

# SUPERANNUATION AND FAMILY BENEFITS.

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No. 76 of 1979.

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**AN ACT to amend the Superannuation and Family  
Benefits Act, 1938-1976.**

[Assented to 6th December, 1979.]

**B**E 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, 1979*.

Short title  
and citation.

(2) In this Act the Superannuation and Family Benefits Act, 1938-1976 is referred to as the principal Act.

Approved for  
reprint 1st  
October, 1976  
and amended  
by Act No.  
134 of 1976.

(3) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1979.

Section 6  
amended.

2. Section 6 of the principal Act is amended as to the interpretation "employee" by deleting the passage ", or is in receipt of a pension on the ground of invalidity or physical or mental incapacity from," in lines ten, eleven and twelve.

Section 46AB  
amended.

3. Section 46AB of the principal Act is amended by adding immediately after subsection (6) the following subsections—

(7) Subject to subsections (10) and (11) of this section, where a contributor or former contributor is entitled to an amount of pension according to the number of units held by him on retirement, he is entitled, in addition to the amount of pension to which he is otherwise entitled, to an amount of ten cents per fortnight in respect of each unit for which he has contributed at any time prior to the first day of July, 1977 up to the time he became entitled to pension in respect thereof.

(8) The amount of increase in pension payable under subsection (7) of this section shall be paid by the Fund.

(9) The provisions of subsections (7) and (8) of this section apply—

- (a) in respect of the first fortnightly payment of pension made in the month of January, 1980 and in respect of such subsequent payments;
- (b) to a widow who is entitled to receive an amount of pension under this Act, and in accordance with the rate of pension payable to the widow as referred to in this Act.

(10) A person entitled to an amount of pension under this Act who prior to the first day of July, 1974 commuted—

- (a) the whole of the Fund share of the pension payable to him, is not entitled to any increase in pension under subsections (7) to (9) (inclusive) of this section;
- (b) part of the Fund share of the pension payable to him, is entitled to receive such part of the increase in pension payable under subsections (7) to (9) (inclusive) of this section as the Board may determine.

(11) A widow or widower who is entitled to receive an amount of pension under this Act who is the widow or widower of a person who has commuted either the whole or part of the Fund share of the pension payable under this Act is entitled to receive such part of the increase in pension payable under subsections (7) to (9) (inclusive) of this section as the Board may determine.

4. The principal Act is amended by adding immediately after section 64 the following section—

Section 64A  
added.

64A. (1) Where the Board is of the opinion that any person to whom an increase in pension is payable under this Act would be prejudicially affected by such increase, the Board may determine that no increase is payable to that person or that the amount of the increase payable to that person shall be such lesser amount as the Board may from time to time determine; and the Board may (but not with retrospective effect) vary or revoke any determination made by it under this subsection.

Discretionary  
powers in  
respect of  
increases.

(2) An increase or part of an increase that is not paid because of a determination of the Board under subsection (1) of this section shall be taken into account as if it had been paid in relation to the calculation of—

- (a) any further increase in pension payable under this Act; and
- (b) a pension payable to the widow of a contributor.

Section 80AA  
added.

5. The principal Act is amended by adding immediately after section 80 the following section—

80AA. (1) In this section—

“another scheme” means a superannuation fund scheme to which contributions are made by the Crown other than the Crown in right of the State of Western Australia;

“Crown share” means the share of pension or other benefit paid or payable by the Crown under another scheme;

“pensioner” means a person who is eligible to receive a pension from another scheme on grounds of invalidity or physical or mental incapacity to perform his duties.

(2) Notwithstanding any other provision of this Act, where a pension becomes payable to a pensioner, or to the widow or widower of the pensioner, as the case requires, under this Act and the pensioner, or the widow or widower of the pensioner, receives or has received a pension or other benefit under another scheme, the State share of pension payable under this Act to the pensioner, or to the widow or widower of the pensioner, shall be reduced by an amount equal to the full amount of the Crown share of the pension or other benefit that the pensioner, or the widow or widower of the pensioner, receives or has received under that other scheme.

Reduced  
pension for  
pensioner  
under  
another  
Scheme.

