

[Approved for reprint 1st October, 1976.]

WESTERN AUSTRALIA.

SUPERANNUATION AND FAMILY BENEFITS.

2° and 3° Geo. VI., No. XXXIV.

No. 34 of 1938.¹

(Affected by Acts No. 78 of 1953 and No. 71 of 1956.)

[As amended by Acts

No. 43 of 1939² assented to 20/12/39; No. 55 of 1945³ assented to 30/1/46;
No. 65 of 1947⁴ assented to 10/1/48; No. 39 of 1950⁵ assented to 18/12/50;
No. 25 of 1951 assented to 12/12/51; No. 36 of 1955⁶ assented to 28/11/55;
No. 55 of 1957⁷ assented to 6/12/57; No. 19 of 1958 assented to 22/10/58;
No. 61 of 1960⁸ assented to 2/12/60; No. 50 of 1961 assented to 23/11/61;
No. 19 of 1962 assented to 1/10/62; No. 65 of 1962⁹ assented to 30/11/62;
No. 43 of 1963 assented to 3/12/63; No. 21 of 1964 assented to 15/10/64;
No. 101 of 1964 assented to 23/12/64; No. 106 of 1965¹⁰ assented to 17/12/65;
No. 78 of 1967¹¹ assented to 11/12/67; No. 13 of 1968 assented to 8/10/68;
No. 27 of 1969¹² assented to 16/5/69; No. 22 of 1970¹³ assented to 8/5/70;
No. 108 of 1970¹⁴ assented to 8/12/70; No. 16 of 1973¹⁵ assented to 30/5/73;
No. 75 of 1973¹⁶ assented to 17/12/73; No. 47 of 1974¹⁷ assented to 26/11/74;
No. 4 of 1975 assented to 9/5/75;

and reprinted pursuant to the Amendments Incorporation Act,
1938.]

AN ACT to provide Superannuation Benefits for persons permanently employed by or under the Government of the State and to make provision for the families of those persons and for incidental and other purposes.

Long title.
Amended by
No. 13 of
1968, s. 2.

[Assented to 31st January, 1939.]

BE it enacted—

1. This Act may be cited as the *Superannuation and Family Benefits Act, 1938-1975*.

Short title.
Amended by
No. 4 of
1975, s. 1.

¹ Came into operation on 1st March, 1939. (See *Gazette* 24/2/39, p. 319.)

² Deemed to have been in operation as from 1st March, 1939. (See No. 43 of 1939, s. 2.)

³ (i) Amendments effected by sections 2 (1) (b), 8 (1) and 13 (1) deemed to have had effect as from 20/12/39. (See respective sections of No. 55 of 1945);

(ii) Sections 3 (1), 9 (1), 10 (1), 11 (1), 14 (1) and 16 (1) came into operation on 1/3/46. (See *Gazette* 22/2/46, p. 179.)

⁴ Came into operation on 31/1/48. (See *Gazette* 30/1/48, p. 207.)

⁵ Came into operation on 13/1/51. (See *Gazette* 12/1/51, p. 41.)

⁶ Came into operation on 9/12/55. (See *Gazette* 9/12/55, p. 2961.)

⁷ Came into operation on 1/1/58. (See No. 55 of 1957, s. 1 (2).)

⁸ Came into operation on 1/1/61. (See No. 61 of 1960, s. 2.)

⁹ Came into operation on 29/12/62. (See 65 of 1962, s. 2.)

¹⁰ Came into operation on 14/2/66. (See 106 of 1965, s. 2.)

¹¹ Came into operation 29/12/67. (See *Gazette* 29/12/67, p. 3607.)

¹² Section 8 deemed to have operated from 28/12/67. (See 27 of 1969, s. 2.)

¹³ Deemed to have operated from 1/1/70. (See 22 of 1970, s. 2.)

¹⁴ Came into operation on 1/1/71, except s. 14 which was deemed to operate from 1/1/70. (See 108 of 1970, s. 2.)

¹⁵ Came into operation on 1/7/73. (See 16 of 1973, s. 2.)

¹⁶ Sections 7 and 11 operated from 1/1/74; sections 3, 10, 12, 13, 17, 18, 19, 20, 23, 24, 26 and paragraph (a) of section 14 operated from 11/1/74; balance on assent. (See 75 of 1973, s. 2.)

¹⁷ All sections except s. 5 came into operation on 18/4/75. (See *Gazette* 18/4/75, p. 1145); section 5 came into operation on 23/5/75. (See *Gazette* 23/5/75, p. 1393.)

In this reprint the numbering of Parts, sections, etc., as contained in the 1947 reprint is retained.

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Commence-
ment.
No. 34 of
1938, s. 1.

2. (1) This Act shall, except where otherwise provided, commence on a date to be fixed by proclamation.¹

(2) The date so fixed is, in this Act, referred to as "the commencement of this Act."

Act divided
into parts.
Amended by
No. 65 of
1947, s. 2;
No. 50 of
1961, s. 2;
No. 19 of
1962, s. 2.

3. This Act is divided into Parts as follows:—

PART I.—ss. 4-7—PRELIMINARY.

PART II.—ss. 8-23 — THE SUPERANNUATION BOARD.

PART III.—ss. 24-30 — THE SUPERANNUATION FUND.

PART IV.—ss. 31-51—CONTRIBUTIONS.

Division 1—ss. 31-36—Contributions by Employees.

Division 2—ss. 37-39—Scale of Units.

Division 3—ss. 40-42—Scale of Contributions by Employees.

Division 3A—s. 42A—Reserve Units of Pension.

Division 4—ss. 43-46C—Contributions by the State.

Division 5—ss. 47-51—General Provisions as to Contributions.

PART V.—ss. 52-83—PENSIONS AND BENEFITS.

Division 1—ss. 52-56—Retirement on Pension.

Division 2—ss. 57-77—Grant of Pensions and Benefits.

Division 3—ss. 78-80C—Breakdown Pensioners.

Division 4—ss. 81-82—Existing Assurance Policies.

¹ Came into operation on 1st March, 1939. (See Gazette 24/2/39, p. 319.)

Division 5—s. 83—Provisions relating to the Government Railways and Tramways Employees' Death Benefit and Endowment Fund.

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

Division 1—ss. 83A-83AA—General.

Division 2—ss. 83AB-83B—Subscribers.

Division 3—ss. 83C-83L—Contributors.

PART VI.—ss. 84-89—MISCELLANEOUS.

First Schedule—Rates of Contribution to be paid by male employees based on a retiring age of 65.

Second Schedule—Rates of Contribution to be paid by female employees based on a retiring age of 65.

Third Schedule—Rates of Contributions to be paid by male employees based on a retiring age of 60.

Fourth Schedule—Rates of Contributions to be paid by female employees based on a retiring age of 60.

PART I.—PRELIMINARY.

4. This Act shall be construed subject to the Commonwealth of Australia Constitution Act, to the National Health and Pensions Insurance Act, 1938, of the Commonwealth and to any Acts of the Parliament of the Commonwealth with which this Act is or shall be or may be deemed to be inconsistent, and so as not to exceed the legislative power of the Parliament of the State, to the intent that any portion of this Act which may be held to be in excess of that power or which may be held to be inconsistent with any Acts aforesaid shall, to the extent to which it is so in excess or so inconsistent, be deemed to be severable from the other portions of this Act and not to affect the validity or operation thereof.

Construc-
tion.

Saving provisions.

*5. This Act shall not (except insofar as it expressly or impliedly indicates a contrary intention) affect the provisions of the Superannuation Act, 1871 (35 Victoriae No. 7), in relation to employees employed at the commencement of this Act but no person who becomes an employee after the commencement of this Act shall be eligible for any benefit under the said Act notwithstanding anything to the contrary contained in the said Act.

Interpretation.

Amended by
No. 43 of
1939, s. 3;
No. 55 of
1945, s. 2;
No. 65 of
1947, s. 3;
No. 39 of
1950, s. 4;
No. 61 of
1960, s. 3 (3);
No. 50 of
1961, s. 3;
No. 43 of
1963, s. 2;
No. 101 of
1964, s. 2;
No. 75 of
1973, s. 3.

6. (1) In this Act, subject to the context—

“Actuary” means a Fellow or Associate of the Institute of Actuaries (London) or a Fellow or Associate of the Faculty of Actuaries (Edinburgh), or any other person of whose actuarial knowledge and experience the Governor approves;

“actuarial reserve portion of contributions” means the balance deemed to remain in the Fund to meet future risks after the estimated value of the risks carried by the Fund during the period of contributions has been assessed on an actuarial basis;

Validation.

* It is enacted by No. 55 of 1945, s. 20, as follows:—

20. (1) Insofar as any matter or thing has been done in pursuance of the provisions of the principal Act prior to the passing of this Act, which at the time of the doing thereof was not or may not have been authorised by the principal Act as then in force, but which if done after the relevant provisions of this Act shall have come into operation and taken effect, would be authorised by the principal Act as amended by this Act, the doing of such matter or thing shall be and is hereby confirmed and validated.

(2) Any adjustments and other arrangements in relation to any matter or thing, which by subsection (1) of this section is confirmed or validated, may be made or effected after the relevant provisions of this Act shall have come into operation and taken effect wherever necessary in order to give effect retrospectively to the provisions of the principal Act as amended by this Act.

Validation.

It is enacted by No. 65 of 1947, s. 25, as follows:—

25. (1) Insofar as any matter or thing has been done in purported pursuance of the provisions of the principal Act prior to the commencement of this, the Superannuation and Family Benefits Act Amendment Act, 1947, which at the time of the doing thereof was not or may not have been authorised by the principal Act as then in force, but which if done after the relevant provisions of this, the Superannuation and Family Benefits Act Amendment Act, 1947, shall have come into operation, would be authorised by the principal Act as amended by this, the Superannuation and Family Benefits Act Amendment Act, 1947, the doing of such matter or thing is confirmed and validated.

(2) Any adjustments and other arrangements in relation to any matter or thing, which by subsection (1) of this section is confirmed and validated, may be made or effected after the relevant provisions of this, the Superannuation and Family Benefits Act Amendment Act, 1947, shall have come into operation wherever necessary in order to give effect retrospectively to the provisions of the principal Act as amended by this, the Superannuation and Family Benefits Act Amendment Act, 1947.

“children” includes children adopted by a contributor or by a pensioner who has been a contributor and dependent on him at the time of his death;

“contributor” means an employee who is or has been contributing under this Act otherwise than as a qualified contributor;

“department” means any department under the administration of a Minister of the Crown in the Government of the State and includes the State Energy Commission of Western Australia, The Rural and Industries Bank of Western Australia, the Metropolitan Water Supply, Sewerage, and Drainage Board, every State trading concern, the Fremantle Port Authority Commissioners, every harbour board and every Crown instrumentality the employees whereof are remunerated with moneys (other than grants) appropriated by the Parliament of the State for the purpose of such Crown instrumentality.

The term “Department” shall, subject as hereinafter provided, also include the board of management of a public hospital financed either wholly or partly with moneys from the Hospital Fund established under the Hospital Fund Act, 1930-1937, every hospital board constituted under the Hospitals Act, 1927, and any other corporate body, being a Crown instrumentality established by or under any Act of the Parliament of the State, the inclusion of which board of management, hospital board or other corporate body aforesaid in the said term is recommended by the Minister and is approved by the Treasurer.

Provided that—

- (i) the Treasurer shall not approve of the inclusion in the term “Department” as aforesaid of any such

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board of management, hospital board or other corporate body aforesaid, unless and until such board of management, hospital board or other corporate body has entered into a proper written agreement with the Treasurer and has made arrangements satisfactory to the Treasurer whereby such board of management, hospital board or other corporate body is bound to pay and will pay to the Board on behalf of the State during the employment of its employees who become contributors under this Act and thereafter will continue to pay to the Board on behalf of the State so long as may be necessary progressively by way of fortnightly contributions commencing from the date or dates when its employees become contributors under the Act as aforesaid, and payable fortnightly on the days when the contributions by such employees are payable or otherwise on the days when in accordance with section forty-three and section forty-four of this Act payments of its share of the pensions are payable by the Government of the State as the case may be, such amounts in respect of each and every one of its employees who become contributors as aforesaid as are and will be, in the opinion of the Board, sufficient to meet and recoup to the Government of the State the amounts which in accordance with section forty-three and section forty-four of this Act the said Government will be liable to pay as its share of the pension or other benefits to which the employees of

such board of management, hospital board or other corporate body aforesaid and their dependants will be or are entitled by virtue of being or having been contributors under this Act; and

- (ii) as and when any board of management, hospital board or other corporate body aforesaid is approved by the Treasurer as a department for the purposes of this Act, notification of such approval shall be published in the *Government Gazette*;

“employee” means a person employed in a permanent capacity under the State in any department who is by the terms of his employment required to give his whole time to the duties of his employment, but does not include the Chief Justice or any Judge of the Supreme Court or the President or any member of the Court of Arbitration, and does not include a person who is a contributor to, or is in receipt of a pension on the ground of invalidity or physical or mental incapacity from, any Superannuation Fund to which contributions are made by the Crown other than the Crown in right of Western Australia.

For the purposes of this definition—

- (a) a person shall be deemed to be employed in a permanent capacity when he is regularly employed in the ordinary work of the department in which he is employed in circumstances which justify an expectation that, subject to good conduct and efficiency, his employment will be continuous and permanent;
- (b) a person shall not be deemed to be employed in a permanent capacity when he is employed casually or in connection with a particular work

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or undertaking, the completion of which will put an end to his employment;

“local authority” means a municipal council or a road board;

“Minister” means the Minister of the Crown from time to time charged with the administration of this Act;

“Police Benefit Fund” means the Police Benefit Fund as established and administered under the Police Benefit Fund Ordinance, 1866 30 Victoriae No. 10, and its amendments;¹

“qualified contributor” means an employee who elects to contribute to the Fund the special contribution in respect of a pension to his widow and children as provided for in subsections (2) and (4) of section thirty-four of this Act;

“Railway Death Benefit and Endowment Fund” means the Western Australian Government Railways and Tramways Employees’ Death Benefit and Endowment Fund as established and administered under the authority of section sixty-eight A of the Government Railways Act, 1904-1939;²

“salary” means salary or wages and includes the value of allowances such as allowances for rent, house allowed rent free, light, fuel, rations and fees allowed regularly, as emoluments of office, but does not include bonuses, overtime payments or allowances for forage, equipment, climatic disadvantages or travelling expenses;

“service” means service under or employment by or under the State in any department;

“student child” means a child who is not less than sixteen years of age but is less than twenty-five years of age and is receiving full-time education at a school, college or university;

¹ Amended by No. 11 of 1922, and repealed by Police Benefit Fund Abolition Act, 1939. (No. 40 of 1939.)

² Now Government Railways Act, 1904-1975.

“the Board” means the Superannuation Board constituted by this Act;

“the Fund” means the Superannuation Fund established by this Act;

“the Provident Account” means the Provident Account established under Part VA. of this Act;

“the maximum age for retirement” means the age of sixty-five years, or, in the case of a contributor, the age for whose retirement is fixed by law at an earlier age than sixty-five years, the age so fixed.

(2) References in this Act to the retirement of an employee upon his attaining the age of sixty-five years shall include the case of an employee whose retirement takes place on the day before he attains the age of sixty-five years.

(3) Where an employee has been or is appointed, whether before or after the commencement of this Act, for a term of years to a statutory office under the Government of the State he shall for the purposes of this Act be deemed, so long as he continues to be employed in the office (whether during or after the expiration of the term for which he was appointed) to continue to be an employee, and the cessation of his employment under the Government of the State (otherwise than by retrenchment, discharge, dismissal or resignation) shall, if he has completed an aggregate period of ten years' service under the State at the time of such cessation, be deemed to be retirement within the meaning of this Act, and, if it takes place at an earlier age than sixty-five years, be deemed to be, within the meaning of section sixty of this Act, the retirement of a contributor, the age for whose retirement is fixed by law at an earlier age than sixty-five years.

Provided that where an employee who is the holder of a statutory office became a contributor before the commencement of the Acts Amendment (Superannuation and Pensions) Act, 1960, the requirement of completion of an aggregate period

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of ten years' service under the State shall not apply in respect of that employee if the cessation of his employment (otherwise than by retrenchment, discharge, dismissal or resignation) occurs after he attains the age of sixty years.

(4) Notwithstanding anything contained in the last preceding subsection, if an employee who is the holder of a statutory office notifies in writing to the authority administering the Act under which he was appointed, that he does not desire re-appointment at the expiration of the term for which he was appointed the notice shall, unless—

- (a) he has attained the age of sixty years; or
- (b) he has attained the age for retirement fixed by law

be deemed to be resignation within the meaning of this Act.

Admission
to Fund of
certain
employees
of Civil
Service
Association.
Added by
No. 75 of
1973, s. 4.

6A. (1) In this section—

“the Association” means the body corporate under the name of The Civil Service Association of Western Australia;

“the existing Association scheme” means the scheme established by deed of trust made on the twenty-third day of June, nineteen hundred and sixty-six between the Association and certain other parties for the purpose of making provision for retiring pensions and benefits to present and future employees of the Association.

