

SUPERANNUATION AND FAMILY BENEFITS.

10° Elizabeth II., No. L.

No. 50 of 1961.

AN ACT to amend the Superannuation and Family Benefits Act, 1938-1960.

[Assented to 23rd November, 1961.]

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, 1961.*

Short title
and citation.

(2) In this Act the Superannuation and Family Benefits Act, 1938-1960, is referred to as the principal Act.

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Reprinted
Acts
Approved for
reprint,
11th August,
1958, and
amended by
Acts Nos.
19 of 1958 and
61 of 1960.

(3) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1961.

S. 3
amended.

2. Section three of the principal Act is amended by substituting for the passage, "Division 6—ss. 83A-83B—The Provident Account" in lines thirty-two and thirty-three the following—

PART VA.—ss. 83A-83L—THE PROVIDENT FUND.

Division 1—ss. 83A-83AA—General.

Division 2—ss. 83AB-83B—Subscribers.

Division 3—ss. 83C-83L—Contributors.

S. 6
amended.

3. Section six of the principal Act is amended by substituting for the passage, "Part V" in line two of the interpretation "the Provident Account", the passage, "Part VA".

S. 59
amended.

4. Section fifty-nine of the principal Act is amended by substituting for the words, "attained that age" in the third-last and fourth-last lines of paragraph (a) the words, "ceased duty".

S. 60
amended.

5. Section sixty of the principal Act is amended by adding after subsection (2) the following subsection—

(2a) Where a contributor is entitled to a pension in respect of his employment by the State in the Government Department known as the London Agency, the provisions of subsection (2) of this section shall not apply to him so far as concerns that part of the pension which qualifies as equivalent pension benefits within the meaning of Part II of the National Insurance Act, 1959 (7 and 8 Eliz. 2, c. 47) of the United Kingdom.

Heading
substituted
for "Division
6.—The
Provident
Account".

6. The principal Act is amended by substituting for the heading, "Division 6.—The provident Account" immediately preceding section eighty-three A the following headings—

PART VA.—THE PROVIDENT ACCOUNT.

Division 1.—General.

7. Section eighty-three A of the principal Act is repealed and re-enacted as follows—

S. 83A
repealed and
re-enacted.

83A. There shall be a Provident Account which shall form part of the fund and into which shall be paid—

The
Provident
Account.

(a) all moneys paid to the fund by, or by authorisation of, any subscriber under Division 2 of this Part; and

(b) all contributions of employees and payments by the State under Division 3 of this Part.

8. The principal Act is amended by adding after section eighty-three A the following sections and heading—

Ss. 83AA,
83AB and
heading
added.

83AA. (1) Payments by the State into the Provident Account shall be made from the Consolidated Revenue Fund and that Fund is hereby permanently appropriated accordingly.

Payments by
State into
Provident
Account.

(2) Payments in respect of benefits under Division 3 of this Part shall be made from the Provident Account.

(3) Payments by the State into the Provident Account shall be made whenever and as often as benefits become payable to a contributor under the provisions of Division 3 of this Part.

(4) No payment whatever shall be required from or be payable by the State in respect of subscribers to the Provident Account under the provisions of Division 2 of this Part.

Division 2.—Subscribers.

83AB. (1) Subject to such conditions as are prescribed, any person (referred to in this Division as a "subscriber") employed in a department may authorise the deduction from his salary and payment to the fund, or may pay directly to the fund, any sum of money, subject to subsection (4) of this section, and may at any time increase the rate of his subscription.

Payments by
subscribers
into
Provident
Account

(2) The moneys referred to in subsection (1) of this section shall be credited to the subscriber and shall accumulate with interest at a rate per centum per annum compounded annually, which rate shall be fixed by the Board from time to time.

(3) A subscriber by whom or on whose behalf moneys are paid to the fund under this Division shall not be regarded as a contributor for the purposes of this Act, other than as a contributor under Division 3 of this Act, nor shall he be entitled to any benefits other than as specified in this Part in respect of moneys credited to the Provident Account.

(4) Subject to subsection (2) of section eighty-three B of this Act, amounts credited to the Provident Account under this Division shall be in multiples of one shilling per fortnight.

(5) Subject to subsection (4) of section eighty-three B of this Act, a subscriber, after giving written notice to the Board and provided he has made regular fortnightly subscriptions to the Provident Account for a period of not less than five years, may withdraw from the Provident Account the whole or portion of the moneys so subscribed and standing to his credit under this section.

(6) When a subscriber ceases to be employed in the Service, the amount of the moneys subscribed by him under this section standing to his credit in the Provident Account shall be paid to him or to his personal representatives, or failing them, to such persons, if any, as the Board may determine.

