

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

6° Elizabeth II., No. LV.

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No. 55 of 1957.

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**AN ACT to amend the Superannuation and Family Benefits Act, 1938-1955; the Superannuation Act, 1871-1951; and the Government Employees' Pensions Act, 1948-1951.**

*[Assented to 6th December, 1957.]*

**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.

**1.** (1) This Act may be cited as the *Acts Amendment (Superannuation and Pensions) Act, 1957.*

(2) This Act shall come into operation on the first day of January, one thousand nine hundred and fifty-eight. Commence-  
ment.

SUPERANNUATION AND FAMILY  
BENEFITS ACT, 1938-1955.

2. (1) In this section the Superannuation and Family Benefits Act, 1938-1955, Short title  
and citation.

Act No. 34 of 1938, reprinted with amendments to and including Act No. 65 of 1947 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and further amended by Acts Nos. 39 of 1950, 25 of 1951 and 36 of 1955, Vol. 5,  
approved for  
reprint,  
3rd April,  
1950.

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, 1938-1957.

(3) Section thirty-seven of the principal Act is amended by substituting for the passage commencing with the word, "employee" in line seven of subsection (1) and ending with the last line of the table enacted by subsection (4) of section two of Act No. 25 of 1951, the passage, "employee S. 37  
amended.  
Cf. No. 25 of  
1951, s. 2 (4);  
and No. 78 of  
1953.

(a) in accordance with scale A appended to this subsection if the employee commenced contributing before the first day of January, one thousand nine hundred and fifty-eight; or

(b) in accordance with scale B appended to this subsection if the employee

(i) commences contributing on or after that day; or

(ii) having commenced contributing before that day in respect of any number of units elects to contribute after that day for an increase in that number of units, in which case scale B applies only in respect of the increase in the number of units.

SCALE A.

<i>Column One.</i>		<i>Column Two.</i>
Where the Annual Salary of the Employee		The Employee may Contribute the Amount necessary to provide Units of Pension as under.
Exceeds	Does not Exceed	
£	£	
—	130	Two.
130	156	Two and a half.
156	208	Three.
208	260	Four.
260	312	Five.
312	364	Six.
364	416	Seven.
416	468	Eight.
468	520	Nine.
520	572	Ten.
572	624	Eleven.
624	676	Twelve.
676	728	Thirteen.
728	780	Fourteen.
780	832	Fifteen.
832	884	Sixteen.
884	936	Seventeen.
936	988	Eighteen.
988	1,040	Nineteen.
1,040	1,144	Twenty.
1,144	1,248	Twenty-one.
1,248	1,352	Twenty-two.
1,352	1,456	Twenty-three.
1,456	1,560	Twenty-four.
1,560	1,664	Twenty-five.
1,664	—	Twenty-six.

SCALE B.

Column One.		Column Two.
Where the Annual Salary of the Employee		The Employee may Contribute the Amount necessary to provide Units of Pension as under.
Exceeds	Does not Exceed	
£	£	
—	162	Two.
162	195	Two and a half.
195	260	Three.
260	325	Four.
325	390	Five.
390	455	Six.
455	520	Seven.
520	585	Eight.
585	650	Nine.
650	715	Ten.
715	780	Eleven.
780	845	Twelve.
845	910	Thirteen.
910	975	Fourteen.
975	1,040	Fifteen.
1,040	1,105	Sixteen.
1,105	1,170	Seventeen.
1,170	1,235	Eighteen.
1,235	1,300	Nineteen.
1,300	1,430	Twenty.
1,430	1,560	Twenty-one.
1,560	1,690	Twenty-two.
1,690	1,820	Twenty-three
1,820	1,950	Twenty-four.
1,950	2,080	Twenty-five.
2,080	—	Twenty-six.

(4) Section forty-three of the principal Act is amended—

(a) by substituting for subsection (1), the following subsection:—

(1) Where units of pension are paid from the fund on or after the first day of January, one thousand nine hundred and

S. 43 amended.  
Cf. No. 25 of 1951, s. 2 (6) (a).

fifty-eight on the basis of contribution corresponding to the rate prescribed for the age of the contributor at the date upon which he commenced to pay the contribution, the State shall, in respect of each unit or part of a unit of pension

- (a) pay to the fund a sum equal to two-thirds of the payment made from the fund on or after that day if payment of the pension commenced before that day, and in addition, irrespective of the number of units of the pension, a supplementation at the rate of fifty-two pounds per annum on or after that day in respect of each pension payment of which commenced before that day; and
- (b) pay to the fund a sum equal to five-sevenths of the payment made from the fund on or after that day in respect of each pension payment of which commences on or after that day. ; and

(b) by repealing subsection (2).

