

ACTS AMENDMENT (SUPERANNUATION).

No. 27 of 1969.

AN ACT to amend the Superannuation and Family Benefits Act, 1938-1968 and the Superannuation Act, 1871-1967.

[*Assented to 16th May, 1969.*]

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:—

Short title.

1. This Act may be cited as the *Acts Amendment (Superannuation) Act, 1969*.

Commence-
ment

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section eight of this Act shall be deemed to have come into operation on the twenty-eighth day of December, 1967.

PART I.

SUPERANNUATION AND FAMILY BENEFITS ACT,
1938-1968.

3. (1) In this Part of this Act the Superannuation and Family Benefits Act, 1938-1968, 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 and Family Benefits Act, 1938-1969.

4. Subsection (1) of section 37 of the principal Act is amended. S. 37 amended.

(a) by substituting for the item, "10,400.00—Fifty", being the last item in SCALE B appended to that subsection, the following item—

10,400.00	10,660.00	Fifty ; and
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(b) by adding at the end of SCALE B appended to that subsection, the following items—

10,660.00	10,920.00	Fifty-one.
10,920.00	11,180.00	Fifty-two.
11,180.00	11,440.00	Fifty-three.
11,440.00	11,700.00	Fifty-four.
11,700.00	11,960.00	Fifty-five.
11,960.00	12,220.00	Fifty-six.
12,220.00	12,480.00	Fifty-seven.
12,480.00	12,740.00	Fifty-eight.
12,740.00	13,000.00	Fifty-nine.
13,000.00	13,260.00	Sixty.
13,260.00	13,520.00	Sixty-one.
13,520.00	13,780.00	Sixty-two.
13,780.00	14,040.00	Sixty-three.
14,040.00	14,300.00	Sixty-four.
14,300.00	14,560.00	Sixty-five.
14,560.00	14,820.00	Sixty-six.
14,820.00	15,080.00	Sixty-seven.
15,080.00	15,340.00	Sixty-eight.
15,340.00	15,600.00	Sixty-nine.
15,600.00	—	Seventy.

S. 37A
repealed and
re-enacted.

5. Subsection (1) of section 37A of the principal Act is repealed and re-enacted with amendments, as follows—

(1) Where, immediately prior to the date of the coming into operation of section four of the Acts Amendment (Superannuation) Act, 1969, a contributor whose salary exceeded ten thousand six hundred and sixty dollars per annum was contributing for the maximum number of units of pension for which he was eligible to contribute, he may, within twelve months after that date, elect to increase the amount of his contributions to a sum which will provide units of pension not exceeding the number specified in column two of Scale B contained in subsection (1) of section thirty-seven of this Act opposite to the salary group within which his salary fell on that date. .

S. 46B
added.

6. The principal Act is amended by adding after section 46A a section as follows—

Non-contributory units
of pension.

46B. (1) Subject to the remaining provisions of this section, where a contributor or former contributor is entitled to an amount of pension according to the number of units of pension for which he has contributed and which are held by him on retirement, he is also entitled to receive pension in respect of such number, if any, of non-contributory units of pension as are ascertained in accordance with the following table—

Number of units of pension contributed for by contributor and held by him on retirement.	Number of additional non-contributory 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

Number of units of pension contributed for by contributor and held by him on retirement.		Number of additional non-contributory units of pension to which contributor is entitled.
Exceeding	Not exceeding	
29	32	10
32	35	10½
35	38	11
38	41	11½
41	44	12
44	47	12½
47	50	13
50	53	13½
53	56	14
56	59	14½
59	62	15
62	65	15½
65	68	16
68	70	16½

(2) The unit of non-contributory pension payable under this section is sixty-five dollars per annum, and one-half of such a unit is thirty-two dollars and fifty cents per annum.

(3) Subject to subsection (4) of this section, the non-contributory pension payable under 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—

PROVISION 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), subsections (4), (5) and (6) of 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, non-contributory pension is payable, notwithstanding the provisions of subsection (3) of this section.

(5) The provisions of this section apply, and shall be deemed to have applied, in respect of the first fortnightly payment of pension in the month of January, nineteen hundred and sixty-nine, 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 extent necessary. .

S. 46C
added.

7. The principal Act is amended by adding a section as follows—

Alteration
of rates of
certain
pensions.

46C. (1) Subject to this section, every pension payable under this Act—

(a) to a former contributor who retired on or before the thirty-first day of December nineteen hundred and sixty-seven; or

(b) to the widow of a former contributor or former qualified contributor who retired or died (while still such a contributor or qualified contributor) on or before that day,

is payable, and shall be deemed to have been payable, on and after the first fortnightly payment of pension in the month of January, nineteen hundred and sixty-nine, at a rate increased in accordance with the provisions of this section.

