

SUPERANNUATION AND FAMILY BENEFITS.

No. 4 of 1975.

AN ACT to amend the Superannuation and Family Benefits Act, 1938-1974.

[Assented to 9th May, 1975.]

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

1. (1) This Act may be cited as the *Superannuation and Family Benefits Act Amendment Act, 1975*.

Short title
and citation.

(2) In this Act the Superannuation and Family Benefits Act, 1938-1974 is referred to as the principal Act.

Reprinted
as approved
for reprint
16th August,
1966, and
further
amended by
Acts Nos.
78 of 1967,
13 of 1968,
27 of 1969,
22 and 108
of 1970,
16 and 75
of 1973 and
47 of 1974.

(3) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1975.

Section 60AA
added.

2. The principal Act is amended by adding immediately after section 60 the following new section—

Certain
contributors
may elect to
determine
pension
rights
prior to
retirement.

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.
- (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. .
