

SUPERANNUATION.

No. 94 of 1957.

An Act to amend the *Superannuation Act* 1922-1956,
and for other purposes.

[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 *Superannuation Act* 1957. Short title and citation.

(2.) The *Superannuation Act* 1922-1956* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act* 1922-1957.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section eighteen of the Principal Act is amended by omitting sub-section (4.) and inserting in its stead the following sub-section:— Payments by Commonwealth where contributions are at rate for age.

“(4.) The Commonwealth shall, in respect of each payment of pension made in respect of a child, where the pensioner or

* Act No. 33, 1922, as amended by No. 45, 1924; No. 22, 1930; No. 10, 1931; No. 45, 1934; No. 28, 1937; No. 53, 1942; No. 18, 1943; Nos. 15 and 30, 1945; No. 2, 1946; Nos. 1 and 35, 1947; No. 19, 1948; No. 76, 1950; Nos. 49 and 62, 1951; No. 92, 1952; No. 11, 1954; No. 27, 1955; and Nos. 19 and 112, 1956.

contributor contributed to the Fund on the basis referred to in sub-section (1.) of this section, pay to the Fund a sum equal to three-eighths of the payment so made, excluding so much of the payment as is, by virtue of sub-section (3.) of section thirty-one, sub-section (3.) of section thirty-two, sub-section (2.) of section thirty-three or sub-section (6.) of section fifty-three of this Act, payable without contribution by the Commonwealth.”.

Payments by
Commonwealth
where
contributions
are not at rate
for age.

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

“(2B.) The Commonwealth shall, in respect of each payment of pension made in respect of a child, where the pensioner or contributor contributed to the Fund on the basis referred to in sub-section (1.) of this section, pay to the Fund a sum which bears to the payment (excluding so much of the payment as is, by virtue of sub-section (3.) of section thirty-one, sub-section (3.) of section thirty-two, sub-section (2.) of section thirty-three or sub-section (6.) of section fifty-three of this Act, payable without contribution by the Commonwealth) the same proportion as the difference between the rate of contribution actually payable by him and four times the rate of contribution prescribed for his age at the date upon which he commenced to pay the contribution bears to eight times the rate so prescribed.”.

Pension to
widow and
children on
death of
contributor.

5. Section thirty-one 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 to
widow and
children on
death of
pensioner after
retirement.

6. Section thirty-two 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 to
orphans on
death of
contributor
or pensioner.

7. Section thirty-three 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”.

8. Section fifty-one of the Principal Act is amended by omitting the words “ the *Australian Soldiers’ Repatriation Act 1920–1921* ” and inserting in their stead the words “ the *Repatriation Act 1920–1957* or the *Repatriation (Far East Strategic Reserve) Act 1956* ”.

Rights under other Acts and State Acts.

9. Section fifty-three of the Principal Act is amended by adding at the end thereof the following sub-sections:—

Right of employee not electing under section 52 to come under Act for limited purposes.

“(3.) The pension payable under this section for a widow is the sum of—

(a) the pension applicable to the number of units in respect of which contributions relating to the widow were made; and

(b) two-sevenths of the pension so applicable.

“(4.) The pension payable under this section for a child is pension at the rate applicable under section thirty-one, thirty-two or thirty-three of this Act, as the case may be, in respect of a child of a male contributor or pensioner.

“(5.) The Commonwealth shall, in respect of each payment of pension made to a widow in accordance with sub-section (3.) of this section, pay to the Fund—

(a) an amount determined in accordance with sub-section (1.) of section eighteen of this Act, or sub-section (1.) of section nineteen of this Act, as the case requires, with respect to the part of the pension payment payable by virtue of paragraph (a) of sub-section (3.) of this section; and

(b) an amount equal to the part of the pension payment payable by virtue of paragraph (b) of that sub-section.

“(6.) So much of the pension payable for a child under sub-section (4.) of this section as is additional to pension at the rate of Fifty-two pounds per annum is payable from the Fund without contribution by the Commonwealth.”.

10. Section fifty-seven of the Principal Act is amended by omitting from sub-section (1.) the words “ the *Australian Soldiers’ Repatriation Act 1920–1921* ” and inserting in their stead the words “ the *Repatriation Act 1920–1957* or the *Repatriation (Far East Strategic Reserve) Act 1956* ”.

Exchange of pension rights for equivalent rights under this Act.

11.—(1.) In this section—

“ contributor ” means a contributor to the Superannuation Fund;

Increases in certain existing pensions.

“prescribed increase of salary”, in relation to a person, means an increase of salary wholly attributable to—

- (a) the promotion of that person to an office or position at the same salary or within the same range of salary, as the case may be, as would have been applicable to him on the fifth day of April, One thousand nine hundred and forty-seven, if he had been promoted on that day to that office or position or, where that office or position was not in existence on that day, to a corresponding office or position; or
- (b) the incremental advancement of that person within a range of salary applicable to an office or position held or occupied by him, being a range of salary that, on the fifth day of April, One thousand nine hundred and forty-seven, was applicable to that office or position or, where that office or position was not in existence on that day, to a corresponding office or position;

“prescribed pensioner” means a person who, immediately before the commencement of this Act—

- (a) was in receipt of, or entitled to, a pension by virtue of having been a contributor; or
- (b) was in receipt of, or entitled to, a pension (otherwise than as a widow) by virtue of section nine or section fourteen of the *Superannuation Act (No. 2) 1956*;

“salary” means salary as defined by sub-section (1.) of section four of the Principal Act.

