

PENSIONS SUPPLEMENTATION.

2° Elizabeth II., No. LXXVIII.

No. 78 of 1953.

AN ACT to provide for the Supplementation of certain Pensions.

[Assented to 18th January, 1954.]

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. This Act may be cited as the *Pensions Supplementation Act, 1953.* Short title.

2. In this Act unless the context requires otherwise— Interpretation.

“Board” means the Superannuation Board constituted under the Superannuation and Family Benefits Act, 1938;

“specified Acts” means—

the Superannuation Act, 1871;
the Government Employees Pensions Act, 1948; and
the Superannuation and Family Benefits Act, 1938.

3. The time prescribed for the coming into operation of this Act is the thirty-first day of October, one thousand nine hundred and fifty-three.

Coming into operation.
Cf. No. 30 of 1918 as amended ss. 6 and 7.

Supplement-
tion of
pensions
under the
specified
Acts.

4. Where after the coming into operation of this Act a person receives a pension under a specified Act whether he commenced to receive it before, or commences to receive it on or after, the coming into operation of this Act, the Treasurer shall supplement the pension by such rate not exceeding fifty-two pounds per annum as the Board having regard to the provisions of this Act determines is appropriate to the case.

Supplement-
tion under
the Super-
annuation
Act, 1871.

5. Where the person receives the pension under the Superannuation Act, 1871, the Board shall determine such supplementation as is appropriate to the case and as does not exceed in respect of the rate of pension mentioned in Column 1 of the following scale, the rate of supplementation mentioned in Column 2 of the scale, namely—

SCALE.

Column 1. <i>Rate of Pension.</i>	Column 2. <i>Rate of Supple- mentation.</i>
On pensions not exceeding £156 per annum	£26 per annum.
On pensions exceeding £156 per annum and not exceeding £312 per annum	1/6th of the annual rate.
On pensions exceeding £312 per annum and not exceeding £448 per annum	£52 per annum.
On pensions exceeding £448 per annum and not exceeding £500 per annum	The amount necessary to produce an annual rate of £500 or an annual rate of £26 whichever is the greater.
On pensions exceeding £500 per annum	£26 per annum.

Supplement-
tion under
the Govern-
ment
Employees
Pensions Act,
1948.

6. Where the person receives the pension under the Government Employees Pensions Act, 1948, the Board shall determine such supplementation as is appropriate to the case and as does not exceed the rate of twenty-six pounds per annum.

Supplement-
tion under
the Super-
annuation
and Family
Benefits Act,
1938.

7. (1) Where the person receives the pension as a retired contributor; as a widow entitled to a pension; or as a pensioner;

under the Superannuation and Family Benefits Act, 1938, the Board shall determine such supplementation as is appropriate to the case and as does not exceed the rate of twenty-six pounds per annum.

(2) There is no supplementation under this Act of a pension under the Superannuation and Family Benefits Act, 1938, for a child.

8. Where a person is receiving a pension under an Act of the Commonwealth Parliament, he is not entitled to supplementation under this Act to an amount which together with his other income, exceeds that which he is permitted by the provisions of that Act to receive as income without reducing the pension under that Act.

Protection of pensions under Commonwealth Act.

9. (1) In this section, "service" has the same meaning as in the Superannuation and Family Benefits Act, 1938.

Supplementation ceases on re-employment or employment under the Crown. Cf. No. 34 of 1938, s. 80 (1).

(2) Where a person who is receiving the supplementation under this Act is employed or re-employed in the service or in a public department under the Crown, the supplementation ceases while he is so employed or re-employed.

10. The provisions of the Superannuation and Family Benefits Act, 1938, which relate to the Board, and which are contained in sections fifteen to twenty-three both inclusive, with the exception of subsection (2) of section twenty-two, of that Act are incorporated, and apply as if repeated at length, in this Act.

Incorporation of ss. 15 to 23 of No. 34 of 1938.

11. (1) The Board shall determine questions and disputes relating to eligibility for, and the rate of, supplementation under this Act.

Board to determine questions and disputes.

(2) The determination of the Board is final and is not subject to appeal.

12. Claims for supplementation under this Act may be made to the Board in such manner, in such form and if made shall be made within such time as is prescribed by the regulations.

How claims may be made.

Time for commencement of payment of supplementation.

13. Where the Board determines the supplementation under this Act of a pension, the Treasurer shall cause the supplementation to be paid—

- (a) if the pension is being paid when this Act comes into operation, from the day on which it comes into operation; or
- (b) if the pension becomes payable after the coming into operation of this Act, from the day determined by the Board.

Appropriation.
"Public Moneys."
Cf. No. 12 of 1904, s. 4.

14. To the extent necessary to meet supplementation under this Act of pensions, the public moneys of the State are without other authorisation than this Act appropriated.

Regulations.

15. (1) The Governor may make regulations, not inconsistent with this Act, prescribing matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular and without prejudice to the generality of subsection (1) of this section the Governor may by regulation so made—

- (a) prescribe the manner and form in which, and the time within which, a claim for supplementation under this Act may be made, and the particulars to be furnished in support of the claim;
- (b) exempt from the necessity of making claim any person or class or classes of persons; and
- (c) prescribe the periodical instalments by which supplementation under this Act shall be paid and the manner in which adjustments of the supplementation for part of a period are determinable.

Duration of this Act.

16. This Act continues in operation until the thirty-first day of December, one thousand nine hundred and fifty-six, and no longer.