

**ACTS AMENDMENT
(SUPERANNUATION AND
PENSIONS).**

9° Elizabeth II., No. LXI.

No. 61 of 1960.

AN ACT to amend the Superannuation and Family Benefits Act, 1938-1958; and the Superannuation Act, 1871-1958.

[Assented to 2nd December, 1960.]

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:—

1. (1) This Act may be cited as the *Acts Amendment (Superannuation and Pensions) Act, 1960.* Short title.

2. This Act shall come into operation on the first day of January, one thousand nine hundred and sixty-one. Commencement.

SUPERANNUATION AND FAMILY BENEFITS
ACT, 1938-1958.

Short title and citation. Vol. 13 of the Reprinted Acts, approved for reprint 11th August, 1958, and amended by Act No. 19 of 1958.

3. (1) In this section the Superannuation and Family Benefits Act, 1938-1958, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1960.

S. 6 amended

(3) Section six of the principal Act is amended—

(a) by deleting the passage, “and means in the case of a female electing to become a contributor after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1950, the age of sixty years” in lines five to ten (both inclusive) of the interpretation, “the maximum age for retirement” in subsection (1);

(b) by inserting after the word, “shall” in line twelve of subsection (3) the passage, “, if he has completed an aggregate period of ten years’ service under the State at the time of such cessation,”.

S 32 amended.

(4) Section thirty-two of the principal Act is amended by adding after subsection (4) the following subsection:—

(5) Notwithstanding the provisions of this section or any other provision of this Act, on and after the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, an employee shall not be entitled to become a contributor under this Act if he is of an age which will prevent him completing an aggregate period of ten years’ service under the State before attaining the age for retirement for which he desires to contribute.

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tion and Pensions).*

(5) Section thirty-seven of the principal Act is ^{S. 37} amended—

- (a) by substituting for the item, “2,080—Twenty-six.” being the last line of SCALE B appended to subsection (1) the following item:—

2,080	2,210	Twenty-six. ;
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- (b) by adding to SCALE B appended to subsection (1) the following items:—

2,210	2,340	Twenty-seven.
2,340	2,470	Twenty-eight.
2,470	2,600	Twenty-nine.
2,600	2,730	Thirty.
2,730	2,860	Thirty-one.
2,860	2,990	Thirty-two.
2,990	3,120	Thirty-three.
3,120	3,250	Thirty-four.
3,250	3,380	Thirty-five.
3,380	3,510	Thirty-six.
3,510	3,640	Thirty-seven.
3,640	3,770	Thirty-eight.
3,770	3,900	Thirty-nine.
3,900	4,030	Forty.
4,030	4,160	Forty-one.
4,160	—	Forty-two.

(6) Section thirty-seven A of the principal Act is ^{S. 37A} amended—

- (a) by substituting for the passage, “Superannuation and Family Benefits Act, 1951” in lines two and three of subsection (1) the passage, “Acts Amendment (Superannuation and Pensions) Act, 1960”;
- (b) by substituting for the words, “one thousand one hundred and forty-four” in lines four and five of subsection (1) the words, “two thousand two hundred and ten.”

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S. 41
amended.

(7) Section forty-one of the principal Act is amended—

- (a) by inserting after the word, “completing” in line four of the proviso to subsection (1) the words, “an aggregate period of”;
- (b) by inserting after the word, “complete” in line five of subsection (2) the words, “an aggregate period of.”

S. 46A
amended.

(8) Section forty-six A of the principal Act is amended by adding after subsection (3) the following subsections:—

(4) Any pension payable under any of sections fifty-seven, sixty-two or sixty-three of this Act to a widow prior to the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, which but for this section would by reason of any provision of that Act be subject to a reduction, shall not be reduced, and shall continue to be payable in accordance with the provisions of subsection (1) of this section.

(5) Notwithstanding the provisions of subsection (1) of this section, on and after the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, the provisions of this section shall not apply in respect of any pension under this Act payment of which commenced prior to the first day of January, one thousand nine hundred and fifty-eight, if the number of units in respect of which that pension is payable exceeds eight.