(7) The provisions of section forty-nine and the proviso to section fifty of this Act in regard to unpaid amounts shall not apply in respect of subscriptions to the Provident Account, except in the cases referred to in subsection (2) of section eighty-three B of this Act.

(9) Subject to this Act, a subscriber under this section may elect to become a contributor at any time, whereupon the provisions of section thirty-two of this Act shall apply, and where such an election is made, the employee shall have the option of contributing—

- (10) Nothing in this Division shall operate or be deemed to operate so as to preclude a subscriber from becoming or continuing to be a contributor under this Act.

S. 833
amended.

Where a female subscriber is not a contributor for a pension under this Act, subsection (5) of section eighty-three AB of this Act

Division 3
added.

10. The principal Act is amended by adding immediately after section eighty-three B the following Division—

Contributors
to the
Provident
Account.

Division 3.—Contributors.

83C. (1) All employees who are bound by the conditions of their service to make contributions to the Provident Account shall be contributors under this Division to the Provident Account.

(2) Where, after a person has become a contributor under this Division, he furnishes evidence to the satisfaction of the Board that his mental and physical health are such as to entitle or render him eligible to become a contributor under Part IV of this Act, the Board may upon application by that person permit him to contribute to the fund under that Part.

(3) A person who is permitted by the Board in pursuance of subsection (2) of this section to contribute to the fund under Part IV of this Act—

- (a) shall not, as from the date of the decision of the Board, make any further contributions under this Division to the Provident Account, and ceases to be entitled to any benefit (not being a refund of contributions) that would otherwise be payable from the Provident Account;
- (b) is entitled to a refund of the contributions made under this Division to the Provident Account, together with compound interest on those contributions at the rate per centum per annum fixed by the Board from time to time; and
- (c) shall contribute to the fund under Part IV of this Act as from the date of the decision of the Board or, if that date is not a pay-day, the next succeeding pay-day.

Payments
on death of
contributor
with
dependants.

83F. (1) On the death of a male contributor to the Provident Account under this Division before retirement, there shall be paid to his widow a sum equal to three times the amount which comprises the aggregate of his contributions to the Provident Account under this Division together with compound interest on those contributions at the rate per centum per annum fixed by the Board from time to time.

(2) Where the male contributor referred to in subsection (1) of this section is not survived by a widow but is survived by a child or children under the age of sixteen years, the sums payable under this section shall be paid to that child, or as the case may be, those children and in the latter case equally among them.

Payment
on death of
contributor
without
dependants.

83G. Where a contributor to the Provident Account under this Division who is—

- (a) an unmarried male (including such a person whose marriage has been dissolved or annulled but not including a widower with children under the age of sixteen years);
- (b) a widower without children under the age of sixteen years; or
- (c) a female,

dies before retirement, there shall be paid to the personal representatives of that contributor, or failing them to such persons (if any) as the Board determines, an amount equal to the amount of the contributions paid by that contributor into the Provident Account under this Division together with compound interest on those contributions at the rate per centum per annum fixed by the Board from time to time.

83H. Where a contributor to the Provident Account under this Division resigns or is discharged or is dismissed, there shall be paid to him an amount equal to the amount of the contributions paid by him to the Provident Account under this Division together with compound interest thereon at the rate per centum per annum fixed by the Board from time to time.

Payment on
resignation,
etc.

83I. The compulsory termination of the service of a contributor to the Provident Account under this Division for the reason that his service or position is not necessary, or for the reason that the work for which he was engaged is finished, or for the reason that the quantity of work has diminished and has rendered necessary a reduction in the number of employees—

Retrench-
ment and
discharge.

(a) shall be deemed to be retrenchment if the contributor has been in the Service for not less than ten years; and

(b) shall, in any other case, be deemed to be discharge.

83J. Where in the opinion of the Board any payment under this Part should be made to a person other than the person specified, the Board may, subject to this Act, authorise payment to that other person accordingly.

Payment to
other
person.

83K. In respect of each payment made in pursuance of this Division to a contributor to the Provident Account under this Division or to his widow or children in accordance with the provisions of subsection (1) of section eighty-three E, or subsection (1) of section eighty-three F, of this Act, the State shall pay to the Provident Account an amount equal to two-thirds of that payment.

Payments
by State.

Contributor
under this
Division
not entitled
to other
benefits.

83L. A contributor to the Provident Account under this Division shall not be entitled to any payment or benefit under this Act, other than as provided in this Part, in respect of moneys credited to the Provident Account.