

# DEFENCE FORCES RETIREMENT BENEFITS.

**No. 80 of 1953.**

An Act to amend the *Defence Forces Retirement Benefits Act 1948-1952*.

[Assented to 10th December, 1953.]

**B**E it enacted by the Queen'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 1953*. Short title and citation.

(2.) The *Defence Forces Retirement Benefits Act 1948-1952*\* 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 1948-1953*.

2. Except as otherwise provided by this Act, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

\* Act No. 31, 1948, as amended by No. 37, 1949; No. 73, 1950; No. 29, 1951; and No. 93, 1952.

## Definitions.

3.—(1.) Section four of the Principal Act is amended by omitting from sub-section (1.) the definition of “rank” and inserting in its stead the following definition :—

“ ‘rank’ means—

(a) in relation to a member of the Permanent Naval Forces—

(i) his confirmed rank or, if he is appointed provisionally or on probation, the rank to which he is so appointed ; or

(ii) if he is provisionally promoted to another rank—that other rank ;

(b) in relation to a member of the Permanent Military Forces—

(i) his substantive rank in his permanent corps or unit or, if he is appointed provisionally or on probation, the rank to which he is so appointed in his permanent corps or unit ; or

(ii) if he is provisionally promoted to another rank in his permanent corps or unit—that other rank ; and

(c) in relation to a member of the Permanent Air Force—

(i) his substantive rank or, if he is appointed provisionally or on probation, the rank to which he is so appointed ; or

(ii) if he is provisionally promoted to another rank—that other rank ;”.

(2.) The amendment effected by the last preceding sub-section shall be deemed to have come into operation on the twelfth day of November, One thousand nine hundred and fifty-two.

Elections by members entitled to deferred pay.

4. Section seventy-eight of the Principal Act is amended—

(a) by omitting from the proviso to sub-section (1.) the words “the next succeeding section” and inserting in their stead the words “section seventy-nine of this Act” ;

(b) by omitting from sub-section (3.) the words “A member” and inserting in their stead the words “Except as provided in the next two succeeding sections, a member” ; and

(c) by inserting in sub-section (8.), after the word “Act” (first occurring), the words “, and the election is not revoked under the next succeeding section”.

5. After section seventy-eight of the Principal Act the following sections are inserted :—

Revocation, within certain period, of election not to become contributor.

“ 78A.—(1.) A member who, before the date of commencement of this section, elected under the last preceding section not to become a contributor under this Act may, by notice in writing given to the Board within four months after the date of commencement of this section, revoke that election and make an election under that section to become a contributor for full benefits under this Act.

“(2.) A revocation and election made by virtue of this section does not have effect unless and until the medical fitness of the member has been established to the satisfaction of the Board, and the Board has notified the member accordingly.

“(3.) Where a member makes an election by virtue of this section—

- (a) the obligation of the Commonwealth under paragraph (a) of sub-section (4.) of the last preceding section does not apply in relation to the amount of any deferred pay or interest thereon referred to in that paragraph which the member has received before the date on which he becomes a contributor; and
- (b) the member shall pay to the Fund the amount of any such deferred pay and interest so received by him.

“(4.) A member who has become a contributor as a result of an election by virtue of this section is not entitled to receive, or have credited to him, under the Naval Financial Regulations deferred pay or interest thereon in respect of service after the first day of July, One thousand nine hundred and forty-eight, and, if he has received or been credited with any such deferred pay or interest thereon, he shall repay it to the Commonwealth or the credit shall be cancelled, as the case requires.

“(5.) A pension or benefit under this Act is not payable in relation to a member who has made an election by virtue of this section unless all amounts payable by the member under this Act to the Fund or the Commonwealth have been paid.

“78B. A member who, before the date of commencement of this section, elected under section seventy-eight of this Act to contribute for limited benefits under this Act may, by notice in writing given to the Board within four months after the date of commencement of this section, revoke that election and make an election under that section to become a contributor for full benefits under this Act.”

Revocation, within certain period, of election to contribute for limited benefits only.

6.—(1.) *Table I.* in the Third Schedule to the Principal Act is amended by omitting the words “and *Table III.*” and inserting in their stead the words “, *Table III. and Table IV.*”

The Third Schedule.

(2.) The Third Schedule to the Principal Act is amended by adding at the end thereof the following table :—

“*Table IV.*”

Column 1. Permanent Naval Forces.	Column 2. Permanent Military Forces and Permanent Air Force.	Column 3. Annual amount of pension.
		£ s. d.
Sen or Chapla'n .. .. .	Chaplain, First Class ..	565 0 0
Chaplain of eighteen years' or more service in that rank	.. .. .	540 0 0
Chaplain of not less than fifteen years' but less than eighteen years' service in that rank	Chaplain, Second Class ..	510 0 0
.. .. .	Chaplain, Third Class ..	430 0 0
.. .. .	Chaplain, Fourth Class ..	355 0 0”.

(3.) The amendments effected by the last two preceding subsections shall be deemed to have come into operation on the second day of October, One thousand nine hundred and fifty-two.

7. The Sixth Schedule to the Principal Act is repealed and the following Schedule inserted in its stead :—

## THE SIXTH SCHEDULE.

Section 48.

PERIOD OF SERVICE FOR PENSION REFERRED TO IN SUB-SECTION (3.) OF SECTION 48 OF THIS ACT.

Rank.		Permanent Military Forces.	Permanent Air Force.	Period.
General List.	Branch List.			
Rear-Admiral (and relative rank) or above	.. .. .	Major-General or above	Air Vice-Marshal or above	Years. 30
Captain (and relative rank)	.. .. .	Brigadier	Air Commodore	28
.. .. .	Officers promoted from Warrant Rank or from Branch Rank (except those specially selected and promoted direct to Lieutenant)— Commander (and relative rank)	Colonel	Group Captain	26
Commander (and relative rank) Senior Chaplain	Lieutenant - Commander (and relative rank) Lieutenant (and relative rank)	Lieutenant-Colonel Major (Quartermaster) Captain (Quartermaster) Chaplain, First and Second Class Matron-in-Chief	Wing Commander.. Chaplain, First and Second Class Matron-in-Chief	24
Lieutenant - Commander (and relative rank) Chaplain	Senior Commissioned Officer Commissioned Officer from Warrant Rank Warrant Officer and Commissioned Officer	Major .. .. Chaplain, Third Class Principal Matron	Squadron Leader .. Chaplain, Third Class Principal Matron	22
Lieutenant (and relative rank)	.. .. .	Captain or below .. Lieutenant (Quartermaster) Chaplain, Fourth Class Matron Senior Sister Sister	Flight Lieutenant or below Chaplain, Fourth Class Matron Senior Sister Sister	20