(2) Upon the execution by the Treasurer pursuant to the authority of this section of an agreement with the Association and subject to any term of the agreement—

- (a) any employee of the Association who is at the time of the execution of the agreement a contributor to the existing Association scheme shall become a contributor under this Act and shall be deemed—

- (i) to have become such a contributor on the day on which he became a

contributor to the existing Association scheme; and

(ii) to have contributed for units of pension under this Act at the same time as he respectively contributed for units of pension under the existing Association scheme; and

(b) any person who, after the execution of the agreement, becomes a full-time employee of the Association is eligible to become a contributor under this Act if he would be eligible at that time to become a contributor had he become an employee in a department on that date.

(3) For the purposes of any provision of this Act in which the length of service of a contributor is relevant for the purpose of ascertaining the benefits to be paid under this Act, any period of full-time service by an employee with the Association—

(a) for which the employee also was a contributor to the existing Association scheme; or

(b) for which the employee makes contributions under this Act,

shall be deemed to be service with the State.

(4) The Treasurer is hereby authorised on behalf of the State to execute an agreement with the Association and the Trustees of the existing Association scheme for the purposes of giving effect to the provisions of this section, but any such agreement shall contain, *inter alia*, provisions—

(a) requiring the Association or the Trustees to pay to the Fund the total of all contributions made by employees of the Association under the existing Association scheme and held by the Association or the Trustees on the date of execution of the agreement;

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- (b) requiring the Association or the Trustees to pay to the Treasurer the total amount of all contributions which were required to be provided to the Trustees by the Association to meet the Association's liability under the existing Association's scheme in respect of employees who are members of the existing Association scheme on the date of execution of the agreement;
- (c) requiring the Association to pay to the Board for transmission to the Treasurer each fortnight after the date of execution of the agreement a sum equal to two and one-half times the aggregate of its employees' contributions in respect of the first twenty units and five times the aggregate of its employees' contributions in respect of all other units.

Extension of
this Act to
employees of
local
authorities.
Added as
s. 6A by
No. 55 of
1945, s. 3.

7. Where by any law of this State provision is made in relation to permanent employees of local authorities for the adoption or establishment of a scheme of superannuation and family benefits on a voluntary and contributory basis to operate within the provisions of this Act, and any local authority and the permanent employees thereof acting in pursuance of the provision of such law elect to participate in such a scheme, then, notwithstanding anything to the contrary contained in this Act, and in order to give effect to the provisions of the law aforesaid, but subject as in this section hereafter provided, the provisions of this Act shall, so far as may be necessary, apply and, with such adaptations thereof as may be requisite, be made applicable to such employees and to such local authority as if the employees of the local authority were employees within the meaning of this Act employed in a department.

Provided that—

- (a) the extension of the provisions of this Act as in this section provided for shall not take effect in respect of any local authority or the employees of any local authority unless

and until the Governor shall by notice in the *Government Gazette* declare that in relation to the local authority named in such notice and to the employees of such local authority the provisions of this section shall operate and have effect; and

- (b) nothing in this section or elsewhere in this Act shall create or be construed as creating any liability on the part of the State to contribute towards the cost of a pension payable or paid under this Act by virtue of this section in respect of any employee of a local authority who in accordance with the provisions of any other law aforesaid and of this section becomes a contributor under this Act or to contribute towards the cost of administration in connection with the payment of such pension; and the State shall not incur any liability whatsoever in relation to such employee or such pension, or such cost.

PART II—THE SUPERANNUATION BOARD.

8. This Part of this Act shall commence on the day upon which this Act is assented to.

Commencement of this Part.
No. 34 of 1938, s. 7.

9. (1) For the purposes of this Act there shall be a Superannuation Board which shall consist of three members who shall be appointed by the Governor.

Constitution of Board.
No. 34 of 1938, s. 8.
Amended by No. 55 of 1945, s. 4.

(2) Of such three members, one shall be a contributor elected by contributors in the manner prescribed by regulations.

(3) The Governor shall appoint one of the members of the Board to be the Chairman of the Board.

(4) No person, after he has attained the age of sixty-five years, shall be eligible to be a member of the Board, or, being a member of the Board at the time he reaches the said age, to continue as such member thereafter.

Term of
Office.
No. 34 of
1938, s. 9.
Amended
by No. 55 of
1945, s. 5.

10. (1) Subject to subsection (4) of section nine of this Act, the members of the Board may be appointed for any period not exceeding seven years, and every member shall be eligible for re-appointment.

(2) If any officer of the Public Service within the meaning of the Public Service Act, 1904-1935,¹ is appointed a member of the Board his service as member shall, for the purpose of determining his existing and accruing rights, be counted as service in the Public Service as aforesaid.

(3) If any person, who has served in an established capacity in the permanent civil service of the State within the meaning of the Superannuation Act, 1871, so as to become qualified thereby for a superannuation allowance or other benefit under that Act, is appointed a member of the Board his service as member shall, for the purpose of determining the amount of his qualifying service within the meaning of the said Act, be counted as service in an established capacity in the permanent civil service of the State.

Extra-
ordinary
vacancies—
Appoint-
ments to fill.
No. 34 of
1938, s. 10.
Amended by
No. 55 of
1945, s. 6.

11. Where a member of the Board dies or otherwise vacates his office the Governor may appoint a person eligible to be a member of the Board to fill the vacancy:

Provided that—

- (i) such appointment shall be for the remainder of the term of the vacant office; and
- (ii) where the vacant office was held by a contributor elected by contributors, the person appointed to the vacant office shall be a contributor elected by contributors.

Temporary
appoint-
ments.
No. 34 of
1938, s. 11.
Amended by
No. 55 of
1945, s. 7.

12. In the case of the illness, suspension or absence of the Chairman or any member of the Board, the Governor may appoint any person eligible to be a member of the Board as a deputy to act for

¹ Now Public Service Act, 1904-1975.

the Chairman or member during his illness, suspension or absence, and every deputy so appointed shall, while so acting have all the powers of the Chairman or member as the case may be.

13. (1) A member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence.

Removal of
members of
Board.
No. 34 of
1938, s. 12.

(2) Upon the suspension of a member the Minister shall cause a full statement of the grounds of suspension to be laid before both Houses of the Parliament within seven days after the suspension if the Parliament is in session, and if the Parliament is not in session, then within seven days after the commencement of the next session.

(3) A member of the Board suspended under this section shall be restored to office unless each House of the Parliament within twenty-one days after the time when the statement was laid before it passes a resolution requesting the Governor to remove the member from office, and upon the passage of the resolution the member shall be removed by the Governor accordingly.

14. A member of the Board shall be deemed to have vacated his office if he—

Vacation
of office.
No. 34 of
1938, s. 13.

- (a) becomes bankrupt or insolvent or applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his salary or remuneration for their benefit;
- (b) being Chairman absents himself from duty for a period of fourteen consecutive days, or for twenty-eight days in any twelve months without leave first granted by the Governor, or, being a member other than the Chairman, absents himself without leave first granted by the Governor, from three consecutive meetings of which reasonable notice has been given to him;

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- (c) becomes permanently incapable of performing his duties;
- (d) resigns his office by writing under his hand addressed to the Governor; or
- (e) being a member elected by contributors ceases to be a contributor;
- (f) being a member attains the age of sixty-five years.

Chairman of
the Board.
No. 34 of
1938, s. 14.

15. The Chairman of the Board shall preside at its meetings and shall have a deliberative vote.

Remunera-
tion of
members of
the Board.
No. 34 of
1938, s. 15.

16. The Chairman and the other members of the Board shall be paid such remuneration respectively as the Governor shall from time to time determine.

Quorum.
No. 34 of
1938, s. 16.

17. Two members of the Board shall constitute a quorum for the purpose of transacting the business of any meeting of which notice has been given to all the members.

Where voting
equal.
No. 34 of
1938, s. 17.

18. (1) Where the voting on any question is equal, the question shall be postponed until the next meeting of the Board, and notice of the question and of the fact that the voting was equal shall be given in the notice calling the next meeting.

(2) If the voting at the next meeting is again equal, the question shall be postponed to a full meeting of the Board.

Incorporation
of
Board.
No. 34 of
1938, s. 18.

19. (1) The Board shall be a body corporate to be called The Superannuation Board, having perpetual succession and a common seal.

(2) The seal of the Board shall not be attached or affixed to any document except on resolution of the Board, and shall be authenticated by the signatures of two members of the Board.

20. The Board may by resolution under seal authorise the Chairman to determine such matters as are specified in the resolution and may at any time in like manner revoke such authority.

Delegation
of power to
Chairman.
No. 34 of
1938, s. 19.

21. The staff of the Board shall be appointed under and be subject to the provisions of the Public Service Act, 1904-1935,¹ and shall include a secretary.

Staff.
No. 34 of
1938, s. 20.

22. (1) The cost of the administration of this Act shall be paid out of moneys appropriated from time to time by the Parliament for the purpose.

Cost of
manage-
ment.
No. 34 of
1938, s. 21.

(2) The moneys received and paid under this section and the accounts in connection therewith shall be kept as part of the public accounts separately from the moneys and accounts of the fund.

23. The Board shall in each year submit to the Minister to be laid before both Houses of the Parliament a report dealing with the general administration and working of this Act.

Annual
report to
Parliament.
No. 34 of
1938, s. 22.

PART III.—THE SUPERANNUATION FUND.

24. (1) For the purposes of this Act there shall be a fund, to be called The Superannuation Fund, to be kept at the Treasury and to be administered by the Board, into which shall be paid the contributions of employees who become contributors or qualified contributors and payments by the State under this Act, and any "employer" payments made on behalf of the State for the purposes of this Act in pursuance of paragraph (i) of the proviso to the second paragraph of the definition of "department" in section six of this Act and from which shall be paid the benefits provided for in this Act.

Establish-
ment of the
Fund.
No. 34 of
1938, s. 23.
Amended
by No. 55
of 1945, s. 8.

(2) Income derived from the investment of the Fund shall form part thereof.

(3) The income of the Fund shall not be subject to taxation by the State.

¹ Now Public Service Act, 1904-1975.

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Investment
of the Fund
Substituted
for s. 24 of
No. 34 of
1938, by No.
43 of 1939,
s. 4.

Amended by
No. 21 of
1964, s. 2.
No. 13 of 1968,
s. 3; No. 47 of
1974, s. 3.

25. (1) The Fund may and shall, as far as practicable, but subject to subsection (2) of this section, be invested in investments of the following kinds, that is to say—

- (a) any investments which are from time to time authorised by any Act of the State for the investment of trust funds; and
- (aa) loans secured by mortgages of estates in fee simple; and
- (b) any debentures or other securities issued or given by any corporate body constituted or established by any law of the Commonwealth of Australia or of any State in the said Commonwealth which authorises the issue of such debentures or the giving of such other securities, and provides that the said debentures or other securities are guaranteed by the Government of the Commonwealth or of the State, as the case may be, under the laws whereof the said debentures are issued or the said other securities are given as aforesaid; and
- (c) the acquisition of any land and the construction on that land of a building or buildings for the purposes of providing office accommodation for the Board and its secretary and staff and such tenants as may be approved from time to time, or the acquisition of any land and buildings thereon for those purposes; and
- (d) the acquisition from the Government Employees' Housing Authority established under the Government Employees' Housing Act, 1964 of land upon which are erected houses as defined in that Act, upon such terms and conditions as the Board and that Authority, as they are hereby authorised to do, in writing agree upon.

(2) The Board shall not invest the Fund or any portion thereof in any investment of any kind whatever without the consent of the Treasurer being first obtained.

(3) Any such land as is acquired, from time to time, by the Board pursuant to paragraph (d) of subsection (1) of this section, may be leased or sold or otherwise disposed of by the Board to the Authority referred to in that paragraph, upon such terms and conditions as the Board and the Authority, as they are hereby authorised to do, in writing agree upon.

26. Moneys in the Fund held uninvested may be lodged at call with any bank approved by the Minister and while in any bank shall be held to be moneys of the Crown.

Moneys uninvested may be lodged in a bank.
No. 34 of 1938, s. 25.

27. Cheques drawn on the account in any bank referred to in section twenty-six of this Act shall be signed as prescribed by the regulations.

How cheques signed.
No. 34 of 1938, s. 26.

28. The accounts relating to the Fund shall be audited by the Auditor General.

Audit.
No. 34 of 1938, s. 27.

29. The Board may borrow for and the Treasurer may lend to the Fund moneys not exceeding two-thirds of the amount of and on the security of moneys of the Fund invested in securities of the Commonwealth and in securities of this State.

Borrowing.
No. 34 of 1938, s. 28.

30. (1) An investigation as to the state and sufficiency of the Fund shall be made at the expiration of each period of five years after the commencement of this Act.

Quinquennial investigation by actuary.
No. 34 of 1938, s. 29, amended by No. 65 of 1947, s. 4, No. 106 of 1965, s. 3.

(2) The investigation shall be made by the State Government Actuary or by an actuary appointed by the Board.

(3) For the purposes of the investigation, the rate of interest assumed to be earned by the assets of the Fund shall be not less than three and three-quarters per centum per annum.

(4) The State Government Actuary or the actuary, as the case may be, making the investigation shall report to the Board the result of his investigation, and shall state whether any reduction or increase is necessary in the rates of contributions

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payable to the Fund or in the proportion payable by the State in respect of any pension and, where the Fund is found to be more than sufficient to provide for the benefits which are a charge upon the Fund, he shall also state what additional benefits (if any) could, in his opinion, be provided out of the surplus.

Payment by
State to
Fund
in respect
of interest.

(5) Where in relation to any financial year the amount ascertained in accordance with the prescribed formula to be the amount earned by the Fund is less than the amount required to provide the rate specified in subsection (3) of this section, the State shall pay to the Fund an amount equal to the difference between those amounts.

(6) If any investigation made under this section discloses a surplus of assets over liabilities of the Fund, the amount of the surplus shall be set off against the amount or amounts otherwise payable by the State to the Fund under subsection (5) of this section.

(7) The remuneration paid to any actuary appointed by the Board in relation to any investigation made by him under this section shall be deemed to be part of the general expenses of the Board incurred in the administration of this Act.

PART IV.—CONTRIBUTIONS.

Division 1.—Contributions by Employees.

Contribution
to the Fund
not com-
pulsory.
No. 34 of
1938, s. 30.

31. (1) It shall not be compulsory for any employee, whether his employment commenced before or commences after the commencement of this Act, to become a contributor or a qualified contributor under this Act, and unless and until an employee elects in accordance with the provisions of this Act to become a contributor or a qualified contributor under this Act, this Act shall not apply to such employee.

(2) Any employee may, subject to this Act, elect to become a contributor under this Act, and when any employee does so elect then during such time thereafter as he continues to be an employee he

shall continue to be a contributor, and shall in all respects as such contributor be subject to and be bound by the provisions of this Act.

32. (1) Every employee employed at the commencement of this Act who wishes to become a contributor under this Act shall, within six months after the commencement of this Act and whilst he is still an employee, give notice of such election by a notice in writing in the prescribed form to the Board; and every employee whose employment commences after the commencement of this Act and who wishes to become a contributor under this Act, shall, within six months after the commencement of such employment and whilst he is still an employee, give notice of such election by a notice in the prescribed form to the Board.

Election to become a contributor. No. 34 of 1938, s. 31. Amended by No. 55 of 1945, s. 9; No. 61 of 1960, s. 3 (4).

Provided that—

- (a) the Board may extend for such period as it may think fit the time aforesaid for the giving of the notice aforesaid in the case of any employee when in the opinion of the Board such an extension of time is reasonable;
- (b) this section shall be read subject to section thirty-five of this Act.

(2) Notwithstanding the provisions of subsection (1) of this section but subject to subsections (3) and (4) of this section, any employee employed at the commencement of this subsection and any person who later becomes an employee, and who wishes to become a contributor under this Act, may at any time, provided he is still an employee, elect to become a contributor and become such a contributor by giving to the Board notice of such election in the prescribed form.

(3) Before making his election under subsection (2) of this section, the employee shall submit himself for medical examination as to his mental and physical health, and shall not be eligible or entitled to become a contributor unless and until

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he has on a date not earlier than one month prior to the date of lodgment of the notice of his election, submitted himself for the said medical examination and has been certified by a duly qualified medical practitioner to be free from mental and physical infirmity likely to affect seriously and prejudicially a reasonable expectation of life in such employee.

(4) The provisions of subsection (6) of section thirty-seven of this Act shall not apply to an employee who elects under subsection (2) of this section to become a contributor under this Act; and upon becoming such a contributor such employee shall contribute to the Fund at the rate appropriate to his age prescribed in the appropriate schedule to this Act.

(5) Notwithstanding the provisions of this section or any other provision of this Act, on and after the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1960, an employee shall not be entitled to become a contributor under this Act if he is of an age which will prevent him completing an aggregate period of ten years' service under the State before attaining the age for retirement for which he desires to contribute.

Contributions where employee formerly contributed to similar fund in the service of the Commonwealth and certain States.
Added by No. 39 of 1950, s.5.
Repealed and re-enacted by No. 75 of 1973, s.5.

32A. (1) In this section—

“former employee” means a person who immediately prior to his becoming an employee within the meaning of this Act, was a contributor to a similar fund for standard benefits which were not liable to be reduced for ill-health or other reason;

“former employment” means employment by the Commonwealth or any other State;

“similar fund” means a fund or account established under the law applying to the former employment and providing for superannuation or other like benefits for persons employed in the former employment similar to the purposes of the Fund established pursuant to this Act.

