

1970.]

Acts Amendment
(*Superannuation and Pensions*).

[No. 108.]

ACTS AMENDMENT (SUPERANNUATION AND PENSIONS).

No. 108 of 1970.

AN ACT to amend the Superannuation and Family Benefits Act, 1938-1970 and the Superannuation Act, 1871-1969.

[Assented to 8th December, 1970.]

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 *Acts Amendment (Superannuation and Pensions) Act, 1970*. **Short title.**

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the first day of January, 1971. **Commence-
ment.**

(2) Section 14 of this Act shall be deemed to have come into operation on the first day of January, 1970.

PART I.

SUPERANNUATION AND FAMILY BENEFITS ACT,
 1938-1970.

Short title
 and
 citation.

3. (1) In this Part of this Act the Superannuation and Family Benefits Act, 1938-1970, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1970.

S.37
 amended.

4. Section 37 of the Principal Act is amended—

(a) by adding after the word, “with” in line one of paragraph (b) of subsection (1), the words, “column two of”;

(b) by deleting Scale B appended to subsection (1) and substituting the following scale—

SCALE B.

Column One		Column Two	Column Three	Column Four
Where Annual Salary Exceeds \$	Does not Exceed \$	Total Unit Entitlement	Primary Unit Entitlement	Non-Contributory Unit Entitlement
—	324	2	2	—
324	390	2½	2½	—
390	520	3	3	—
520	650	4	4	—
650	780	5	5	—
780	910	6	6	—
910	1,040	7	7	—
1,040	1,170	8	8	—
1,170	1,300	9	9	—
1,300	1,430	12	10	—
1,430	1,560	13	11	—
1,560	1,690	14	12	—
1,690	1,820	10	13	—
1,820	1,950	11	14	—
1,950	2,080	15	15	—
2,080	2,210	16	16	—
2,210	2,340	17	17	—
2,340	2,470	18	18	—
2,470	2,600	19	19	—
2,600	2,860	20	20	—
2,860	3,120	22	21	1
3,120	3,380	24	22	2
3,380	3,640	26	23	3

Column One		Column Two	Column Three	Column Four
Where Annual Salary Exceeds \$	Does not Exceed \$	Total Unit Entitlement	Primary Unit Entitlement	Non-Contributory Unit Entitlement
3,640	3,900	28	24	4
3,900	4,160	30	25	5
4,160	4,420	32	26	6
4,420	4,680	34	27	7
4,680	4,940	36	28	8
4,940	5,200	38	29	9
5,200	5,460	40	30	10
5,460	5,720	42	31	11
5,720	5,980	44	32	12
5,980	6,240	46	33	13
6,240	6,500	48	34	14
6,500	6,760	50	35	15
6,760	7,020	52	36	16
7,020	7,280	54	37	17
7,280	7,540	56	38	18
7,540	7,800	58	39	19
7,800	8,126	60	40	20
8,126	8,452	62	41	21
8,452	8,778	64	42	22
8,778	9,104	66	43	23
9,104	9,430	68	44	24
9,430	9,756	70	45	25
9,756	10,082	72	46	26
10,082	10,408	74	47	27
10,408	10,734	76	48	28
10,734	11,060	78	49	29
11,060	11,386	80	50	30
11,386	11,712	82	51	31
11,712	12,038	84	52	32
12,038	12,364	86	53	33
12,364	12,690	88	54	34
12,690	13,016	90	55	35
13,016	13,342	92	56	36
13,342	13,668	94	57	37
13,668	13,994	96	58	38
13,994	14,320	98	59	39
14,320	14,646	100	60	40
14,646	14,972	102	61	41
14,972	15,298	104	62	42
15,298	15,624	106	63	43
15,624	15,950	108	64	44
15,950	16,276	110	65	45
16,276	16,602	112	66	46
16,602	16,928	114	67	47
16,928	17,254	116	68	48
17,254	17,580	118	69	49
17,580	17,906	120	70	50

and thereafter Total unit entitlement is increased by 2, Primary unit entitlement by 1, and Non-Contributory unit entitlement by 1, units respectively for each \$326 of annual salary, or part thereof, above \$17,906.

