount of the Fund’s share of any pensions paid to the contributor or pensioner and in respect of the children is less than the total amount of the contributions paid to the Fund by the contributor or pensioner, the Board shall pay a sum equal to the amount by which the Fund’s share of those pensions is less than those contributions, together with compound interest on that amount at a rate per centum determined by the Board, to the children in equal shares, or to the guardian (if any) of the children or to some other person approved by the Board, to be used for the support and education of the children. .

No. 101.] *Superannuation and Family* [1964.
Benefits (No. 2).

S. 65
repealed and
section
substituted.

10. Section sixty-five of the principal Act is repealed and the following section substituted—

Payment of
contributions
of deceased
contributor
to personal
representa-
tives in
certain cases.

65. Where a contributor who is unmarried, or is a widower without children who are under the age of sixteen years or are student children, or is a widow, dies before his or her retirement, the contributions made by him or her, together with compound interest thereon at a rate per centum determined from time to time by the Board, shall be paid to the personal representatives of the contributor, or failing them, to such person or persons (if any) as the Board determines. .

S. 68
amended.

11. Section sixty-eight of the principal Act is amended by deleting the proviso immediately following paragraph (b).

S. 71
amended.

12. Section seventy-one of the principal Act is amended by inserting after the word, "years" where it occurs in line seven of subsection (1), and again in the last line of subsection (2), the words, "or are student children", in each case.

S. 72
amended.

13. Section seventy-two of the principal Act is amended by substituting for the words, "under the age of sixteen years" in line three of subsection (2), the words, "who is under the age of sixteen years or is a student child".

S. 73
amended.

14. Section seventy-three of the principal Act is amended by repealing subsection (2) and substituting the following subsection—

(2) Pensions in respect of children who are under the age of sixteen years shall be payable until they attain, or die before attaining, that age, and in respect of student children, until they cease to be student children within the meaning of this Act. .

15. Section eighty-three F of the principal Act is amended by substituting for the words, “under the age of sixteen years” in lines three and four of subsection (2), the passage, “who is or are under the age of sixteen years, or is a student child or are student children”. S. 83F
amended.

16. Section eighty-three G of the principal Act is amended— S. 83G
amended.

- (a) by inserting after the word, “with” in line four of paragraph (a), the words, “student children or”; and
 - (b) by inserting after the word, “without” in line one of paragraph (b), the words, “student children or”.
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