

DEFENCE FORCES RETIREMENT BENEFITS.

No. 95 of 1957.

An Act to amend the *Defence Forces Retirement Benefits Act 1948-1956.*

[Assented to 12th December, 1957.]

BE 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 1957.* Short title and citation.

(2.) The *Defence Forces Retirement Benefits Act 1948-1956** 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 1948-1957.*

2.—(1.) Except as provided by this section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) The amendments made by paragraph (a) of section four and section fourteen of this Act shall be deemed to have come into operation on the eighteenth day of June, One thousand nine hundred and fifty-one.

(3.) The amendments made by paragraph (b) of section four and sections fifteen and sixteen of this Act shall be deemed to have come into operation on the first day of January, One thousand nine hundred and fifty-seven.

(4.) The amendment made by paragraph (c) of section four of this Act shall be deemed to have come into operation on the fifteenth day of December, One thousand nine hundred and fifty.

(5.) The amendment made by section thirteen of this Act shall be deemed to have come into operation on the second day of July, One thousand nine hundred and forty-eight.

3. Section three of the Principal Act is repealed and the following section inserted in its stead:—

“ 3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Parts.

* 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; No. 19, 1955; and No. 24, 1956.

- Part II.—The Defence Forces Retirement Benefits Board (Sections 5–14).
- Part III.—The Defence Forces Retirement Benefits Fund (Sections 15–22).
- Part IV.—Contributions.
- Division 1.—Contributions by Members (Sections 23–27).
- Division 2.—Scale of Units (Sections 28–29).
- Division 3.—Scale of Contributions by Members (Sections 30–31).
- Division 4.—Contributions by the Commonwealth (Sections 32–35).
- Division 5.—General Provisions as to Contributions (Sections 36–37).
- Part V.—Pensions and Benefits.
- Division 1.—Grant of Pensions and Benefits (Sections 38–73A).
- Division 2.—Commutation of Pension (Section 74).
- Division 3.—Transfer to the Superannuation Fund (Sections 74A–74B).
- Part VI.—Application of this Act to Serving Members (Sections 75–82).
- Part VIA.—Application of this Act to Members of the Nursing Services (Sections 82A–82D).
- Part VIB.—Application of this Act to Pensioners who again become Members (Sections 82E–82H).
- Part VII.—Miscellaneous (Sections 83–88)."

Interpretation.**4. Section four of the Principal Act is amended—**

- (a) by omitting from paragraph (b) of the definition of "member" in sub-section (1.) the words "Royal Australian Army Nursing Service" and inserting in their stead the words "Royal Australian Army Nursing Corps";
- (b) by omitting from paragraph (a) of the definition of "officer" in sub-section (1.) the words ", subordinate officer, warrant officer or branch officer" and inserting in their stead the words "or subordinate officer"; and
- (c) by inserting after sub-section (1.) the following sub-section:—
- "(1A.) For the purposes of this Act, a person shall be deemed to have served as a member during any period (whether before or after the commencement of this sub-section) if he served during that period as a member as defined by this section as in force during that period."

5. Section twelve of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“ (1.) The Board may, in relation to a particular matter or class of matters, by writing under its seal, delegate to a member of the Board or to an officer of the Public Service all or any of its powers and functions under this Act or the regulations (except this power of delegation), so that the delegated powers or functions may be exercised or performed by the delegate with respect to the matter or class of matters specified in the instrument of delegation.”

Delegation.

6. Section thirty-two of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (3.) The amounts by which pensions are increased by virtue of the amendments of sections fifty-five, fifty-seven and fifty-eight of this Act made by the *Defence Forces Retirement Benefits Act 1957* are payable from the Fund without contribution by the Commonwealth and the preceding provisions of this section shall be deemed to have effect as if those amendments had not been made.”

Calculation of contributions by Commonwealth.

7. Section forty-two of the Principal Act is amended by omitting sub-sections (1.), (2.) and (2A.) and inserting in their stead the following sub-sections:—

Gratuity where not pensionable—other ranks.

