

SUPERANNUATION AND FAMILY BENEFITS.

No. 47 of 1974.

AN ACT to amend the Superannuation and Family Benefits Act, 1938-1973

[Assented to 26th November, 1974.]

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, 1974.*

Short title
and citation.

(2) In this Act the Superannuation and Family Benefits Act, 1938-1973 is referred to as the principal Act.

Reprinted as
approved for
reprint 16th
August,
1966 and
further
amended by
Acts Nos.
78 of 1967,
13 of 1968,
27 of 1969,
22 and 103
of 1970 and
16 and 75 of
1973.

(3) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1974.

Commence-
ment.

2. The provisions of this Act shall come into operation on such date as is or such dates as are, respectively, fixed by proclamation.

Section 25
amended.

3. Subsection (1) of section 25 of the principal Act is amended by adding after paragraph (a) the following paragraph—

(aa) loans secured by mortgages of estates in fee simple, .

Section 35
amended.

4. Section 35 of the principal Act is amended by adding after the word “not” in line three the words “during the period of six months immediately preceding his election to become a contributor”.

Section 37
amended.

5. Section 37 of the principal Act is amended by adding after subsection (10) the following subsections—

(10a) Without limiting the operation of subsection (10) of this section, a contributor may, under and subject to the regulations, elect to contribute for the whole or one-half of any increase in his total unit entitlement which may, from time to time, occur by reason of any increase in his salary which occurs while the election remains in force.

(10b) Regulations made for the purposes of subsection (10a) of this section may—

(a) provide that units of pension to which the election related are, in the prescribed circumstances, valid for the purposes of this Act in the event of the death or invalidity of the contributor, notwithstanding that no contributions have been made in respect of those units;

- (b) specify the times at which contributions in respect of those units shall commence and the ages upon which the rates of contribution are to be assessed;
- (c) provide for the manner of making and revoking elections and the limiting of the circumstances in which contributors, having revoked an election, may subsequently make further elections; and
- (d) prescribe any other matter necessary or convenient for giving effect to the purposes of subsection (10a) of this section,

but nothing in subsection (10a) of this section, or this subsection shall relieve the contributor of the obligation (except in relation to the payment of pension in respect of units in cases of death or invalidity) to make not less than twenty-six fortnightly contributions in relation to any unit of pension. .

6. Section 49 of the principal Act is amended— Section 49 amended.

- (a) by deleting the word “shall” in line one and substituting the word “may”; and
- (b) by deleting the passage “(not exceeding five per centum per annum)” in lines four and five.

7. Section 60A of the principal Act is amended by adding after subsection (2) the following subsection— Section 60A amended.

(2a) Notwithstanding the provisions of section forty-six C of this Act, the pension payable to a former contributor who continued in service after attaining the age of sixty-five years—

- (a) in respect of the period which commences on the day after his retire-

ment and ends on the next succeeding thirty-first day of December, shall, after taking into account any increase resulting from subsection (1) of this section, be increased by a further amount which represents the aggregate of the increases in the rates of pension which he would have received pursuant to section forty-six C of this Act if he had retired on attaining the age of sixty-five years; and

- (b) shall thereafter be increased from time to time in accordance with the provisions of section forty-six C of this Act as if he had retired in the month of December of the year preceding the year in which he actually retired. .
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