(2) Notwithstanding the provisions of section thirty-five of this Act, a former employee—

- (a) who has received or is entitled to receive payment of an amount which is in satisfaction of contributions made by him to a similar fund and which is in lieu of pension or like benefits;
- (b) who is appointed as an employee within the meaning of this Act;
- (c) who, within three months of that appointment, elects to contribute under the provisions of this Act to the Fund,

may, within that period, pay or cause to be paid, that amount into the Fund, and thereupon—

- (d) that amount shall be applied in the redemption forthwith of all further contributions which would otherwise be payable fortnightly in respect of the number of whole units for which that amount is, in the opinion of an Actuary, sufficient, and any surplus therefrom shall be refunded;
- (e) the former employee shall be entitled to pension and benefits pursuant to the provisions of this Act as if he had become a contributor to the Fund on the date of his initial contribution to the similar fund.

33. (1) [*Repealed by No. 65 of 1947, s. 5.*]

(2) Where an employee, who elects to become a contributor under this Act, is employed in the Police Department of the State and is liable to contribute to the Police Benefit Fund, such employee shall, as from the date when he becomes a contributor under this Act, cease to be liable or to be entitled or permitted to contribute further to the Police Benefit Fund; but such amount as shall be certified in writing by the Government Actuary to be equivalent

Provisions
in relation
to contri-
butors who
are also
contributors
to certain
statutory
funds.
No. 34 of
1938, s. 32.
Amended by
No. 65 of
1947, s. 5.

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to the share of the moneys in or the investments representing the moneys in the Police Benefit Fund to which on the date when the employee became a contributor under this Act such employee would have been entitled as a contributor to the Police Benefit Fund if on such date the Police Benefit Fund had been dissolved and the moneys therein distributed amongst all the then contributors to the Police Benefit Fund upon the basis and in the proportions which, in the opinion of the Government Actuary, would be fair and just, shall be paid forthwith out of the Police Benefit Fund by the authority controlling the same to the Board, and by the said Board to 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 paragraph (b) in this subsection, the said amount shall, at the option of the employee, be applied as to such part for the purpose mentioned in paragraph (b) aforesaid and thereafter the balance of such amount shall be applied for the purpose mentioned in paragraph (a) in this subsection; and

- (ii) where payment in full for one or more units of pensions has been made in accordance with the provisions of paragraph (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.

(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, 1904-1939,¹ 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

¹ Now Government Railways Act, 1904-1975.

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- (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.

(4) Nothing in subsection (3) of this section shall operate or be deemed to operate so as to preclude any employee to whom the said subsection applies continuing to contribute to the Railway Death Benefit and Endowment Fund after he has become, and while he continues to be, a contributor under this Act, if he so desires.

34. (1) Where an employee employed at the commencement of this Act is qualified by length of service for a superannuation allowance under the provisions of the Superannuation Act, 1871, and does not become a contributor under this Act this Act shall not operate so as to deprive him of any eligibility for superannuation allowance under the Superannuation Act, 1871.

Provisions relating to employees who are qualified for superannuation allowance under the Superannuation Act, 1871. No. 34 of 1938, s. 33. Amended by No. 43 of 1939, s. 5, and No. 65 of 1947, s. 6.

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(2) Where an employee employed at the commencement of this Act, is qualified by length of service for a superannuation allowance under the provisions of the Superannuation Act, 1871, such employee may elect to become either a contributor or a qualified contributor under this Act and section thirty-two of this Act shall, with such adaptations as are necessary, apply.

(3) Where an employee mentioned in subsection (2) of this section elects to become a contributor under this Act he shall be liable to contribute to the Fund under this Act as if he were contributing for the full benefits of a pensioner under this Act, and subject thereto the following provisions shall apply:—

- (a) If when such employee reaches the maximum age for retirement under this Act he is still a person to whom the Governor may lawfully grant a superannuation allowance under the Superannuation Act, 1871, such employee may, at his option, take any one of the following benefits, namely—
- (i) accept the pension benefits of a contribution under this Act, and relinquish all qualification or eligibility for a superannuation allowance under the Superannuation Act, 1871; or
 - (ii) accept a superannuation allowance under and in accordance with the provisions of the Superannuation Act, 1871, and a refund from the Board of the amount of the contributions made by him as a contributor in accordance with his obligation under this Act to make such contributions; or
 - (iii) accept from the Board a refund of a sum equal to the difference between the aggregate amount of the contributions made by him as a contributor as aforesaid and the amount determined actuarially to be necessary to pay in full the amount

of all the contributions which he would have been liable to make as a qualified contributor, if in the first instance he had elected to become a qualified contributor instead of electing to become a contributor.

- (b) When any employee aforesaid elects to take the benefit provided in subparagraph (iii) of paragraph (a) hereof—
 - (i) subject to the Superannuation Act, 1871, he will continue to be qualified and eligible for the grant of a superannuation allowance under that Act;
 - (ii) he shall not be entitled to any benefits personally as a pensioner under this Act; and
 - (iii) upon his death his widow and children shall be entitled in respect of the units of pension for which the employee was contributing as a contributor under this Act to receive from the Fund in accordance with this Act the same benefits to which they would have been entitled if the employee had elected to take the benefit provided in subparagraph (i) of paragraph (a) hereof; and
- (c) The employee shall make his choice of the benefit under paragraph (a) which he desires to take and shall give notice thereof in writing in the prescribed form to the Board not later than one month after he is notified that he is qualified and eligible for a superannuation allowance under the Superannuation Act, 1871, or within such further period as the Board may allow.

(4) Where an employee mentioned in subsection (2) of this section elects under this section to become a qualified contributor the following provisions shall apply:—

- (a) Subject to the Superannuation Act, 1871, the employee will continue to be qualified and eligible for the grant of a superannuation allowance under that Act;

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- (b) the employee shall not be entitled to any benefits personally as a pensioner under this Act;
- (c) the employee shall contribute to the Fund at a rate to be prescribed by regulations for any number of units of pension for which under this Act he may contribute as a contributor; and
- (d) upon the death of the employee his widow and children shall be entitled in respect of the units of pension for which the employee was contributing as a qualified contributor in accordance with this Act the same benefits to which they would have been entitled if the employee had been a contributor or a pensioner under this Act.

Medical examination of employee who elects to become contributor. No. 34 of 1938, s. 34. Amended by No. 43 of 1939, s. 6; and No. 65 of 1947, s. 7; No. 47 of 1974, s. 4.

35. When an employee elects to become a contributor or a qualified contributor under this Act, and such employee has not during the period of six months immediately preceding his election to become a contributor been required as a condition of his employment to submit himself for examination by a duly qualified medical practitioner as to his mental and physical health, such employee shall not be eligible or entitled under this Act to become a contributor or a qualified contributor unless and until he has in accordance with the regulations submitted himself for examination as to his mental and physical health and has been certified to be free from mental and physical infirmity likely to affect seriously and prejudicially a reasonable expectation of life in such employee.

Commencement and cessation of contributions. No. 34 of 1938, s. 35. Amended by No. 43 of 1939, s. 7; No. 39 of 1950, s. 6; No. 25 of 1951, s. 2 (3); No. 36 of 1955, s. 2; No. 75 of 1973, s. 6.

36. (1) Subject to this Act and except as otherwise provided in this Act, every employee who becomes a contributor or a qualified contributor shall contribute to the Fund from such date (not being more than six months after the commencement of this Act) as the Governor notifies in the *Government Gazette* in the case of an employee employed at the commencement of this Act or after the commencement of this Act and on or before the date notified as aforesaid, or, in the case of an employee whose employment commences after the date so notified, from the date of the employee's election to become a contributor.

(2) An employee in the Service at the commencement of this Act who at that date had not reached his maximum age for retirement and in accordance with the provisions of section thirty-two of this Act, and within the period prescribed by that section gave the necessary notice of his election to become a contributor or a qualified contributor, but who attained his maximum age for retirement before the date notified for the commencement of contributions pursuant to subsection (1) hereof, shall, subject to payment of his initial contribution on the date appointed under this Act for the payment thereof, be deemed actually to have become a contributor or a qualified contributor, as the case may be, within the meaning and for the purposes of this Act and to have paid his initial contribution within twelve months before he attained his maximum age for retirement as aforesaid and shall be bound by the provisions of this Act, and shall be entitled to the benefits provided by this Act accordingly, notwithstanding that after attaining his maximum age for retirement he ceased to be an employee.

(3) The following provisions shall apply in relation to the cessation of payments of contributions, that is to say—

- (a) the contributions of a contributor and of a qualified contributor shall, subject to the next succeeding paragraph, cease to be paid when he ceases to be employed in the Service, or immediately after the last periodical payment of contribution before the anniversary of his initial contribution next preceding the attainment by him of the maximum age for retirement, whichever first happens; and
- (b) in the case of a contributor or of a qualified contributor whose initial contribution is paid within twelve months before he attains the maximum age for retirement twenty-six contributions at the periodical rates applicable to the contributor or to the qualified contributor shall be paid before pension in respect of superannuation shall become payable.

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- (c) For the purposes of paragraph (a) and paragraph (b) hereof, the initial contribution of an employee in respect of any additional unit or part thereof for which he has elected to contribute shall be deemed to have been made on the date as from which the contribution in respect of such additional unit or part became payable.

- (4) A contributor or a qualified contributor—
- (a) who elects or is called upon to retire on or after attaining the age of sixty years; or
 - (b) whose maximum age for retirement is fixed at an earlier age than sixty-five years, but not less than sixty years, and who retires on attaining the age so fixed

may, notwithstanding anything contained in this section, contribute in a lump sum or in such smaller sums and at such periods as the Board approves, the actuarial equivalent of the amount necessary to complete his payments to the Fund up to a later age (not exceeding the age of sixty-five years).

- (5) A contributor or pensioner or a qualified contributor—

- (a) who was, at the time of his retirement, contributing for a number of units not less than his primary unit entitlement;
- (b) whose salary has been increased subsequently but from a date prior to his retirement to a higher salary group in column one of the scale contained in subsection (1) of section thirty-seven of this Act than the salary group in which it fell prior to the increase

may elect to contribute such an amount as will provide additional units of pension but so that the total number of units shall not exceed the number

specified in column two of the scale contained in subsection (1) of section thirty-seven of this Act opposite to that higher salary group.

Provided that in respect of those units twenty-six contributions at the rate applicable to his age at retirement shall be made before pension in respect of superannuation shall become payable and upon payment of those contributions the pension shall become payable as from the date of retirement in the case of a contributor, and, in the case of a qualified contributor, the pension to his widow shall become payable after the death of the qualified contributor following the payment of the said contributions.

Division 2.—Scale of Units.

37. (1) Subject to this Act, contributions by a contributor and by a qualified contributor shall be in respect of units of pension as defined in section fifty-eight of this Act, and the maximum number of units in respect of which a contributor or a qualified contributor may contribute shall have relation to the salary of the employee

Scale of units of pension.
No. 34 of 1938, s. 36.
Amended by No. 43 of 1939, s. 8;
No. 55 of 1945, s. 10;
No. 65 of 1947, s. 8;
No. 35 of 1950, s. 7;
No. 25 of 1951, s. 2 (4);
No. 36 of 1955, s. 3;
No. 55 of 1957, s. 2;
No. 61 of 1960, s. 3 (5);
No. 43 of 1963, s. 4;
No. 101 of 1964, s. 3;
No. 106 of 1965, s. 4;
No. 27 of 1969, s. 4;
No. 108 of 1970, s. 4;
No. 75 of 1973, s. 7;
No. 47 of 1974, s. 5.

(a) in accordance with scale A appended to this subsection if the employee commenced contributing before the first day of January, one thousand nine hundred and fifty-eight; or

(b) in accordance with column two of scale B appended to this subsection if the employee

(i) commences contributing on or after that day; or

(ii) having commenced contributing before that day in respect of any number of units elects to contribute after that day for an increase in that number of units, in which case scale B applies only in respect of the increase in the number of units.

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SCALE A.

<i>Column One.</i>		<i>Column Two.</i>
Where the Annual Salary of the Employee in terms of the currency existing at the 1st January, 1958		The Employee may Contribute the Amount necessary to provide Units of Pension as under.
Exceeds	Does not Exceed	
£	£	
—	130	Two.
130	156	Two and a half.
156	208	Three.
208	260	Four.
260	312	Five.
312	364	Six.
364	416	Seven.
416	468	Eight.
468	520	Nine.
520	572	Ten.
572	624	Eleven.
624	676	Twelve.
676	728	Thirteen.
728	780	Fourteen.
780	832	Fifteen.
832	884	Sixteen.
884	936	Seventeen.
936	988	Eighteen.
988	1,040	Nineteen.
1,040	1,144	Twenty.
1,144	1,248	Twenty-one.
1,248	1,352	Twenty-two.
1,352	1,456	Twenty-three.
1,456	1,560	Twenty-four.
1,560	1,664	Twenty-five.
1,664	—	Twenty-six.

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	10	10	—
1,430	1,560	11	11	—
1,560	1,690	12	12	—
1,690	1,820	13	13	—
1,820	1,950	14	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
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

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 \$260 of annual salary, or part thereof, above \$7,800.

(2) [*Repealed by No. 65 of 1947, s. 8.*]

(3) A contributor or a qualified contributor whose salary does not exceed four hundred and sixteen dollars per annum may elect to contribute in respect of additional units or half units to make up a total number of two and a half, three, or four units.

(4) Where an employee enters the service after the commencement of this subsection and becomes a contributor, the Board may grant an application by him for a number of units less than the relative number for his salary group as shown in the scale in subsection (1) of this section.

(5) Subject to subsection (9) of this section, if the salary of a contributor is increased and by reason of that increase falls within a higher salary group in column one of the scale contained in subsection (1) of this section than the salary group in which it fell prior to the increase, the following provisions shall apply to the contributor—

- (a) if he has attained the age of forty years, or, being an employee at the commencement of this Act, was not less than thirty years of age when he became a contributor, he may increase the amount of his contribution to an amount not exceeding the sum which will provide units of pension to the number specified in column two opposite to that higher salary group; and
- (b) in all other cases he may increase the amount of his contribution to such a sum as will provide units of pension to the number so specified. Any such increased contribution shall be payable as from the date upon which the contributor elects to increase the amount of his contribution:

Provided that—

- (i) where any increase of salary is due to the operation of an award of a court or body having power to fix rates of pay, which award makes the amount of salary liable to be increased if an increase occurs in

a declared basic wage, and by reason of such increase the salary of a contributor or of a qualified contributor falls within a higher salary group than the salary group in which it fell prior to the increase, the contributor or the qualified contributor may elect to increase the amount of his contribution accordingly; and

- (ii) in any instance in which a declaration of the basic wage as mentioned in paragraph (i) of this proviso has the effect of placing employees in the Service outside the metropolitan area in a salary group higher than that for the same grade or class of employees in the Service within the metropolitan area, the employees in the Service outside the metropolitan area who are contributors or qualified contributors may, at their option, continue to contribute in respect of the same number of units for which they were contributing prior to such declaration of the basic wage, or may contribute for the additional unit or units prescribed for the higher salary group in which they have been placed by reason of the operation of the said declaration of the basic wage as aforesaid; and
- (iii) for the purpose of paragraph (ii) of this proviso the "metropolitan area" means that portion of the State comprised within an imaginary circle having a radius of thirty miles from the General Post Office, at Perth, as the centre of such circle.

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(6) An employee employed in the Service at the commencement of this Act who, when he becomes a contributor, is not less than thirty years of age shall not in any case be compelled to contribute for more than two units but may, within six months after he becomes a contributor, elect to take the benefit of this subsection and thereupon the following provisions shall apply to him:—

- (a) Subject to paragraph (c) of this subsection he may elect within the said six months to contribute, at the rates prescribed for the age of thirty years, for two, two and a half, three or four units; and
- (b) if his period of his service under the State is not less than ten years, he may elect within the said six months to contribute at the rate appropriate to his age as provided in the schedules to this Act for units additional to those contributed for under the last preceding paragraph: provided that—
 - (i) the total number of units contributed for by any such employee shall not exceed the number of units prescribed for the salary group to which, according to the scale contained in subsection (1) of this section he belongs or the number of four units, whichever is the greater;
 - (ii) where an employee satisfies the Board that he has failed to make an election under paragraph (a) of this subsection within the time specified in that paragraph owing to circumstances not within his own control, the employee may—
 - (a) contribute for two units as at the rate for the age of thirty, as from the commencement of his contributions under this Act; and

- (b) elect, within such further time as is prescribed, to contribute as at the rate for the age of thirty for additional units so that the total number of units for which he contributes at that rate is either two and a half, three or four units; or
- (c) if the period of his service under the State is less than ten years he may, in addition to his election under paragraph (a) of this subsection, but subject as hereinafter provided, elect to contribute from the date on which his period of service will be not less than ten years at the rate appropriate to his age at that date for units additional to those for which he has elected to contribute under paragraph (a) of this subsection.

