

Defence Forces Retirement Benefits (No. 3)

No. 135 of 1965

An Act to amend the law relating to Retirement Benefits for Members of the Defence Force in connexion with Decimal Currency.

[Assented to 18 December, 1965]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

1.—(1.) This Act may be cited as the *Defence Forces Retirement Benefits Act (No. 3) 1965*. Short title and citation.

(2.) The *Defence Forces Retirement Benefits Act 1948–1963*,* as amended by the *Defence Forces Retirement Benefits Act 1965*† and the *Defence Forces Retirement Benefits Act (No. 2) 1965*,‡ is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Defence Forces Retirement Benefits Act (No. 2) 1965* is amended by omitting sub-section (4.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Defence Forces Retirement Benefits Act 1948–1965*.

2. This Act shall come into operation on the fourteenth day of February, One thousand nine hundred and sixty-six. Commencement.

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

Part I.—Preliminary (Sections 1–3).

Part II.—Amendments of the Principal Act (Sections 4–6).

Part III.—Transitional Provisions (Sections 7–11).

* 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; No. 24, 1956; No. 95, 1957; No. 46, 1958; No. 103, 1959; No. 67, 1962; and No. 103, 1963.

† Act No. 25, 1965.

‡ Act No. 98, 1965.

PART II.—AMENDMENTS OF THE PRINCIPAL ACT.

Benefits
other than
pension—
other ranks.

4. Section 42 of the Principal Act is amended—

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

Number of completed years of service for pension	Amount of gratuity	
	Male members	Female members
6	\$ 240	\$ 180
7	340	210
8	440	240
9	540	270
10	760	380
11	980	490

(b) by omitting from paragraph (b) of sub-section (2.) the words “ Fifty pounds ” and “ Twenty-five pounds ” and inserting in their stead the words “ One hundred dollars ” and “ Fifty dollars ”, respectively; and

(c) by omitting from sub-section (3.) the words “ Two hundred pounds ” and “ One hundred pounds ” and inserting in their stead the words “ Four hundred dollars ” and “ Two hundred dollars ”, respectively.

Gratuity
payable to
certain officers
serving under
short service
commissions.

5. Section 56A of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (2.) the words “ Twenty pounds ” and “ Fifteen pounds ” and inserting in their stead the words “ Forty dollars ” and “ Thirty dollars ”, respectively;

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

Number of completed years of service for pension	Amount of gratuity	
	Male members	Female members
6	\$ 240	\$ 180
7	340	210
8	440	240
9	540	270
10	760	380
11	980	490

(c) by omitting from paragraph (c) of sub-section (2.) the words “ Fifty pounds ” and “ Twenty-five pounds ” and inserting in their stead the words “ One hundred dollars ” and “ Fifty dollars ”, respectively; and

(d) by omitting the table in sub-section (3.) and inserting in its stead the following table:—

Number of completed years of service for pension	Amount of gratuity	
	Male members	Female members
Less than 9	\$ 240	\$ 180
9 or more but less than 12	540	270
12 or more	1,200	600

6. The Principal Act, as amended by the foregoing provisions of this Act, is amended as set out in the Schedule to this Act. The Schedule.

PART III.—TRANSITIONAL PROVISIONS.

7. In this Part—

Definitions.

- “ decimal currency ” means the currency provided for by the *Currency Act 1965*;
- “ retiring age ”, in relation to a member, means the age that is the retiring age for the rank held by him;
- “ the commencing date ” means the date of commencement of this Act;
- “ the Fund ” means the Defence Forces Retirement Benefits Fund;
- “ the previous currency ” means the currency provided for by the *Coinage Act 1909–1947*.

8.—(1.) For the purposes of this Part, the amount of money in decimal currency that corresponds to an amount of money in the previous currency shall, subject to the next succeeding sub-section, be calculated on the basis of the equivalents specified in sub-section (4.) of section 8 of the *Currency Act 1965*. Calculation of currency equivalents.

(2.) Where an amount of money in the previous currency is an amount of pounds, shillings and pence, pounds and pence, shillings and pence or pence, the corresponding amount in decimal currency shall be calculated on the basis that an amount of pence specified in the first column of the table set out in sub-section (3.) of section 11 of the *Currency Act 1965* corresponds to the amount of cents specified in the second column of that table opposite to that amount of pence.

