

## DEFENCE FORCES RETIREMENT BENEFITS.

## No. 15 of 1961.

An Act to amend the *Defence Forces Retirement Benefits Act 1959.*

[Assented to 11th May, 1961.]

**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 1961.*

Short title  
and citation.

(2.) The *Defence Forces Retirement Benefits Act 1959\** 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 1959–1961.*

2. This Act shall be deemed to have come into operation on the day on which the Principal Act came into operation.

Commence-  
ment.

3. Section forty-four of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “given to the Board on, or within four months after, the commencing date” and inserting in their stead the words “to the Board”;

Election not  
to contribute  
for maximum  
pension.

(b) by inserting after sub-section (1.) the following sub-section:—

“(1A.) An election under the last preceding sub-section shall be made—

(a) on or within four months after the commencing date; or

(b) in the case of a member who makes an election under section seventy-one or seventy-five of this Act—on or before the first day of August, One thousand nine hundred and sixty.”;

(c) by omitting from sub-section (2.) the words “the last preceding sub-section” and inserting in their stead the words “sub-section (1.) of this section”; and

\* Act No. 103, 1959.

(d) by adding at the end thereof the following sub-section:—

“ (3.) Notwithstanding sub-section (2.) of section forty of this Act, an existing contributor who, on or within four months after the commencing date, makes an election under sub-section (1.) of this section may, by notice in writing given to the Board within six months after that date, revoke the election or make another election in substitution for the first election and—

(a) where the election is so revoked—the election shall be deemed not to have been made; and

(b) where another election is so made in substitution for the first election—the first election shall be deemed not to have been made and the substituted election has effect as if it had been made on the commencing date.”.

Contributions  
for additional  
widow's  
pensions.

4. Section forty-seven of the Principal Act is amended—

(a) by omitting from sub-section (6.) the words “ within a period of six months after the commencing date,”; and

(b) by adding at the end thereof the following sub-section:—

“ (7.) An election under the last preceding sub-section shall be made—

(a) within a period of six months after the commencing date; or

(b) in the case of a member who makes an election under section seventy-one or seventy-five of this Act—on or before the first day of August, One thousand nine hundred and sixty.”.

5. Section fifty-eight of the Principal Act is repealed and the following section inserted in its stead:—

Reduction in  
certain  
pensions.

“ 58.—(1.) This section applies to an existing contributor who retires and, immediately before his retirement, was a contributor for maximum additional basic pension or a contributor for portion of maximum additional basic pension or was making contributions to the Fund under section forty-seven or forty-nine of this Act.

“ (2.) Where an existing contributor to whom this section applies—

(a) having been an officer—is entitled to a pension under the Principal Act as amended by this Act by virtue of paragraph (b) or (c) of sub-section (2.) of section thirty-nine of the Principal Act as amended by this Act; or

- (b) not having been an officer—retired before completing the engagement under which he was serving immediately before his retirement and is entitled to a pension under section forty-one of the Principal Act as amended by this Act,

the pension may be reduced by the Board to such extent as is determined by the Board on the advice of the Commonwealth Actuary unless, within one month after his retirement, he pays to the Fund a contribution of such amount as is determined by the Board on the advice of the Commonwealth Actuary.

“(3.) The Commonwealth Actuary shall, in advising the Board in relation to a person for the purposes of the last preceding sub-section, have regard to the amount of the additional basic pension of the person, and to the amount of the contributions being made by him under this Part (other than under section forty-three of this Act), immediately before his retirement.”.

6. Section sixty-two of the Principal Act is amended—

Gratuity payable to officers on retirement.

- (a) by omitting from paragraphs (a) and (b) of sub-section (2.) the word “paid” (wherever occurring) and inserting in its stead the words “that became payable”;

- (b) by omitting paragraph (c) of sub-section (2.) and inserting in its stead the following paragraph:—

“(c) whichever is the greater of the following amounts:—

- (i) an amount equal to the sum of—

(A) one and one-half times the amount of the contributions that became payable to the Fund by the contributor by virtue of section forty-three of this Act; and

(B) one-half of the amount of any contributions (not including so much of any fortnightly contribution as exceeds Eighteen shillings)

that became payable to the Fund by the contributor by virtue of that section after completion of twelve years' service for pension; or

(ii) an amount calculated at the rate of One hundred and twenty pounds if the contributor is a male, or Sixty pounds if the contributor is a female, for each completed year included in the period of service for pension served by the contributor after the commencing date.”; and