Provided that—

- (i) he shall make his election under this paragraph within two months after the date on which his period of service under the State will be not less than ten years as aforesaid; and
 - (ii) the total number of units contributed for by such employee shall not exceed the number of units prescribed for the salary group to which, according to the scale contained in subsection (1) of this section he belongs.
- (d) [*Repealed by No. 65 of 1947, s. 8.*]

(7) An employee employed in the Service at the commencement of this Act who, when he becomes a contributor, is not less than thirty years of age, and who has not elected to take the benefit of the last preceding subsection, may, subject to subsection (2) of this section, elect to contribute for any number of units not being less than two and not exceeding the number prescribed for the salary-group to which, according to the scale contained in subsection (1) of this section, he belongs.

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(8) An employee who has exercised any power of election in pursuance of either of the last two preceding subsections, shall pay, as from the date when he became a contributor, his contributions for the units for which he has elected to contribute.

Provided that where the employee exercises a power of election within a further prescribed time, the employee shall pay as from the first day of the month in which he makes the election his contributions for the units for which he has so elected to contribute.

(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.

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

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

- (a) provide that units of pension to which the election related are, in the prescribed circumstances, valid for the purposes of this Act in the event of the death or

invalidity of the contributor, notwithstanding that no contributions have been made in respect of those units;

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

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

(11) Where at any time within the period of two months immediately preceding the first day of January, nineteen hundred and seventy-four, a contributor was contributing for a number of units not less than his primary unit entitlement, he may, not later than the first day of April, nineteen hundred and seventy-four, elect to contribute for any number of additional units that does not exceed the difference (if any) between—

- (a) his total unit entitlement on the first day of January, nineteen hundred and seventy-four; and
- (b) his total unit entitlement on the thirty-first day of December, nineteen hundred and seventy-three.

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(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.

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.

Non-contributory units of pension.

Added by No. 65 of 1947, s. 9.
Substituted by No. 108 of 1970, s. 5.
Amended by No. 75 of 1973, s. 8.

(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.

(3a) For the purposes of subsections (2) and (3) of this section, where—

- (a) the primary unit entitlement of a contributor at the time of his retirement is less than his primary unit entitlement at some time prior thereto; and
- (b) the Board is satisfied that the reduction in the primary unit entitlement of the contributor arose from the acceptance by the contributor of employment at a lesser rate of salary for reasons connected with the contributor's health or for other good reasons not associated with any misconduct by the contributor,

the Board may determine that the higher primary unit entitlement formerly held by the contributor shall be deemed to be his primary unit entitlement at the time of his retirement.

(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

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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), 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.

Special provisions concerning certain elections. Added by No. 108 of 1970, s. 5.

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.

(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.

Units in excess of two units optional. No. 34 of 1938, s.37. Amended by No. 55 of 1945, s. 11. No. 75 of 1973, s. 9.

38. (1) Notwithstanding anything to the contrary contained in this Act, it shall be optional for an employee who becomes a contributor to contribute for more than two units of pension; but the total number of units shall not exceed the prescribed number for the salary-group of the contributor concerned, as shown in the scale in subsection (1) of section thirty-seven of this Act.

(2) Subsection (1) of this section may be applied to any employee who has already become a contributor at the commencement of this section. In any such case the provisions of sections thirty-nine and forty-eight of this Act shall apply and have effect.

(3) Notwithstanding any other provision of this section or of section thirty-nine of this Act, any refund of contributions which arises from a second or subsequent election made by a contributor to reduce the units other than reserve units for which he is contributing (not being an election made on the occasion of a reduction in salary) shall be held in the Fund to the credit of the contributor.

39. Where the salary of a contributor is or has been reduced from one salary-group to another salary-group the Board may, upon application by the contributor, reduce the number of units of pension in respect of which he shall contribute to the number appropriate to the salary-group to which his salary has been reduced, and any contributions paid by him prior to such reduction in respect of units in excess of the reduced number shall be credited as contributions in respect of the reduced pension or be refunded to him as the Board may determine.

Employee reduced in salary.
No. 34 of 1938, s. 38. Amended by No. 55 of 1945, s. 12

Division 3.—Scale of Contributions by Employees.

40. The amount of contribution which shall be paid by a contributor shall, except where otherwise provided in this Act, be based upon—

- (a) the number of units or half units of pension in respect of which the employee contributes;
- (b) sex; and
- (c) the age at which the employee commences to contribute for each unit or half unit,

Contributions according to scale graduated by age at commencement.
No. 34 of 1938, s. 39. Amended by No. 43 of 1939, s. 9; No. 65 of 1947, s. 10; No. 39 of 1950, s. 8; No. 106 of 1965, s. 6.

and shall be in accordance with the tables of contributions prescribed by or under this Act.

Provided that where an employee elects to become a qualified contributor as provided for in section thirty-four of this Act the amount of contribution which shall be paid by such qualified contributor shall be in accordance with a table to be prescribed by the regulations.

Provided also, that in those cases in which the retiring age is amended from sixty-five years to an age between sixty years and sixty-five years, as provided for in subsection (2) of section forty-one of this Act, the amount of contribution which shall be paid by the contributor shall be based upon the equivalent, determined actuarially, of the amount necessary to pay the higher rate of contribution consequent upon the amendment of the retiring age as aforesaid, together with interest at the rate of four per centum per annum compounded annually on the amounts of the increase in the contributions as from the dates when such contributions were due respectively.

Election to contribute for full pension at sixty years of age.
No. 34 of 1938, s. 40.
Amended by No. 43 of 1939, s. 10; No. 65 of 1947, s. 11; No. 61 of 1960, s. 3 (7).

41. (1) An employee who, when he becomes a contributor, is less than sixty years of age may, within six months after he becomes a contributor, elect to contribute at such rates specified in the Third or Fourth Schedule to this Act as are applicable.

Provided that this subsection shall not in any circumstances apply to a contributor who, when he becomes a contributor, is of an age which will prevent him completing an aggregate period of ten years' service under the State before attaining the age of retirement for which he desires to contribute.

(2) Any employee, who, although entitled to do so, has not in accordance with subsection (1) of this section made the election provided for in such subsection and any employee who is of an age which will permit him to complete an aggregate period of ten years' service under the State before attaining the age for retirement for which he desires to contribute and who at the commencement of this Act was an employee and was not less than sixty years of age when he became a contributor may at any time after the period prescribed in subsection

(1) aforesaid elect to contribute for a full pension upon retirement at the age of sixty years or at any later age up to and including the age of sixty-four years, but in such case the amount of further or higher contribution payable by him shall be assessed in the manner prescribed in the second proviso to section forty of this Act:

Provided that an employee shall not in any case be entitled to elect to contribute for retirement at an age earlier than that which he will attain after the date when he makes his election.

(3) The rates of contribution to be paid by employees electing under subsection (2) hereof to contribute for full pension upon retirement at the ages of sixty-one, sixty-two, sixty-three and sixty-four years, respectively, shall be determined by the Board.

(3a) Where a contributor has made an election to contribute for a pension upon retirement at an age earlier than sixty-five years, the Board may, upon application by the contributor, permit him to elect to contribute for a full pension upon retirement at a later age up to sixty-five years and in such case his contributions shall be adjusted accordingly.

Election to contribute for full pension at age 61 to 65 years.

(4) Where a contributor in accordance with subsection (1) of this section, elects to contribute at rates specified in the Third or Fourth Schedule to this Act, the rates at which he shall contribute shall, where he has elected under subsection (6) of section thirty-seven of this Act to contribute for units at the rates prescribed for the age of thirty years, be, in respect of those units, the rate prescribed in the Third or Fourth Schedule to this Act for the age of thirty years and, in respect of other units, shall be at the rate in those Schedules which is appropriate to his age at the date when he elects under this section.

(5) Any contributor who makes an election in accordance with this section shall be entitled upon retirement on attaining the age of retirement in respect of which he has elected to contribute and

has contributed to receive full pension according to the number of units for which he was contributing at the time of his retirement.

(6) For the purposes of this Act the maximum age for retirement of a contributor who makes an election under this section shall be sixty years, or the later age for which he elects under and in accordance with subsection (2) of this section, as the case may require.

(7) Subject as hereinafter provided, where a contributor who has made an election under this section to contribute for full pension upon retirement at the age of sixty years, or at a later age less than sixty-five years, does not retire upon attaining the age of retirement for which he has contributed as aforesaid, he shall not be required to make contributions after he has attained the age of retirement for which he has contributed as aforesaid, and he shall not be entitled to receive pension until his retirement. Provided that if such contributor has elected to make contributions in respect of units of pension at the rates prescribed for the age of thirty years in accordance with paragraph (a) of subsection (6) of section thirty-seven of this Act, then, notwithstanding anything to the contrary contained in this subsection or elsewhere in this Act, such contributor shall be liable to make and shall make his contributions in respect of the said units of pension at the prescribed rate for a period of five years from the date when he commenced to make contributions in respect of such units of pension or until he retires when he retires before the completion of such period of five years, and shall not be entitled to receive pension until after his retirement.

42. (1) During the five years next following the commencement of this Act and until other tables of contribution are prescribed as hereinafter provided, the tables of contributions for men and women according to ages, set out in the Schedules to this Act respectively, shall be in force.

(2) As soon as practicable after the expiration of each period of five years from the commencement of this Act, the Governor may, upon the recommendation of the Board, prescribe tables of contributions which shall, subject to the approval of both Houses of the Parliament, take effect from a date to be fixed by proclamation and remain in force until other tables are prescribed under this subsection.

Division 3A.—Reserve Units of Pension.

42A. (1) There shall be a Reserve Units of Pension Account (in this Division referred to as "the Account"), which shall form part of the Fund and into which shall be paid all contributions made by contributors under this Division.

Reserve units of pension. New Division and section added by No. 65 of 1947, s. 12. Amended by No. 36 of 1955, s. 5. [Cf. Commonwealth No. 35 of 1947, s. 11.]

(2) A contributor who is contributing for the number of units of pension corresponding to the salary group within which his salary falls may, from time to time, elect to contribute, in accordance with this Division for one or more reserve units of pension, with a maximum of eight.

(3) Contributions in respect of a reserve unit of pension shall, subject to subsection (2) of section forty-two of this Act, be in accordance with the rate prescribed in the appropriate Schedule to this Act, and shall be payable as from the date on which the contributor elects to contribute for that reserve unit of pension.

(4) Where a contributor who is contributing for one or more reserve units of pension becomes eligible to contribute for one or more additional units of pension in pursuance of the provisions of this Act, he may elect to transfer to the Fund the contributions paid by him to the Account in respect of a number of reserve units of pension not exceeding the number of those additional units of pension.

(5) Where a contributor so elects, no further contributions shall be paid into the Account in respect of the reserve units of pension to which the election applies and the contributions payable by the contributor in respect of the additional units of pension equal to the number of those reserve units of pension shall be at the same rate as the contributions paid into the Account in respect of those reserve units of pension.

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(6) Where a contributor is contributing for one or more reserve units of pension, he may, subject to subsection seven of this section, elect to discontinue his contributions in respect of any number or all of those units. In that event or if he ceases to be an employee, there shall be paid to him or to his personal representatives, from the Account, the amount of the contributions made by him in respect of those reserve units of pension, together with interest, compounded annually, on those contributions, at the rate determined by the Board in respect of the period or periods concerned.

(7) A contributor who has made an election to reduce the number of reserve units under subsection six of this section shall not again be eligible to elect to contribute for reserve units of pension.

Division 4.—Contributions by the State.

Payments by State where contributions by employee are at rate for age.
No. 34 of 1938, s. 42.
Amended by No. 55 of 1945, s. 13;
No. 65 of 1947, s. 13;
No. 25 of 1951, s. 2 (6);
No. 55 of 1957, s. 2 (4);
No. 65 of 1962, s. 4;
No. 106 of 1965, s. 7.

43. (1) Where units of pension are paid from the Fund on or after the first day of January, one thousand nine hundred and fifty-eight on the basis of contribution corresponding to the rate prescribed for the age of the contributor at the date upon which he commenced to pay the contribution, the State shall, in respect of each unit or part of a unit of pension

- (a) pay to the Fund a sum equal to two-thirds of the payment made from the Fund on or after that day if payment of the pension commenced before that day; and
- (b) pay to the Fund a sum equal to five-sevenths of the payment made from the Fund on or after that day in respect of each pension payment of which commences on or after that day; and
- (c) pay to the Fund in addition to the sum mentioned in paragraph (a) or (b) of this subsection, the difference between the amount that was payable from the Fund in respect of each unit of pension or part thereof immediately before the date of the

coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1962, less the supplementation at the rate of fifty-two pounds per annum in terms of the currency then existing in the cases in which it was payable by the State, and the amount that is so payable from the Fund in respect of that unit or part immediately after that date, and for that purpose the Consolidated Revenue Fund is, to the extent necessary, hereby permanently appropriated accordingly.

(2) [*Repealed by No. 55 of 1957, s. 2 (4).*]

(3) Where in accordance with paragraph (i) of the proviso to the second paragraph of the definition of "Department" in section six of this Act, fortnightly payments have been made to the Board on behalf of the State on account of the pension to which such contributor is entitled under this Act, the liability of the State in respect of the pension payable to such contributor under this section and section forty-four of this Act shall be deemed to be satisfied and discharged to the extent to which the said fortnightly payments have already been made as aforesaid.

(4) Where a contributor, under section thirty-six or section sixty of this Act, elects or is called upon to retire at age sixty years or later age and elects to continue to pay contributions at the lower rate until he attains the age of sixty-five years, the employing department shall continue to pay the "employer" contributions for the corresponding period to the Board on behalf of the State.

43A. Where a contributor elected for a number of units less than eight and, on or before the thirty-first day of December, one thousand nine hundred and fifty-seven, attained the retiring age for which he elected, but benefits under this Act became payable after that day, he shall, notwithstanding any of the provisions of this Act to the contrary, but subject to those of section fifty-nine of this Act, be entitled

Special provisions for certain contributors. Added by No. 19 of 1958, s. 2.

after that day to the rate of benefits which would have been payable to him had entitlements to payment of benefits commenced on or before that day.

Payments by State where contributions by employee are not at rate for age. No. 34 of 1938, s. 43. Amended by No. 39 of 1950, s. 9; No. 25 of 1951, s. 2 (7); No. 55 of 1957, s. 2 (5); No. 65 of 1962, s. 5; No. 106 of 1965, s. 8.

44. (1) Subject to this Act, in respect of each unit or portion of a unit of pension paid from the Fund on the basis of a contribution corresponding to the rate prescribed for an age younger than that of the contributor at the date upon which he commenced to pay the contribution, a sum ascertained in the manner provided in this section shall be paid by the State to the Fund.

(2) (a) In order to determine the sum payable in each case by the State under this section—

- (i) in respect of pensions payment of which commenced before the first day of January, one thousand nine hundred and fifty-eight, the rate of contribution actually payable by the contributor shall be subtracted from three times the rate prescribed for the age of the contributor on the date on which he commenced to pay the contribution, and the ratio of that difference to three times the rate so prescribed shall be computed; or
- (ii) in respect of pensions payment of which commences on or after that day, the provisions of subparagraph (i) of this paragraph shall be applied but with the substitution of three and one-half times the rate so prescribed for three times that rate.

(b) Subject to this Act, the ratio so computed represents such part of the pension payment made from the Fund as the State shall pay to the Fund.

(3) Where a pension calculated in accordance with this Act is less than the prescribed minimum and where this Act provides that the prescribed minimum shall be paid, the amount necessary to bring the pension up to the minimum shall be paid by the State to the Fund in addition to the sums payable by the State under this Division of this Act.

(4) The State shall pay to the Fund in addition to any sum payable by the State under the foregoing provisions of this section, the difference between the amount that was payable from the Fund in respect of such unit of pension or part thereof immediately before the date of the coming into operation of the Acts Amendment (Superannuation and Pensions) Act, 1962, less the supplementation at the rate of fifty-two pounds per annum in terms of the currency then existing in the cases in which it was payable by the State, and the amount that is so payable from the Fund in respect of that unit or part immediately after that date and for that purpose the Consolidated Revenue Fund is, to the extent necessary, hereby permanently appropriated accordingly.

45. Subject to this Act, in respect of each unit or portion of a unit of pension paid from the Fund to the widow of an employee who has contributed as a qualified contributor on the basis of the contributions paid by such qualified contributor no payment whatever shall be required from or be payable by the State.

No payment by the State in respect of pension to widow of qualified contributor. No. 34 of 1938, s. 44.

46. (1) Payments by the State to the Fund and to contributors under subsection (3) of section thirty-four of this Act, for the purposes of this Act, shall be made from the Consolidated Revenue Fund which is hereby permanently appropriated accordingly.

Payments from Consolidated Revenue Fund. No. 34 of 1938, s. 45.

(2) The payments to the Fund shall be made in such manner and at such periods as are prescribed by the regulations.

[Former S. 46A added by No. 65 of 1947, s. 14. Repealed by No. 105 of 1962, s. 6.]

46A. (1) Where a contributor is entitled to an amount of pension according to the number of units of pension held by him on retirement, he is entitled, in addition to the amount to which he is entitled

Increase of Pension. Added by No. 78 of 1967, s. 4.