9.—(1.) Subject to the next succeeding sub-section, where a member who, immediately before the commencing date, was required to contribute to the Fund is required to contribute to the Fund after the commencement of this Act, the contribution, or the sum of the contributions, to be paid by him to the Fund after Conversion of contributions to decimal currency.

the commencement of this Act shall, notwithstanding anything contained in any other law of the Commonwealth relating to retirement benefits for members of the Defence Force, be an amount per fortnight in decimal currency corresponding to the amount per fortnight in the previous currency that he would, but for the enactment of the *Currency Act 1965* and this Act, have been required to contribute to the Fund.

(2.) The last succeeding sub-section does not apply to a member whose category or retiring age changes on the commencing date, and, where a change in the category or retiring age of a member occurs after the commencing date, the last preceding sub-section ceases to apply to him.

(3.) Where sub-section (1.) of this section does not apply to a member or ceases to apply to a member, any contribution to be paid by him to the Fund shall be ascertained in accordance with the laws of the Commonwealth, other than this section, relating to retirement benefits for members of the Defence Force.

(4.) The amount of any contribution to be paid in decimal currency by a person to the Fund in pursuance of section 43 of the *Defence Forces Retirement Benefits Act 1959-1965* shall be the amount that corresponds to the amount in the previous currency that would, but for the enactment of the *Currency Act 1965* and this Act, have been payable.

Payment of existing pensions in decimal currency.

10. Where a pension was, under any law of the Commonwealth relating to retirement benefits for members of the Defence Force, payable to or in respect of a person before the commencing date, the amount of any payment of that pension in decimal currency after the commencement of this Act shall be the amount that corresponds to the amount in the previous currency that would, but for the enactment of the *Currency Act 1965* and this Act, have been payable.

Annual amount of certain pensions to be calculated to nearest dollar.

11.—(1.) Section 61G of the *Defence Forces Retirement Benefits Act 1963*, as amended by Part III. of the *Defence Forces Retirement Benefits Act 1965*, is repealed and the following section inserted in its stead:—

“61G.—(1.) Where a person becomes entitled to pension under section thirty-eight, section thirty-nine, section forty-one, the proviso to section forty-three or section fifty-two of the *Defence Forces Retirement Benefits Act 1948-1965* and the amount of that pension per annum as ascertained in accordance with the provisions of that Act and of this Part includes an amount of cents—

(a) if that last-mentioned amount is less than Fifty cents—
the amount of that pension per annum shall be deemed to be reduced by that last-mentioned amount;
and

(b) in any other case—the amount of that pension per annum shall be deemed to be increased by treating the cents as One dollar.

“(2.) This section extends to members other than officers.”.

(2.) Section 17 of the *Defence Forces Retirement Benefits Act 1965* is repealed.

(3.) The *Defence Forces Retirement Benefits Act 1963*, as amended by Part III. of the *Defence Forces Retirement Benefits Act 1965* and by this section, may be cited as the *Defence Forces Retirement Benefits Act 1963–1965*.

THE SCHEDULE

Section 6.

AMENDMENTS OF THE PRINCIPAL ACT

Provisions amended	Amendments
Section 4 ..	Omit from the definition of "annual pay" in sub-section (1.) "shillings or pence", insert "cents".
Section 4A ..	Omit from paragraph (a) of sub-section (2.) " $\frac{A}{65}$ ", insert " $\frac{A}{130}$ ". Omit from paragraph (a) of sub-section (2.) "pounds" (wherever occurring), insert "dollars". Omit from paragraph (a) of sub-section (2.) "sixty-five", insert "one hundred and thirty". Omit from paragraph (b) of sub-section (2.) " $\frac{B}{65} + \frac{C}{114}$ ", insert " $\frac{B}{130} + \frac{C}{228}$ ". Omit from paragraph (b) of sub-section (2.) "pounds" (wherever occurring), insert "dollars". Omit from paragraph (b) of sub-section (2.) "one hundred and fourteen", insert "two hundred and twenty-eight". Omit from sub-section (4.) "Two thousand seven hundred and thirty pounds" and "Sixty-five pounds", insert "Five thousand four hundred and sixty dollars" and "One hundred and thirty dollars", respectively.
Section 30 ..	Omit from sub-section (1.) " $\frac{A}{26} [B + C (D - \frac{B}{65}) + 2]$ ", insert " $\frac{A}{26} [B + C (D - \frac{B}{130}) + \frac{C}{2}]$ ". Omit from sub-section (1.) "pounds", insert "dollars". Omit from sub-section (1.) "sixty-five", insert "one hundred and thirty". Omit from sub-section (1.) "one hundred and fourteen", insert "two hundred and twenty-eight".
Section 38 ..	Omit from sub-section (3.) "Forty-five pounds ten shillings", insert "Ninety-one dollars".
Section 39 ..	Omit from sub-section (3.) "Forty-five pounds ten shillings", insert "Ninety-one dollars".
Section 40 ..	Omit from sub-section (3.) "One hundred and twenty pounds" and "Sixty pounds", insert "Two hundred and forty dollars" and "One hundred and twenty dollars", respectively. Omit from paragraph (a) of sub-section (4.) "Fifty pounds" and "Twenty-five pounds", insert "One hundred dollars" and "Fifty dollars", respectively. Omit from paragraph (b) of sub-section (4.) "One hundred and twenty pounds" and "Sixty pounds", insert "Two hundred and forty dollars" and "One hundred and twenty dollars", respectively.
Section 41 ..	Omit from sub-section (3.) "Forty-five pounds ten shillings", insert "Ninety-one dollars".
Section 41A ..	Repeal, insert the following section:— "41A. Where the amount of pension per annum ascertained under section thirty-eight, section thirty-nine or section forty-one of this Act includes an amount of cents— (a) if that last-mentioned amount is less than Fifty cents—the amount of pension shall be deemed to be reduced by that last-mentioned amount; and (b) in any other case—the amount of pension shall be deemed to be increased by treating the cents as One dollar."

