

SUPERANNUATION.

No. 22 of 1930.

An Act to amend the *Superannuation Act* 1922-1924.

[Assented to 9th August, 1930.]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Superannuation Act* 1930.

(2.) The *Superannuation Act* 1922-1924* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act* 1922-1930.

Parts.

2. Section three of the Principal Act is amended by omitting the words "The Board of Management" and inserting in their stead the words "The Superannuation Board".

Definitions.

3. Section four of the Principal Act is amended—

(a) by inserting, after the definition of "Actuary", the following definition:—" 'Children' includes children adopted by a contributor or by a pensioner who has been a contributor and dependent on him at the time of his death;";

(b) by inserting in the definition of "Contributor", after the word "is", the words "or has been";

(c) by omitting from the definition of "The Board" the words "Fund Management";

(d) by omitting from sub-section (2.) the word "officer" (wherever occurring) and inserting in its stead the word "employee"; and

(e) by inserting after sub-section (3.) the following sub-section :—

“(3A.) Notwithstanding anything contained in the last preceding sub-section, if an employee who is the holder of a statutory office notifies in writing to the authority administering the Act under which he was appointed, that he does not desire re-appointment at the expiration of the term for which he was appointed, the notice shall, unless—

(a) he has attained the age of sixty years, or, being a contributor in accordance with Part IVA. of this Act, has attained the age of fifty-five years; or

(b) he has attained the age for retirement fixed by law, be deemed to be resignation within the meaning of this Act.”.

4. Section four A of the Principal Act is amended by adding at the end thereof the following proviso :—

Members of
Naval Forces.

“Provided further that this section shall not apply to any member of the Naval Forces of the Commonwealth who, upon the commencement of this section, was a contributor, and who, on or before the thirtieth day of September, One thousand nine hundred and twenty-five, elected to continue his contributions.”.

5. Section eleven of the Principal Act is amended by adding at the end of sub-section (3.) the words “and, where the fund is found to be more than sufficient to provide for the benefits which are a charge upon the fund, he shall also state what additional benefits (if any) could, in his opinion, be provided out of the surplus”.

Quinquennial
Investigation by
an actuary.

6. Section twelve of the Principal Act is amended—

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

Commencement
and cessation
of contributions.

“(2.) In respect of units of pension the initial contributions in respect of which have been made prior to the commencement of this sub-section the following provisions shall apply :—

(a) the contributions of a contributor shall, subject to the next succeeding paragraph, cease to be paid when he ceases to be employed in the Service, or immediately after the last fortnightly payment before the anniversary of his initial contribution next preceding the attainment by him of the maximum age for retirement, whichever first happens; and

(b) in the case of a contributor whose initial payment is made within twelve months before he attains the maximum age for retirement, twenty-six contributions at the fortnightly rates applicable to the contributor shall be made before pension in respect of superannuation shall become payable.

“(2A.) In respect of units of pension the initial contributions in respect of which are made after the commencement of this sub-section the following provisions shall apply :—

- (a) the contributions of a contributor shall, subject to the next succeeding paragraph, cease to be paid when he ceases to be employed in the Service, or, in respect of each unit or part thereof, immediately after the last fortnightly payment before the anniversary of his initial contribution in respect thereof next preceding the attainment by him of the maximum age for retirement, whichever first happens ; and
- (b) in the case of a contributor whose initial payment in respect of any unit or part thereof is made within twelve months before he attains the maximum age for retirement, twenty-six contributions at the fortnightly rates applicable to the contributor in respect of that unit or part thereof shall be made before pension in respect of superannuation as regards that unit or part shall become payable.

“(2B.) For the purposes of the last two preceding sub-sections the initial contribution of an employee in respect of any additional unit or part thereof for which he has elected to contribute shall be deemed to have been made on the date as from which the contribution became payable.