“ (1.) Subject to this section, a member (not being an officer) who is a contributor and who, on retirement after completion of his engagement, or, if he has had successive and continuous engagements, after completion of the last of those engagements, is not entitled to a pension under the last preceding section, is, on retirement, entitled to a refund of the amount of any contributions paid by him under this Act and to receive a gratuity as provided by this section.

“ (2.) The amount of the gratuity payable to a member under this section is—

- (a) where the member, not being a member to whom paragraph (b) or (c) of this sub-section applies, retires after completing an initial engagement for a period of six years—One hundred and twenty pounds;
- (b) where the member, not being a member to whom paragraph (c) of this sub-section applies, retires after completing an initial engagement for a period of six years and a re-engagement for a period of three years—Two hundred and ten pounds;
- (c) where the member, having attained the retiring age for his rank, retires after completing not less than six years' service for pension but less than twelve years' service for pension—an amount calculated at the

rate of Twenty pounds for each of the first six completed years of his service for pension and Thirty pounds for each completed year of his service for pension in excess of six years; or

(d) where the member retires after completing not less than twelve years' service for pension—

(i) an amount equal to the sum of one and one-half times the amount of the contributions paid by him under this Act and one-half of the amount of the contributions (not including contributions paid before the fifteenth day of December, One thousand nine hundred and fifty, or so much of any fortnightly contribution as exceeds Eighteen shillings) paid by him after completion of twelve years' service for pension; or

(ii) an amount calculated at the rate of Thirty pounds for each completed year of his service for pension,

whichever is the greater.”.

Pension on death of married member.

8. Section fifty-five of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (1.) the words “Twenty-six pounds” and inserting in their stead the words “Fifty-two pounds”; and

(b) by omitting from sub-section (2.) the words “Thirteen pounds” and inserting in their stead the words “Twenty-six pounds”.

Pension on death of pensioner.

9. Section fifty-seven of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (1.) the words “Twenty-six pounds” and inserting in their stead the words “Fifty-two pounds”; and

(b) by omitting from sub-section (4.) the words “Thirteen pounds” and inserting in their stead the words “Twenty-six pounds”.

Pensions payable in respect of orphans.

10. Section fifty-eight of the Principal Act is amended by omitting from sub-section (1.) the words “Thirty-nine pounds” and inserting in their stead the words “Seventy-eight pounds”.

Children's pensions payable to guardian.

11. Section sixty-four of the Principal Act is amended by omitting from sub-section (1.) the words “Thirty-nine pounds” and inserting in their stead the words “Seventy-eight pounds”.

Reduction of gratuity by reason of non-effective service.

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

“(2.) Where in this Act provision is made for the payment to a member of a gratuity the amount of which is determined

by reference to the completion by the member of an engagement or re-engagement for a specified period or to the number of completed years of the member's service for pension, the amount of the gratuity that would, but for this sub-section, be payable to a member shall be reduced by an amount equal to the amount which bears to the amount of the gratuity that would, but for this sub-section, be payable the same proportion as the period of non-effective service of the member bears to his period of engagement.”.

13. Section seventy-five of the Principal Act is amended by omitting paragraph (a) of sub-section (2.) and inserting in its stead the following paragraph:—

Interpretation.

“(a) the expression ‘service for pension’ shall be read as including full-time continuous service rendered before the commencement of this Act as a member as defined by section four of this Act at the commencement of this Act, being service which—

- (i) was rendered after the serving member attained the age of twenty years;
- (ii) was continuous with service for pension after the commencement of this Act; and
- (iii) was, in the case of a person not being an officer, served under an engagement for a definite term; and”.

14. Section eighty-two A of the Principal Act is amended by omitting the words “Royal Australian Army Nursing Service” and inserting in their stead the words “Royal Australian Army Nursing Corps”.

Definition.

15. The First Schedule to the Principal Act is amended by omitting Tables 2 and 3 of Part I. and inserting in their stead the Tables set out in the First Schedule to this Act.

First Schedule.

16. The Sixth Schedule to the Principal Act is repealed and the Schedule set out in the Second Schedule to this Act inserted in its stead.

Sixth Schedule.

17.—(1.) Subject to the next succeeding sub-section, the amendments made by sections six, eight, nine, ten and eleven of this Act apply in relation to pensions which were payable immediately before, or which become payable on or after, the day on which this Act receives the Royal Assent.

