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[1959

SUPERANNUATION AND FAMILY BENEFITS ACT, 1938-1958.

Treasury Department,
Perth, 4th June, 1959.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Superannuation and Family Benefits Act, 1938-1958, and on the recommendation of the Superannuation Board constituted under the Act, has been pleased to make the regulations set out in the Schedule hereunder.

R. J. BOND,
Under Treasurer.

Schedule.

Regulations.

1. (1) These regulations may be cited as the Superannuation Regulations, 1959.
- (2) The regulations made by the Governor under the provisions of the Superannuation and Family Benefits Act, 1938-1958, published in the *Government Gazette* on the 22nd December, 1939, as amended from time to time thereafter, are hereby revoked.
2. These regulations are divided into Parts as follows:—
 - Part I, rr. 3 and 4—Preliminary.
 - Part II, rr. 5 to 9—Election by Employees to become Contributors.
 - Part III, rr. 10—Times for certain Elections by Contributors.
 - Part IV, rr. 11 to 21—General.
 - Part V, rr. 22 to 28—Financial.
 - Part VI, rr. 29 to 45—Election by Contributors of a Candidate for Appointment as a Member of the Board.
 - Part VII, rr. 46 and 47—Appeals.
 - Part VIII, rr. 48—General Penalty.
 - First Appendix—Forms.
 - Second Appendix—Lump Sum Credits Scale.
- Part I.—Preliminary.
3. In these regulations, unless the contrary intention appears—
 - “the Act” means the Superannuation and Family Benefits Act, 1938, as amended;
 - “the Board” means the Superannuation Board constituted under the Act;
 - “the Fund” means the Superannuation Fund established under the Act;
 - “Railways Endowment Fund” means the Endowment Section of the Western Australian Government Railways Employees’ Death Benefit and Endowment Fund Incorporated, established and administered under the authority of section 63A of the Government Railways Act, 1904, as amended.

4. Where an employee of the class referred to in subsection (2) of section 36 of the Act elects to become a contributor, the rate of the contribution payable by him is the rate prescribed for his age, which rate is also appropriate to the maximum age for retirement of that employee.

Part II.—Election by Employees to become Contributors.

5. An employee whose employment commences after the commencement of the Act, and who wishes to become a contributor as provided for in section 32 of the Act, shall give notice of his election to become a contributor in such form as the Board may from time to time require.

6. Every application made to the Board by a contributor under the Act who is also a contributor to the Railways Endowment Fund pursuant to subsection (3) of section 33 of the Act or under section 83 of the Act shall be in the Form No. S.B.5 in the First Appendix to these regulations.

7. Applications under section 81 and section 82 of the Act in regard to life assurance policies shall be in one of the Forms No. S.B.6, S.B.7 or S.B.8 in the First Appendix to these regulations or in such other form as the Board may from time to time require.

8. Every contributor shall, when required by the Board so to do whether in connection with his election to become a contributor or in connection with any other matter within the provisions of the Act, furnish to the Board in such form as the Board may specify documentary proof of his own age, and, if he is married, of his marriage, and of the respective ages of his wife and children.

9. The form of election from every employee who has not been required as a condition of his employment to pass a medical examination shall be accompanied by a certificate from a duly qualified medical practitioner in accordance with the provisions of section 35 of the Act.

Part III.—Times for Certain Elections by Contributors.

10. (1) Subject to the Act, the time within which a contributor, to whom subsection (5) of section 37 of the Act applies, may elect to increase the amount of his contributions as authorised by that subsection, is two months from the day upon which payment of his salary at the increased rate is approved, or from the day upon which the increased salary is payable, whichever is the later.

(2) Subject to the Act, the time within which a contributor, to whom the proviso to subsection (5) of section 37 of the Act applies, may apply to the Board to increase the number of units or to continue contributing for the same number of units, as the case may be, is two months from the day of the declaration of the basic wage affecting the salary of the contributor; but the adjustment, if any, in the number of units shall operate from the day upon which the salary of the contributor was affected by the declaration.

(3) Every application made to the Board under either subregulation (1) or subregulation (2) of this regulation shall be in writing signed by the applicant and shall be in such form as the Board may from time to time require.

Part IV.—General.

11. Where an employee employed by the Western Australian Government Railways Commission or by the General Manager of Western Australian Government Tramways and Ferries becomes a contributor and, by virtue of subsection (3) of section 33 of the Act, the Board receives from the Railways Endowment Fund a lump sum for the credit of that employee, and the employee desires the lump sum to be used to forthwith redeem future contributions which will be payable by him, then the Board shall credit the lump sum from time to time in proportion to the amounts specified for the relative age of the contributor as set out in Part II of the Second Appendix to these regulations, as the case may require.

12. (1) Where under the Act a contributor is required to pay contributions to the Fund from a specified day, deductions from his salary for the purposes of the payment of those contributions shall, unless otherwise expressly provided, commence on the first salary pay day next following after the specified day.

(2) Where under the Act an employee is required to contribute to the Fund from the day that he commences his employment, deductions from his salary for the purpose of the payment of his contributions shall be made on or from the first salary pay day occurring after the commencement of his employment.

(3) Each normal contribution and each salary pay day shall relate to a Superannuation Fortnight, the first Superannuation Fortnight being that which commenced on the 1st day of July, 1939, the second on the 15th day of July, 1939, and so on.

13. (1) The total of each fortnightly payment of contributions payable by contributors shall be balanced or reconciled with the total deductions from salary shown in the salary registers, or corresponding records, for the relative fortnight.

(2) When the prescribed deduction is not made, the necessary adjustment, unless otherwise expressly provided by the Board, shall be made on the next succeeding payment of salary to the contributor.