“(2C.) A contributor—

- (a) who elects, or is called upon, to retire on or after attaining the age of sixty years, or
- (b) whose maximum age for retirement is fixed at an earlier age than sixty-five years, but not less than sixty years, and who retires on attaining the age so fixed,

may, notwithstanding anything contained in this section contribute, in a lump sum, or in such smaller sums and at such periods as the Board approves, the actuarial equivalent of the amount necessary to complete his payments to the fund up to a later age (not exceeding the age of sixty-five years). ” ; and

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

“(3.) An employee or pensioner—

- (a) who has completed his contributions up to the anniversary of his initial contribution next preceding the attainment by him of the maximum age for retirement ; and

- (b) whose salary has been increased, subsequent to but from a date prior to the cessation of his contributions, to a higher salary group in column one of the scale contained in sub-section (1.) of section thirteen of this Act than the salary group in which it fell prior to the increase,

may elect to contribute such an amount as will provide additional units of pension but so that the total number of units shall not exceed the number specified in column two of section thirteen of this Act opposite to that higher salary group:

Provided that in respect of those units twenty-six contributions at the rate applicable to the maximum age for retirement shall be made before pension in respect of superannuation shall become payable and upon the payment of those contributions the pension shall become payable as from the date of retirement."

7. Section thirteen of the Principal Act is amended—

Scale of units
of pensions.

- (a) by inserting at the end of sub-section (3.) the words "and any contributions paid by him, prior to such reduction, in respect of units in excess of the reduced number shall be credited as payments for paid-up pensions to be actuarially calculated, or refunded to him, as the Board determines"; and
- (b) by omitting from sub-section (4.) the words "and any such increased contribution shall be payable as from the first day of the month in which payment of salary at the increased rate is actually made" and inserting in their stead the words "and any such increased contribution shall be payable as from the date upon which payment of salary at the increased rate is approved, or from the date upon which such increased salary becomes payable, whichever is the later:

Provided that, where such date does not fall on a pay day, contributions shall commence on the next following pay day".

8.—(1.) Section fifteen of the Principal Act is amended—

Employee
reduced in
salary.

- (a) by omitting the words "compelled to contribute shall be reduced to the number appropriate to the salary-group to which his salary has been reduced", and inserting in their stead the words "contributing shall, if that number is in excess of the number appropriate to the salary-group to which his salary has been reduced, be reduced to the number appropriate to that salary-group,"; and
- (b) by adding at the end thereof the words "or be refunded to him, as the Board determines."

(2.) This section shall be deemed to have commenced upon the date of the commencement of the *Superannuation Act 1922*.

Tables of contributions in Schedules.

9. Section seventeen of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the word and numeral “and II.” and inserting in their stead the words and numeral “to IV. (inclusive)” ; and
- (b) by omitting from that sub-section the words “, and shall apply to male and female employees respectively”.

Retirement through invalidity.

10.—(1.) Section thirty of the Principal Act is amended by inserting at the end thereof the following proviso :—

“ Provided that, where a female contributor who has been retired on the ground of invalidity or physical or mental incapacity to perform her duties, is married after retirement and becomes restored to health, the Board may cancel the pension and thereupon it shall cease to be payable :

Provided further that, in the event of a recurrence of the infirmity which was the cause of her retirement she shall be entitled to pension at a rate not less than the amount of the pension on which she was retired.”

(2.) This section shall be deemed to have commenced upon the date of the commencement of the *Superannuation Act 1922*.

Pension to widow and children on death of contributor.

11.—(1.) Section thirty-one of the Principal Act is amended by adding at the end thereof the following sub-sections :—

“(2.) On the death of the widow of any such male contributor, pension shall, in addition to the pension payable in pursuance of paragraph (b) of the last preceding sub-section, be payable, in respect of each of the children of the widow or of the male contributor (except children of her remarriage) who are under the age of sixteen years, at the rate of Thirteen pounds per annum until the age of sixteen years has been attained.

“(3.) The amount of the additional pension shall be payable from the fund without contribution by the Commonwealth.”.

(2.) This section shall be deemed to have commenced on the first day of July One thousand nine hundred and twenty-seven.

Pension to widow and children on death of pensioner after retirement.

12.—(1.) Section thirty-two of the Principal Act is amended—

- (a) by inserting at the end of paragraph (b) the following sub-sections :—

“(2.) On the death of the widow of any such male pensioner, pension shall, in addition to the pension payable in pursuance of paragraph (b) of the last preceding sub-section, be payable, in respect of each of the children of the widow or of the male pensioner (except children of her remarriage) who are under the age of sixteen years, at the rate of Thirteen pounds per annum until the age of sixteen years has been attained.