Application of amendments.

(2.) Pensions are payable at the rates prescribed by the Principal Act as amended by this Act as from the fortnightly payment of pensions made on the thirty-first day of October, One thousand nine hundred and fifty-seven.

THE SCHEDULES.

Section 15.

FIRST SCHEDULE.
TABLES TO BE SUBSTITUTED FOR TABLES 2 AND 3 OF PART I. OF THE FIRST SCHEDULE TO THE PRINCIPAL ACT.

Table 2.

<i>Branch List.</i>	<i>Special Duties List.</i>						
Officers promoted from Warrant Rank or from Branch Rank (except those specially selected and promoted direct to Lieutenant)—		..	..	..	..	..	..
Commander (and relative rank)	Commander (S.D.) (and relative rank)	..	..	..	25	770 0 0	880
Lieutenant - Commander (and relative rank)	Lieutenant-Commander (S.D.) (and relative rank) of not less than six years' service in that rank	Major (Quarter-master)	..	..	22	665 0 0	776
Lieutenant (and relative rank)	Lieutenant-Commander (S.D.) (and relative rank) of less than six years' service in that rank	Captain (Quarter-master)	..	..	19	595 0 0	706
Senior Officer (and relative rank)	Lieutenant (S.D.) (and relative rank)	..	..	..	17	525 0 0	637
Commissioned Officer (and relative rank)	Sub-Lieutenant (S.D.) (and relative rank)	Lieutenant (Quarter-master)	..	..	15	455 0 0	569

Table 3.

<i>Royal Australian Army Nursing Corps.</i>	<i>Royal Australian Air Force Nursing Service.</i>						
Colonel ..	Matron-in-Chief or Group Officer	..	..	..	20	630 0 0	704
Lieutenant-Colonel	Principal Matron or Wing Officer	..	..	..	17	485 0 0	597
Major ..	Matron or Squadron Officer	..	..	..	16	450 0 0	520
Captain ..	Senior Sister or Flight Officer	13	375 0 0	450
Lieutenant	Sister or Section Officer	10	305 0 0	343

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Section 16.

Section 48.

SECOND SCHEDULE.
SCHEDULE TO BE SUBSTITUTED FOR THE SIXTH SCHEDULE TO THE PRINCIPAL ACT.

SIXTH SCHEDULE.

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. Years.
General List.	Permanent Naval Forces.	Special Duties List.			
	Branch List.				
Rear-Admiral (and relative rank) or above Captain (and relative rank)	.. .. . Officers promoted from Warrant Rank or from Branch Rank (except those specially selected and promoted direct to Lieutenant)— Commander (and relative rank) Lieutenant-Commander (and relative rank) Lieutenant (and relative rank)	.. .. . .. .. . .. .. .	Major-General or above .. Brigadier	Air Vice-Marshal or above Air Commodore	30 28
.. .. . Commander (and relative rank) Senior Chaplain	.. .. . .. .. . .. .. .	.. .. . .. .. . .. .. .	Colonel Lieutenant-Colonel Major (Quartermaster) Captain (Quartermaster) Chaplain, First and Second Class Colonel (Royal Australian Army Nursing Corps)	Group Captain Wing Commander Chaplain, First and Second Class Group Officer (Royal Australian Air Force Nursing Service) Squadron Leader Chaplain, Third Class Wing Officer (Royal Australian Air Force Nursing Service)	26 24
Lieutenant - Commander (and relative rank) Chaplain	Senior Officer Commissioned Officer from Warrant Rank Warrant Officer and Commissioned Officer	Lieutenant (S.D.) (and relative rank) Sub-Lieutenant (S.D.) (and relative rank)	Major Chaplain, Third Class Lieutenant-Colonel (Royal Australian Army Nursing Corps) Captain or below Lieutenant (Quartermaster) Chaplain, Fourth Class Major, Captain and Lieutenant (Royal Australian Army Nursing Corps)	Flight Lieutenant or below Chaplain, Fourth Class Squadron Officer, Flight Officer and Section Officer (Royal Australian Air Force Nursing Service)	22 20
Lieutenant (and relative rank)	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .