

SUPERANNUATION AND FAMILY BENEFITS.

14° and 15° Geo. VI., No. XXXIX.

No. 39 of 1950.

**AN ACT to amend the Superannuation and
Family Benefits Act, 1938-1947.**

[Assented to 18th December, 1950.]

BE it enacted by the King'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 *Superannuation and Family Benefits Act Amendment Act, 1950*, and shall be read as one with the Superannuation and Family Benefits Act, 1938-1947 (Act No. 34 of 1938 reprinted with amendments to and including Act No. 55 of 1945 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and further amended by Act No. 65 of 1947) hereinafter referred to as the principal Act. Short title.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1950. Citation of principal Act as amended by this Act.

s. 6 amended.

4. Section six of the principal Act is amended by adding after the word "fixed" in line five of the interpretation, "The maximum age for retirement" the words "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".

s. 32A added.

5. The following section is added to the principal Act:—

Contributions where employee formerly contributed to similar fund in the service of the Cth and certain States.

32A. (1) In this section—

"former employee" means a person who immediately prior to his becoming an employee within the meaning of this Act, was a contributor to a similar fund;

"former employment" means employment by the Commonwealth or the State of New South Wales, Victoria, South Australia or Tasmania;

"similar fund" means a fund or account established under the law applying to the former employment and providing for superannuation or other like benefits for persons employed in the former employment similar to the purposes of The Fund established pursuant to this Act.

(2) Notwithstanding the provisions of section thirty-five of this Act, a former employee—

- (a) who has received or is entitled to receive payment of an amount which is in satisfaction of contributions made by him to a similar fund and which is in lieu of pension or like benefits;
- (b) who is appointed as an employee within the meaning of this Act;
- (c) who within three months of that appointment elects to contribute under the provisions of this Act to The Fund;

- (d) who pays or causes to be paid, that amount or such part of that amount as in the circumstances of the employee's case is determined by an Actuary appointed by the Board, into The Fund; and
- (e) who makes contributions to The Fund as provided by the tables referred to in section forty-two of this Act, but according to the age at which he commenced contributing to the similar fund;

shall be entitled to pension and benefits pursuant to the provisions of this Act.

(3) (a) The operation of the last two preceding subsections shall not—

increase the rates of contribution which would have been payable by contributors; or diminish or otherwise detrimentally affect pensions and benefits which would have been payable and conferred—

under the provisions of this Act, if those subsections had not been included in this Act.

(b) Where, but for the provisions of the last preceding paragraph, that operation would have necessitated—

an increase in those rates in order to maintain those pensions and benefits without diminution or other detrimental effect—

the State shall pay into The Fund, such amounts as an Actuary certifies are requisite to give effect to that operation, but subject to the provisions of the last preceding paragraph.

6. Paragraph (a) of subsection (3) of section thirty-six of the principal Act is amended by adding after the word "contribution" in lines five and six the words "before the anniversary of his initial contribution next".

s. 36
amended.

7. Subsection (5) of section thirty-seven of the principal Act is amended by deleting the words "then subject to subsection (2) of this section" in lines five and six.

s. 37
amended.

No. 39.] *Superannuation and Family Benefits*. [1950.

s. 40
amended.

8. The second proviso to section forty of the principal Act is amended by deleting the word "compound" in line nine.

s. 44
amended.

9. Subsection (2) of section forty-four of the principal Act is amended by substituting the words "two and one-half times" for the word "twice" appearing firstly in line three and secondly in line six.

s. 46A
amended.

10. Subsection (1) of section forty-six A of the principal Act is amended by adding after the word "one-quarter" in line seven, the words "of the amount of the pension which but for that Act would have been payable pursuant to the provisions of the Superannuation and Family Benefits Act, 1938-1947".

s. 57
amended.

11. Section fifty-seven of the principal Act is amended by—

- (a) substituting for the words "living with" in lines six and seven of subsection (2), the words "who is being wholly maintained by";
- (b) adding after the word "years" in line eight the words "or ceases to be wholly maintained by her, whichever happens first, and on or after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1950, the annual payment shall be increased by payment from The Fund, but not from the Consolidated Revenue Fund, at the rate of two shillings and sixpence per week but where during any period that the child is being wholly maintained by a person or body other than the widow the annual payment shall be made to that person or body".
- (c) adding after the word "years" in line nine of subsection (3) the words "and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1950, the annual payment shall be increased by payment from The

Fund but not from the Consolidated Revenue Fund at the rate of two shillings and sixpence per week”.

12. Paragraph (b) of section fifty-nine of the principal Act is amended by deleting all words between the word “contributor” in line six and the word “and” in line twelve. s. 59
amended.

13. The first proviso to subsection (1) of section sixty of the principal Act is amended by substituting for all words in lines nine, ten, eleven and twelve, the words “pension calculated by adding the actuarial equivalent of the contributions made or to be made by him to the share of pension which would have been payable by the State if he had continued to pay contributions until he attained the maximum age for retirement”. s. 60
amended.

14. Section sixty-two of the principal Act is amended by— s. 62
amended.

- (a) substituting for the word, “are” in line three of paragraph (b) of subsection (1), the word “is”;
- (b) adding after the word “years” in line three of paragraph (b) of subsection (1) the words “and who is being wholly maintained by her”;
- (c) adding after the word “attained” in line five of paragraph (b) of subsection (1) the words “or until the child ceases to be wholly maintained by her, whichever happens first, and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1950, the pension payable in respect of the child shall be increased by payment from The Fund but not from the Consolidated Revenue Fund at the rate of two shillings and sixpence per week but where during any period that the child is being wholly maintained by a person or body other than the widow the annual payment shall be made to that person or body”;

No. 39.] *Superannuation and Family Benefits*. [1950.

- (d) substituting for the word “are” in line four of subsection (2) the word “is”;
- (e) adding after the word “attained” in line six of subsection (2) the words “and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1950, the pension payable in respect of the child shall be increased by payment from The Fund but not from the Consolidated Revenue Fund at the rate of two shillings and sixpence per week”.

s. 63
amended.

15. Section sixty-three of the principal Act is amended by—

- (a) substituting for the word “are” in line three of paragraph (b) of subsection (1) the word “is”;
- (b) adding after the word “years” in line three of paragraph (b) of subsection (1) the words “and who is being wholly maintained by her”;
- (c) adding after the word “attained” in line five of paragraph (b) of subsection (1) the words “or until the child ceases to be wholly maintained by her, whichever happens first, and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1950, the pension payable in respect of the child shall be increased by payment from The Fund but not from the Consolidated Revenue Fund at the rate of two shillings and sixpence per week but where during any period that the child is being wholly maintained by a person or body other than the widow the annual payment shall be made to that person or body”.
- (d) substituting for the word “are” in line four of subsection (2) the word “is”;

- (e) adding after the word, "attained" in line six of subsection (2) the word "and on and after the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1950, the pension payable in respect of the child shall be increased by payment from The Fund but not from the Consolidated Revenue Fund at the rate of two shillings and sixpence per week".
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