

## DEFENCE FORCES RETIREMENT BENEFITS.

## No. 24 of 1956.

An Act to amend the *Defence Forces Retirement Benefits Act 1948-1955*.

[Assented to 23rd May, 1956.]

**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 1956*. Short title  
and citation.

(2.) The *Defence Forces Retirement Benefits Act 1948-1955\** 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 1948-1956*.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Sections three, four, six, nine, ten and eleven of this Act shall be deemed to have come into operation on the twenty-second day of February, One thousand nine hundred and fifty-six.

3. Section thirty-eight of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) Subject to section fifty of this Act, the pension payable to an officer under this section is a pension at such rate set out in column five, six or seven of Part I. of the First Schedule as is applicable to the officer having regard to the date of his retirement and the description set out in column one, two or three of that Part which applied or applies to the officer at that date.” Pension on  
retirement  
after twenty  
years' service  
for pension—  
officers.

4. Section thirty-nine of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section :—

“(3.) The deduction under the last preceding sub-section shall be—

(a) in the case of an officer who retired before the tenth day of December, One thousand nine hundred and fifty-four—in accordance with Part I. of the Third Schedule ;

(b) in the case of an officer who retired on or after that date and before the twenty-second day of February, One thousand nine hundred and fifty-six—in accordance with Part II. of the Third Schedule ; and

(c) in any other case—in accordance with Part III. of the Third Schedule.” Pension on  
retirement  
after fifteen  
years' service  
for pension—  
officers.

\* Act No. 31, 1948, as amended by No. 37, 1949 ; No. 73, 1950 ; No. 29, 1951 ; No. 93, 1952 ; No. 80, 1953 ; No. 20, 1954 ; and No. 19, 1955.

Pensions after  
twenty years—  
other ranks.

5. Section forty-one of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) Subject to section fifty of this Act, the pension payable to a member under this section is—

- (a) a pension at such rate set out in column five or six of Part II. of the First Schedule as is applicable to the member having regard to the date of his retirement and the description set out in column one, two or three of that Part which applied or applies to the member at that date; and
- (b) in the case of a member who has completed more than twenty years' service for pension before attaining the retiring age for the rank held by him, additional pension, if any, in accordance with the Fourth Schedule for each completed year of service for pension in excess of twenty years.”.

Retirement  
before reaching  
retiring age—  
officers.

6. Section forty-eight of the Principal Act is amended by omitting sub-section (2A.) and inserting in its stead the following sub-section :—

“(2A.) The deduction under the last preceding sub-section shall be—

- (a) in the case of an officer who retired before the sixteenth day of March, One thousand nine hundred and fifty-five—in accordance with Part I. of the Third Schedule;
- (b) in the case of an officer who retired on or after that date and before the twenty-second day of February, One thousand nine hundred and fifty-six—in accordance with Part II. of the Third Schedule; and
- (c) in any other case—in accordance with Part III. of the Third Schedule.”.

Elections by  
members  
entitled to  
deferred pay.

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

- (a) by omitting from sub-section (3.) the word “two” and inserting in its stead the word “three”; and
- (b) by omitting sub-section (8.) and inserting in its stead the following sub-section :—

“(8.) Subject to the next succeeding section and to section seventy-eight c of this Act, a member who elects under this section not to become a contributor under this Act shall not be required or permitted to contribute to the Fund and shall not be entitled to any benefit under this Act.”.

8. After section seventy-eight b of the Principal Act the following section is inserted :—

Elections under  
section 78—  
members of the  
Permanent  
Naval Forces.

“78c.—(1.) This section applies to a member of the Permanent Naval Forces who—

- (a) before the date of commencement of this section, elected under section seventy-eight of this Act not to become a contributor under this Act; and
- (b) at the time when he made the election, was not an officer.

“(2.) A member to whom this section applies who, on or after the eleventh day of August, One thousand nine hundred and fifty-four, and before the date of commencement of this section, was appointed as an officer may, by notice in writing given to the Board within four months from the last-mentioned date, revoke the election made by him under section seventy-eight of this Act.

“(3.) A member who, under the last preceding sub-section, revokes an election, is required, and shall, from the date of his appointment as an officer, be deemed to have been required, to contribute to the Fund for full benefits under this Act.

“(4.) A member to whom this section applies who, on or after the date of commencement of this section, is appointed as an officer is required to contribute to the Fund for full benefits under this Act from the date of his appointment as an officer.

“(5.) Sub-section (4.) of section seventy-eight of this Act does not apply in relation to a member who is required to contribute to the Fund by virtue of this section.

“(6.) A member who is required to contribute to the Fund by virtue of this section is not eligible for credit or payment of deferred pay in respect of service on or after the date of his appointment as an officer.”