“(3.) The amount of the additional pension shall be payable from the fund without contribution by the Commonwealth.”; and

(b) by omitting from the proviso the words “Provided that” and inserting in their stead the words “(4.) Notwithstanding anything contained in this section,”.

(2.) This section shall be deemed to have commenced on the first day of July One thousand nine hundred and twenty-seven.

13.—(1.) Section thirty-three of the Principal Act is amended—

(a) by omitting the words “Thirteen pounds” and inserting in their stead the words “Twenty-six pounds”; and

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

“(2.) Payment of one-half of the pension payable in pursuance of this section shall be made from the fund without contribution by the Commonwealth.”.

(2.) This section shall be deemed to have commenced on the first day of July One thousand nine hundred and twenty-seven.

14.—(1.) Section thirty-four of the Principal Act is repealed and the following section inserted in its stead:—

“34. Where a contributor, who is unmarried or is a widower without children under the age of sixteen years, dies before retirement, the contributions made by him shall be paid to his personal representatives, or, failing them, to such persons (if any) as the Board determines.”.

(2.) This section shall apply in the case of any such contributor who died on or after the fifth day of January One thousand nine hundred and twenty-three.

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

“(1.) In the event of the retrenchment of a contributor, he shall be entitled to receive the contributions paid by him, and the contributions to the fund which would have been made by the Commonwealth if the Commonwealth had, during the period throughout which the contributor had been contributing to the fund, been making such periodical contributions to the fund as are necessary to provide for the share of pension payable by the Commonwealth in respect of that contributor; and within one month after his retrenchment he may choose to receive payment either in the form of a lump sum or as a pension.”.

16. Section forty-three of the Principal Act is amended by inserting at the end thereof the following sub-section:—

“(2.) Where a female pensioner is detained as a patient in a hospital for the insane, the Board may cause her pension, or any part thereof, to be paid, during the period of detention, to some person,

Pension to orphans on death of contributor or pensioner.

Refund of contributions on death of contributor.

Retrenchment of contributor—choice of benefits.

Insanity of female pensioner.

in such proportion as the Board thinks fit, for the use of such of the children of the pensioner, or of her late husband, as are under the age of sixteen years.”

17.—(1.) After section forty-six of the Principal Act the following section is inserted :—

Cash benefit on death of contributor or pensioner.

“ 46A. Upon the death of a contributor, or of a pensioner who has been a contributor, there shall be payable to his personal representatives from the fund the sum of Five pounds in respect of each unit of pension, and a proportionate part of Five pounds in respect of a fraction of unit of pension, for which he has contributed :

Provided that in respect of the death of a person who was—

(a) a contributor for limited purposes under section fifty-three of this Act ; or

(b) an officer contributing under Part IVA. of this Act, the amount payable under this section in respect of each unit of pension for which he was contributing shall be such sum as bears to the sum of Five pounds the same proportion as the benefits for which he was contributing bear to the full benefits provided under this Act.”.

(2.) This section shall be deemed to have commenced on the first day of July One thousand nine hundred and twenty-seven and shall continue in force until the thirtieth day of June One thousand nine hundred and thirty-three and thereafter until a date to be notified by the Governor-General in the *Gazette* upon which date it shall cease to have effect.

18. After section forty-eight of the Principal Act the following section is inserted in Division 2 of Part IV. :—

Payment to person other than the pensioner.

“ 48A. Where in the opinion of the Board payment of pension, refund of contributions or other benefit under this Act should be made to a person other than the pensioner or beneficiary, the Board may, subject to this Act, authorize payment to such person accordingly.”.

Cancellation of pension where employee restored to health.

19. Section fifty of the Principal Act is amended—

(a) by omitting the words “ the Public Service Commissioner ” (wherever occurring) and inserting in their stead the words “ a prescribed authority ” ; and

(b) by inserting at the end thereof the following sub-sections :—

“ (4.) If, in the opinion of the Board—

(a) the health of any pensioner, to whom a pension under section thirty or thirty-seven of this Act is being paid, has become so restored as to enable him to perform his duties ; or

(b) the degree of invalidity or incapacity in relation to civil employment of any pensioner to whom a pension is being paid under section sixty N, sixty O or sixty R is less than ten per centum,

and suitable permanent employment under the Commonwealth cannot be offered to him, but the pensioner is engaged in temporary employment under the Commonwealth, or in other employment, at a remuneration not less than two-thirds of his salary at the time of his retirement, the Board may suspend the pension, and thereupon it shall cease to be payable so long as he continues in such employment.

