

(b) where the damage occurs in the Territory of Papua or in the Territory of New Guinea—to the Deputy Director of Lighthouses and Navigation in the State of Queensland or to such other officer as the Minister, by notice in the *Gazette*, specifies for the purpose.

Penalty : One hundred pounds.”.

## DEFENCE FORCES RETIREMENT BENEFITS.

No. 37 of 1949.

### An Act to amend the *Defence Forces Retirement Benefits Act 1948*.

[Assented to 18th July, 1949.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Defence Forces Retirement Benefits Act 1949*.

Short title  
and citation.

(2.) The *Defence Forces Retirement Benefits Act 1948*\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Forces Retirement Benefits Act 1948–1949*.

2. This Act shall be deemed to have come into operation on the date of commencement of the Principal Act.

Commencement.

3. Section four of the Principal Act is amended by omitting from paragraph (a) of the definition of “officer” the words “or a subordinate or warrant officer” and inserting in their stead the words “, subordinate officer, warrant officer or branch officer,”.

Definitions.

\* Act No. 31, 1948.

**Commencement  
and cessation of  
contributions.**

**4. Section twenty-three of the Principal Act is amended—**

(a) by omitting from sub-section (4.) the words “the next succeeding sub-section” and inserting in their stead the words “this section”;

(b) by omitting sub-section (5.) and inserting in its stead the following sub-sections:—

“ (5.) Where a member increases his contributions—

(a) within twelve months before he attains the age of sixty years and a pension to which section forty-five of this Act applies is payable to him; or

(b) in such circumstances that an increased pension is payable as a result of the increased contributions,

twenty-six contributions at the fortnightly rate applicable to the member in respect of each unit or part of a unit in relation to which his contributions are increased shall be paid before pension at the rate provided by this Act shall become payable.

“ (5A.) Where a member (not being a member to whom section seventy-seven or seventy-nine of this Act applies) retires within twelve months after the date on which he commenced to contribute to the Fund, twenty-six contributions at the fortnightly rate applicable to the member in respect of each unit or part of a unit for which contributions are being made shall be paid before pension at the rate provided by this Act shall become payable.

“ (5B.) The last two preceding sub-sections shall not apply to a member who retires on the ground of invalidity or of physical or mental incapacity to perform his duties or who dies before his retirement.”; and

(c) by omitting from sub-section (6.) the word and figure “and (5.)” and inserting in their stead the word and figures “, (5.) and (5A.)”.

**Reduction in  
contributions.**

**5. Section twenty-nine of the Principal Act is amended by omitting the words “as a result of reduction in rank”.**

**Pension after  
twenty years—  
other ranks.**

**6. Section forty-one of the Principal Act is amended by omitting from paragraph (a) of sub-section (3.) the words “(not being contributions paid for the purposes of sub-section (5.) of section twenty-three of this Act)” and inserting in their stead the words “(but including, in the case of a member to whom sub-section (5.) or (5A.) of section twenty-three of this Act applies, the twenty-six contributions referred to in that sub-section)”.**

7. Section forty-six of the Principal Act is amended by omitting from sub-section (3.) the words “(not being contributions paid for the purposes of sub-section (5.) of section twenty-three of this Act)” and inserting in their stead the words “(but not including, in the case of a member to whom sub-section (5.) or (5A.) of section twenty-three of this Act applies, the twenty-six contributions referred to in that sub-section)”. Retirement  
after age  
fifty-seven—  
officers.

8. Section forty-seven of the Principal Act is amended by omitting the words “(not being contributions paid for the purposes of sub-section (5.) of section twenty-three of this Act)” and inserting in their stead the words “(but not including, in the case of a member to whom sub-section (5.) or (5A.) of section twenty-three of this Act applies, the twenty-six contributions referred to in that sub-section)”. Gratuity for  
service after age  
for retirement.

9. After section seventy-three of the Principal Act the following section is inserted in Division 1 of Part V. :—

“73A.—(1.) Subject to sub-section (5.) of section seventy-eight of this Act— Deferred pay.

(a) where any pension or benefit, not being a refund of contributions, is granted to a member or to a widow or children of a member under this Act, the member or his widow or children, as the case may be, shall cease to be entitled to any payment in the nature of deferred pay which, but for this section, would have been payable under any other Act or under any regulations under any other Act and the amount of that deferred pay shall, upon the grant of pension or benefit, be paid into the Consolidated Revenue Fund ; and

(b) where any payment in the nature of deferred pay is paid after the appointed date under any other Act or under any regulations under any other Act, to or in respect of a member, no pension or benefit under this Act shall be paid to or in respect of that member but a refund of his contributions shall be paid to him, or, if he is dead, to his personal representatives or, failing them, to such persons (if any) as the Board determines.

