

1955.]

*Superannuation and Family
Benefits.*

[No. 36

**SUPERANNUATION AND FAMILY
BENEFITS.**

4° Elizabeth II., No. XXXVI.

No. 36 of 1955.

**AN ACT to amend the Superannuation and Family
Benefits Act, 1938-1951.**

[Assented to 28th November, 1955.]

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 *Superannuation and Family Benefits Act Amendment Act, 1955*, and shall come into operation on a day to be fixed by proclamation.

Short title
commence-
ment and
citation.

(2) In this Act the Superannuation and Family Benefits Act, 1938-1951,

Reprinted in
Vol. 5 of The
Reprinted
Acts, 1952.
Approved for
reprint, 3rd
April, 1950.

Act No. 34 of 1948, as reprinted with amendments to and including Act No. 65 of 1947 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and as further amended by Acts Nos. 39 of 1950 and 25 of 1951 and as affected by Act No. 78 of 1953, 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, 1938-1955.

S. 36
amended.

2. Section thirty-six of the principal Act is amended by substituting for the words, "commencement of his employment" in the last two lines of subsection (1), the words, "employee's election to become a contributor".

S. 37
amended.

3. Paragraph (i) of the proviso to subsection (9) of section thirty-seven of the principal Act is amended—

- (a) by deleting the passage commencing with the words, "the commencing date" in line one and ending with the word, "and" in line six; and
- (b) by adding after the word, "elects" in the last line, the passage, ", and shall be payable on and from the date when he so elects".

S. 37A
amended.

4. Section thirty-seven A of the principal Act is amended by deleting the proviso.

S. 42A
amended.

5. Section forty-two A of the principal Act is amended by substituting for the word, "four" being the last word in subsection (2), the word, "eight".

S. 57
amended.
Cf. No. 39 of
1950, s. 11.

6. Section fifty-seven of the principal Act is amended by adding after the word, "week"

- (a) in the fifth last line of subsection (2); and
- (b) in the last line of subsection (3);

the passage, ", and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1955, the annual payment

shall be increased by an additional amount of five shillings which shall be paid as to two shillings and sixpence from The Fund and as to the remaining two shillings and sixpence from the Consolidated Revenue Fund”.

7. Section sixty-two of the principal Act is amended by adding after the word, “week”

S. 62
amended.
Cf. No. 39 of
1950, s. 14.

(a) in the fifth last line of paragraph (b) of subsection (1); and

(b) in the last line of subsection (2);

the passage, “, and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1955, the pension payable in respect of the child shall be increased by an additional amount of five shillings which shall be paid as to two shillings and six pence from The Fund and as to the remaining two shillings and six pence from the Consolidated Revenue Fund”.

8. Section sixty-three of the principal Act is amended by adding after the word, “week”

S. 63
amended.
Cf. No. 39 of
1950, s. 15.

(a) in the fifth last line of paragraph (b) of subsection (1); and

(b) in the last line of subsection (2);

the passage, “, and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1955, the pension payable in respect of the child shall be increased by an additional amount of five shillings which shall be paid as to two shillings and six pence from The Fund and as to the remaining two shillings and six pence from the Consolidated Revenue Fund”; and is further amended by adding after the word, “marriage” being the last word in subsection (3), the passage, “unless it appears to the Board that in the particular circumstances of the case the operation of this subsection will result in hardship in which case the Board may direct that the pension shall be paid and effect shall be given to the direction”.

S. 64
amended.

9. Section sixty-four of the principal Act is amended by adding after the word "years" being the last word in subsection (1), the passage, "and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1955, the pension payable in respect of the child shall be increased by an additional amount of seven shillings and six pence per week which shall be paid as to five shillings from The Fund and as to the remaining two shillings and six pence from the Consolidated Revenue Fund".

S. 67
amended.

10. Section sixty-seven of the principal Act is amended by adding after the word, "discharge" being the last word in subsection (1), the passage, "except where the contributor is dismissed after having attained his elected retiring age, in which case his entitlement to a pension shall be such as would have applied had he retired when so dismissed".

S. 80
amended.

11. Section eighty of the principal Act is amended—

- (a) by deleting the passage commencing with the word, "but" in line eight of subsection (1) and ending with the word, "months" in line eleven of that subsection;
- (b) by adding after the word, "re-employment" in line seven of the proviso the passage, "
, but such exemption shall be limited to one term of twenty-eight days where the period of employment or re-employment is continuous for more than twelve months:
and

Provided that where in the opinion of the Board, the circumstances of the case do not warrant the cancellation either wholly or in part, the Board may resolve that the cancellation shall not apply wholly or in part, and such a resolution is final and binding and has effect according to its tenor".

12. Section eighty-three B of the principal Act is amended— S. 83B
amended.

- (a) by adding after the word, “employee” being the last word in paragraph (b) of subsection (2), the words, “unless she is not bound by the conditions of her service to continue to do so”; and
 - (b) by adding after the word, “section” being the last word in subsection (4), the passage, “if she is bound by the conditions of her service to contribute to the Provident Account, but if she is not so bound she may, after giving written notice to the Board and having made regular fortnightly subscriptions to the Provident Account for a period of not less than five years, withdraw from that Account the whole or portion of the money standing to her credit in that Account”.
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