“(5.) In the event of the recurrence of the infirmity of the pensioner, or in the event of his ceasing to be so engaged in temporary employment under the Commonwealth or in other employment, he shall, from the date of such recurrence, or cessation of such employment, be entitled to pension at the same rate as that on which he was retired from the Service.”

20. After section fifty of the Principal Act the following section is inserted in Division 3 of Part IV. :—

“50A.—(1.) Where a pensioner, other than a pensioner who has been retired on the ground of infirmity or retrenchment, is employed or re-employed by the Commonwealth and his employment or re-employment commences after the commencement of this section, so much of the pension as is attributable to the contribution payable by the Commonwealth shall be cancelled during the period of employment.

Re-employment
of pensioner.

“(2.) Where a pensioner, part of whose pension has been cancelled under the preceding sub-section, becomes a contributor upon employment or re-employment, he shall be entitled to receive on retirement such proportions of both pensions which have been contributed for by him or on his behalf as are attributable to the respective contributions made by him or on his behalf and in addition to such proportion of pension as is attributable to the contribution payable by the Commonwealth under this section.

“(3.) Notwithstanding anything contained in this Act, the Commonwealth shall, in respect of pensions payable to any person under the last preceding sub-section and to the widow and children of any such person, be liable to contribute only in respect of the pension of which the proportion attributable to contributions by the Commonwealth is the greater.”

21. Section fifty-two of the Principal Act is amended—

- (a) by omitting paragraph (a) of sub-section (1.);
- (b) by omitting from paragraph (c) of sub-section (3.) the word “and” (last occurring);
- (c) by inserting at the end of sub-section (3.) the following paragraph and proviso :—

“and (e) the contributions for additional units shall be payable as from the date upon which payment of salary at

Employee
under 65 years
at
commencement
of contributions
may elect to
come under
this Act for
the difference.

the increased rate is approved or from the date upon which such increased salary becomes payable, whichever is the later :

Provided that, where such date does not fall on a pay day, contributions shall commence on the next following pay day." ; and

(d) by omitting from sub-section (5.) the words ", prior to the commencement of this sub-section,".

Where employee does not so elect, he may come under Act for limited purposes.
Employee having pension rights under other law may exchange his rights for an equivalent under this Act.

22. Section fifty-three of the Principal Act is amended by omitting paragraph (a) of sub-section (1.).

23. Section fifty-seven of the Principal Act is amended by inserting after sub-section (1.) the following sub-sections:—

"(1A.) Where an employee has transferred his right to the Board in accordance with sub-section (1.) of this section, the new rights of pension shall be such as are agreed upon between himself and the Board, subject to the actuary of the Board certifying that the new rights are the actuarial equivalent of the transferred right as at the date of the commencement of this sub-section.

"(1B.) Where any employee, referred to in sub-section (1.) of this section, failed to transfer his right to the Board within the time specified in that sub-section, he may, within twelve months after the commencement of this sub-section, make application to the Board to transfer that right to the Board and to receive a grant of new rights of pension in accordance with sub-section (1.) of this section.

"(1C.) A person, having such a right as is referred to in sub-section (1.) of this section, who became or becomes an employee after the commencement of this Act, may, within twelve months after the commencement of this sub-section, or of the commencement of his employment, whichever is the later, make application to the Board to transfer that right to the Board and to receive a grant of new rights of pension in accordance with sub-section (1.) of this section."

Employee having right to refund or gratuity under other law may exchange his rights for an equivalent under this Act.

24. Section fifty-eight of the Principal Act is amended by inserting after sub-section (1.) the following sub-sections:—

"(1A.) Where an employee has transferred his right to the Board in accordance with sub-section (1.) of this section, the new rights of pension shall be such as are agreed upon between himself and the Board, subject to the actuary of the Board certifying that the new rights are the actuarial equivalent of the transferred right as at the date of the commencement of this sub-section.

"(1B.) Where any employee, referred to in sub-section (1.) of this section, failed to transfer his right to the Board within the time specified in that sub-section, he may, within twelve months after the

commencement of this sub-section, make application to the Board to transfer that right to the Board and to receive a grant of new rights of pension in accordance with sub-section (1.) of this section.