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under section fifty-eight of this Act, to an additional amount of pension in accordance with the scale set forth in the Fifth Schedule to this Act, namely—

- (a) with respect to the number of units of pension for which he has contributed at any time before the first day of July, nineteen hundred and sixty-four up to the time he became entitled to pension in respect thereof the amount shown opposite the number of those units in the second column of Part 1 of the Fifth Schedule to this Act;
- (b) with respect to the number of units of pension held by him at the time he becomes or became entitled to pension in respect thereof, the amount, if any, shown opposite the number of those units in the second column of Part 2 of the Fifth Schedule to this Act.

(2) The amount of increase of pension payable under paragraph (a) of subsection (1) of this section shall be paid by the Fund.

(3) The State shall pay to the Fund the amount of increase of pension payable under paragraph (b) of subsection (1) of this section.

(4) The Consolidated Revenue Fund is hereby permanently appropriated to the extent necessary to give effect to subsection (3) of this section.

(5) The provisions of this section apply—

- (a) in respect of the first fortnightly payment of pension made in the month of January, nineteen hundred and sixty-seven, and in respect of such subsequent payments;
- (b) to a widow who is entitled to receive an amount of pension under this Act and in accordance with the rate of pension payable to the widow as referred to in this Act.

46AB. (1) Where a contributor or former contributor is entitled to an amount of pension according to the number of units held by him on retirement, he is entitled, in addition to the amount of pension to which he is otherwise entitled, to an amount of ten cents per fortnight in respect of each unit for which he has contributed at any time prior to the first day of July, 1969 up to the time he became entitled to pension in respect thereof.

Increase in Fund Share of pension. Added by No. 75 of 1973, s. 10.

(2) The amount of increase of pension payable under subsection (1) of this section shall be paid by the Fund.

(3) The provisions of this section apply—

- (a) in respect of the first fortnightly payment of pension made in the month of January, nineteen hundred and seventy-four, and in respect of such subsequent payments;
- (b) to a widow who is entitled to receive an amount of pension under this Act and in accordance with the rate of pension payable to the widow as referred to in this Act.

[Former s. 46B Added by No. 25 of 1951, s. 2
Repealed by No. 55 of 1957, s. 2.]

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

- (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,

Supplementary units of pension. Added by No. 27 of 1969, s. 6. Repealed re-enacted and by No. 108 of 1970, s. 6.

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

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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 PAYMENT
OF SUPPLEMENTARY 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.

(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.

*[Former s. 46C Added by No. 61 of 1960, s. 3.
Repealed by No. 65 of 1962, s. 7.]*

46C. (1) In this section, unless the contrary intention appears—

“Index” means the table described as the Consumer Price Index Numbers—All Groups, Perth that is published by the Commonwealth Statistician under the authority of the Census and Statistics Act, 1905 (as amended or re-enacted from time to time) of the Commonwealth;

Alteration of rates of certain pensions. Added by No. 27 of 1969, s. 7. Repealed and re-enacted by No. 75 of 1973, s. 11.

“pay-day” means a day on which a fortnightly instalment of a pension is payable.

(2) Subject to this section, every pension payable under this Act to a former contributor shall be adjusted by the Board in each year in accordance with this section.

(3) The Treasurer shall, as soon as is practicable after the first day of January in each year, declare the percentage (if any) by which pensions shall be adjusted in respect of that year.

Superannuation and Family Benefits.

(4) The percentage declared under subsection (3) of this section in respect of any year shall be the same as that which the Board certifies in writing to the Treasurer to be the percentage by which the Index for the quarter ending on the immediately preceding thirty-first day of December is greater than the Index for the quarter ending on the penultimate preceding thirty-first day of December.

(5) An adjustment of a pension in respect of any year made under this section shall be made—

- (a) by increasing the rate at which, immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that year under subsection (3) of this section; and
- (b) so as to operate from and including the first pay-day occurring on or after the first day of January in that year.

(6) The following provisions apply to and in relation to the first adjustment of a pension pursuant to this section if, on the first day of January in the year in which the adjustment is to be made the pension has been in force for less than twelve months, namely—

- (a) in the case of a pension payable to a contributor who retired after the thirtieth day of September in any year, the first adjustment of that pension shall be made so as to operate from the first pay-day in the month of January in the second year after the year in which the pension comes into force; and
- (b) in the case of a pension payable to a contributor who retired on or before the thirtieth day of September in any year, the first adjustment of that pension shall be made so as to operate from the first pay-day in the month of January immediately following that day, and the annual amount by which such a pension is to be increased shall be calculated in accordance with the prescribed formula.

(7) For the purposes of paragraph (b) of subsection (6) of this section, the prescribed formula is the formula—

$$P = A \times \frac{Q}{4}$$

where—

- P represents the annual amount referred to in that paragraph;
- A represents the amount by which, but for the operation of that subsection, the pension would have been increased; and
- Q represents the number of whole quarters (ending on the thirtieth day of June, the thirtieth day of September or the thirty-first day of December) within the period commencing on the day on which the pension became payable and ending on the following thirty-first day of December, for which the pension was payable.

(8) Where for the purposes of determining the adjustment to be made in pensions for any year, the Board certifies to the Treasurer that the Index for a quarter ending on the immediately preceding thirty-first day of December is less than the Index for the quarter ending on the penultimate preceding thirty-first day of December, the Board shall certify to that effect to the Treasurer and no adjustment shall be made in pensions for that year, and the percentage by which the first-mentioned Index is less than the second-mentioned Index shall first be taken into account before any subsequent adjustments of pensions are made pursuant to this section.

(9) The provisions of this section shall also be applied, with such modifications as are necessary, to reversionary pensions payable under the Sixth Schedule to this Act.

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(10) The State shall pay to the Fund the amount of any increase in pension payable pursuant to this section, and the amount of any such increase shall, for the purposes of this Act, be wholly deemed to form part of the State share of the pension.

(11) The Consolidated Revenue Fund is hereby permanently appropriated to the extent necessary for the purposes of this section.

Division 5.—General Provisions as to Contributions.

Employees on leave of absence.
No. 34 of 1933, s. 46.

47. A contributor or a qualified contributor who is on leave of absence either with or without pay, shall pay his contributions during or in respect of the period of leave, as for a period of service, without reduction.

Lump sum payments in redemption of future contributions.
Added as s. 46A by No. 43 of 1939, s. 11.

48. (1) The Board may accept lump sum payments to redeem forthwith all future contributions which would be payable fortnightly under this Act by a contributor.

(2) The amount of the lump sum payment to be made under this section shall be determined by the Board which may allow any discount or other allowance it thinks fit.

Interest payable on contributions in arrear.
Added as s. 46B by No. 43 of 1939, s. 11.
Amended by No. 106 of 1965, s. 9;
No. 47 of 1974, s. 6.

49. Outstanding and unpaid contributions may be chargeable with interest upon the amounts thereof as from the date when they fell due for payment at such rate as the Board shall from time to time determine.

Manner of payment—Deduction from salary.
No. 34 of 1933, s. 47.

50. The contributions of contributors and of qualified contributors shall be deducted from their salaries at each payment of salaries, and shall be paid without deduction for postage, forwarding or exchange, to the Board.

Provided that where a contributor or a qualified contributor is on leave of absence through illness, either without pay or at less than full pay, the Board may upon his application, permit the contributions falling due during his absence to be paid by him in such smaller sums and at such periods as the Board may approve.

51. Notwithstanding anything to the contrary contained in Part V. of this Act, where an employee becomes a qualified contributor, and before he reaches the maximum age for retirement applicable to him, such employee is retired on the ground of invalidity or of physical or mental incapacity or is retrenched, discharged or dismissed or resigns, he may nevertheless continue until he reaches the maximum age for retirement aforesaid to contribute to the Fund as such qualified contributor at the rate of contribution at which he was so contributing at the time of the retirement, retrenchment, discharge, dismissal or resignation aforesaid; or he may at any time after such retirement, retrenchment, discharge, dismissal or resignation after notice in writing in the prescribed form given to the Board, discontinue payment of such contributions.

Continuance of contributions by qualified contributor. No. 34 of 1938 s. 48.

PART V.—PENSIONS AND BENEFITS.

Division 1.—Retirement on Pension.

52. Subject to subsection (5) of section sixty of this Act, every contributor shall be entitled to a pension on his retirement on or after attaining the maximum age for retirement.

Age of compulsory retirement. Repealed and re-enacted by No. 75 of 1973, s. 12.

53. A contributor who is retired on the ground of invalidity or of physical or mental incapacity to perform his duties shall be entitled to a pension.

Breakdown retirement. No. 34 of 1938, s. 50.

54. The compulsory termination of the service of a contributor or of a qualified contributor 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—

Retrenchment and discharge. No. 34 of 1938, s. 51.

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- (a) shall be deemed to be "retrenchment" if the contributor or qualified contributor has been in the Service for not less than ten years; and
- (b) shall be deemed to be "discharge" if the contributor or qualified contributor has been in the Service for less than ten years.

Dismissal.
No. 34 of
1938, s. 52.

55. Compulsory termination of the service of a contributor or qualified contributor aforesaid, however expressed, other than—

- (a) retirement on pension as provided in this Act or retirement without personal pension in the case of a qualified contributor; or
- (b) retirement through invalidity or physical or mental incapacity; or
- (c) retrenchment or discharge

shall be deemed to be dismissal for the purposes of this Act.

Resignation.
No. 34 of
1938, s. 53.
Amended by
No. 65 of
1947, s. 15;
No. 78 of
1967, s. 5.

56. (1) Voluntary termination of service (however expressed) by a contributor, who is not entitled to retire on pension, or by a qualified contributor, shall be deemed to be resignation.

Cf. Commonwealth
1945, s. 5.

(2) A female employee who marries shall for the purposes of this Act, be deemed to have resigned on the date of her marriage, unless she is continued in service upon her marriage.

Division 2.—Grant of Pensions and Benefits.

57. [*Repealed by No. 75 of 1973, s.13.*]

Pension
unit.
No. 34 of
1938, s. 55.
Amended by
No. 65 of
1947, s. 16;
No. 25 of
1951, s. 2 (10);
No. 55 of
1957, s. 2 (9);
No. 65 of
1962, s. 9;
No. 106 of
1965, s. 11;
No. 78 of
1967, s. 6.

58. (1) Subject to the provisions of this Act, the unit of pension as from the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1965, is—

- (a) one hundred and forty-nine dollars fifty cents per annum for each of the first two units of pension;
- (b) seventy-eight dollars per annum for each of the next five units of pension; and

- (c) ninety-one dollars per annum for each additional unit of pension over the number of seven units.

(2) Subject to section thirty-three of this Act the minimum amount of pension to any contributor shall, except where this Act requires a pension to be actuarially determined, be two units, and the minimum amount of pension to the widow of a contributor or pensioner or to the widow of a qualified contributor shall be one unit.

59. Notwithstanding anything to the contrary contained in this Act—

Commencing dates for payment of pension.

- (a)¹ the commencing date for payment of any pension or superannuation allowance under this Act to a contributor shall, subject to paragraph (c) of this section, be the day following the day when such contributor ceased duty on or after attaining the age for which he elected to retire;
- (b) | Deleted by No. 75 of 1973, s.14. |
- (c) a personal pension or superannuation allowance shall not be payable to a contributor (other than a contributor whose pension is granted under section sixty-one) until the completion of payment of the equivalent of twenty-six contributions at the periodical rates applicable to that contributor.

Added as s. 55A by No. 43 of 1939, s. 13.
Amended by No. 39 of 1950, s. 12; No. 61 of 1960, s. 3 (11); No. 50 of 1961, s. 4; No. 101 of 1964, s. 6 (1); No. 75 of 1973, s. 14.

60. (1) Subject to this Act, a contributor shall upon retirement be entitled to receive a pension according to the number of units for which he was contributing at the time of his retirement:

Amount of pension on retirement.

Provided that any contributor—

- (a) who has attained the age of sixty years and elects, or is called upon to retire before he attains the maximum age for retirement; or
- (b) the age for whose retirement is fixed by law at an earlier age than sixty-five years, who retires on attaining the age so fixed

No. 34 of 1938, s. 56.
Amended by No. 43 of 1939, s. 14; No. 55 of 1945, s. 14; No. 39 of 1950, s. 13; No. 61 of 1960, s. 3 (12); No. 50 of 1961, s. 5; No. 43 of 1963, s. 6; No. 101 of 1964, s. 7; No. 78 of 1967, s. 7; No. 27 of 1969, s. 8; No. 75 of 1973, s. 15.

¹ Deemed to have been in operation as from 1st January, 1964. (See No. 101 of 1964, s. 6 (1).)

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shall as from the date of his retirement be entitled to a pension calculated by adding the actuarial equivalent of the contributions made or to be made by him to the share of pension which would have been payable by the State if he had continued to pay contributions until he attained the maximum age for retirement:

Provided also that, where a contributor has elected to contribute under subsection (2) of section forty-one of this Act for an age of retirement between sixty years and sixty-five years and has contributed a higher rate of contribution assessed in accordance with the second proviso to section forty of this Act, and such contributor elects or is called upon to retire before he attains the age of retirement for which he has elected to contribute and has contributed as aforesaid, he may either—

- (a) continue to pay contributions at the higher rate aforesaid until he reaches the age of retirement for which he has elected to contribute and has contributed and thereafter receive the full pension to which he is entitled as such contributor; or
- (b) as from the date of his actual retirement continue to pay contributions at the lower rate prescribed in respect of retirement at sixty-five years of age until he attains the age of sixty-five years, and thereafter receive the full pension to which he is entitled as such contributor.

Provided further that, subject to the proviso to subsection (3) of section six of this Act, a contributor who is an employee appointed for a term of years to a statutory office under the Government of the State shall upon the cessation of his employment, and as from the date of that cessation—

- (a) if he has not attained the age of sixty years but has completed an aggregate period of ten years' service under the State, be entitled to a pension which is the actuarial equivalent of the contributions made or to be made by him and of the share of pension payable by the State and accruing to him under this Act; or

- (b) if he has not completed an aggregate period of ten years' service under the State, be entitled to a refund of the actual amount of the contributions made by him as a contributor.

(2) As an alternative to the acceptance by him of a pension according to the number of units for which he was contributing at the time of his retirement, a contributor may either—

- (a) accept a pension for two or more units with a refund of the actual amount of his contributions for the units in excess of the number of units represented by such reduced pension; or
- (b) waive his entitlement to a pension under this Act and accept from the Board a refund of the actual amount of the contributions made by him as a contributor.

(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 as amended from time to time or within the meaning of any Act of the United Kingdom in substitution for the National Insurance Act, 1959, as so amended.

(3) The contributor shall make his choice of the benefit under this section which he desires to take, and shall give to the Board notice thereof in writing in the prescribed form within one month after he is notified of the proposed retirement, or within such further period as the Board may allow, but no benefit shall be payable in respect of any unit for which the contributor has not paid the equivalent of twenty-six fortnightly contributions at the rate applicable in respect of that unit.

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(4) Notwithstanding any other provision of the Act, the amount of the share of the pension payable by the State to a contributor who retires after not less than ten but less than twenty years of aggregate service with the State shall not exceed the amount calculated in accordance with the formula—

$$\frac{F \times Y}{20}, \text{ where—}$$

- F is the amount of the share of the pension payable by the State that would have been payable, but for this subsection, to the contributor if he had been contributing, immediately prior to his retirement, for a number of units equal to his primary entitlement; and
- Y is the number of years of aggregate service that the contributor served with the State prior to his retirement.

(5) Where a person becomes a contributor after the commencement of subsection (4) of this section and upon retirement he has not completed an aggregate period of ten years service, he is entitled to a refund of the actual amount of the contributions made by him as a contributor.

(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.

60AA. (1) Any person contributing for a full pension upon retirement at the age of sixty-five years (not being a person to whom subsection (4) or (5) of section sixty of this Act applies) who—

- (a) has attained the age of sixty years; and

- (b) is contributing for a number of units not less than his primary entitlement,

may, by notice in writing in a form approved by the Board, served on the Board, elect to—

- (c) cease to pay contributions on the units for which he was contributing at the time of his election; and
- (d) have the pension to be paid to him upon his retirement determined under the provisions of this section.

(2) Where an election is made under this section—

- (a) no further contributions are payable by the contributor except—
 - (i) in relation to any units for which he has not completed the payment of twenty-six regular fortnightly contributions or the equivalent amount, in respect of which units the contributor shall pay to the Board in the manner approved by the Board the amount necessary to complete that payment; or
 - (ii) in relation to units contributed for in accordance with subsection (5) of this section;
- (b) the election has the effect of cancelling any units of pension for which the contributor was contributing in excess of his primary unit entitlement and there shall be refunded to the contributor the total of the contributions paid by him in respect of the units so cancelled;
- (c) except as provided in subsection (5) of this section, the contributor is not entitled to elect to contribute for any further units of pension.

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(3) The pension payable from the time of the retirement of a contributor who made an election under this section shall be paid at the rate at which pension would have become payable to him by that time had he actually retired on the day on which his election was served on the Board, together with the further amount calculated in accordance with subsection (4) of this section.

(4) The further amount referred to in subsection (3) of this section—

- (a) shall be the amount of pension determined by an Actuary to be the equivalent of the aggregate amount of Fund share of pension that would have been payable to the person during the period commencing on the day on which he made his election and ending on the day on which he actually retired, together with interest thereon at the rate from time to time determined by the Board, had he retired on the day on which he made his election; and
- (b) may not be commuted under the provisions of section sixty D of this Act.