S. 46C
added.

(9) The principal Act is amended by adding at the end of Division 4 of Part IV. of this Act a section to stand as section 46C as follows:—

Rate of
certain
pensions to
be increased.

46C. (1) The amount of pension payable to a pensioner who is, at the date of the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, in receipt of a pension under this Act payment of which

commenced prior to the first day of January, one thousand nine hundred and fifty-eight, shall, if the number of units in respect of which pension is payable exceeds eight, be of the value of seventeen shillings and sixpence per week for each unit of that pension, and that pensioner shall be paid pension at that rate but without the supplementation referred to in subsection (1) of section forty-six A of this Act.

(2) The State shall pay to the Fund the amount of the increase of pension payable by reason of the provisions of subsection (1) of this section and the Consolidated Revenue Fund is, to the extent necessary, hereby permanently appropriated accordingly.

(3) The provisions of this section shall apply in respect of the first fortnightly payment of pension made after the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960.

(10) Section fifty-seven of the principal Act is S. 57
amended.
amended—

(a) by adding after the word, “contributors” being the last word in subsection (1) the passage, “, but, subject to the provisions of section forty-six A of this Act, on and after the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, the pension payable under this subsection to the widow of such employee shall be at the rate of eleven shillings per week for each unit of pension in respect of which the deceased employee had so contributed;

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

(1a) Notwithstanding the provisions of subsection (1) of this section any pension payable under that subsection to

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a widow prior to the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, shall not be reduced, and shall continue to be payable at the rate payable immediately prior to that date.

S. 59
amended.

(11) Section fifty-nine of the principal Act is amended by adding after the word, "later" being the last word in paragraph (a) the following passage—

, but where the contributor has attained the age for which he elected to retire and has ceased duty on or after the date of attaining that age, he shall be paid on and from the day following the day upon which he attained that age so much of the pension for which he has contributed as is attributable to the contribution payable by the Fund.

S. 60
amended.

(12) Section sixty of the principal Act is amended by adding after the second proviso to subsection (1) the following proviso:—

Provided further that a contributor who is an employee appointed for a term of years to a statutory office under the Government of the State shall upon the cessation of his employment, and as from the date of that cessation—

- (a) if he has not attained the age of sixty years but has completed an aggregate period of ten years' service under the State, be entitled to a pension which is the actuarial equivalent of the contributions made or to be made by him and of the share of pension payable by the State and accruing to him under this Act; or
- (b) if he has not completed an aggregate period of ten years' service under the State, be entitled to a refund of the actual amount of the contributions made by him as a contributor.

(13) The principal Act is amended by adding after section sixty the following section:—

S. 60A
added.

60A. (1) Where a contributor who has attained the age of sixty-five years remains in the Service for not less than one year after attaining that age, the pension which would be payable to him under the provisions of this Act, other than this section, shall be increased by an amount ascertained by multiplying the portion of the pension equivalent to the contributions made by him by a percentage ascertained in accordance with the table appended to this section.

Contributor
remaining in
service after
65 years
of age.
Cf. Com-
monwealth
Superannua-
tion Act,
1922-1959,
S. 44.

TABLE.

Age Attained on Retirement.	Percentage.
66 years	7
67 years	15
68 years	23
69 years	32
70 years or over	42

(2) The amount by which a pension is increased pursuant to the provisions of subsection (1) of this section is payable from the Fund without contribution by the State.

(14) Section sixty-one of the principal Act is amended by adding after the word, "him" being the last word in subsection (4) the following passage—

S. 61
amended.

but if that invalidity or physical or mental incapacity was caused by or resulted from an injury received by the contributor during the course of his employment, he shall be deemed to be a contributor to whom subsection (1) of this section applies and in such case the provisions of that subsection shall apply to him in all respects as though he had been a contributor for at least three years.

(15) Section sixty-two of the principal Act is amended by substituting for the passage, "pension at the rate of one-half of the pension for which he

S. 62
amended.

was contributing at the time of his death” in lines two, three and four of subsection (1) the following passage—

pension—

- (a) in respect of pension payable before the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, at the rate of one-half of the pension for which he was contributing at the time of his death; and
- (b) in respect of pension payable after the coming into operation of that Act, subject to the provisions of section forty-six A of this Act, at the rate of eleven shillings per week for each unit of pension for which he was so contributing, .

S. 63
amended.

(16) Section sixty-three of the principal Act is amended—

- (a) by adding immediately after the section designation, “63” in line one the subsection designation, “(1)”;
- (b) by substituting for paragraph (a) the following paragraph—
 - (a) as if the reference in paragraph (a) of subsection (1) of that section to “for which he was contributing at the time of his death”, were a reference to “which he was receiving at the time of his death”; and ;
- (c) by adding after paragraph (a) the following paragraph—
 - (b) as if the reference in paragraph (b) of subsection (1) of that section to “for which he was so contributing”, were a reference to “which he was so receiving”; and ;

(d) by substituting for the paragraph designation, “(b)” in line one of paragraph (b) the paragraph designation, “(c)”;

(e) by adding the following subsection:—

(2) Notwithstanding anything contained in this section, where a male pensioner marries after he has attained the maximum age for retirement, or after his retirement from the Service (including retirement under section sixty-one of this Act), pension shall not, upon the death of the pensioner, be payable to the widow or in respect of her children, or the children of that marriage.

(17) Section eighty of the principal Act is repealed. S. 80
repealed.

(18) The principal Act is amended by adding after section eighty B the following section:— S. 80C
added.

80C. The increases effected by the Acts Amendment (Superannuation and Pensions) Act, 1960, in the rates of pensions and benefits commence to apply in respect of the payments of pension and benefits which fall due on and after the first day of January, one thousand nine hundred and sixty-one. Increases
effected by
Acts Amend-
ment
(Super-
annuation
and Pen-
sions) Act,
1960.

SUPERANNUATION ACT, 1871-1958.

4. (1) In this section the Superannuation Act, 1871-1958, is referred to as the principal Act. Short title
and citation.

(2) The principal Act as amended by this Act may be cited as the Superannuation Act, 1871-1960.

(3) Section one of the principal Act is amended by adding after subsection (3b) the following subsection:— S. 1
amended,
Cf. No. 48 of
1937, s. 2;
No. 59 of
1947, s. 4 (b);
No. 25 of
1951, s. 3;
No. 55 of
1957, s. 3 (3);
and No. 19 of
1958, s. 3 (3).

(3c) (a) On and after the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, the rates per

annum of superannuation allowance payable but for this subsection shall be increased up to but not exceeding one thousand one hundred and eighty-three pounds by an amount ascertained in accordance with the provisions of paragraph (b) of this subsection.

(b) The amount of increase referred to in paragraph (a) of this subsection shall be ascertained in the following manner:—

- (i) By adjusting to the nearest pound the rate per annum of superannuation allowance payable under this Act to a person at the date of his retirement;
- (ii) by determining the maximum number of complete units of pension, being not less than four, which would have provided him, if he had been a contributor under the Superannuation and Family Benefits Act, 1938, with a pension which is the nearest equivalent to the superannuation allowance granted under this Act;
- (iii) by adding to the value as at the day of the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, of the complete units of pension referred to in subparagraph (ii) of this paragraph, the amount whereby the superannuation allowance as adjusted pursuant to subparagraph (i) of this paragraph exceeds the value of those complete units at the date of retirement of the person; and
- (iv) by deducting from the result of the calculation made pursuant to subparagraph (iii) of this paragraph, the superannuation allowance payable to the person immediately prior to the date first referred to in that paragraph.

(c) Notwithstanding the provisions of this subsection any superannuation allowance payable under this Act immediately prior to the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, shall not be reduced, and shall continue to be payable at the rate payable immediately prior to that date.