“(2.) Any reference in sub-section (1.) of this section to a payment in the nature of deferred pay shall not include—

(a) a payment in respect of service as a commissioned warrant officer of the Permanent Air Force prior to the second day of November, One thousand nine hundred and forty-two ;

(b) a payment under the War Financial (Military) Regulations or the Air Force (War Financial) Regulations ;

- (c) a payment in respect of service before the first day of July, One thousand nine hundred and forty-seven as an officer of the Citizen Air Force, not being service by a person who was a contributor under the *Superannuation Act 1922-1947* on the thirtieth day of June, One thousand nine hundred and forty-seven; or
- (d) a payment in respect of service as a member of the Citizen Naval Forces.”.

Commutation  
of pension.

**10.** Section seventy-four of the Principal Act is amended by omitting from sub-section (1.) the words “such conditions as are prescribed” and inserting in their stead the words “the regulations”.

Interpretation.

**11.** Section seventy-five of the Principal Act is amended by omitting from paragraph (b) of sub-section (2.) the words and figures “*Superannuation Act 1922-1948*” and inserting in their stead the words and figures “*Superannuation Act 1922*, or of that Act as amended”.

Application of  
Act to serving  
members.

**12.** Section seventy-six of the Principal Act is amended by omitting the figures “1948” and inserting in their stead the figures “1947”.

Transfers from  
Superannuation  
Act to this Act.

- 13.** Section seventy-seven of the Principal Act is amended—
- (a) by omitting from sub-sections (1.), (2.), (3.) and (6.) the figures “1948” (wherever occurring) and inserting in their stead the figures “1947”; and
- (b) by inserting after sub-section (4.) the following sub-sections:—

“(4A.) If a serving member to whom the last preceding sub-section applies was, immediately before the date upon which the increase in pay became payable, contributing for a number of units less than the number of units appropriate to his pay group in column one of the scale in the First Schedule, he shall pay additional contributions for the number of units equal to the difference between the number of units appropriate to his increased pay and the number appropriate to his pay before the increase.

“(4B.) A serving member to whom sub-section (4.) of this section applies and who had, at the date of commencement of this Act, attained the retiring age for the rank held by him may, within four months after the date upon which the increase in pay becomes payable, elect not to pay the additional contributions.”; and

- (c) by omitting from sub-section (5.) the words “is prescribed” and inserting in their stead the words “the Board allows”.

Elections by  
members  
entitled to  
deferred pay.

- 14.** Section seventy-eight of the Principal Act is amended—
- (a) by omitting from the proviso to sub-section (1.) the figures “1948” and inserting in their stead the figures “1947”; and

(b) by omitting from sub-section (2.) the words "is prescribed" and inserting in their stead the words "the Board allows".

15. Section seventy-nine of the Principal Act is amended by omitting the figures "1948" (wherever occurring) and inserting in their stead the figures "1947".

Air Force  
officers  
contributing  
under  
Superannuation  
Act.

16. Section eighty of the Principal Act is amended by omitting the figures "1948" and inserting in their stead the figures "1947".

Election not  
to contribute  
under this Act.

17. Section eighty-one of the Principal Act is repealed and the following section inserted in its stead :—

"81.—(1.) Where a serving member was, immediately before the appointed date, a contributor under the *Superannuation Act* 1922–1947 and is entitled on his retirement to the benefits provided under section forty or forty-two of this Act, the amount payable to him under that section shall not be less than twice the amount of the contributions which have been paid by him.

Minimum  
benefits for  
contributors  
under  
Superannuation  
Act.

"(2.) Where a serving member was a contributor under the *Superannuation Act* 1922–1947 and is entitled on his retirement (or his dependants or beneficiaries are entitled in the event of his death before retirement) to the benefits provided under any of the provisions of Division 1 of Part V. (other than section forty or forty-two) of this Act, the amount payable under those provisions shall be not less than the amount of the benefits which would have been payable under the *Superannuation Act* 1922–1947 in respect of the number of units of pension (other than reserve units of pension) for which he was contributing under that Act immediately before the appointed date."

18. Section eighty-two of the Principal Act is amended by omitting the figures "1948" and inserting in their stead the figures "1947".

Transfers from  
Superannuation  
Fund to the  
Fund under  
this Act.

19. The Third Schedule to the Principal Act is amended by omitting Table II. and inserting in its stead the following table :—

Third Schedule.

"Table II.

Permanent Naval Forces.	Permanent Military Forces.	Annual amount of pension.
		£
Officers promoted from Warrant Rank or from Branch Rank (except those specially selected and promoted direct to Lieutenant)—		
Commander (and relative rank) ..	..	550
Lieutenant-Commander (and relative rank) ..	..	
Lieutenant (and relative rank) ..	Major (Quartermaster) ..	450
Commissioned Officer from Warrant Rank and Senior Commissioned Officer ..	Captain (Quartermaster) ..	400
Warrant Officer and Commissioned Officer ..	..	350
	Lieutenant (Quartermaster)	300".