(5) Where the salary of a contributor who has made an election under this section is increased subsequently but with effect from a day prior to the date on which the election was lodged with the Board—

- (a) the contributor may elect to contribute for such further units of pension as represent the increase in his primary unit entitlement so occasioned;
- (b) if he so elects and pays to the Board twenty-six regular fortnightly contributions in respect of those units or the equivalent amount, he shall be deemed for the purposes of this section to have been contributing for those units at the time that he lodged his election with the Board and those units shall be deemed to have formed part of his primary unit entitlement at that time.

(6) Where a contributor who has made an election under this section dies prior to his retirement—

- (a) the pension which he would have received under this section had he retired on the date of his death (excluding any further amount referred to in subsection (3) and (4) of this section) shall be deemed to be the pension for which he was contributing at the date of his death for the purposes of calculating any reversionary pension or children's allowance payable under the Sixth Schedule to this Act; and
- (b) there shall be added to the widow's pension calculated in accordance with paragraph (a) of this subsection, an annuity payable fortnightly at a rate determined by an Actuary to be the equivalent of the aggregate amount of the Fund share of pension that would have been payable to the contributor during the period commencing on the day on which he made his election and ending on the day on which he died, together with interest thereon at the rate from time to time determined by the Board had he retired on the day on which he made his election.

(7) Section sixty-one of this Act shall not apply to a contributor who has made an election under this section.

(8) Any election made under subsection (1) of this section—

- (a) is irrevocable; and
- (b) subject to subsection (9) of this section, takes effect on the day on which it is lodged with the Board.

(9) A contributor entitled to make an election on the date of the commencement of this section may, if his election is lodged on or before the thirtieth day of June, one thousand nine hundred

and seventy-five, specify that his election shall take effect on such earlier date as is specified therein, being a date that is not earlier than the thirty-first day of December, one thousand nine hundred and seventy-four, nor earlier than the first day on which he would have been entitled to so elect if this section had been in operation on the thirty-first day of December, one thousand nine hundred and seventy-four.

(10) Without affecting the operation of paragraph (b) of subsection (2) of this section, there shall, in determining for the purposes of subsections (1) and (9) of this section whether a contributor was on any relevant day contributing for a number of units equal to or in excess of his primary entitlement, be disregarded any increase in salary which first became payable to that contributor within the period of two months immediately preceding that day.

Contributor remaining in service after 65 years of age.
 Added by No. 61 of 1960, s. 3 (13).
 Amended by No. 27 of 1969, s. 9; No. 47 of 1974, s. 7.
Cf. Commonwealth Superannuation Act, 1922-1959, s. 44.

60A. (1) Subject to subsection (3) of this section, where a contributor who has attained the age of sixty-five years remains in the Service for not less than one year after attaining that age, the pension which would be payable to him under the provisions of this Act, other than this section, shall be increased by an amount ascertained by multiplying the portion of the pension equivalent to the contributions made by him by a percentage ascertained in accordance with the table appended to this section.

TABLE.

Age Attained on Retirement.	Percentage.
66 years	7
67 years	15
68 years	23
69 years	32
70 years or over	42

(2) The amount by which a pension is increased pursuant to the provisions of subsection (1) of this section is payable from the Fund without contribution by the State.

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

- (a) in respect of the period which commences on the day after his retirement and ends on the next succeeding thirty-first day of December, shall, after taking into account any increase resulting from subsection (1) of this section, be increased by a further amount which represents the aggregate of the increases in the rates of pension which he would have received pursuant to section forty-six C of this Act if he had retired on attaining the age of sixty-five years; and
- (b) shall thereafter be increased from time to time in accordance with the provisions of section forty-six C of this Act as if he had retired in the month of December of the year preceding the year in which he actually retired.

(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.

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.
Added by
No. 78 of
1967, s. 8.
Substituted
by No. 27 of
1969, s. 10.

(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.

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Payment of
portion of
pension in
certain
cases.

Added by
No. 27 of
1969, s. 11.

- 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,

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.

60D. (1) Subject to this section, a contributor who retires on or after the appointed day and thereby becomes entitled to receive pension under section sixty of this Act, may, within the period commencing one month prior to and ending three months after the date of his retirement, elect to commute the whole or any part of the Fund share of his pension to an equivalent entitlement by way of a lump sum payment.

Commuta-
tion of Fund
share of
pension.
Added by
No. 75 of
1973, s. 16.

(2) A person who, on or after the appointed day, becomes the widow of a contributor or pensioner may, within the period of three months after the death of her husband or within the period of three months after her attaining the age of sixty years, whichever is the later, elect to commute the whole or any part of the Fund share of her widow's pension to an equivalent entitlement by way of a lump sum payment.

(3) A person who—

- (a) was immediately prior to the appointed day the widow of a contributor or pensioner; and
- (b) attains the age of sixty years on or after the appointed day,

may, within the period of three months after her attaining the age of sixty years, elect to commute the whole or any part of the Fund share of her widow's pension to an equivalent entitlement by way of a lump sum payment.

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(4) Subject to the succeeding provisions of this section, an election that is made in accordance with this section takes effect—

- (a) thirty days after it is received by the Board; or
- (b) on such date as is expressed therein for that purpose by the contributor,

whichever is the later date, and the lump sum payment to which the contributor becomes entitled by reason of the making of the election is payable to the person by whom the election was made on that later date.

(5) Where an election made in accordance with this section is received by the Board—

- (a) it may not be revoked by the person by whom it was made; and
- (b) it is revoked if the person by whom it was made dies prior to the day on which the lump sum payment is payable pursuant to subsection (4) of this section,

but where that person dies on or after the day on which the lump sum payment is so payable but before payment of the lump sum has actually been made, the lump sum payment shall be paid to that person's personal representatives.

(6) A person is not entitled, except in the prescribed circumstances, to make more than one election under this section.

(7) Where a lump sum payment becomes payable to a person pursuant to an election made under subsection (1), (2) or (3) of this section, that person ceases to be entitled to be paid pension in respect of that part of the Fund share of the pension to which the election related, but an election made by a person under subsection (1) of this section does not affect or reduce any pension which may become payable to the widow of that person.

(8) An election made by a person under subsection (1) of this section is of no effect insofar as it seeks to commute any part of the Fund share of a pension that is payable in respect of an ineligible unit.

(9) An election made under subsection (1) of this section by a person who elects to retire before the age for which he elected to contribute is of no effect unless he has contributed in respect of each ineligible unit, the same contributions which he would have paid if he had not retired until he attained that age.

(10) In this section—

“appointed day” means the thirty-first day of December, nineteen hundred and seventy-three;

“equivalent entitlement by way of a lump sum payment” in relation to a commutation of part of the pension payable to a person means such lump sum payment as is determined by the Board on the recommendation of an Actuary to be the equivalent, in a lump sum form of the part of the pension which after commutation will cease to be payable to that person;

“Fund share”, in relation to a pension, means the part of the pension which is certified by the Board to be attributable to the contributions made by the contributor for that pension;

“ineligible unit” means any unit for which less than five years’ regular fortnightly contributions have been made prior to retirement, except where—

- (a) the election to contribute for the unit is validly made under subsection (10) or subsection (11) of section thirty-seven of this Act; or
- (b) the contributor has not less than three years prior to the date of his retirement completed the payment

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of all contributions which would have been payable in respect of the unit if the contributor had retired at the age for which he elected to contribute.

Retirement through invalidity. Amount of pension. No. 34 of 1938, s. 57. Amended by No. 43 of 1939, s. 15; No. 65 of 1947, s. 17; No. 61 of 1960, s. 3 (14).

61. (1) Where a contributor, who has been a contributor for at least three years is retired on the ground of invalidity or physical or mental incapacity to perform his duties, he shall—

- (a) if the invalidity or incapacity is not due to his own fault, be entitled to the full pension for which he was contributing at the time of his retirement; and
- (b) if the invalidity or incapacity is due to his own fault, be entitled to a pension which is the actuarial equivalent of the contributions made by him up to the time of his retirement, or, at his option, to the payment to him out of the Fund of a sum equal to the actual amount of all the contributions paid by him to the Fund; and
- (c) if the invalidity or incapacity is shown by the medical report obtained by the Board as provided for in section eighty-four of this Act to be partly due to his own fault, or to have been aggravated by the conduct or action of the contributor, be entitled to such reduced pension or other benefit as the Board may determine to be reasonable, having regard to the circumstances of the particular case: Provided that—
 - (i) where a female contributor who has been retired on the ground of invalidity or physical or mental incapacity to perform her duties is married after retirement and becomes restored to health, the Board may cancel the pension and thereupon it shall cease to be payable; and

- (ii) in the event of a recurrence of the infirmity which was the cause of her retirement she shall, provided she married before the commencement of the Superannuation and Family Benefits Act Amendment Act, 1947, be entitled to pension at a rate not less than the amount of the pension on which she was retired.

(2) A contributor shall not be deemed to have been retired on the ground of invalidity or physical or mental incapacity to perform his duties within the meaning of this section for the reason merely that he is suffering from a particular physical defect which renders him incapable of performing a particular duty which he has been performing as an employee if such physical defect does not in fact disable him from performing another duty, which he is competent to perform, and employment in the performance of such lastmentioned duty is available to him as an employee.

(3) Subject to this Act, a pension payable to any contributor under subsection (1) of this section shall be paid from such date, being not later than the maximum age for retirement of the contributor, except in the case of a contributor governed by paragraph (b) of subsection (3) of section thirty-six of this Act, as the Board may determine.

(4) Where a contributor who has been a contributor for less than three years is retired on the ground of invalidity or physical or mental incapacity to perform his duties, he shall be entitled to a refund of the actual amount of the contributions made by him but if that invalidity or physical or mental incapacity was caused by or resulted from an injury received by the contributor during the course of his employment, he shall be deemed to be a contributor to whom subsection (1) of this section applies and in such case the provisions of that subsection shall apply to him in all respects as though he had been a contributor for at least three years.

Widows' and Children's benefits, etc. Repealed and re-enacted by No. 75 of 1973, s. 17.

62. (1) The pensions and allowances payable under this Act to the widows, widowers and children of contributors and former contributors, and the rates of those pensions and allowances, shall, on and from the first fortnightly payment of pension in the year nineteen hundred and seventy-four, be those respectively set out in the Sixth Schedule to this Act.

(2) A person is eligible to receive a pension or allowance under the Sixth Schedule to this Act whether the circumstances or events which gave rise to the eligibility occurred before, on or after the date on which the Sixth Schedule comes into operation.

(3) The Consolidated Revenue Fund is hereby permanently appropriated to the extent necessary for the purpose of paying to the Fund such amounts as are payable under this Act from the Consolidated Revenue Fund in respect of the pensions and allowances referred to in this section.

63. [*Repealed by No. 75 of 1973, s. 18.*]

64. (1) [*Repealed by No. 75 of 1973, s. 19.*]

Pension to orphans on death of contributor or pensioner. No. 34 of 1938, s. 60. Amended by No. 65 of 1947 s. 19; No. 36 of 1955, s. 9; No. 55 of 1957, s. 2 (12); No. 101 of 1964, s. 9; No. 106 of 1965, s. 13; No. 108 of 1970, s. 9; No. 75 of 1973, s. 19.

(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.

(2) Where a male contributor or a male pensioner whose wife is dead or divorced has died leaving children of himself or of his wife who were under the age of sixteen years or were student children at the time of his death, and all such children have ceased to be entitled to the benefit of the pension referred to in subsection (1) of this section, and the total amount of the Fund's share of any pensions paid to the contributor or pensioner and in respect of the children is less than the total amount of the contributions paid to the Fund by the contributor or pensioner, the Board shall pay a sum equal to the amount by which the Fund's share of those pensions is less than those contributions, together with compound interest on that amount at a rate per centum determined by the Board, to the children in equal shares, or to the guardian (if any) of the children or to some other person approved by the Board, to be used for the support and education of the children.

65. Where a contributor who is unmarried, or is a widower or widow without children who are under the age of sixteen years or student children, dies before his or her retirement, the contributions made by him or her, together with compound interest thereon at a rate per centum determined from time to time by the Board, shall be paid to the personal representatives of the contributor, or failing them, to such person or persons (if any) as the Board determines.

Payment of contributions of deceased contributor to personal representatives in certain cases. Repealed and substituted by No. 101 of 1964, s. 10. Amended by No. 75 of 1973, s. 20.

66. (1) In the event of the retrenchment of a contributor he shall be entitled to receive the contributions paid by him and a further sum equal to two and one-half times those contributions, but may elect within three months after his retrenchment to receive in lieu of those sums an equivalent pension determined by an Actuary.

Retrenchment of contributor. Choice of benefits. No. 34 of 1938, s. 62. Amended by No. 75 of 1973, s. 21.

(2) In default of such choice the Board shall determine in which form payment shall be made.

(3) Where a contributor who has been retrenched and is in receipt of a pension under this section, re-enters the Service, the following provisions shall apply:—

- (a) The pension shall not cease to be payable; and
- (b) he may elect to contribute as provided in Part IV. of this Act but shall not be entitled to claim any further benefit in respect of his previous service.

(4) Where a contributor who has been retrenched and has received payment in the form of a lump sum under this section re-enters the Service, he may elect to contribute as provided in Part IV. of this Act, but shall not, unless he has repaid to the Board for transmission to the Treasurer five-sevenths of the lump sum so previously paid to him, be entitled to claim any further benefit in respect of his previous service.

(5) Where a contributor who has been retrenched re-enters the Service, he shall, upon re-entry into the Service as aforesaid, be deemed to be a person entering the Service after the commencement of this Act for the purposes of Part IV. of this Act.

Resignation,
dismissal or
discharge of
contributor.
Refund of
contribu-
tions.

No. 34 of
1938, s. 63.
Amended by
No. 55 of
1945, s. 15;
No. 36 of
1955, s. 10;
No. 108 of
1970, s. 10;
No. 75 of
1973, s. 22.

67. (1) Where a contributor resigns or is dismissed or discharged (including discharge within the meaning of subsection (1) of section thirty-three of this Act) from the Service, there shall be paid to him the amount of the contributions paid by him under this Act, irrespective of the cause of his resignation, dismissal or discharge except where the contributor is dismissed after having attained his elected retiring age, in which case his entitlement to a pension shall be such as would have applied had he retired when so dismissed.

(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.

(2) Where any employee, who has resigned or been dismissed or discharged and has received a refund of the amount of his contributions, re-enters the Service he may elect to contribute as provided in Part IV. of this Act, but shall not, except as provided in subsection (4) of section sixty-six of this Act, be entitled to claim any further benefit in respect of his previous service.

(3) An employee of the kind mentioned in the last preceding subsection shall, upon re-entering the Service aforesaid, be deemed to be a person entering the Service after the commencement of this Act for the purposes of Part IV. of this Act.

68. Notwithstanding anything to the contrary contained in this Act or in any other Act and save and except as regards refunds of contributions made under the provisions of subsection (2) of section sixty and subsection (4) of section sixty-one of this

Refunds.
Added as
s. 63A by
No. 55 of
1945, s. 16.
Amended by
No. 65 of
1947, s. 20;
No. 101 of
1964, s. 11.

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Act, wherever in any provision in this Act it is enacted that a contributor shall be entitled to have refunded or paid to him or to his personal representative (as the case may be) the amount or amounts of contributions made by such contributor in accordance with the provisions of this Act, the refund or payment made to such contributor or to his personal representative shall represent the actuarial reserve portion of such contributions. Provided that before any such refund or payment aforesaid is made by the Board there shall be deducted therefrom—

- (a) any sum of money due and payable by or in respect of the contributor to the Board or to the State; and
- (b) any sum received by the contributor as pension under section sixty-one of this Act; but such deduction shall not in any case reduce the sum to be paid to the contributor below the amount of the actuarial reserve portion of the contributions made by the contributor subsequently to the receipt by him of the amount then last paid to him as pension.

Desertion by male pensioner of wife or child.
No. 34 of 1938, s. 64.
Amended by No. 75 of 1973, s. 23.

69. (1) Where a male pensioner deserts his wife, the wife may from time to time apply to any court of competent jurisdiction and on proof of such desertion the court may order the payment, during such period as it thinks desirable, of pension in accordance with the provisions contained in the Sixth Schedule to this Act, as if the male pensioner were dead. The Board shall comply with any such order and shall discontinue payment of pension to the pensioner during the period mentioned in the order.

(2) Where a pensioner whose spouse is dead or divorced deserts any of his or her children who are dependent on him or her, the guardian of the children or the Board may apply to any court of competent jurisdiction, and, on proof of the desertion the court may order the payment during

such period as it thinks desirable of pension in accordance with the provisions contained in Part II of the Sixth Schedule to this Act as if the pensioner were dead, and in that event—

- (a) the Board shall comply with the order; and
- (b) the Board shall, unless in the particular circumstances of the case it considers it unreasonable so to do, deduct from the pension paid to the pensioner the increase in children's allowance which becomes payable pursuant to the order.

