

SUPERANNUATION AND FAMILY BENEFITS.

No. 23 of 1982.

AN ACT to amend the Superannuation and Family Benefits Act 1938-1981.

[Assented to 27 May 1982.]

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 Amendment Act 1982*.

Short title
and citation.

(2) In this Act the Superannuation and Family Benefits Act 1938-1981 is referred to as the principal Act.

Reprinted as
approved 1
October 1976
and
amended by
Acts Nos. 134
of 1976, 76 of
1979 and 9
of 1981.

(3) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act 1938-1982.

Section 6
amended.

2. Section 6 of the principal Act is amended in subsection (1) by inserting after the definition of "student child" the following definition—

“ “term appointee” means an employee whose appointment, whether or not to a statutory office, is for a determinate period but does not include an employee to whom subsection (3) of this section applies; ” .

Section 6B
inserted.

3. After section 6A of the principal Act, the following section is inserted—

Eligibility
of certain
statutory
office
holders to
contribute.

“ 6B. (1) Where, before or after the coming into operation of the Superannuation and Family Benefits Amendment Act 1982, a person not being an employee for the purposes of this Act was or is appointed for a term of years to a statutory office under the Government of the State in a Department, that person shall be deemed upon his appointment to have been or to be employed in a permanent capacity for the purposes of the definition of “employee” in section 6 (1) of this Act notwithstanding paragraph (a) of that definition.

(2) Where, before the coming into operation of the Superannuation and Family Benefits Amendment Act 1982, a person who was not an employee for the purposes of this Act was appointed for a term of years to a statutory office under the Government of the State in a Department and that person elected or purported to elect to become a contributor for units of a pension under this Act and the Board accepted or purported to accept his election, the election of that person and the acceptance of the Board shall be deemed to be and always to have been valid

and that person shall be deemed to have become a contributor and as such in all respects to have become subject to and bound by this Act. ” .

4. Section 54 of the principal Act is amended Section 54 amended.
by—

- (a) inserting after the section designation “54.” the subsection designation “(1)”;
- (b) inserting after subsection (1) the following subsection—

“ (2) The compulsory termination of the service of a contributor who is a term appointee for the reason that the term of his appointment has expired and a further term is not available to him—

(a) shall be deemed to be “retrenchment” if—

- (i) the contributor has been in the Service for not less than ten years; and
- (ii) the contributor would not have been eligible for a pension under this Act if at the time of compulsory termination of his service he had terminated his service voluntarily; and
- (iii) the Board is satisfied that the contributor is ready and willing to accept a further term of appointment to his office; and

(b) in any other case shall be deemed to be “discharge”. ” .