(5) Section forty-four of the principal Act is amended—

- (a) by substituting for the word, “person” in line two of subsection (1), the word, “pension”; and
- (b) by substituting for subsection (2), the following subsection:—

(2) (a) In order to determine the sum payable in each case by the State under this section

- (i) in respect of pensions payment of which commenced before the first day of January, one thousand nine hundred and fifty-eight,

S. 44  
amended.  
Cf. No. 39 of  
1950, s. 9;  
and No. 25 of  
1951, s. 2 (7).

the rate of contribution actually payable by the contributor shall be subtracted from three times the rate prescribed for the age of the contributor on the date or which he commenced to pay the contribution, and the ratio of that difference to three times the rate so prescribed shall be computed; or

- (ii) in respect of pensions payment of which commences on or after that day, the provisions of subparagraph (i) of this paragraph shall be applied but with the substitution of three and one-half times the rate so prescribed for three times that rate.

(b) Subject to this Act, the ratio so computed represents such part of the pension payment made from the fund as the State shall pay to the fund.

(6) Section forty-six A of the principal Act is amended— S. 46A  
amended.

- (a) by substituting for subsection (1) the following subsection:—

(1) Where payment of any pension under this Act, not being a pension payable in respect of a child, commenced before the first day of January, one thousand nine hundred and fifty-eight, the amount payable on and after that day in respect of the pension shall, notwithstanding any other provision of this Act, be fifteen shillings for each unit of the pension and in addition a supplementation at the rate of fifty-two pounds per annum irrespective of the number of units of pension. ; and

- (b) by adding after the word, "increase" in line two of subsection (2), the passage, "payable from that Fund on or after the first day of

January, one thousand nine hundred and fifty-eight as the result of the operation of subsection (1) of this section,"; and

- (c) by substituting for the passage, "date of commencement of the Superannuation and Family Benefits Act Amendment Act, 1947" in lines three, four and five, of subsection (3), the passage, "the thirty-first day of December, one thousand nine hundred and fifty-seven".

S. 46B  
repealed.

(7) Section forty-six B of the principal Act is repealed.

S. 57  
amended.  
Cf. No. 39 of  
1950, s. 11 (a)  
and (b); and  
No. 36 of  
1955, s. 6 (a).

(8) Section fifty-seven of the principal Act is amended—

- (a) by substituting for subsection (2) the following subsection:—

(2) (a) In addition to the pension and benefits payable under subsection (1) of this section, there shall be payable, as from but excluding the thirty-first day of December, one thousand nine hundred and fifty-seven, a payment of one pound per week for the benefit of each child of the deceased qualified contributor until the child attains the age of sixteen years, or ceases to be wholly maintained by the widow, or by a person or body, having the care of the child, whichever happens first.

(b) The payment of one pound per week for the benefit of each child of the deceased qualified contributor

- (i) shall be made to the widow or other person or body, as the case may be, wholly maintaining the child; and

- (ii) shall, subject to adjustment pursuant to section forty-four of this Act if that section is applicable,

be made as to seven shillings and sixpence from the Fund, and as to twelve shillings and sixpence by the State from the Consolidated Revenue Fund which is, to the necessary extent, hereby permanently appropriated. ; and

- (b) by substituting for subsection (3) the following subsection:—

(3) (a) Where at the time of the death of a qualified contributor to whom subsection (1) of this section relates, the qualified contributor was a widower or was divorced from his wife, and leaves surviving him any child, there shall be payable as from but excluding the thirty-first day of December, one thousand nine hundred and fifty-seven, for the benefit of each child he so leaves a payment of one pound per week until the child attains the age of sixteen years or ceases to be wholly maintained by any person or body having the care of the child, whichever happens first.

Cf. No. 39 of  
1950, s. 11 (c);  
and No. 36 of  
1955, s. 6 (b).