70. (1) Where a male pensioner is sentenced to imprisonment for any period exceeding one month, payment of his pension under this Act shall be discontinued during the period of his imprisonment; and—

Imprisonment of pensioners. No. 34 of 1938, s. 65. Amended by No. 75 of 1973, s. 24.

- (a) if his wife is alive she shall, during that period, be entitled in accordance with the provisions of the Sixth Schedule to this Act, as if the pensioner were dead, to pension for herself and for children who were dependent upon the pensioner unless the Board is satisfied after making such inquiry as it thinks fit that payment to the wife is undesirable.
- (b) if his wife is dead or divorced, pensions for children dependent upon the pensioner shall, during that period, be payable in accordance with the provisions of the Sixth Schedule to this Act as if the pensioner were dead.

(2) Where a female pensioner is sentenced to imprisonment for any period exceeding one month, payment of her pension under this Act shall be discontinued during the period of her imprisonment: Provided that any pension payable to her in respect of children shall be payable under the Sixth Schedule to this Act as if she were dead.

Insanity of pensioners.
No. 34 of 1938, s. 66.
Amended by No. 55 of 1945, s. 17; No. 101 of 1964, s. 12.

71. (1) Where a male pensioner is detained as a patient in a hospital for the insane, the Board may cause his pension or any part thereof to be paid during the period of detention to his wife, if alive, or, if his wife is dead or divorced, to some person for the use of such of the children of himself or of his late wife as are under the age of sixteen years or are student children in such proportions as the Board may think fit.

(2) Where a female pensioner is detained as a patient in a hospital for the insane, the Board may cause her pension or any part thereof to be paid during the period of detention to some person in such proportion as the Board thinks fit for the use of such of the children of the pensioner or of her late husband as are under the age of sixteen years or are student children.

(3) This section shall apply and have effect notwithstanding anything to the contrary contained in the Public Trustee Act, 1941.

Payments to children.
No. 34 of 1938, s. 67.
Amended by No. 101 of 1964, s. 13.

72. (1) Where pensions in respect of children are payable under this Act to a widow, the pensions shall, if the widow dies, be payable to the guardians of the children.

(2) Notwithstanding anything contained in this Act, any money payable out of the Fund in respect of a child who is under the age of sixteen years or is a student child may, at the discretion of the Board, be paid to the guardian of the child or expended by the Board for the benefit of the child.

Pensions payable for life except in case of children.
No. 34 of 1938, s. 68.
Amended by No. 101 of 1964, s. 14.

73. (1) Except where otherwise provided in this Act, a pension shall be payable during the life of the person entitled thereto.

(2) Pensions in respect of children who are under the age of sixteen years shall be payable until they attain, or die before attaining, that age, and in respect of student children, until they cease to be student children within the meaning of this Act.

74. (1) Where a qualified contributor is retired on the ground of invalidity or mental or physical infirmity, or is retrenched, or discharged, or dismissed or resigns before he has reached the maximum age for retirement applicable to him, and at any time thereafter before the maximum age for retirement which would have been applicable to him if he had continued to be an employee is reached he ceases to contribute as a qualified contributor, such qualified contributor shall, after ceasing to contribute as aforesaid, be entitled to be paid out of the Fund the amount of the actual contributions paid by him as a qualified contributor under this Act.

Provision in case of qualified contributor ceasing to contribute. No. 34 of 1938, s. 69.

(2) Where a qualified contributor to whom subsection (1) of this section relates has ceased to contribute as a qualified contributor, and thereafter re-enters the Service, he shall be deemed to be a person entering the Service after the commencement of this Act; he shall not be entitled to claim any further benefit in respect of his previous service, but he may elect to contribute to the Fund as a contributor under section thirty-two of this Act.

75. (1) Pensions shall be paid in fortnightly instalments.

Payment of pension instalments. No. 34 of 1938, s. 70.

(2) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.

76. Except where otherwise provided in this Act, in any case where in this Act provision is made for the pension of a person to be actuarially determined, any pension under this Act to his widow in respect of her own life shall be twenty-two-thirty-fifths of the benefit that but for his death would have been payable to that person, but not less than one unit.

Value of widow's pension. No. 34 of 1938, s. 71. Amended by No. 43 of 1963, s. 8.

77. Where, in the opinion of the Board, payment of pension, refund of contributions or other benefit under this Act should be made to a person other than the pensioner or beneficiary, the Board may, subject to this Act, authorise payment to such other person accordingly.

Payment to person other than the pensioner. No. 34 of 1938, s. 72.

Division 3.—Break-down Pensioners.

Breakdown pensioner to be deemed to be on leave.
 No. 34 of 1933, s. 73.
 Amended by No. 55 of 1945, s. 18; No. 65 of 1947, s. 21.

78. (1) Any pensioner who is in receipt of a pension under section sixty-one of this Act shall, for the purposes of this Act, be deemed to be on leave of absence without pay, and shall not be required to contribute in respect of the period of that leave; but, notwithstanding the fact that he is deemed to be on leave of absence, his office or position shall be held to be vacant and may be filled by the appointment thereto of some other person.

(2) In the event of the re-employment in the Service of a person who has retired on a pension under section sixty-one of this Act, the period during which he was retired shall not, for the purposes of this Act, be deemed to be a break in the continuity of his service.

(3) Any such pensioner shall submit himself for medical examination as and when required by the Board, and if he makes default in complying with such requirement the pension shall cease to be payable to him so long as he continues in default.

Breakdown pensioner leaving the State.

(4) Before any such pensioner shall leave this State, he shall submit to the Board a certificate from a duly qualified medical practitioner indicating the need of the pensioner to leave the State; and in any such case the continuance of the payment of pension to the pensioner shall be subject to the approval of the Board to the pensioner leaving this State being first obtained.

Breakdown pensioner engaging in employment or business.

(5) If a person who has retired through invalidity as provided for in section sixty-one of this Act, engages in employment, or in any occupation or business on his own account, the Board may, if it thinks fit, cancel the pension payable to such person or reduce the amount of such pension to any amount which in its opinion the circumstances of the case warrant.

(6) Where a pension is cancelled by the Board under this section, the pensioner shall be regarded as a contributor and notwithstanding the provisions of subsection (1) of this section he shall be required to pay his contributions in accordance with section forty-seven of this Act.

79. (1) If in the opinion of the Board the health of any pensioner to whom a pension under section sixty-one of this Act is being paid or is to be paid is such as to enable him to perform suitable duties, the Board shall so inform a prescribed authority with a view to suitable employment being found for the pensioner.

Pensioner restored to health may be recalled to the service.
No. 34 of 1938, s. 74.
Amended by No. 43 of 1939, s. 17.

(2) If suitable employment is offered to such pensioner at a salary not less than two-thirds of his salary at the time of his retirement, or at such salary as is agreed upon between him and a prescribed authority, the Board may cancel the pension and thereupon it shall cease to be payable.

(3) In the event of the recurrence of his infirmity any contributor who has been re-employed in the Service shall be entitled to pension at a rate not less than the amount of the pension on which he was first retired.

(4) If, in the opinion of the Board, the health of any pensioner to whom a pension under section sixty-one of this Act is being paid, has become so restored as to enable him to perform his duties and suitable permanent employment in the Service cannot be offered to him but the pensioner is engaged in temporary employment by or under the State at a remuneration not less than two-thirds of his salary at the time of his retirement the Board may suspend the pension, and thereupon it shall cease to be payable so long as the pensioner continues in such employment.

(5) In the event of the recurrence of this infirmity of the pensioner, or in the event of his ceasing to be so engaged in temporary employment by or under the State or in other employment as aforesaid the pensioner shall from the date of such recurrence or the cessation of such employment, as the case may be, be entitled to pension at the same rate as that on which he was retired from the Service.

| *Former s. 80 repealed by No. 61 of 1960, s. 3.* |

Reduction
of pension
in certain
cases.
Added by
No. 27 of
1969, s. 12.
Amended by
No. 108 of
1976, s. 11.

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.

(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 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.

(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 holding any judicial office under the Supreme Court Act, 1935 or the District Court of Western Australia Act, 1969, or 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.

Increases effected by Acts Amendment (Superannuation and Pensions) Act, 1951. Added by No. 25 of 1951, s. 2.

80A. The increases effected by the Acts Amendment (Superannuation and Pensions) Act, 1951, in the rates of pensions shall be deemed to have commenced to apply in respect of the payments of pension which fell due on the fifth day of October, one thousand nine hundred and fifty-one.

Increases effected by Acts Amendment (Superannuation and Pensions) Act, 1957. Added by No. 55 of 1957, s. 2 (13).

80B. The increases effected by the Acts Amendment (Superannuation and Pensions) Act, 1957, in the rates of pensions and benefits commence to apply from and including the first day of January, one thousand nine hundred and fifty-eight.

Increases effected by Acts Amendment (Superannuation and Pensions) Act, 1960. Added by No. 61 of 1960, s. 3 (18).

80C. The increases effected by the Acts Amendment (Superannuation and Pensions) Act, 1960, in the rates of pensions and benefits commence to apply in respect of the payments of pension and benefits which fall due on and after the first day of January, one thousand nine hundred and sixty-one.

Division 4.—Existing Assurance Policies.

Assurance policies may be continued or discontinued at option of contributor. No. 34 of 1938, s. 76.

81. Notwithstanding anything to the contrary contained in any other Act of the State, it shall not be compulsory for any employee who is a contributor under this Act to assure his life, or to continue in force any policy of assurance on his life effected before the commencement of this Act, and any policy held by any authority prescribed under any Act of the State aforesaid relating to the Public Service of the State shall be placed at the disposal of the employee.

Transfer of policies to Board. No. 34 of 1938, s. 77. Amended by No. 106 of 1965, s. 14.

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 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 per centum per annum from the respective dates of payment.

Division 5.—Provisions relating to the Western Australian Government Railways and Tramways Employees' Death Benefit and Endowment Fund.

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.

An employee contributing to Railway Death Benefit and Endowment Fund may transfer rights to Board.
No. 34 of 1938, s. 78.
Amended by No. 106 of 1965, s. 15.

(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 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.

PART VA.—THE PROVIDENT ACCOUNT.

Division 1.—General.

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

- (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.

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.

Heading substituted by No. 50 of 1961, s. 6.

The Provident Account. New division and section added by No. 65 of 1947, s. 23. Repealed and re-enacted by No. 50 of 1961, s. 7.

Payments by State into Provident Account. Added by No. 50 of 1961, s. 8.

(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.

Heading added by No. 50 of 1961, s. 8.

83AB. (1) In this section—

“repealed section” means section 83AB of the Superannuation and Family Benefits Act, 1938 as in force immediately prior to the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1973.

Termination of rights to subscribe to Provident Account and repayment of certain moneys. Added by No. 50 of 1961, s. 8. Repealed and re-enacted by No. 16 of 1973, s. 3.

(2) On and after the first day of July, 1973 no person shall be entitled to subscribe or contribute to the Provident Account or to continue to so subscribe or contribute except in accordance with section 83B or 83C of this Act.

(3) Subject to subsection (4) of this section, there shall be paid, not later than the thirtieth day of June, 1974, to any person who has subscribed to the Provident Account under the repealed section, the amount of the moneys so subscribed by him under this section standing to his credit in the Account, including interest accrued thereon up to the date on which the payment is made.

(4) Where—

- (a) a person would, under the repealed section, have been entitled to withdraw moneys standing to his credit in the Provident Account prior to the thirtieth day of June, 1974; and
- (b) that person applies to withdraw those moneys before repayment has been made by the Board to him under subsection (3) of this section,

those moneys together with interest accrued thereon shall be so paid to him as soon as practicable after the receipt of his application in lieu of being so paid under subsection (3) of this section.

Provident Account.
Female subscribers.
Added by No. 65 of 1947, s. 23.
Amended by No. 36 of 1955, s. 12; No. 50 of 1961, s. 9; No. 43 of 1963, s. 10; No. 106 of 1965, s. 17; No. 16 of 1973, s. 4.

83B. (1) A female contributor under this Act may at any time elect to transfer to the Provident Account the whole of the contributions paid by her to the Fund or the portion in respect of units in excess of two.

(2) A female employee who is not a contributor for a pension under this Act and who elects to become a subscriber, or a female contributor who elects to transfer the whole of the contributions paid by her for a pension under this Act to the Provident Account, as provided for in the last preceding subsection, shall—

- (a) contribute to the Provident Account at a rate not less than would be required for contributions for two units of pension under this Act, at the rate for her age at the date of such election, or, if higher (subject to the next succeeding subsection) at the rate of ten cents for each complete amount of two dollars of her gross fortnightly salary; and
- (b) continue to contribute to the Provident Account while she continues to be an employee unless she is not bound by the conditions of her service to continue to do so.

(3) Where a subscriber under subsection (2) of this section satisfies the Board that adequate provision has been made for herself, the Board may exempt her from subscribing at a rate higher than that for two units referred to in paragraph (a) of that subsection.

(4) On and after the first day of July, 1973—

- (a) a female employee who is a contributor to the Superannuation Fund is not entitled to become, or to continue to be, a subscriber to the Provident Account; and
- (b) a female employee who is not a contributor to the Superannuation Fund shall not subscribe or shall not continue to subscribe to the Provident Account at a rate exceeding ten cents for each complete amount of two dollars of her gross fortnightly salary.

(5) A person who was, at any time prior to the first day of July, 1973, a female subscriber to the Provident Account may, at any time, by making application in the prescribed form, withdraw from the Provident Account the whole or any part of the moneys standing to her credit in that Account on that date together with interest accrued thereon, less, in the case of a female employee who is bound by the conditions of her service to subscribe to that Account, so much of those moneys as were subscribed in order to satisfy that condition of service.

(6) A female employee is not entitled, so long as she continues to be an employee, to withdraw any moneys subscribed to the Provident Account after the first day of July, 1973, but where such an employee becomes a contributor to the Superannuation Fund and elects to contribute at the rate of contribution prescribed for her age at the date of commencing to subscribe to the Provident Account, and payable from that date, there shall be paid to her the amount, if any, which represents the surplus remaining after there is deducted from the moneys standing to her credit in the Provident Account the amount necessary to meet arrears of contributions.

Division 3.—Contributors.

Contributors to the Provident Account. New division and section added by No. 50 of 1961, s. 10. Amended by No. 19 of 1962, s. 3.

83C. (1) All employees who because of inability to comply with the provisions of section thirty-five, or, as the case may be, section forty-one, of this Act, 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.

Contributions to the Provident Account. Added by No. 50 of 1961, s. 10. Amended by No. 106 of 1965, s. 18.

83D. (1) The contributions of a contributor to the Provident Account under this Division shall—

- (a) be at the rate of ten cents for each complete amount of two dollars of his gross fortnightly salary; and
- (b) be deducted from his salary at each payment of salary,

and where his salary is increased the additional contributions for which he is liable shall be payable as from the date upon which payment of salary at the increased rate is approved, or from the date upon which that increased salary becomes payable, whichever is the later.

(2) A contributor to the Provident Account under this Division who is on leave of absence on the ground of illness, either without pay or at less than full pay, is liable to pay the contributions that he would have been liable to pay under this section if he had not been absent, but the Board may, upon his application permit him to pay those contributions in such smaller sums and during such periods as the Board approves.

83E. Subject to this Act a contributor to the Provident Account under this Division who retires or is retired on or after having attained the age of sixty years, or whose services are terminated on the ground of invalidity or owing to retrenchment, shall be paid 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.

Payments on retirement.
Added by No. 50 of 1961, s. 10.

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.

Payments on death of contributor with dependants.
Added by No. 50 of 1961, s. 10.
Amended by No. 101 of 1964, s. 15.

(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 who is or are under the age of sixteen years, or is a student child or are student children, 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. Added by No. 50 of 1961, s. 10. Amended by No. 101 of 1964, s. 16.

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 student children or children under the age of sixteen years);
- (b) a widower without student children or 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.

Payment on resignation, etc. Added by No. 50 of 1961, s. 10.

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.

Retrenchment and discharge. Added by No. 50 of 1961, s. 10.

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—

- (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. Added by No. 50 of 1961, s. 10.

83K. (1) For the purpose of determining the sum payable under the provisions of section eighty-three E or section eighty-three F of this Act, the amount of contributions referred to in those sections shall include, and on and from the coming into operation of the Superannuation and Family Benefits Act Amendment Act, 1961, be deemed to have included, the subscriptions that prior to that date the contributor subscribed to the Provident Account in accordance with the requirements of the terms of his employment.

Payments by State. Added by No. 50 of 1961, s. 10. Repealed and re-enacted by No. 19 of 1982, s. 4.

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

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.

Contributor under this Division not entitled to other benefits. Added by No. 50 of 1961, s. 10.

PART VI.—MISCELLANEOUS.

84. Whenever any question arises under this Act as to whether a contributor is an invalid or is physically or mentally incapable of performing his duties, and whether the invalidity or incapacity is due to his fault, the question shall be determined by the Board (whether before or after the retirement of the contributor) upon a report from a duly qualified medical practitioner appointed by the Governor for the purposes of this Act.

Question as to invalidity, etc., determined by Board on medical officer's report. No. 34 of 1938, s. 79.

Provided that upon the receipt of an adverse report by the Board, and before a determination is arrived at, the contributor shall have the right to a second medical report from a duly qualified medical practitioner mutually agreed upon by the contributor and the Board.