(c) by omitting from paragraph (b) of sub-section (3.) the word “and ”; and

(d) by inserting after paragraph (b) of sub-section (3.) the following paragraph:—

“(ba) if, before he became an officer, the contributor completed the engagement under which he was serving immediately before the commencing date and if the amount equal to the sum of—

(i) one and one-half times the amount of the contributions that became payable to the Fund by the contributor by virtue of section forty-three of this Act before completion by him of that engagement; and

(ii) one-half of the amount of any contributions (not including so much of any fortnightly contribution as exceeds Eighteen shillings) that became payable to the Fund by the contributor by virtue of that section after completion of twelve years' service for pension and before completion of that engagement,

exceeds an amount calculated at the rate of Fifty pounds per annum if the contributor is a male, or Twenty-five pounds

per annum if the contributor is a female, in respect of the period that is equal to the difference between—

(iii) the period comprising the years of service for pension completed by the contributor before the completion of that engagement; and

(iv) the period of service for pension completed by him on the day last preceding the commencing date,

an amount equal to the amount of the excess; and ”.

7. Section sixty-three of the Principal Act is amended—

Gratuity payable to officers on invalidity.

(a) by omitting from paragraph (a) of sub-section (2.) the word “paid” (wherever occurring) and inserting in its stead the words “that became payable”;

(b) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

“ (b) whichever is the greater of the following amounts:—

(i) an amount equal to the sum of—

(A) one and one-half times the amount of the contributions that became payable to the Fund by the contributor by virtue of section forty-three of this Act; and

(B) one-half of the amount of any contributions (not including so much of any fortnightly contribution as exceeds Eighteen shillings) that became payable to the Fund by the contributor by virtue of that section after completion of twelve years' service for pension; or

- (ii) an amount calculated at the rate of Seventy-five pounds per annum if the contributor is a male, or Thirty-seven pounds ten shillings per annum if the contributor is a female, in respect of the period that is equal to the difference between—
  - (A) the period comprising the years of service for pension completed by the contributor before retirement; and
  - (B) the period of service for pension completed by the contributor on the day last preceding the commencing date.”; and
- (c) by omitting from paragraph (b) of sub-section (3.) the word “and”; and
- (d) by inserting after paragraph (b) of sub-section (3.) the following paragraph:—
  - “ (ba) if, before he became an officer, the contributor completed the engagement under which he was serving immediately before the commencing date and if the amount equal to the sum of—
    - (i) one and one-half times the amount of the contributions that became payable to the Fund by the contributor by virtue of section forty-three of this Act before completion by him of that engagement; and
    - (ii) one-half of the amount of any contributions (not including so much of any fortnightly contribution as exceeds Eighteen shillings) that became payable to the Fund by the contributor by virtue of that section after completion of twelve years’ service for pension and before completion of that engagement, exceeds an amount calculated at the rate of Fifty pounds per annum if the contributor is a male, or Twenty-five

pounds per annum if the contributor is a female, in respect of the period that is equal to the difference between—

(iii) the period comprising the years of service for pension completed by the contributor before the completion of that engagement; and

(iv) the period of service for pension completed by him on the day last preceding the commencing date,

an amount equal to the amount of the excess; and ”.

8. Section sixty-four of the Principal Act is amended by omitting from sub-section (2.) the word “paid” (wherever occurring) and inserting in its stead the words “that became payable”.

Gratuity payable to other ranks.

9. Section seventy-one of the Principal Act is amended by omitting from sub-section (2.) the words “within four months after the commencing date” and inserting in their stead the words “on or before the first day of August, One thousand nine hundred and sixty”.

Election for full benefits by member entitled to deferred pay.

10. Section seventy-five of the Principal Act is amended by omitting from sub-section (2.) the words “within four months after the commencing date” and inserting in their stead the words “on or before the first day of August, One thousand nine hundred and sixty”.

Election by members who elected not to contribute under section 80 of the Principal Act.

11. Section seventy-eight of the Principal Act is amended by inserting in sub-section (2.), after the words “commencing date”, the words “or, in the case of a member who makes an election under section seventy-one or seventy-five of this Act, not later than the first day of August, One thousand nine hundred and sixty”.

Deferment of payment of contributions.

12. Section seventy-nine of the Principal Act is amended by inserting in sub-section (1.), after the words “commencing date”, the words “or, in the case of a member who makes an election under section seventy-one or seventy-five of this Act, not later than the first day of August, One thousand nine hundred and sixty”.

Deferment of payment of contributions payable under section 46 or 48 of this Act.