14. Where the amount of contribution payable includes a fraction of a penny amounting to a half-penny or more, the next higher penny shall be deducted from the salary or paid by the contributor.

15. (1) A contributor who is absent from his place of employment through illness and is receiving less than full pay may, upon application to the Board, be allowed an extension of time for payment of his contribution.

(2) The application under subregulation (1) of this regulation shall be made in writing signed by the applicant or his agent if the applicant is unable to write, and shall be in such form as the Board may from time to time require.

16. (1) Where a contributor is granted leave of absence with pay, unless the Board under section 50 of the Act or under these regulations directs otherwise, the contributions payable by the contributor during his leave of absence shall be deducted from his salary in the same way as if he were not on leave of absence.

(2) Unless the Board directs otherwise, where a contributor is granted leave of absence without pay, he shall either make payment in advance of the whole of the contributions which will become payable while he is on leave of absence without pay, or otherwise make payment of his contribution fortnightly during the time that he is on leave of absence without pay on the days when, if he were not on leave of absence without pay, the amount of every fortnightly payment of contribution would be deducted from his salary in accordance with the Act.

(3) If any contributor to whom subregulation (2) of this regulation applies, fails or neglects to make payment of contributions in compliance with that subregulation, the Board may, upon application in writing permit payment of the arrears and interest on the arrears in such sums and at such periods as it may approve; but where the Board has so authorised the payment of arrears and interest by instalments, all those arrears and interest shall be paid by the contributor before a pension is authorised.

(4) A contributor to whom subregulation (3) of this regulation applies who fails or neglects to make application in accordance with subregulation (3) of this regulation within one month of the date upon which the first unpaid contribution was due, is guilty of an offence against these regulations.

17. Where a contributor dies, the Department in which the deceased was employed, if he were so employed, at the time of his death shall notify the Board in such form as the Board may from time to time require of the death, and except in respect of outstanding or unpaid contributions, shall not thereafter deduct contributions from any subsequent payment of moneys accrued to the deceased, to his legal representative, or any other person.

18. (1) When the head of a Department contemplates terminating the employment of an employee who is a contributor under the Act, owing to his condition of health, whether that condition of health is brought about by accident or otherwise, he shall furnish to the Board all available information in regard to the case, including the personal file of the employee, and shall obtain advice from the Board before notice in regard to termination of services is given to the employee.

(2) The conditions of retirement in relation to pension under section 61 of the Act and the commencing day for pension or other benefit, shall, subject to the payment of a minimum of twenty-six contributions at the periodical rates applicable to the contributor, be determined by the Board according to the circumstances of the particular case.

(3) The time within which a contributor may make his choice under paragraph (b) of subsection (1) of section 61 of the Act and give notice in writing to the Board shall be not later than one month after he is notified of his retirement, and in default of the contributor making a choice the Board shall determine in which form payment shall be made.

(4) The prescribed authority to be informed in accordance with section 79 of the Act of the condition of health of a pensioner to whom a pension under section 61 of the Act is being or is to be paid shall be the principal officer administering the department in which the pensioner was employed at the date of his retirement.

(5) The time within which a contributor may exercise the right to obtain a second medical report in accordance with the proviso to section 84 of the Act is fourteen days after the date of the communication from the Board notifying him of the tenor of the report of the medical officer appointed under section 84 for the purposes of the Act.

19. Every person in receipt of a pension under the Act, when required by the Board so to do, shall furnish to the satisfaction of the Board evidence of his continued right to the pension, and particularly—

- (a) that the person concerned is still alive;
- (b) where the person is a widow, that she has not remarried; and
- (c) where the person receives an allowance for a child, that the child is still in the care of the person to whom the allowance is being paid on the child's behalf.

20. When a contributor dies and before payment of a pension is made to his widow and children the Board shall be furnished by the widow or personal representative of the contributor with a certified copy of the certificate of death relating to that contributor; and also, unless it has been previously furnished in accordance with these regulations, with documentary proof of marriage and of the age of the widow and of each child of the deceased.

21. Any person who under the Act or these regulations is liable to furnish to the Board any information relating to any matter or thing in respect of which the Board in accordance with the Act or these regulations may require and who, when furnishing that information, makes any statement or gives any particulars which is or are false, is guilty of an offence against these regulations.

Penalty—Ten pounds.

Part V.—Financial.

22. (1) All moneys deducted from salaries for the purposes of the Act and these regulations shall be brought to account and remitted each fortnight, within three days of the final pay-day in the Superannuation Fortnight provided for in regulation 12 of these regulations to the Receiver of Public Moneys, to whom the collections of the department making the deductions are usually paid, for the credit to the Fund.

(2) Each remittance of moneys made in accordance with subregulation (1) of this regulation shall be accompanied, unless the Board otherwise authorises, by statements in such forms as may be required by the Board, setting out—

- (a) the deductions in relation to individual contributors;
- (b) particulars of and the reason for each termination of employment, and all transfers of contributors to and from other departments;
- (c) particulars of new contributors and of changes of salary of existing contributors; and
- (d) any other information required by the Board affecting the status of, or contributions by, a contributor employed in the department.

23. Pensions shall be paid fortnightly on each alternate Friday, but in the event of the pension pay day falling on a public holiday, payment of pensions shall be made on the last working day immediately preceding that public holiday.

24. The amount of pension in respect of one day shall be one-twelfth of the fortnightly amount of that pension as ascertained in accordance with section 75 of the Act.

25. Pensions shall be paid by means of cheques crossed "not negotiable" and made payable to order.

26. Cheques drawn on a bank account or other accounts of the Superannuation Fund shall be signed by those persons from time to time required and authorised to sign cheques by resolution of the Board.

27. On the first working day next following each fortnightly pension pay day, the total amount representing the proportion of pensions and other amounts payable by the State under the Act, as notified by the Board to the Under Treasurer of the State shall be paid by the Treasury Department to the Superannuation Fund.

28. (1) For the purpose of ascertaining, in relation to any financial year, the amount payable by the State under subsection (5) of section 30 of the Act, the formula referred to in the subsection is as follows:—

$$\frac{.0375}{2.0375} (A + B)$$

(2) In this regulation, in relation to any financial year—

- (a) A means the amount of the Fund at the beginning of that financial year;
- (b) B means the amount of the Fund at the end of that financial year;
- (c) interest accrued but not received into the Fund at or during the respective times shall be included in the computation of A and B and in the interest earned during that financial year.

Part VI.—Election by Contributors of a Candidate for Appointment as a Member of the Board.

Appointment of Election Officials.

29. (1) The State Chief Electoral Officer, or when prevented from acting his substitute appointed under the Electoral Act, 1907, as amended, shall be the Returning Officer at any election held in accordance with these regulations.

(2) Where the State Chief Electoral Officer or his substitute stands as a candidate at any election or occupies any official position on the Board, he shall not act as Returning Officer and the Minister shall appoint some other person as the Returning Officer for the election.

(3) The Returning Officer may appoint such officers as he deems necessary to assist in the conduct of an election.

Voters.

30. (1) Each employee who is, seven days before the nomination day fixed in relation to an election, a contributor to the Superannuation Fund is qualified to vote at the election and the Secretary of the Board shall furnish the Returning Officer with a list, certified by the Secretary of the Board, of the contributors arranged in order of departments, subdepartments or other sections in which they are registered as contributors of the Fund.

(2) The election shall not be invalidated by reason merely that ballot-papers have been irregularly forwarded to persons who are not qualified to vote, or have not been sent to persons who are qualified to vote, unless in the opinion of the Minister the irregularity or omission has affected the result of the election.

Nominations.

31. (1) No person is eligible to be nominated as a candidate for appointment as a member of the Board unless he is a contributor to the Fund and is duly nominated in accordance with these regulations.

(2) A nomination may be in the Form No. S.B.92 in the First Appendix to these regulations but has no effect unless it—

- (a) contains the full name, occupation and department or branch in which the candidate is employed;
- (b) is signed by at least five contributors eligible to vote at the election for which the nomination is made;
- (c) is signed by the candidate consenting to act, if elected; and
- (d) is addressed to the Returning Officer, State Electoral Office, Perth, and is delivered or forwarded to him so as to reach him before twelve o'clock noon on the day fixed for the close of nominations.

Withdrawal of Nominations.

32. Any candidate may by written notice, bearing his personal signature and witnessed by a contributor, addressed to the Returning Officer and lodged with him not later than twelve o'clock noon on nomination day, withdraw his consent to his nomination and thereupon such candidate shall be considered as not having been nominated and the Returning Officer shall omit the name of that candidate from the ballot-papers.

Nomination Day and Election Day.

33. (1) (a) For the purpose of the election of a contributor to be appointed as a member of the Superannuation Board, the Minister shall fix a day to be the nomination day for such election, and shall cause notice thereof to be published in the *Government Gazette*.

(b) The day fixed as nomination day under paragraph (a) of this sub-regulation shall be a day not less than one month and not more than three months after the date of the publication of the notice in the *Government Gazette*.

(2) (a) For the purpose of every subsequent election of a contributor member of the Board, the Minister shall, not less than three months before the expiration of the term of office of a contributor member of the Board and not later than fourteen days after the occurrence of an extraordinary vacancy in the office of a contributor member of the Board, as the case may be, fix a day to be the last day upon which nominations of candidates for election to the office of contributor member of the Board will be received.

(b) The Minister shall cause notice of the vacancy and the day fixed as nomination day to be published in the *Government Gazette*, the *Weekly Notice* issued by the Western Australian Government Railways Commission, and the *Education Circular* issued under the authority of the Minister for Education.

(c) The day fixed as nomination day by the Minister under this sub-regulation shall be a day not less than one month and not more than three months after the day on which the notice is published in the *Government Gazette*.

(3) If no nomination is received at the close of nominations the Returning Officer by Notice in the *Government Gazette* may extend the time for the receipt of nominations for a period not exceeding fourteen days after the date of the nomination day published in the *Gazette*.

(4) The day upon which each election shall be held shall be not less than one month nor more than three months after the nomination day.

Proceedings After Nominations.

34. Where one candidate only is duly nominated that candidate shall be duly elected.

35. (1) Where more than one candidate is duly nominated the Returning Officer, as soon as possible after the close of nominations—

(a) shall cause the full names of the candidates, their occupations, the departments or branches in which they are employed, and the date and hour fixed for the close of the Poll to be published in the *Government Gazette*, the *Education Circular* and the *Weekly Notice* issued by the Western Australian Government Railways Commission;

(b) shall cause ballot papers and counterfoils to be printed in accordance with Forms S.B.93 and S.B.93A in the First Appendix to these regulations; and the ballot papers shall set out the full names of the candidates arranged in alphabetical order of their surnames, the occupation of each candidate and the department or branch in which he is employed;

(c) shall send by post or otherwise to each contributor whose name appears in the list of contributors furnished by the Secretary of the Board—

(i) one ballot paper initialled by the Returning Officer or some other person authorised in that behalf by the Returning Officer;

(ii) one counterfoil in the Form S.B.93A in the First Appendix to these regulations;

(iii) one ballot paper envelope; and

(iv) one envelope addressed to the Returning Officer.

(2) Each ballot paper, counterfoil, ballot paper envelope and addressed envelope shall be enclosed by the Returning Officer in a covering envelope, which shall be fastened, addressed, and forwarded to the contributor for whom it is intended.

36. If a voter makes and transmits to the Returning Officer a statement in writing, setting out his full name, his department and branch, and that he has not received his ballot-paper, or that the ballot-paper received by him has been destroyed and that he has not already voted, the Returning Officer may issue a new ballot-paper to that voter.

Method of Voting.

37. (1) A contributor shall record his vote on the ballot-paper issued to him in the manner following:—
- (a) where there are only two candidates the voter shall mark the ballot-paper by placing the numeral "1" opposite the name of the candidate for whom he votes;
 - (b) if there are more than two candidates the voter shall mark the ballot-paper by placing the numeral "1" opposite the name of the candidate for whom he votes as his first preference and shall give contingent votes for all the remaining candidates by placing the numerals "2", "3", and so on, opposite their names as the case requires, so as to indicate by such numerical sequence the order of his preference.
- (2) A contributor having marked his paper in accordance with sub-regulation (1) of this regulation shall then—
- (a) enclose the ballot-paper alone in the envelope marked "ballot-paper" and fasten the envelope;
 - (b) complete and sign the counterfoil; and
 - (c) return the ballot-paper envelope with the ballot-paper contained therein and the completed counterfoil to the Returning Officer by post or otherwise in the envelope addressed to the Returning Officer so as to be received by him not later than twelve o'clock noon on the day fixed for the close of the poll.

38. Each candidate at an election shall be entitled to appoint, in writing, one scrutineer who shall be present when the envelopes containing ballot-papers relating to the election are being opened at the commencement of the scrutiny and who may remain during the scrutiny.

The Scrutiny.

39. (1) The Returning Officer shall place and keep in a locked and sealed ballot-box all envelopes purporting to contain ballot-papers received by him up to the close of the poll.
- (2) An envelope containing a ballot-paper received after the close of the poll shall not be admitted to the scrutiny.
- (3) As soon as practicable after the close of the poll, the Returning Officer shall, in the presence of a scrutineer proceed to ascertain and declare the result of the poll.

Provisions of State Law to Operate.

40. Subject to these regulations, each election shall be conducted and the candidate to be elected ascertained in accordance with the provisions of the law for the time being regulating elections for the Legislative Assembly, as far as they can, with necessary adaptations, be made applicable.

Recounts.

41. (1) At any time before the gazettal of the results of the election as provided in regulation 44 of these regulations, the Returning Officer may, if he thinks fit, on the written request of any candidate setting forth the reasons for the request, or of his own motion, make a recount of the ballot-papers.
- (2) If the Returning Officer refuses a request of a candidate to make a recount of the ballot-papers, the candidate within the period specified in sub-regulation (1) of this regulation, may, in writing, appeal to the Minister to direct a recount and the Minister may, at his discretion, either direct a recount or refuse to direct a recount and where the Minister directs a recount the Returning Officer shall make a recount as soon as practicable after the Minister's direction to that effect is conveyed to him.

Disputes.

42. Any dispute arising out of the conduct of an election shall be referred to the Minister by the Returning Officer and the decision of the Minister in that regard shall be final and conclusive.

Cases of Equal Voting.

43. If on any count two or more candidates have an equal number of votes, the Returning Officer shall decide by lot which candidate shall be declared defeated, and the other candidate shall be declared elected.

Publication of Results and Appointment of Elected Candidate.

44. (1) The Returning Officer shall prepare a statement showing the result of each election and the name of the candidate elected, and promptly transmit the statement to the Minister, who shall cause the result to be notified in the *Government Gazette*.

(2) As soon as reasonably may be after the notification by him in the *Gazette*, the Minister shall cause the name of the elected candidate to be placed before the Governor in Council in order that the candidate may, in accordance with section 9 of the Act, be appointed by the Governor as a member of the Superannuation Board.

Disposal of Ballot-Papers, etc.

45. (1) On completion of the scrutiny and count of votes the Returning Officer shall enclose in one packet all used ballot-papers, in another packet all counterfoils, and in a third packet all rejected votes; seal up the several packets, endorse on each packet a description and number of the contents and the date of the poll and sign the endorsements.

(2) The Returning Officer shall preserve and hold in custody the sealed packages referred to in subregulation (1) of this regulation together with all other documents used at or in connection with the election until that election may no longer be questioned, when the sealed packages and documents shall be destroyed.

Part VII.—Appeals.

Lodgment of Appeals.

46. (1) Any person aggrieved by any decision of the Board and desirous of appealing from that decision under the provisions of section 85 of the Act, shall lodge notice of appeal in the Form S.B.94 in the First Appendix to these regulations, together with a statement of the grounds of the appeal, with the Registrar of the Supreme Court, and serve a copy of the notice, and of the statement of the grounds of the appeal, on the Board, at its office, within fourteen days after the appellant has been informed of the decision against which he desires to appeal.

(2) On proof by affidavit to the satisfaction of the Registrar with whom notice of appeal has been lodged that a copy of the notice and of the statement of the grounds of the appeal have been duly served on the Board, he shall cause to be served on the appellant and the Board notice in the Form S.B.95 in the First Appendix to these regulations of the date and time of the hearing of the appeal, which date shall not be less than fourteen clear days from the service of the notice.

Hearing of Appeals.

47. (1) At the hearing of the appeal the parties may appear, either personally or by counsel or solicitor, or by their representatives.

(2) When either party neglects to appear on the date and time fixed for hearing the appeal, the judge may—

- (a) dismiss the appeal; or
- (b) hear and determine the appeal; or
- (c) adjourn the hearing of the appeal to another date.

(3) (a) On the hearing and determination of the appeal, the judge may make such order as to costs to be paid by either party to the appeal to the other party as he may think fit.

(b) An order for payment of costs made under this subregulation shall be deemed to be an order of the Supreme Court and may be enforced accordingly.

(4) On the hearing of the appeal the appellant shall open his case but he shall not raise a ground of appeal which does not appear in the statement served with his notice of appeal, and the appeal shall proceed as nearly as may be according to the procedure and rules of evidence relating to a trial of a proceeding in the Supreme Court and such of the rules and practice in that Court as are appropriate shall apply to appeals heard pursuant to these regulations.

Part VIII.—General Penalty.

48. Any person who, in contravention of these regulations, does any act, matter or thing which by these regulations he is forbidden to do or fails, refuses or neglects to do any act, matter or thing which by these regulations he is required to do, is guilty of an offence against these regulations, and where no penalty is particularly prescribed under these regulations for that offence the person guilty of the offence is liable to a penalty not exceeding five pounds for each offence.

First Appendix.

Forms.

Form S.B. 5.

Western Australia.

Superannuation and Family Benefits Act, 1938-1958.

APPLICATION FOR (I) PARTIAL OR COMPLETE WITHDRAWAL FROM THE RAILWAYS AND TRAMWAYS ENDOWMENT FUND UNDER SECTION 33 (3) AND (4) ON ELECTING TO CONTRIBUTE TO THE SUPERANNUATION FUND AND/OR (II) TRANSFER OF PART OR WHOLE OF RIGHTS IN THAT FUND TO THE SUPERANNUATION BOARD UNDER SECTION 33.

This Form should be attached to the Form of Election to Contribute to the Superannuation Fund.

Date received by Department.....
Date received by Board.....
Contributor's No.....
Departmental No.....

If a Member of the Endowment Fund elects to contribute to the Superannuation Fund, without affecting his membership of the Endowment Fund, he does not require this form; but should fill in only the Form of Election to contribute for Superannuation.

Name in Full (surname first in block letters).....
Branch..... Date of Birth..... Age (next birthday).....
Designation..... Location.....

Part I.

This Part should be used if the Member elects to withdraw from the Endowment Fund or reduce his contribution to that Fund.

1. I now contribute to the Railways and Tramways Endowment Fund, to the extent of *.....units.

* The Endowment Fund Contribution is 4s. per unit per fortnight.

2. Having elected to become a contributor under the Superannuation and Family Benefits Act, 1938-1958, I elect to vary my membership of the Endowment Fund as under:-

- (a) To reduce the number of units from.....to.....
(b) To cease to contribute.

Delete (a) or (b).

3. I authorise payment to the Superannuation Board of the amount determined as a reasonable surrender value for the contributions made by me, the said amount to be applied:-

- (A) In satisfaction of the contributions from time to time payable under the Act until the amount has been fully applied.
(B) In payment forthwith by one lump sum (provided the amount is sufficient) to redeem all future contributions in respect of the number of units of pension stated by the Government Actuary in his certificate.
(C) In payment forthwith by one lump sum when the amount can be applied only as to a part thereof for the purpose of paragraph (B), and thereafter the balance to be applied for the purpose of paragraph (A).

If the amount is to be applied to the payment of contributions for Superannuation, delete either (A) or (B) and delete paragraph 4. If (B) is deleted, (C) will not operate. If the amount is to be paid now to the contributor, delete (A), (B) and (C) in paragraph 3.

4. Instead of applying the surrender value for the purpose of contributions for Superannuation, I request that the amount be now paid to me.

Part II.

This Part should be used when a Member wishes to retain (partially or completely) his existing membership of the Endowment Fund; but desires the Superannuation Board to pay future Endowment Fund contributions.

In terms of section 83 of the Act, I desire to transfer or assign to the Board my rights as a contributor to the Railways and Tramways Endowment Fund to the extent shown hereunder, and I request the Board to continue the payment of contributions to that Fund on my behalf for—

- (a) the whole of my rights, viz.,.....units.
 - (b) part of my rights to the extent of.....units.
- Delete (a) or (b).

Signature of Applicant..... Date.....
 Signature of Nominee..... Date.....
 (See section 78 (3) on back hereof.)

For Office Use.

Date joined Endowment Fund..... Membership No.....
 Period in years.....
 Amount contributed to that Fund for.....units £ : :
 Less amount for.....units to be retained £ : :
 £ : :
 Surrender value of.....units of contributions to that Fund, as certified by the Government Actuary—£ : :
 Period to be covered by contributions as per (A) from....., to for.....units.
 Lump sum as per (B) or (C) as certified by the Government Actuary to redeem future contributions for.....units—£ : :
 Balance (if any) after the amount as per (B) or (C) is applied—£ : :
 Date of payment (instead of credit) to contributor of surrender value.....
 No. of Units to be transferred to Board..... Date transfer recorded.....

[Back of Form S.B. 5.]

Superannuation and Family Benefits Act, 1938-1958.
 Section 33 (3).