Settlement
of disputes.
No. 34 of
1938, s. 80.

85. (1) Any dispute under this Act shall be determined in the first place by the Board. .

Provided that any person aggrieved by a decision of the Board may, in accordance with the regulations, appeal to a judge of the Supreme Court sitting in Chambers who shall have jurisdiction to hear and determine such appeal.

(2) The decision of the judge hearing and determining an appeal under this section shall be final and conclusive and without further appeal and effect shall be given thereto according to the tenor thereof.

Discretion-
ary powers
of Board.
Added by
No. 75 of
1973, s. 25.

85A. (1) Where the Board is satisfied, after such inquiry as it thinks necessary, that a person has, otherwise than through his own fault, lost or ceased to be entitled to a right, privilege, or benefit under this Act to which he was otherwise entitled or might have obtained, and that it is just and equitable that he should be allowed to have the enjoyment of the right, privilege, or benefits, the Board may permit the person to exercise the right or grant to him the privilege or benefit notwithstanding that the time prescribed by or under this Act for doing any action in relation thereto may have expired.

(2) The Board may, in the exercise of its powers under subsection (1) of this section, impose such conditions and requirements as it thinks just.

(3) Notwithstanding anything contained in this Act, where an application, election or notice under this Act has been or is made or given to the Board before the commencement, or after the expiration, of the period prescribed therefor by or under this Act, and the Board is satisfied that—

- (a) hardship would accrue to a person or his dependants if the same were not recognized; and
- (b) in all the circumstances of the case it is desirable that the same should be recognized,

the Board may recognize the application, election or notice, as the case may be, as if it had been made within the prescribed period.

86. (1) The Board may at any time require the State and any department to furnish such returns with respect to contributors and qualified contributors as the Board may decide, and may at any time require any contributor or qualified contributor to furnish such information as the Board may deem necessary for the purpose of any investigation in connection with the Fund.

Returns.
No. 34 of
1938, s. 81.
Amended by
No. 106 of
1965, s. 19.

(2) Any contributor or qualified contributor who, without reasonable excuse (proof whereof shall lie with him) fails to furnish the information required of him under this Act shall be guilty of an offence.

Penalty: Twenty dollars.

(3) Prosecutions for offences under this section may be commenced by a complaint made by the Secretary of the Board and may be dealt with summarily under the provisions of the Justices Act, 1902-1942.¹

87. Pensions and other benefits under this Act shall not be in any way assigned or charged or passed by operation of law to any person other than the pensioner or beneficiary, and any moneys payable out of the Fund on the death of a contributor or beneficiary shall not be assets for the payment of his debts or liabilities.

Assignment
of pensions.
No. 34 of
1938, s. 82.

Provided that nothing in this section shall prevent the making of an order in the nature of a garnishee against any instalment of pension payable to a person who has been a contributor.

88. The Board may recover contributions under this Act as a debt owing to the Board in any court of competent jurisdiction.

Power to
recover.
No. 34 of
1938, s. 83.

¹ Now Justices Act, 1902-1976.

Regulations
No. 34 of
1938, s. 84.
Amended by
No. 43 of
1939, s. 18;
No. 106 of
1965, s. 20;
No. 108 of
1970, s. 12.

89. The Governor may, on the recommendation of the Board, make regulations not inconsistent with this Act prescribing all matters required or permitted to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and without in any way limiting the generality of the power hereby conferred, in particular—

- (a) for prescribing in respect of contributors suffering from invalidity or physical or mental incapacity to perform their duties all or any of the following matters:—
 - (i) conditions of retirement;
 - (ii) pensioners or other benefits;
 - (iii) provisions for cancellation of pensions or other benefits; and
 - (iv) conditions of compulsory re-employment;
- (b) for prescribing the data in respect of birth, mortality, conjugal condition, dependent children, invalidity and rate of interest to be employed in determining actuarial equivalent for the purposes of this Act, and for prescribing the incidence on the several benefits of the commutations involved in determining such actuarial equivalents;
- (c) where, under this Act, an employee may make any election or choice and the time within which it may be made is not stated in the Act, for prescribing the time within which it must be made and the conditions upon which it may be made;
- (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;
- (d) for prescribing the practice in respect of appeals against the determination of disputes by the Board; and
- (e) for prescribing penalties not exceeding one hundred dollars for an offence against the regulations.

Superannuation and Family Benefits.

FIRST SCHEDULE.

Substituted
by No. 106 of
1965, s. 21.

Males.
Retiring Age of 65.

Age Next Birthday.	Fortnightly Contribution.				Contribution for first two Units. \$	Contribution for each additional unit. \$
16	0.25	0.12
17	0.27	0.13
18	0.27	0.13
19	0.30	0.14
20	0.32	0.15
21	0.33	0.15
22	0.35	0.16
23	0.37	0.17
24	0.39	0.18
25	0.39	0.18
26	0.41	0.19
27	0.43	0.20
28	0.45	0.21
29	0.46	0.22
30	0.49	0.23
31	0.50	0.24
32	0.53	0.25
33	0.55	0.26
34	0.59	0.28
35	0.61	0.29
36	0.63	0.30
37	0.67	0.32
38	0.71	0.34
39	0.73	0.35
40	0.80	0.38
41	0.83	0.40
42	0.89	0.43
43	0.93	0.45
44	0.99	0.48
45	1.05	0.51
46	1.13	0.55
47	1.19	0.58
48	1.28	0.63
49	1.39	0.68
50	1.51	0.74
51	1.63	0.80
52	1.78	0.88
53	1.97	0.97
54	2.18	1.08
55	2.42	1.20
56	2.72	1.35
57	3.12	1.55
58	3.60	1.79
59	4.26	2.12
60	5.14	2.56
61	6.43	3.21
62	8.53	4.26
63	12.71	6.35
64	24.99	12.49
65	25.41	12.70

Superannuation and Family Benefits.

Substituted
by No. 106 of
1965, s. 21.

SECOND SCHEDULE

Females.
(2 units.)
Retiring Age of 65.

Age Next Birthday.						Contribution for each unit of pension. \$
16	....	....	....	....	....	0.10
17	....	....	....	....	....	0.10
18	....	....	....	....	....	0.11
19	....	....	....	....	....	0.12
20	....	....	....	....	....	0.13
21	....	....	....	....	....	0.14
22	....	....	....	....	....	0.15
23	....	....	....	....	....	0.16
24	....	....	....	....	....	0.17
25	....	....	....	....	....	0.18
26	....	....	....	....	....	0.18
27	....	....	....	....	....	0.19
28	....	....	....	....	....	0.20
29	....	....	....	....	....	0.21
30	....	....	....	....	....	0.23
31	....	....	....	....	....	0.23
32	....	....	....	....	....	0.25
33	....	....	....	....	....	0.26
34	....	....	....	....	....	0.28
35	....	....	....	....	....	0.29
36	....	....	....	....	....	0.30
37	....	....	....	....	....	0.32
38	....	....	....	....	....	0.34
39	....	....	....	....	....	0.36
40	....	....	....	....	....	0.38
41	....	....	....	....	....	0.40
42	....	....	....	....	....	0.43
43	....	....	....	....	....	0.45
44	....	....	....	....	....	0.48
45	....	....	....	....	....	0.51
46	....	....	....	....	....	0.55
47	....	....	....	....	....	0.59
48	....	....	....	....	....	0.64
49	....	....	....	....	....	0.69
50	....	....	....	....	....	0.75
51	....	....	....	....	....	0.83
52	....	....	....	....	....	0.91
53	....	....	....	....	....	1.01
54	....	....	....	....	....	1.13
55	....	....	....	....	....	1.28
56	....	....	....	....	....	1.46
57	....	....	....	....	....	1.70
58	....	....	....	....	....	1.99
59	....	....	....	....	....	2.38
60	....	....	....	....	....	2.92
61	....	....	....	....	....	3.64
62	....	....	....	....	....	4.73
63	....	....	....	....	....	6.60
64	....	....	....	....	....	12.54
65	....	....	....	....	....	12.68

Superannuation and Family Benefits.

THIRD SCHEDULE.

Substituted
by No. 106 of
1965, s. 21.

Males.

Retiring Age of 60.

Age Next Birthday.	Fortnightly Contribution.	
	Contribution for first two Units.	Contribution for each additional unit.
	\$	\$
16	0.31	0.15
17	0.33	0.16
18	0.36	0.17
19	0.38	0.18
20	0.38	0.18
21	0.40	0.19
22	0.42	0.20
23	0.46	0.22
24	0.49	0.23
25	0.51	0.24
26	0.52	0.25
27	0.54	0.26
28	0.59	0.28
29	0.61	0.29
30	0.63	0.30
31	0.67	0.32
32	0.69	0.33
33	0.73	0.35
34	0.79	0.38
35	0.83	0.40
36	0.88	0.42
37	0.93	0.45
38	0.99	0.48
39	1.04	0.50
40	1.11	0.54
41	1.20	0.58
42	1.27	0.62
43	1.37	0.67
44	1.47	0.72
45	1.59	0.78
46	1.74	0.85
47	1.89	0.93
48	2.09	1.03
49	2.31	1.14
50	2.60	1.28
51	2.93	1.45
52	3.35	1.66
53	3.91	1.94
54	4.66	2.32
55	5.73	2.85
56	7.32	3.65
57	9.83	4.90
58	14.66	7.32
59	28.83	14.43
60	29.28	14.63

Superannuation and Family Benefits.

Substituted
by No. 106 of
1965, s. 21.

FOURTH SCHEDULE

Females.

(2 units.)

Retiring Age of 60.

Age Next Birthday.						Contribution for each unit of pension. \$
16	....	....	....	....	....	0.12
17	....	....	....	....	....	0.13
18	....	....	....	....	....	0.14
19	....	....	....	....	....	0.15
20	....	....	....	....	....	0.16
21	....	....	....	....	....	0.18
22	....	....	....	....	....	0.18
23	....	....	....	....	....	0.20
24	....	....	....	....	....	0.21
25	....	....	....	....	....	0.22
26	....	....	....	....	....	0.23
27	....	....	....	....	....	0.24
28	....	....	....	....	....	0.26
29	....	....	....	....	....	0.27
30	....	....	....	....	....	0.29
31	....	....	....	....	....	0.30
32	....	....	....	....	....	0.32
33	....	....	....	....	....	0.34
34	....	....	....	....	....	0.36
35	....	....	....	....	....	0.38
36	....	....	....	....	....	0.40
37	....	....	....	....	....	0.43
38	....	....	....	....	....	0.45
39	....	....	....	....	....	0.48
40	....	....	....	....	....	0.52
41	....	....	....	....	....	0.55
42	....	....	....	....	....	0.59
43	....	....	....	....	....	0.64
44	....	....	....	....	....	0.69
45	....	....	....	....	....	0.75
46	....	....	....	....	....	0.81
47	....	....	....	....	....	0.89
48	....	....	....	....	....	0.98
49	....	....	....	....	....	1.08
50	....	....	....	....	....	1.21
51	....	....	....	....	....	1.36
52	....	....	....	....	....	1.56
53	....	....	....	....	....	1.81
54	....	....	....	....	....	2.15
55	....	....	....	....	....	2.62
56	....	....	....	....	....	3.33
57	....	....	....	....	....	4.50
58	....	....	....	....	....	6.81
59	....	....	....	....	....	13.65
60	....	....	....	....	....	13.78

FIFTH SCHEDULE.

Added by
No. 78 of
1967, s. 9.

Part 1.		Part 2.	
Units of Pension contributed for before 1st July, 1964.	Increase in Pension to be paid by the Fund per fortnight.	Units of Pension held by contributor upon retirement.	Increase in Pension to be paid by Consolidated Revenue Fund per fortnight.
	\$		\$
2	0.20	2	1.80
2½	0.25	2½	1.75
3	0.30	3	1.70
4	0.40	4	1.60
5	0.50	5	1.50
6	0.60	6	1.40
7	0.70	7	1.30
8	0.80	8	1.20
9	0.90	9	1.10
10	1.00	10	1.00
11	1.10	11	0.90
12	1.20	12	0.80
13	1.30	13	0.70
14	1.40	14	0.60
15	1.50	15	0.50
16	1.60	16	0.40
17	1.70	17	0.30
18	1.80	18	0.20
19	1.90	19	0.10
20	2.00	20 or more	Nil
21	2.10		
22	2.20		
23	2.30		
24	2.40		
25	2.50		
26	2.60		
27	2.70		
28	2.80		
29	2.90		
30	3.00		
31	3.10		
32	3.20		
33	3.30		
34	3.40		
35	3.50		
36	3.60		
37	3.70		
38	3.80		
39	3.90		
40	4.00		
41	4.10		
42	4.20		

Added by
No. 75 of
1973, s.26.

SIXTH SCHEDULE.

PART I.

REVERSIONARY PENSIONS.

	Column 1	Column 2	Column 3	Column 4	Column 5
Item No.	Eligible Person	Rate of Pension or Benefit	Commencement of Pension	Termination of Pension	When Pension Restored
1.	Widow of former contributor who died after his retirement, if their marriage took place prior to retirement.	22/35 of pension which husband was receiving at date of death, plus 22/35 of any Fund share of pension which husband would have been receiving but for cash commutation of that share.	As from day after former contributor's death.	(a) On re-marriage prior to attaining age of 55 years (including any such re-marriage after pension has been restored after cessation of previous re-marriage). (b) On death of widow.	(a) During any period after re-marriage when widow is not a party to a subsisting marriage. (b) During any period of re-marriage if widow satisfies Board that loss of pension causes severe hardship.
2.	Widow of former contributor who died after his retirement, if their marriage took place after retirement.	As in item 1.	(a) As from day after former contributor's death if widow then aged 55 or more. (b) As from date widow attains age of 55 if she is less than 55 at date of former contributor's death.	On death of widow.	—

3. Widow of contributor who died prior to his retirement.	(a) 22/35 of pension for which husband was contributing at date of death (less any reduction attributable to section 60 (4) based on his notional service to selected retiring age).	As in item 1.	As in item 1.	As in item 1.
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OR

(b) If widow so elects in writing to Board within three months of husband's death, a lump sum refund of contributions paid by contributor plus compound interest thereon at rate determined by Board, in lieu of (a).

4. Widower of female contributor or former female contributor, who is not in receipt of any other pension under this Act and satisfies Board that at date of wife's death he was, because of his invalidity or for other good reason—fully or substantially dependent upon her.	22/35 of pension for which wife was contributing at date of death (less any reduction attributable to s. 60 (4), based on her notional service to selected retiring age) or 22/35 of pension which wife was receiving at date of death, as case requires.	As from day after death of female contributor or former female contributor.	(a) When, in Board's opinion, circumstances no longer warrant its continuance. (b) On death of widower.	—
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Superannuation and Family Benefits.

PART II.—CHILDREN'S ALLOWANCES.

Eligibility and Rate of Benefit, etc.

Item 1:

- (1) Subject to the following, upon the death of a contributor, or of a former contributor who was in receipt of pension under this Act, an allowance of \$8.00 per week is payable in respect of each of his or her children who was at that time wholly or substantially dependent upon the contributor or former contributor.
- (2) Allowance is payable under this item only during any period when the child
 - (a) is wholly or substantially dependent upon the surviving parent or other person having the care of the child; and
 - (b) is under the age of 16 years or is a student child under the age of 25 years.

Item 2:

- (1) Subject to the following, an allowance at the rate fixed by sub-item (2) is payable in respect of the child of a contributor, or of a former contributor who was in receipt of pension under this Act, where—
 - (a) the contributor or former contributor had died and was at the date of his or her death a widower or widow or divorced, in which case the allowance is payable as from the day after the death of the contributor or former contributor; or
 - (b) the contributor or former contributor had died and was survived by a widow or widower who has since died, in which case the allowance is payable from the day after the death of that widow or widower.
- (2) The rate per week at which allowance is payable under this item is the greater of the following rates—
 - (a) \$10.00; or
 - (b) \$4.00 plus the amount calculated in

R
 accordance with the formula $\frac{R}{N}$, where—
 N

R is the rate of reversionary pension that was payable (or would if the widow or widower were eligible, have been payable)

to the surviving widow or widower at the date of her or his death (or the rate of reversionary pension that would have been so payable if the spouse of the contributor or former contributor had survived the contributor or former contributor); and N is 4 or the number of children of the contributor to whom allowance is payable under this item, whichever is the greater.

- (3) Allowance is payable under this item only during any period when the child is under the age of 16 years or is a student child under the age of 25 years.
- (4) Allowance is not payable under this item in respect of a child who was not, at the date of the death of the contributor, wholly, or substantially dependent upon him or her.

PART III.—GENERAL PROVISIONS.

Item 1:

Where a person is entitled under the foregoing provisions of this Schedule to receive more than one pension or child's allowance, or both such a pension and allowance, only the greatest of them shall be paid to that person.

Item 2:

Any child's allowance payable under the provisions of Part II of this Schedule may be paid to the parent or other person or body having the care or support of the child, or directly to the child, as the Board may determine.

Item 3:

Subject to adjustment pursuant to section 44 if applicable, payment of each child's allowance shall be made up as follows—

- (a) as to 75 cents per week, from the Fund; and
- (b) as to the balance, from the Consolidated Revenue Fund.