- (c) by deleting the word, "If" in the first line of subsection (5) and substituting the passage, "Subject to subsection (9) of this section, if";

- (d) by deleting subsections (9) and (10) and substituting the following subsections—

(9) The provisions of subsection (5) of this section do not apply to or in relation to an election made by a contributor on or after the first day of January, nineteen hundred and seventy-one for units in accordance with Scale B.

(10) Where the salary of a contributor is increased and by reason of that increase there is an increase in his total unit entitlement, he may, within two months from the day upon which payment of his salary at the increased rate is approved or the day upon which the increased salary is payable, whichever is the later, elect to contribute for any number of additional units that does not exceed the number of units by which his total unit entitlement was so increased.

(11) Where, immediately prior to the first day of January, nineteen hundred and seventy-one, a contributor was contributing for a number of units equal to the maximum number of units then applicable to his salary, he may, not later than the first day of April, nineteen hundred and seventy-one, elect to contribute for any number of additional units that does not exceed the difference between the number of units for which he was contributing immediately prior to the first day of January, nineteen hundred and seventy-one and his total unit entitlement on that day.

(12) Where a contributor is not contributing for a number of units equal to his total unit entitlement, he may at any time elect to contribute for an additional number of units so that his total number of units will be equal to or less than his total unit entitlement but, except where the election is made under subsection (10) or subsection (11) of

this section, the election is not effective until the Board, after having received from the contributor a certificate in a form approved by the Board from a duly qualified medical practitioner, is satisfied that the contributor is not suffering from any physical or mental defect which is likely to render him incapable, before attaining the maximum age for retirement, of performing his duties as an employee.

(13) In subsections (9), (10), (11) and (12) of this section, and in section thirty-seven A of this Act—

“non-contributory unit” means a unit of pension as defined by section thirty-seven A of this Act;

“primary unit entitlement”, in relation to a contributor, means the number of units specified in column three of Scale B opposite to the salary group in column one within which the contributor’s salary falls;

“Scale B” means Scale B appended to subsection (1) of this section;

“total unit entitlement”, in relation to a contributor, means the number of units specified in column two of Scale B opposite to the salary group in column one within which the contributor’s salary falls.

5. Section 37A of the principal Act is repealed and the following sections enacted in its stead—

37A. (1) The provisions of this section apply to and in relation to all contributors who retire on or after the first day of January, nineteen hundred and seventy-one, other than contributors referred to in paragraph (b) of subsection (1) of section forty-six B of this Act.

S.37A
repealed
and
substituted.

Non-con-
tributory
units of
pension.

(2) Where the number of units for which a contributor has contributed and which he holds on retirement is equal to or less than his primary unit entitlement at the time of his retirement, the contributor is also entitled to receive pension in respect of such number, if any, of non-contributory units as are specified in column four of Scale B opposite to the number of units so contributed for and so held by him.

(3) Where the number of units for which a contributor has contributed and which he holds on retirement is more than his primary unit entitlement at the time of his retirement, the contributor is also entitled to receive pension in respect of such number, if any, of non-contributory units as equals the difference between his total unit entitlement and the number of units so contributed for and so held by him.

(4) The unit of non-contributory pension payable under this section is sixty-five dollars per annum.

(5) Subject to subsection (6) of this section, non-contributory pension provided for in this section is payable on the same conditions and in the same circumstances and manner as is that part of the share of pension under this Act which the State is liable to contribute to the Fund, and for that purpose the provisions of this Act set out in the following table apply, *mutatis mutandis*, to the payment of non-contributory pension—

PROVISIONS OF ACT TO BE APPLIED TO PAYMENT OF NON-CONTRIBUTORY PENSION.

Section 32A, subsection (2) of section 52, sections 53, 54, 57, section 59 except paragraph (c), section 60, sections 61, 62, 63, 64, 66, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 84, 85 and 87.

(6) The regulations may modify or vary the conditions on which, and the circumstances and manner in which, pension is payable, notwithstanding the provisions of subsection (5) of this section.

(7) The State shall pay to the Fund the amount of any pension payable under this section, and the Consolidated Revenue Fund is hereby permanently appropriated to the extent necessary.

37B. (1) The Board may, in any case where it considers it reasonable so to do, extend the time within which a contributor may make an election under subsection (11) of section thirty-seven of this Act.

Special provisions concerning certain elections.

(2) An election may be made under and in accordance with subsection (11) of section thirty-seven of this Act by a person who was a contributor on the first day of January, nineteen hundred and seventy-one, notwithstanding that after that day but prior to the day on which he makes the election, he has attained his maximum age for retirement. .

6. Section 46B of the principal Act is repealed and re-enacted as follows—

S.46B repealed and re-enacted.

46B. (1) Subject to the remaining provisions of this section, where—

Supplementary units of pension.

(a) a contributor or former contributor who retired before the first day of January, nineteen hundred and seventy-one; or

(b) a contributor or former contributor who retired on or after the first day of January, nineteen hundred and seventy-one but attained his maximum age for retirement before that day,

is entitled to an amount of pension according to the number of units of pension for which he has contributed and which were held by him

on retirement, he is also entitled to receive pension in respect of such number, if any, of supplementary units of pension as are ascertained in accordance with the table to this subsection if the number of units so contributed for and held by the contributor did not exceed forty, and in any other case to such number of supplementary units of pension as is determined by the Treasurer.

Number of units of pension contributed for by contributor and held by him on retirement.	Number of additional supplementary units of pension to which contributor is entitled.
21	1
22	2
23	3
24	4
25	5
26	6
27	7
28	8
29	9
30	10
31	11
32	12
33	13
34	14
35	15
36	16
37	17
38	18
39	19
40	20

(2) The unit of supplementary pension is sixty-five dollars per annum.

(3) Subject to subsection (4) of this section, supplementary pension provided for in this section is payable on the same conditions and in the same circumstances and manner as is that part of the share of pension under this Act which the State is liable to contribute to the Fund, and for that purpose the provisions

of this Act set out in the following table apply, *mutatis mutandis*, to the payment of supplementary pension—

PROVISIONS OF ACT TO BE APPLIED TO PAY-
 MENT OF SUPPLEMENTARY PENSION.

Section 32A, subsection (2) of section 52,
 sections 53, 54, 57, section 59 except para-
 graph (c), section 60, sections 61, 62, 63,
 64, 66, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79,
 80, 84, 85 and 87.

(4) The regulations may modify or vary the conditions on which, and the circumstances and manner in which, pension is payable, notwithstanding the provisions of subsection (3) of this section.

(5) The provisions of this section apply in respect of the first fortnightly payment of pension in the month of January, nineteen hundred and seventy-one, and in respect of every such subsequent payment.

(6) The State shall pay to the Fund the amount of any pension payable under this section, and the Consolidated Revenue Fund is hereby permanently appropriated to the necessary extent.

7. Section 46C of the principal Act is amended by adding after subsection (4) the following subsections—

S.46C
 amended

(4a) The Treasurer shall, not later than the thirtieth day of June in each year, commencing with the year nineteen hundred and seventy-one, determine that the State share of pensions, or the State share payable in respect of certain units of pensions, payable to former contributors who retired on or before the thirty-first day of December in the year that is two years prior to the year in which the determination is made, shall be increased by such amounts or at such a rate or rates, as are specified in the determination.

(4b) A determination made under subsection (1) of this section—

- (a) has effect for the purposes of this Act according to its tenor;
- (b) may be so made as to have effect in addition to the operation of any determination previously made under this section or the operation of subsections (1), (2) and (3) of this section, or in substitution therefor; and
- (c) shall take effect on and from the first fortnightly payment of pension in the year in which the determination is made.

S. 62
amended.

8. Section 62 of the principal Act is amended—

- (a) by substituting for the words, “an amount of three” in line four of paragraph (a) of subsection (2), the passage, “from and including the first day of January, nineteen hundred and seventy-one, an amount of eight”; and
- (b) by substituting for the words, “two dollars” in line four of paragraph (b) of subsection (3), the words, “seven dollars”.

S. 64
amended.

9. Section 64 of the principal Act is amended—

- (a) by substituting for the passage, “twenty-sixth day of December, nineteen hundred and sixty-four” in lines nine and ten of subsection (1), the passage, “first day of January, nineteen hundred and seventy-one”;
- (b) by substituting for the words, “four dollars per week” in the penultimate and last lines of subsection (1), the passage, “the appropriate amount per week ascertained in accordance with subsection (1a) of this section”; and

(c) by adding after subsection (1) the following subsection—

(1a) For the purposes of subsection (1) of this section, the amount per week payable for the benefit of a child referred to therein is—

(i) ten dollars; or

(ii) four dollars, together with the amount ascertained by dividing by four (or, if the number of eligible children of the contributor or pensioner in respect of whom the payment is to be made under subsection (1) of this section is greater than four, by the number of those children) the amount of the weekly equivalent of the rate of the pension that, but for the death or divorce of the wife of the contributor or pensioner, would, by virtue of subsection (1) of section sixty-two of this Act, have been payable to her,

whichever is the greater amount per week. .

10. Section 67 of the principal Act is amended by adding after subsection (1) the following subsection—

S.67
amended.

(1a) Notwithstanding any other provision of this Act, a person who—

(a) was appointed before the first day of March, nineteen hundred and sixty-nine to the academic staff of the Institute established by the Western Australian Institute of Technology Act, 1966;

(b) was a contributor prior to and at the time of that appointment and has since that appointment continued to be a contributor and a member of the academic staff of that Institute; and

- (c) by notice in writing delivered to the Board within three months of the commencement of this subsection, elects to withdraw from the Fund,

shall, for all of the purposes of this Act, be deemed to have ceased to be a contributor at the time the notice is received by the Board and thereupon is entitled to receive a refund of all contributions made by him to the Fund and is not entitled to any other right or benefit under this Act. .

S.80
amended.

11. Section 80 of the principal Act is amended—

- (a) by substituting for the passage, “amount payable to him under section forty-six B of this Act” in the penultimate and last lines of subsection (3), the passage, “total of any amounts from time to time payable to him under sections forty-six B and forty-six C of this Act as re-enacted and amended, respectively, by the Acts Amendment (Superannuation and Pensions) Act, 1970”; and
- (b) by adding after the word, “means” in line two of the interpretation, “employed in the service of the Crown” in subsection (4), the passage, “holding any judicial office under the Supreme Court Act, 1935 or the District Court of Western Australia Act, 1969, or”.

S.89
amended.

12. Section 89 of the principal Act is amended by adding after paragraph (c) the following paragraph—

- (ca) for prescribing the cases in which, and the rate or rates at which, interest is payable to persons or contributors where a refund is made from the Fund of contributions paid to the Fund; .

PART II.

SUPERANNUATION ACT, 1871-1969.

13. (1) In this Part of this Act, the Superannuation Act, 1871-1969, is referred to as the principal Act. Short title
and
citation.

(2) The principal Act as amended by this Act may be cited as the Superannuation Act, 1871-1970.

14. Section 1 of the principal Act is amended by repealing subsection (3f) and substituting the following subsections— Section 1
amended.

(3f) On and after the first payment of superannuation allowance in the month of January nineteen hundred and seventy, the superannuation allowance payable in accordance with the provisions of this section shall be, and be deemed to have been, payable at a rate increased in accordance with the provisions of subsection (3g) of this section and the increased amounts payable under this subsection shall be paid out of the Consolidated Revenue Fund which is hereby permanently appropriated to the extent necessary.

(3g) The increased rate at which a pension is to be payable under subsection (3f) of this section is that ascertained by adding to the rate at which the superannuation allowance was payable under the provisions of this section immediately prior to the first payment of superannuation allowance in the month of January, nineteen hundred and sixty-nine, a sum calculated to be 46.85 per centum of the superannuation allowance so payable on that date, but so that the sum so calculated does not in any case exceed six hundred and thirty-four dollars per annum. .

S.1B
added.

15. The principal Act is amended by adding after section 1A the following section—

Treasurer
may
determine
certain
increases
in super-
annuation
allowance.

1B. (1) The Treasurer shall, not later than the thirtieth day of June in each year, commencing with the year nineteen hundred and seventy-one, determine that the superannuation allowance payable under section one of this Act, or some part thereof, shall be increased by such amounts or at such a rate or rates as are specified in the determination.

(2) A determination made under subsection (1) of this section—

- (a) has effect for the purposes of this Act according to its tenor;
- (b) may be so made as to have effect in addition to the operation of any determination previously made under this section or the operation of subsections (3f) and (3g) of section one of this Act, or in substitution therefor; and
- (c) shall take effect on and from the first fortnightly payment of pension in the year in which the determination is made,

and any increased amounts payable under this section shall be paid out of the Consolidated Revenue Fund which is hereby permanently appropriated to the extent necessary. .