33. (3) Where an employee who elects to become a contributor under this Act is employed in the Government Railways and Tramways Department and is liable to contribute to the Railway Death Benefit and Endowment Fund, such employee may, notwithstanding anything to the contrary contained in the Government Railways Act, 1904, as amended, or in any regulation or by-law made under that Act, elect at any time after he has become a contributor under this Act to cease to contribute to the Railway Death Benefit and Endowment Fund by a notice in writing signed by him and served upon the authority charged with the administration of or having the management and control of such lastmentioned Fund; and where such an election is made the following provisions shall apply:—

- (a) As from the receipt of the notice of election by the authority required to be served with such notice the employee shall no longer be liable to contribute to the Railway Death Benefit and Endowment Fund; and
- (b) The employee shall be entitled to be paid out of the said Fund and the authority aforesaid shall be and is hereby authorised to pay and shall pay out of the said Fund to the employee in respect of the contributions then previously made by him to the said Fund such amount as upon an actuarial determination by the Government Actuary is a reasonable surrender value for such contributions; or

(c) At the option of the employee, the amount to which he is entitled as mentioned in paragraph (b) hereof shall, instead of being paid to the employee, be paid to the Board and, when paid to the Board, shall be held to the credit of the employee as such contributor under this Act, and be applied at the option of the employee for either of the following purposes, that is to say:—

(a) in satisfaction of the contributions from time to time payable by the contributor under this Act until such time as the said amount has been fully applied in such manner; or

(b) subject to the regulations and provided the said amount is sufficient, in payment forthwith by one lump sum of such sum as may be certified by the State Government Actuary to be required to redeem forthwith all future contributions which would be payable fortnightly under this Act by the contributor in respect of the number of units of pension stated by the State Government Actuary in his said Certificate:

Provided that—

- (i) where the amount held by the Board as aforesaid can be applied only as to a part thereof for the purpose mentioned in subparagraph (b) of this paragraph, the said amount shall, at the option of the employee, be applied as to such part for the purpose mentioned in subparagraph (b) aforesaid, and thereafter the balance of such amount shall be applied for the purpose mentioned in subparagraph (a) of this paragraph; and
- (ii) where payment in full for one or more units of pension has been made in accordance with the provisions of subparagraph (b) aforesaid, the number of units of pension in respect of which the contributor shall be liable under this Act to contribute by fortnightly payments shall be the number of units of pension appropriate to his rate of salary from time to time less the number of units of pension paid for in full as aforesaid; and
- (iii) if any balance of the amount held by the Board as aforesaid remains not applied for any of the purposes aforesaid when the employee for any reason ceases to be a contributor of fortnightly payments of contributions under this Act, such balance shall be paid by the Board to the employee or to his legal representative as the case may require.

Section 83 (1), (2), (3).

83. (1) Where a contributor under this Act is at the time when he becomes a contributor liable to contribute to the Railway Death Benefit and Endowment Fund, and, as provided for in section thirty-three of this Act, he continues, after he has become a contributor under this Act, to contribute to the Railway Death Benefit and Endowment Fund, such contributor under this Act may, at any time with the consent of the Board, and notwithstanding any law, regulation or by-law regulating or affecting the Railway Death Benefit and Endowment Fund to the contrary, transfer or assign his rights (if any) as a contributor to the Railway Death Benefit and Endowment Fund to the Board and request the Board to continue payment of contributions to such Fund for and on behalf of the contributor.

(2) Where a transfer or assignment is made under subsection (1) of this section the Board shall duly pay the contributions necessary to protect and preserve the rights transferred or assigned, and upon such rights maturing or accruing shall pay to the contributor or to his legal representatives to be administered as part of his estate, any sums received by the Board in satisfaction of the rights transferred or assigned, less the amount of the contributions paid by the Board with compound interest thereon at the rate of four pounds per centum per annum from the respective dates of payment.

(3) This section shall not apply where the contributor has, in accordance with the regulations or by-laws relating to the said Railway Death Benefit and Endowment Fund, nominated some person or persons other than himself to receive from such Fund the benefits attributable to the contributions paid by the contributor to such Fund unless and until such person or persons join with the contributor in the transfer or assignment to the Board of the rights referred to in subsections (1) and (2) of this section.

Form S.B. 6.

Western Australia.

Superannuation and Family Benefits Act, 1938-1958.

APPLICATION TO THE SUPERANNUATION BOARD TO ACCEPT TRANSFER OF ASSURANCE POLICY OR POLICIES AND TO CONTINUE PAYMENT OF PREMIUMS.

This Form should be attached to the Form of Election to contribute to the Superannuation Fund.

Date received by Department.....
 Date received by Board.....
 Contributor's No.....
 Departmental No.....

Name in full (surname first, in block letters).....
 Department or Branch.....
 Designation or Rank..... Location.....
 Date of Birth..... Age next birthday.....
 In accordance with the provisions of section 82 of the Act, I desire to transfer to the Board the undermentioned.....unencumbered policies which were in force on 1st March, 1939:—

Company	Policy No.	Amount Assured £	Premium			
			Amount £ s. d.	Per	Due Date	Paid to
1.....						
2.....						
3.....						
4.....						

And I request the Board to continue the payment of the premiums.

Date..... Signature.....

For Office Use.

Policies held under Public Service Act? Yes/No. Authority advised.....
 No. of Policies..... Total Assurance £..... Class: Life/Endowment/
 Dates transfer approved..... Signed..... Completed.....

Date each Policy taken out	Age at which Policy taken out	Date of Maturity	Term of Years	Age at Maturity	Accrued Bonuses to date			Estimated Value at Maturity £
					£	s.	d.	
1.....								
2.....								
3.....								
4.....								
Total								

Amount of premiums paid by Board £ : :
 Amount of interest at 4 per cent. per annum £ : :
 £ : :

Date of payment to the Board.....
 Date of re-transfer to Assured.....
 Signature for return of Policy or Policies.....
 Date.....

[Back of Form S.B. 6.]
Superannuation and Family Benefits Act, 1938-1958.

Section 82 (1), (2) (3).

82. (1) Any employee, who is a contributor under this Act and whose life is assured at the commencement of this Act may, with the consent of the Board, transfer the policy (if unencumbered) to the Board or to a person approved by the Board and request the Board to continue the payment of the premiums under the policy.

