

WESTERN AUSTRALIA

SUPERANNUATION AND FAMILY BENEFITS AMENDMENT ACT

No. 57 of 1986

AN ACT to amend the *Superannuation and Family Benefits Act 1938*.

[Assented to 26 November 1986.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Superannuation and Family Benefits Amendment Act 1986*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act the *Superannuation and Family Benefits Act 1938** is referred to as the principal Act.

[*Reprinted as approved 1 October 1976 and amended by Acts Nos. 134 of 1976, 76 of 1979, 9 of 1981, 23 of 1982, 30 of 1984 and 78 and 98 of 1985.]

Section 3 repealed

4. Section 3 of the principal Act is repealed.

Section 31 amended

5. Section 31 of the principal Act is amended in subsection (2) by inserting before “during” the following—

“ , subject to section 39A, ”.

Section 32 amended

6. Section 32 of the principal Act is amended in subsection (1) by inserting after “section” the following—

“ and sections 39A (4) and 83C (5) (b) ”.

Section 39A inserted

7. After section 39 of the principal Act the following section is inserted—

Withdrawal from the Fund

“ 39A. (1) A contributor may elect to cease contributing for units of pension under this Act.

(2) An election may be made under subsection (1) if, and only if, it is made in respect of all of the units for which the contributor was contributing at the time of the election.

(3) Where a contributor makes an election under subsection (1)—

(a) the contributor is entitled—

(i) to have refunded to him the amounts of contributions made by him under this Act in respect of the units for which he was contributing at the time of the election together with compound interest thereon at the rate per centum per annum fixed by the Board from time to time; and

(ii) to have paid to him any amount that is held in the Fund to his credit under this Act; and

(b) the contributor shall no longer be subject to or bound by the provisions of this Act other than subsection (4).

(4) An employee who has made the election authorized by subsection (1) is not entitled to elect to become a contributor for units of pension under this Act.

(5) This section does not affect the operation of the provisions of section 38 (2) enabling a contributor to reduce the number of units of pension for which he is contributing.

(6) Without limiting the operation of sections 68 and 77 those sections are hereby declared to apply to refunds under subsection (3). ”.

Section 83B amended

8. Section 83B of the principal Act is amended—

(a) in subsection (2) by deleting paragraph (b) and substituting the following paragraph—

“ (b) subject to subsection (5a) (a), continue to contribute to the Provident Account while she continues to be an employee; ”;

(b) by repealing subsection (5) and substituting the following subsections—

“ (5) A subscriber to the Provident Account may, at any time, by making application to the Board, withdraw from that Account the whole of the moneys standing to her credit in that Account together with compound interest thereon at the rate per centum per annum fixed by the Board from time to time.

(5a) A female employee who has made the application authorized by subsection (5) after the commencement of the *Superannuation and Family Benefits Amendment Act 1986*—

- (a) shall cease to make contributions to the Provident Account; and
- (b) is not entitled to elect to again become a subscriber to the Provident Account. ”; and
- (c) in subsection (6) by deleting “A” and substituting the following—

“ Subject to subsection (5), a ”.

Section 83C amended

9. Section 83C of the principal Act is amended—

- (a) in subsection (1), by inserting after “shall” the following—

“ , subject to subsection (5) (a), ”; and

(b) by inserting after subsection (3) the following subsections—

“ (4) A contributor to the Provident Account under this Division may, by making application to the Board, withdraw from that Account an amount equal to the amount of the contributions paid by that contributor into that 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.

(5) An employee who has made the application authorized by subsection (4)—

- (a) shall cease to make contributions to the Provident Account; and
- (b) by reason of making that application is not entitled to elect to become a contributor for units of pension under this Act or to elect or apply to become a subscriber or contributor to the Provident Account. ”.