9. The First Schedule to the Principal Act is amended by omitting Part I. and inserting in its stead the Part set out in the Schedule to this Act. First Schedule.

10. The Third Schedule to the Principal Act is amended by adding at the end thereof the following Part :— Third Schedule.

*Part III.*

Pension per annum—	Deductions for each year or part of a year—
	£
Exceeds £1,128 .. .. .	52
Exceeds £741 but does not exceed £1,128 .. .. .	37
Exceeds £588 but does not exceed £741 .. .. .	28
Exceeds £395 but does not exceed £588 .. .. .	20
Does not exceed £395 .. .. .	10

11. If the number of units for which a member is required to contribute under the Principal Act as amended by this Act is greater than the number of units for which he was required to contribute under the Principal Act— Increased contributions.

(a) the contributions of the member falling due after the date of commencement of this section shall be payable in respect of the greater number of units ; and

(b) he shall be deemed, for the purposes of sub-section (5.) of section twenty-three of the Principal Act as amended by this Act, to have increased his contributions in such circumstances that an increased pension is payable as a result of the increased contributions.

THE SCHEDULE.  
PART TO BE SUBSTITUTED FOR PART I. OF THE FIRST SCHEDULE TO THE PRINCIPAL ACT.

PART I.—OFFICERS.

COLUMN 1.	COLUMN 2.	COLUMN 3.	COLUMN 4.	COLUMN 5.	COLUMN 6.	COLUMN 7.
Permanent Naval Forces.	Permanent Military Forces.	Permanent Air Force.	Number of Units.	Rate of Pension per Annum—Retirement before 10th December, 1954.	Rate of Pension per Annum—Retirement on or after 10th December, 1954, and before 22nd February, 1956.	Rate of Pension per Annum—Retirement on or after 22nd February, 1956.
				£ s. d.	£	£
Vice-Admiral .. .. .	Lieutenant-General, Chief of the General Staff	Air Marshal	36	1,638 0 0	1,638	1,638
Rear-Admiral .. .. .	Lieutenant-General	.. .. .	36	1,547 0 0	1,638	1,638
.. .. . (Non-Executive Branch)	.. .. .	.. .. .	36	1,410 10 0	1,638	1,638
Rear-Admiral (Executive Branch)	.. .. .	.. .. .	36	1,410 10 0	1,454	1,454
.. .. .	Major-General	Air Vice-Marshal	36	1,252 0 0	1,454	1,454
Captain (and relative rank) of six years' or more service in that rank	Brigadier	Air Commodore	31	910 0 0	1,056	1,128
Captain (and relative rank) of less than six years' service in that rank	Colonel	Group Captain	29	855 0 0	997	1,033
Commander (and relative rank) .. .. .	Lieutenant-Colonel	Wing Commander	25	665 0 0	760	792
Lieutenant-Commander (and relative rank)	Major	Squadron Leader	22	505 0 0	589	617
Lieutenant (and relative rank) .. .. .	Captain	Flight Lieutenant	18	415 0 0	504	533
.. .. .	Lieutenant .. .. .	Flying Officer	14	310 0 0	366	395
Sub-Lieutenant .. .. .	Second Lieutenant	Pilot Officer	11	.. .. .	.. .. .	.. .. .
Acting Sub-Lieutenant .. .. .	.. .. .	.. .. .	9	.. .. .	.. .. .	.. .. .
Sub-Lieutenant (under-graduate)	.. .. .	Pilot Officer (student)	8	.. .. .	.. .. .	.. .. .
Midshipman .. .. .	.. .. .	.. .. .	5	.. .. .	.. .. .	.. .. .

Table 1.—Officers other than those referred to in Table 2, Table 3 and Table 4 of this Part.



THE SCHEDULE—continued.  
Table 4.

Principal Chaplain and Senior Chaplain of eighteen years' or more service in that rank	Chaplain, First Class..	..	Chaplain, First Class..	..	24	660 0 0	759	792
Chaplain of fifteen years' or more, and less than eighteen years' service in that rank	..	..	..	..	24	630 0 0	724	756
..	Chaplain, Second Class	..	Chaplain, Second Class	..	23	595 0 0	689	720
..	Chaplain, Third Class	..	Chaplain, Third Class	..	20	500 0 0	559	588
Chaplain of ten years' or more, and less than fifteen years' service in that rank	Chaplain, Fourth Class	..	Chaplain, Fourth Class	..	17	415 0 0	504	504
Chaplain of less than ten years' service in that rank	..	..	..	..	20	..	..	..
..	..	..	..	..	17	..	..	..