(2) Where a transfer is made under subsection (1) of this section the Board shall duly pay the premiums, and, on the maturity of the policy, shall pay to the employee or to his legal representatives to be administered as part of his estate any sums received on the policy, less the amount of the premiums paid by the Board with compound interest thereon at the rate of four pounds per centum per annum from the respective dates of payment.

(3) Where an employee has transferred his policy in pursuance of subsection (1) of this section, and thereafter he desires that his policy be retransferred to him before maturity, or resigns or retires from the Service, the Board may, on receipt of a request for retransfer or upon his resignation or retirement, retransfer the policy to the employee upon payment to the Board of the amount of premiums paid by the Board with compound interest thereon at the rate of four pounds per centum per annum from the respective dates of payment.

Western Australia. Form S.B. 7.
Superannuation and Family Benefits Act, 1938-1958.

APPLICATION FOR RETURN OF ASSURANCE POLICY UPON EMPLOYEE
BECOMING A CONTRIBUTOR FOR SUPERANNUATION.

This Form should be attached to the Form of Election to contribute to the Superannuation Fund.

Date received by Department.....
Date received by Board.....
Departmental No.....
P.S.C. No.....

Name in full (surname first, in block letters).....
Department or Branch.....
Designation or Rank..... Location.....

Having elected to contribute for Superannuation under section 31 (2) of the Act, I request that—

- (1) The policy/policies described hereunder, now held on my behalf under the Public Service Regulations, be placed at my disposal, in accordance with section 81 of the Act.
- (2) The deductions now being made from my salary in respect of premiums be continued/discontinued.

Company	Policy No.	Amount Assured £
.....
.....
.....
.....

Date..... Signature.....

The Public Service Commissioner.

The applicant became a contributor (No.....) under the Act as from.....for.....units of pension. The policy/policies specified may therefore be released.

Date..... Secretary, Superannuation Board.

Signature for return of policy or policies.....

Date.....

Form S.B. 8.

Western Australia.
Superannuation and Family Benefits Act, 1938-1958.

APPLICATION FOR WITHDRAWAL OF CREDIT BALANCE IN THE LIFE
ASSURANCE FUND AT THE TREASURY UPON EMPLOYEE BECOMING
A CONTRIBUTOR FOR SUPERANNUATION.

This Form should be
attached to the Form
of Election to Con-
tribute to the Super-
annuation Fund.

Date received by Department.....
Date received by Board.....
Departmental No.....
Treasury No.....

Name in full (surname first, in block letters).....
Department or Branch.....
Designation or Rank..... Location.....

Having elected to contribute for Superannuation under section 31 (2) of
the Act, I request that further deductions from my salary be not made for
life assurance under the Public Service Regulations, and that the amount held
on my behalf and standing to my credit in the Life Assurance Fund at the
Treasury be withdrawn and dealt with as under:—

- (a) To be paid to me.
 - (b) To be paid to the Superannuation Board to meet contributions
payable from time to time until the amount is exhausted.
- Delete (a) or (b).

Date.....
Signature.....

The Public Service Commissioner.

The applicant became a contributor (No.....) under the Act as
from.....for.....units of pension.

Date.....
Secretary, Superannuation Board.

The Under Treasurer.

Please arrange for the amount involved to be paid as per (a)/(b) to the
Contributor/Board.

Date.....
Public Service Commissioner.

The Chairman, Superannuation Board.

The amount in question (£.....) was paid on.....
to the contributor/credit of the Superannuation Fund—Credit No.....

Date.....
Under Treasurer.

Form S.B. 92.

Western Australia.
Superannuation and Family Benefits Act. 1938-1958.

NOMINATION OF A CANDIDATE FOR ELECTION AND APPOINTMENT
AS A MEMBER OF THE SUPERANNUATION BOARD.

To the Returning Officer:

We, the undersigned contributors to the Superannuation Fund, and entitled to vote at the present election of a candidate for appointment as a member of the Superannuation Board, do hereby nominate *.....
..... Occupation..... Department or
Branch..... as a candidate for such election and appointment.

Dated at.....this..... day of19.....

Signature of Nominator	Occupation	Department	Branch

(The signatures and other specified particulars of not less than five contributors must be inserted.)

I, *....., the person nominated, hereby consent to the above nomination, and to act if elected and appointed.

Signature.....

Contributor's No.....

* Insert full name, with surname in block letters.

Form S.B. 93

Western Australia.
Superannuation and Family Benefits Act, 1938-1958.

BALLOT PAPER.

Election of a Candidate for Appointment as a Member of the Superannuation Board.

Date of Close of Poll.....

.....
Authorised Officer's Initials.

Full Names of Candidates (in alphabetical order of surnames; occupations; departments or branches).

.....
.....
.....
.....

DIRECTIONS FOR VOTING.

(1) When there are only two candidates the voter shall mark the ballot paper by placing the numeral "1" opposite the name of the candidate for whom he votes. Where there are more than two candidates the voter shall mark the ballot paper by placing the numeral "1" opposite the name of the candidate for whom he votes as his first preference and shall give contingent votes for all the remaining candidates by placing the numerals "2," "3" and so on, opposite their names as the case requires, so as to indicate by such numerical sequence the order of his preference.

(2) The voter shall then—

- (a) enclose the ballot paper alone in the envelope marked "ballot paper" and fasten the envelope;
- (b) complete and sign the counterfoil;
- (c) return the ballot paper envelope with the ballot paper contained therein and the completed counterfoil to the Returning Officer by post or otherwise in the envelope addressed to the Returning Officer so as to be received by him not later than 12 o'clock noon on the day fixed for the Poll.

Form S.B. 93A.

Western Australia.
Superannuation and Family Benefits Act, 1938-1958.

COUNTERFOIL.

Election of a Candidate for Appointment as a Member of the Superannuation Board.