“(1c.) A person, having such a right as is referred to in sub-section (1.) of this section, who became or becomes an employee after the commencement of this Act, may, within twelve months after the commencement of this sub-section, or of the commencement of his employment, whichever is the later, make application to the Board to transfer that right to the Board and to receive a grant of new rights of pension in accordance with sub-section (1.) of this section.”.

25. Section sixty of the Principal Act is amended by inserting at the end thereof the following sub-section :—

Transfer of
policies to
Board.

“(3.) Where an employee desires that his policy be re-transferred to him before maturity, or resigns or retires from the Service, the Board may, on receipt of a request for re-transfer, or upon his resignation or retirement, re-transfer the policy to the employee upon payment to the Board of the amount of premiums paid by the Board, with compound interest thereon at the rate of four per centum per annum from the respective dates of payment.”.

26. Part IVA. of the Principal Act is amended—

Consequential
alterations.

- (a) by omitting the words “ air officer ” (wherever occurring) and inserting in their stead the word “ officer ” ; and
- (b) by omitting the words “ air officers ” (wherever occurring) and inserting in their stead the word “ officers ” .

27. Section sixty A of the Principal Act is amended—

Definitions.

- (a) by omitting the definition of “ air officer ” and inserting in its stead the following definition :—
“ ‘ officer ’ means a commissioned officer of the Permanent Air Force ; ” ; and
- (b) by omitting from the definition of “ employee ” the words “ Royal Australian Air Force ” and inserting in their stead the words “ Permanent Air Force, but does not include any warrant or non-commissioned officer holding an honorary commission ” .

28. Section sixty I of the Principal Act is amended by adding at the end thereof the following sub-section :—

Application of
Part IV. to
Military and
Air Forces.

“(2.) In the application of Part IV. under the last preceding sub-section, sections forty-nine and fifty of this Act shall be read as if the words ‘ or thirty-seven ’ (wherever occurring) were omitted, and the words ‘ , thirty-seven, sixty N or sixty O ’ were inserted in their stead.”.

Pensions not payable in addition to compensation.

29. Section sixty κ of the Principal Act is amended by inserting at the end thereof the following sub-section :—

“(2.) Pension shall not be payable under this Part to, or in respect of, any person who absents himself without leave or becomes a deserter and who, during such period of absence or desertion, attains the maximum age for retirement or becomes incapacitated or dies.”

Partial incapacity.

30. Section sixty ο of the Principal Act is amended by inserting, after sub-section (2.), the following sub-section :—

“(2A.) Should the degree of incapacity of an officer or employee in receipt of pension under the last preceding sub-section be increased after retirement, he may receive such pension as is determined by the Board as being proportionate to the degree of his increased incapacity, and payment of the pension at the increased rate shall be made from such date as is specified by the Board :

Provided that, where the Board determines that the degree of incapacity is not less than fifty per centum, he shall, as from such date as is specified by the Board, be entitled to the full pension for which he was contributing at the time of his retirement.”

31. After section sixty s of the Principal Act the following section is inserted :—

Source of pension of officer or employee.

“60SA. Where an officer or employee is retired on the ground of invalidity or physical or mental incapacity to perform his duties, or dies in the Service, and the invalidity or incapacity or death is due to accident while the officer or employee is engaged in flying operations, the pension payable under this Act shall be paid from the Superannuation Fund, and the payments from that Fund shall be repaid from the Consolidated Revenue Fund.”

Amendment of heading to Part V.

32. The heading to Part V. of the Principal Act is amended by omitting the words “THE BOARD OF MANAGEMENT” and inserting in their stead the words “THE SUPERANNUATION BOARD”.

Constitution of Board.

33. Section sixty-one of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “Fund Management”; and

(b) by omitting from sub-section (1.) the words “appointed from persons nominated by employees” and inserting in their stead the words “a contributor elected by contributors”.

Term of office.

34. Section sixty-two of the Principal Act is amended by omitting from sub-section (1.) the words “term of” and inserting in their stead the words “period not exceeding”.

Vacation of office.

35. Section sixty-six of the Principal Act is amended—

(a) by omitting from paragraph (c) the word “or”; and

(b) by adding at the end thereof the following paragraph :—

“; or (e) being a member elected by contributors ceases to be a contributor.”