(b) The payment of one pound per week for the benefit of each child the qualified contributor so leaves shall be made

- (i) to the person or body wholly maintaining the child; and
- (ii) shall, subject to adjustment pursuant to section forty-four of this Act if that section is applicable, be made as to seven shillings and sixpence from the Fund, and as to twelve shillings and sixpence by the State from the Consolidated Revenue Fund which is, to the necessary extent, hereby permanently appropriated.



S. 58  
amended.  
Cf. No. 25 of  
1951, c. 2  
(10).

(9) Section fifty-eight of the principal Act is amended by substituting for subsection (1) the following subsection:—

(1) The unit of pension as from and including the first day of January, one thousand nine hundred and fifty-eight

(a) is the sum of thirty-nine pounds per annum for each unit, irrespective of the number of units of the pension and irrespective of any supplementation payable under this Act, if payment of the pension commenced before that day; or

(b) is the sum of forty-five pounds ten shillings per annum for each unit, irrespective of the number of units of the pension, if payment of the pension commences after that day.

S. 62  
repealed and  
re-enacted  
with  
amendments.  
Cf. No. 39 of  
1950, s. 14;  
and No. 36 of  
1955, s. 7.

(10) Section sixty-two of the principal Act is repealed and re-enacted amended as follows:—

62. (1) On the death of a male contributor before his retirement, pension at the rate of one-half of the pension for which he was contributing at the time of his death shall be payable to his widow until her death, or, if she remarries, until her remarriage unless it appears to the Board that in the particular circumstances of the case, the termination of her pension because of remarriage will result in hardship in which case the Board may direct that her pension shall be paid and effect shall be given to the direction.

(2) (a) In addition to the pension payable under subsection (1) of this section, there shall be payable as from but excluding the thirty-first day of December, one thousand nine hundred and fifty-seven a payment at the rate of one pound per week for the benefit of each child of the deceased male contributor, and except as provided in paragraph (b) of this subsection,

for the benefit of each child of his widow, until the child attains the age of sixteen years or ceases to be wholly maintained by the widow or by a person or body having the care of the child.

(b) If the widow remarries, the provisions of paragraph (a) of this subsection do not apply in respect of any child of her remarriage.

(3) Payments under subsection (2) of this section—

(a) shall be made to the widow or other person or body, as the case may be, wholly maintaining the child; and

(b) shall, subject to adjustment pursuant to section forty-four of this Act if that section is applicable, be made as to seven shillings and sixpence from the Fund and as to twelve shillings and sixpence by the State from the Consolidated Revenue Fund which is, to the necessary extent, hereby permanently appropriated.

(11) Section sixty-three of the principal Act is repealed and re-enacted amended as follows:—

63. On the death of a male pensioner the provisions of section sixty-two of this Act apply as if repeated in this section but

(a) as if the reference in subsection (1) of that section to “pension at the rate of one-half of the pension for which he was contributing at the time of his death”, were a reference to “pension at the rate of one-half of the pension which he was receiving at the time of his death”; and

(b) as if any reference in that section to “male contributor” were a reference to “male pensioner”.

S. 63  
repealed and  
re-enacted  
with  
amendments.  
Cf. No. 39 of  
1950, s. 15;  
No. 25 of  
1951, s. 2  
(11); and  
No. 36 of  
1955, s. 8.

S. 64  
amended.  
Cf. No. 36 of  
1955, s. 9.

(12) Section sixty-four of the principal Act is amended by substituting for the passage commencing with the word, "there" in line six of subsection (1) and ending with the word, "Fund" being the last word in that subsection, the passage, "the provisions of section sixty-two, or as the case requires, of section sixty-three of this Act, relating to children, apply after the thirty-first day of December, one thousand nine hundred and fifty-seven in respect of those children so left and so dependent".

S. 80B  
added.  
Cf. No. 25 of  
1951, s. 2 (12).

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

80B. The increases effected by the Acts Amendment (Superannuation and Pensions) Act, 1957, in the rates of pensions and benefits commence to apply from and including the first day of January, one thousand nine hundred and fifty-eight.

### SUPERANNUATION ACT, 1871-1951.

Short title  
and citation.

3. (1) In this section the Superannuation Act, 1871-1951,

Act 35 Victoriae, No. 7 as amended by Act 49 Victoriae, No. 4 and by Acts Nos. 48 of 1937, 59 of 1947, and 25 of 1951,

is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Superannuation Act, 1871-1957.

S. 1  
amended.  
Cf. No. 48 of  
1937, s. 2;  
No. 59 of  
1947, s. 4 (b);  
and No. 25 of  
1951, s. 3.

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

(a) by adding after the word, "shall" in line five of subsection (3a), the passage, "subject to subsection (3b) of this section,"; and

(b) by adding after subsection (3a) the following subsection:—

(3b) (a) In this subsection—

“formula” means the following formula—

$$((a-b) \times 52) - c + d = x$$

in which—

a = 12, representing in pounds the estimated basic wage content of pensions payable under the Superannuation and Family Benefits Act, 1938;

b = the amount to the nearest shilling of basic wage declared under the Industrial Arbitration Act, 1912, at any time after the day on which the Superannuation and Family Benefits Act, 1938, came into operation, namely, the first day of March, one thousand nine hundred and thirty-nine;

c = 182, representing in pounds the proportion of pension payable at the rate of five shillings per week per unit in respect of a contributor's contributions for a fourteen unit pension under the Superannuation and Family Benefits Act, 1938;

d = the amount of superannuation allowance to the nearest pound which

would have been payable per annum under The Superannuation Act, 1871, Act 35 Victoriæ No. 7, had that Act not been amended; and

x = the amount not exceeding one thousand pounds per annum to the nearest pound of superannuation allowance as adjusted under this subsection.

(b) Subject to the provisions of paragraphs (c) and (d) of this subsection, the rates per annum of superannuation allowances payable under this Act shall be recalculated and adjusted up to but not exceeding one thousand pounds per annum, in accordance with the formula, and as adjusted shall be payable on and from the first day of January, one thousand nine hundred and fifty-eight.

Provided that any pension payable prior to the coming into operation of this Act under the Superannuation Act, 1871-1951, Act 35 Victoriæ No. 7, shall not be reduced notwithstanding any of the provisions of this Act, and shall continue to be payable at the rate now payable.

(c) Where the rate per annum of any superannuation allowance as adjusted under paragraph (b) of this subsection is less than the rate per annum of the allowance as increased pursuant to subsection (3a) of this section, the rate of allowance as so increased shall be payable nevertheless, but where the increase authorised by that subsection has once been applied, no further increase shall be applied under that subsection.

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and Pensions).*

(d) Where the rate per annum of any superannuation allowance payable under this Act and supplemented under the Pensions Supplementation Act, 1953-1956, while in operation, as adjusted under paragraph (b) of this subsection

Of. No. 78 of  
1953 as  
amended by  
Nos. 21 of  
1955 and  
78 of 1956.

- (i) is less than one hundred and thirty pounds, the allowance shall be paid at the rate of one hundred and thirty pounds per annum;
- (ii) is more than one hundred and thirty pounds but is less than one hundred and sixty-nine pounds, the allowance shall be paid at the rate of one hundred and sixty-nine pounds per annum; or
- (iii) is more than one hundred and sixty-nine pounds but less than two hundred and eight pounds, the allowance shall be paid at the rate of two hundred and eight pounds per annum.

GOVERNMENT EMPLOYEES' PENSIONS  
ACT, 1948-1951.

4. (1) In this section the Government Employees' Pensions Act, 1948-1951,

Short title  
and citation.

Act No. 56 of 1948 as amended by Act No. 25 of 1951,

is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Government Employees' Pensions Act, 1948-1957.

S. 3  
amended.  
Cf. No. 25 of  
1951, s. 4 (3);  
and No. 78 of  
1953, s. 6.

(3) Section three of the principal Act is amended by adding after the word, "annum" being the last word in the proviso added by subsection (3) of section four of Act No. 25 of 1951, the following further proviso:—

Provided further

- (a) that, on and after the first day of January, one thousand nine hundred and fifty-eight,
  - (i) pensions calculated in accordance with paragraphs (a) and (b) of this section shall be increased by one-third instead of one-fifth being the increase mentioned in the second proviso to this section; and
  - (ii) the sum of one hundred and thirty pounds per annum mentioned in the first proviso to this section shall be increased to two hundred and eight pounds per annum instead of one hundred and fifty-six pounds per annum mentioned in the second proviso to this section;

and

- (b) that a pension calculated in accordance with the provisions of this section shall not be less than at the rate payable pursuant to the provisions of this Act as in operation immediately prior to the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1957 and pursuant to the Pensions Supplementation Act, 1953-1956 as then in operation.
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