Date of Close of the Poll.....

Full Name of Contributor.....

Occupation.....

Department or Branch in which employed.....

.....
Signature of Contributor.....

Form S.B. 94.

Western Australia.
Superannuation and Family Benefits Act, 1938-1958.

NOTICE OF APPEAL.

No.....
Before a Judge of the Supreme Court sitting in Chambers.
Between.....Appellant, and
The Superannuation Board, Respondent.

Contributor's No.....
Pension No.....

TAKE notice that I.....(full name)
of.....(address) in
Western Australia.....(designation)
.....(Department).....(Branch)
.....(Location) being aggrieved by the decision of the
abovenamed respondent delivered to me on the.....day of.....
19....., to wit (insert particulars of the decision appealed against).....

.....
intend, pursuant to subsection (1) of section 85 of the Superannuation and
Family Benefits Act, 1938-1958, to appeal against such decision to a Judge of
the Supreme Court sitting in Chambers at Perth.

The grounds of appeal upon which I rely are:.....
.....
.....

Dated at.....this.....day of.....19.....

.....
Signature of Appellant
(or his Solicitor or Agent).

To: The Registrar, Supreme Court,
and
The Superannuation Board, Perth.

Form S.B. 95.

Western Australia.
Superannuation and Family Benefits Act, 1938-1958.

NOTICE OF HEARING OF APPEAL.

No.....
Before.....
a Judge sitting in Chambers at Perth.

Between.....Appellant, and
the Superannuation Board, Respondent.

TAKE notice that this appeal will be heard by a Judge sitting in Chambers at
10.30 o'clock in the forenoon on.....day of.....19.....

Dated this.....day of.....19.....

.....
Registrar of the Supreme Court.
To:.....(name and address of appellant) and
To: The Superannuation Board, Perth, Respondent.

Western Australia.
Superannuation Regulations.
Second Appendix.

**LUMP-SUM CREDITS TO REDEEM FORTHWITH FUTURE FORTNIGHTLY
CONTRIBUTIONS UNDER SECTION 33 OF THE ACT AND
REGULATION No. 11.**

Part I.—For Pension at Age 65					PART II.—For Pension at Age 60				
Age next Birthday	Units at Concession (Age 30) Rate		Units at Actual Age Rate		Age next Birthday	Units at Concession (Age 30) Rate		Units at Actual Age Rate	
	1st Two	Four	1st Two	2nd Two		1st Two	Four	1st Two	2nd Two
	£	£	£	£		£	£	£	£
16	....	....	59	52	16	....	....	66	60
17	....	....	61	54	17	....	....	70	63
18	....	....	64	56	18	....	....	74	66
19	....	....	67	59	19	....	....	77	69
20	....	....	70	61	20	....	....	80	72
21	....	....	73	64	21	....	....	83	75
22	....	....	77	67	22	....	....	86	78
23	....	....	80	70	23	....	....	90	81
24	....	....	83	73	24	....	....	94	84
25	....	....	86	76	25	....	....	98	88
26	....	....	89	78	26	....	....	101	91
27	....	....	92	81	27	....	....	104	95
28	....	....	95	83	28	....	....	108	98
29	....	....	98	86	29	....	....	112	101
30	101	189	101	89	30	115	220	115	105
31	99	186	104	92	31	113	216	120	108
32	98	183	107	95	32	111	212	124	112
33	96	180	110	98	33	109	208	128	116
34	95	177	113	101	34	106	203	132	120
35	93	174	116	104	35	104	199	136	124
36	91	171	119	107	36	102	195	141	128
37	90	168	123	110	37	100	190	146	132
38	88	165	126	114	38	97	185	150	137
39	86	161	129	118	39	94	180	154	142
40	84	158	133	122	40	92	175	158	147
41	82	154	138	126	41	89	169	164	153
42	80	150	141	130	42	86	164	170	159
43	78	146	144	134	43	83	158	176	165
44	76	142	148	139	44	80	152	182	172
45	74	138	152	143	45	77	146	188	179
46	72	134	156	148	46	73	140	195	186
47	70	130	161	153	47	70	133	202	194
48	67	126	166	159	48	66	126	210	202
49	65	121	172	165	49	62	119	219	211
50	62	116	178	171	50	59	112	228	221
51	59	111	183	177	51	55	104	238	232
52	57	106	189	184	52	50	96	248	243
53	53	100	195	190	53	46	87	262	257
54	50	94	201	197	54	41	78	276	272
55	47	88	207	204	55	36	69	295	291
56	44	82	214	211	56	31	59	318	315
57	41	76	223	220	57	25	48	353	350
58	37	69	232	229	58	19	37	414	411
59	33	62	242	240	59	14	26	578	574
60	29	55	255	253	60	7	13	304	302
61	25	47	274	272					
62	21	39	301	299					
63	16	30	351	349					
64	11	21	489	487					
65	5	10	258	257					

1. The amounts for age 65 in Part I and age 60 in Part II are those payable for Pension to commence 12 months after the date upon which the lump-sum is credited to the Superannuation Fund.

2. The amounts for one, three or more than four units will be as determined by the Board.

3. The age 30 concession rates apply to the first four units in the cases only of employees who were over that age and in the Service on 1st March, 1939, and who elect to contribute accordingly.

4. For employees making lump-sum payments or credits under section 32(2) at the commencement of deductions under the Act, the age next birthday will be as on 1st July, 1939, and for contributors exercising the option later, the age next birthday will be as at the date of ceasing to contribute to the Endowment Fund mentioned in section 33(3) of the Act.

Approved by His Excellency the Governor in Executive Council, 4th June, 1959.

R. H. DOIG,
Clerk of the Council.