THE SCHEDULE—*continued*

Provisions amended	Amendments
Section 42A ..	Omit from sub-section (1.) " Three hundred pounds ", insert " Six hundred dollars ".
Section 50 ..	Omit from sub-section (1.) " Two pounds " and " One pound ", insert " Four dollars " and " Two dollars ", respectively. Omit from paragraph (a) of sub-section (2.) " Two hundred pounds " and " One hundred pounds ", insert " Four hundred dollars " and " Two hundred dollars ", respectively. Omit from paragraph (b) of sub-section (2.) " Two hundred pounds " and " One hundred pounds ", insert " Four hundred dollars " and " Two hundred dollars ", respectively.
Section 52 ..	Omit from sub-section (1.) " Forty-five pounds ten shillings ", insert " Ninety-one dollars ".
	Omit from sub-section (6.) " Seventy-five pounds " and " Thirty-seven pounds ten shillings ", insert " One hundred and fifty dollars " and " Seventy-five dollars ", respectively.
	Omit from paragraph (a) of sub-section (7.) " Fifty pounds " and " Twenty-five pounds ", insert " One hundred dollars " and " Fifty dollars ", respectively.
	Omit from paragraph (b) of sub-section (7.) " Seventy-five pounds " and " Thirty-seven pounds ten shillings ", insert " One hundred and fifty dollars " and " Seventy-five dollars ", respectively.
	Omit from sub-paragraph (i) of paragraph (b) of sub-section (8.) " Fifty pounds ", insert " One hundred dollars ".
	Omit from sub-paragraph (ii) of paragraph (b) of sub-section (8.) " Twenty-five pounds ", insert " Fifty dollars ".
Section 55 ..	Omit from paragraph (b) of sub-section (1.) " One hundred and four pounds ", insert " Two hundred and eight dollars ".
	Omit from sub-section (2.) " One hundred and fifty-six pounds ", insert " Three hundred and twelve dollars ".
Section 57 ..	Omit from paragraph (b) of sub-section (1.) " One hundred and four pounds ", insert " Two hundred and eight dollars ".
	Omit from sub-section (4.) " One hundred and fifty-six pounds ", insert " Three hundred and twelve dollars ".
Section 58 ..	Omit from sub-section (1.) " Two hundred and sixty pounds ", insert " Five hundred and twenty dollars ".
Section 64 ..	Omit from sub-section (1.) " Two hundred and sixty pounds ", insert " Five hundred and twenty dollars ".
Section 69 ..	Omit from sub-section (7.) " Twenty pounds ", insert " Forty dollars ".
Section 73 ..	Omit from sub-section (2.) " Two hundred and seventy-three pounds " and " One hundred and thirty-six pounds ten shillings ", insert " Five hundred and forty-six dollars " and " Two hundred and seventy-three dollars ", respectively.
Section 84 ..	Omit from sub-section (2.) " Ten pounds ", insert " Twenty dollars ".
Section 85A ..	Omit from sub-section (3.) " Twenty pounds ", insert " Forty dollars ".
	Omit from sub-section (8.) " Fifty pounds ", insert " One hundred dollars ".
Section 88 ..	Omit from paragraph (c) of sub-section (1.) " Fifty pounds ", insert " One hundred dollars ".