(2) The rate by which a pension to which subsection (1) of this section relates is to be increased shall be ascertained by adding to the rate at which, but for this section, the pension

would have been payable a sum calculated in accordance with the percentage increase in the State share of the pension that is specified in the second column of the following table opposite the appropriate year specified in the first column thereof but so that the sum so calculated does not exceed the annual sum specified opposite that year in the third column of that table:—

Year during which contributor became eligible for pension or died	Percentage increase in State Share of pension	Maximum annual sum by which pension to be increased
		\$
Before 1954	41.72	564
1954	38.60	522
1955	35.49	480
1956	28.85	390
1957	28.05	379
1958	26.60	360
1959	25.06	339
1960	19.78	267
1961	19.29	261
1962	18.90	256
1963	17.55	237
1964	14.30	193
1965	9.87	133
1966	5.70	77
1967	2.41	33

(3) In the case of—

- (a) a widow's pension, the appropriate year for the purpose of making a calculation under subsection (2) of this section in relation to that pension is the year during which her husband became eligible to receive a pension or, if he died while still a contributor or qualified contributor, the year during which he died; and
- (b) the pension to be paid to a person who, or to the widow of a person who, having been an invalidity pensioner, was re-appointed, the appropriate year for the purpose of making a calculation under

that section in relation to that pension is the year during which, after being so reappointed (or, if so reappointed more than once, after his last re-appointment), that person—

(i) retired; or

(ii) died,

whichever first happened.

(4) For the purposes of the foregoing provisions of this section, the State share of a pension payable to a former contributor or to the widow of a former contributor or former qualified contributor is such proportion of the total yearly amount of the pension as is certified by the Board to be equivalent to the contribution paid or payable by the State or a Department to the Fund in relation to that pension but does not include any amount so paid or payable under sections forty-four or forty-six B of this Act.

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

S. 60
amended.

8. Section 60 of the principal Act is amended by adding after subsection (5) the following subsection—

(6) The provisions of subsections (4) and (5) of this section do not apply to a person where the period of continuous service of that person that is terminated by his retirement commenced on or before the twenty-eighth day of December, nineteen hundred and sixty-seven. .

S. 60A
amended.

9. Section 60A of the principal Act is amended—

(a) by substituting for the word, "Where" in line one of subsection (1), the passage, "Subject to subsection (3) of this section, where"; and

(b) by adding after subsection (2) the following subsection—

(3) Subsections (1) and (2) of this section do not apply to or in relation to the pension of a contributor who has received any benefits under section sixty B or sixty C of this Act. .

10. Section 60B of the principal Act is repealed and re-enacted with amendments, as follows—

S. 60B
repealed
and re-
enacted.

60B. (1) Where a contributor who attains the age of sixty-five years on or after the coming into operation of this section is continued in service after attaining that age, he shall, unless he elects within three months of his attaining that age not to receive benefits under this subsection, receive until he retires from service the amount of pension to which he would be entitled if he had so retired at that age, less the amount of the share of the pension that the State would be required to pay to the Fund under this Act had the contributor so retired at that age.

Election
by
contributors
remaining
in service
after 65
years of age.

(2) Where a contributor who made an election under subsection (1) of this section retires before attaining the age of sixty-six years, he shall be paid an amount equal to the aggregate of the amounts that he would have received under subsection (1) of this section if he had not made that election. .

11. The principal Act is amended by adding a section as follows—

S. 60C
added.

60C. (1) A contributor who—

(a) attained the age of sixty-five years on or after the first day of June, nineteen hundred and sixty-seven; and

(b) was continued in service after attaining that age, and is still continuing in service on the date of the coming into operation of this section,

Payment of
portion of
pension in
certain
cases.

shall, subject to subsection (3) of this section, unless he elects within one month of the coming into operation of this section not to receive benefits under this subsection, receive—

(c) in respect of the period that commenced on the day after the date on which he attained that age and ended on the day immediately preceding the coming into operation of this section— an amount, together with interest at such rate as the Board determines, equal to the amounts of pension to which the contributor would have been entitled if he had retired at that age, less the amounts of the share of the pension that the State would have been required to pay to the Fund under this Act in respect of that period, if the contributor had retired at that age; and

(d) in respect of the period commencing on the date of the commencement of this section and ending on the date of his retirement, the amount of pension to which he would be entitled if he had retired at that age less the amount of the share of the pension that the State would be required to pay to the Fund under this Act had the contributor retired at that age.

(2) Where a contributor who made an election under subsection (1) of this section retires before attaining the age of sixty-six years, he shall be paid an amount equal to the aggregate of the amounts that he would have received under subsection (1) of this section if he had not made that election.

(3) A contributor who was, prior to the commencement of this section, receiving pension under section sixty B of this Act as in force at that time, is not entitled—

- (a) to receive any amount under paragraph (c) of subsection (1) of this section; or
- (b) to make an election under subsection (1) of this section. .

12. The principal Act is amended by adding after section 79 a section as follows—

S. 80
added.

80. (1) Notwithstanding any other provision of this Act, but subject to subsection (3) of this section, where a pensioner is employed in the service of the Crown, his pension shall be reduced by the amount, if any, by which the State share of his pension, together with the remuneration he receives from his employment in the service of the Crown, exceeds the current equivalent of the salary on retirement of the pensioner.

Reduction
of pension
in certain
cases.

(2) The provisions of this section apply to and in relation to any payment of pension on or after the date of the coming into operation of this section to any person who is a pensioner, irrespective of whether that person became a pensioner before, on or after that day.

(3) Where a person was, immediately prior to the date of the coming into operation of this section, a pensioner employed in the service of the Crown, the provisions of this section shall not, for so long as his employment in the service of the Crown after that date is continuous with his service immediately before that date, be applied so as to reduce his pension by more than such amount thereof as is constituted by the amount payable to him under section forty-six B of this Act.

(4) In this section—

“current equivalent of the salary on retirement”, in relation to a pensioner, means such salary as the Treasurer from time to time determines, having regard to general increases in salary that have occurred since the retirement of the pensioner, to be the equivalent salary at any relevant time of the salary that was payable to the pensioner immediately prior to his retirement;

“employed in the service of the Crown”, in relation to a pensioner, means employed in any capacity by the Crown in right of the State, or by any Department, or by any authority, agency or instrumentality of or under the Crown in right of the State, irrespective of whether by the terms and conditions of the employment—

- (a) the pensioner is employed in a permanent, temporary, casual or other capacity; or
- (b) the pensioner is required to devote the whole or part only of his time to the employment, and irrespective of the manner in which the remuneration for the employment is determined and paid;

“pensioner” does not include a person who is in receipt of pension—

- (a) because he has been retired on the ground of invalidity, or physical or mental incapacity to perform his duties;
- (b) because he has been retrenched; or
- (c) because she is the widow of a contributor or pensioner who has died;

“State share of his pension”, in relation to a pensioner, means the proportion of the pension payable to the pensioner as is certified by the Board to be equivalent to the amount paid or payable to the Fund by the State or a Department under this Act in respect of that pension, including any amount payable under section forty-six B of this Act but excluding any amount so paid or payable under section forty-four of this Act.

PART II.

SUPERANNUATION ACT, 1871-1967.

13. (1) In this Part of this Act, the Superannuation Act, 1871-1967, 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, 1871-1969.

14. Section 1 of the principal Act is amended by adding after subsection (3e) the following subsection— S. 1 amended.

(3f) On and after the first payment of superannuation allowance in the month of January, nineteen hundred and sixty-nine, the superannuation allowance payable in accordance with the provisions of this section shall be, and be deemed to have been, increased by 41.72 per centum, but so that the sum so calculated does not, in any case, exceed five hundred and sixty-four dollars per annum, and the increased amounts payable under this section shall be paid out of the Consolidated Revenue Fund which is hereby permanently appropriated to the extent necessary. .

15. The principal Act is amended by adding after section 1 a section as follows— S. 1A added.

1A. (1) Where the superannuation allowance payable to a person entitled thereto under this Act has been determined under subsection (3c) of section one of this Act in relation to such number of units of pension under the Superannuation and Family Benefits Act, 1938 as exceeds twenty, that person shall be paid an additional allowance at the rate of sixty-five dollars per annum for each unit, and thirty-two dollars fifty cents for each one-half of a unit, of non-contributory pension to which he would be Additional units of pension.

entitled, under section forty-six B of the Superannuation and Family Benefits Act, 1938, if he were in receipt of pension under that Act in respect of a number of units of pension equal to the number of units that were so determined.

(2) The increased amounts payable under this section are payable and shall be deemed to have been payable from and including the first payment of superannuation allowance in the month of January, nineteen hundred and sixty-nine and to every such subsequent payment.

(3) The increased amounts payable under this section shall be paid out of the Consolidated Revenue Fund, which Fund is, to the extent necessary, hereby permanently appropriated. .