(2.) Subject to this section—

- (a) the amount of pension payable to a prescribed pensioner who retired, or was retired, before the fourteenth day of May, One thousand nine hundred and forty-two, is increased by ten thirty-fifths;
- (b) the amount of pension payable to a prescribed pensioner who retired, or was retired, on or after the fourteenth day of May, One thousand nine hundred and forty-two, and before the twelfth day of November, One thousand nine hundred and forty-two, is increased by nine thirty-fifths;
- (c) the amount of pension payable to a prescribed pensioner who retired, or was retired, on or after the twelfth day of November, One thousand nine hundred and forty-two, and before the fifth day of April, One thousand nine hundred and forty-seven, is increased by eight thirty-fifths; and

(d) the amount of pension payable to a prescribed pensioner who—

- (i) is, by virtue of the next succeeding sub-section, a prescribed pensioner to whom this paragraph applies; and
- (ii) retired, or was retired, on or after the fifth day of April, One thousand nine hundred and forty-seven,

is increased by seven thirty-fifths.

(3.) Paragraph (d) of the last preceding sub-section applies to a prescribed pensioner—

(a) who became a contributor on or before the fifth day of April, One thousand nine hundred and forty-seven, and did not, after that day, become entitled, otherwise than by virtue of a prescribed increase of salary or section twenty-nine of the *Superannuation Act* 1947, to contribute, or to elect to contribute, for any unit of pension (other than a reserve unit of pension) additional to those for which he was entitled to contribute, or to elect to contribute, on that day; or

(b) who—

- (i) became a contributor after the fifth day of April, One thousand nine hundred and forty-seven;
- (ii) was not, when he became a contributor, entitled to contribute, or to elect to contribute, for more units of pension, excluding reserve units of pension, than those for which he would have been entitled to contribute, or to elect to contribute, on the fifth day of April, One thousand nine hundred and forty-seven, if he had, on that day, held or occupied the same office or position as he held or occupied when he became a contributor or, where that office or position was not in existence on that day, a corresponding office or position; and
- (iii) did not, at any time after he became a contributor, become entitled, otherwise than by virtue of a prescribed increase of salary or section twenty-nine of the *Superannuation Act* 1947, to contribute, or to elect to contribute, for any unit of pension (other than a reserve unit of pension) additional to those for which he was entitled to contribute, or to elect to contribute, when he became a contributor.

(4.) Where—

(a) by virtue of the enactment of section sixteen B of the *Superannuation Act 1922–1947*, a prescribed pensioner became entitled to elect to contribute for an additional unit, or additional units, of pension under sub-section (2.) of that section in relation to—

- (i) an increase of salary to which he became entitled on or before the fifth day of April, One thousand nine hundred and forty-seven; or
- (ii) a prescribed increase of salary to which he became entitled after that date and before the date on which that section came into operation; and

(b) the units of pension for which he had completed his contributions before that last-mentioned date, together with that additional unit or those additional units, did not exceed sixteen in number,

his entitlement to elect to contribute for that additional unit or those additional units shall not be taken into account for the purposes of the last preceding sub-section.

(5.) The increase in pension provided for by sub-section (2.) of this section—

(a) shall, in the case of a person to whom sub-section (1.) of section fifty A of the Principal Act applied immediately before the commencement of this Act, be calculated as if he had then been in receipt of a pension under the Principal Act equal to the pension to which he would have been entitled if that sub-section had not so applied to him; and

(b) is not payable to a person (including a person referred to in the last preceding paragraph) in respect of a period during which sub-section (1.) of section fifty A of the *Superannuation Act 1922–1957* applies to him except to the extent, if any, necessary to give effect to paragraph (b) of that sub-section.

(6.) The amount of pension payable to a person who, immediately before the commencement of this Act, was in receipt of, or entitled to, a pension by virtue of being the widow of—

(a) a pensioner who, if he had not died and had been in receipt of pension immediately before the commencement of this Act, would have been entitled to an increase in the amount of that pension under sub-section (2.) of this section; or

(b) a person who died before retirement but, if he had retired on the day on which he in fact died and had been in receipt of pension immediately before the commencement of this Act, would have been entitled to an increase in the amount of that pension under that sub-section,

is increased by the same fraction as would have been applicable to her husband's pension under that sub-section.

(7.) The increase in pension provided for by the last preceding sub-section is not payable to any widow in respect of a period during which sub-section (3.) of section fifty A of the *Superannuation Act 1922-1957* applies to her.

(8.) The increases in pension provided for by this section do not apply to, or in relation to—

- (a) a pension in respect of a child;
- (b) a pension under section fifty-three of the Principal Act;
- (c) a pension under section fifty-seven of the Principal Act, not being a pension for which contributions were made to a State Fund as defined in section sixty AN of the Principal Act;
- (d) a pension under section fifty-eight of the Principal Act; or
- (e) so much of a pension as is payable by virtue of section twenty-nine A of the Principal Act.

(9.) The Commonwealth shall pay to the Superannuation Fund the amounts by which pensions (including pensions payable to widows of prescribed pensioners who die after the commencement of this Act) are increased by virtue of this section, and the Consolidated Revenue Fund is, to the necessary extent, appropriated accordingly.

12.—(1.) A person whose name is specified in the first column of the Schedule to this Act shall be paid out of the Superannuation Fund, in lieu of the pension payable to that person by virtue of section twenty-nine of the *Superannuation Act 1954*, a pension at the rate specified in the second column of that Schedule opposite to the name of that person.

Pensions payable to persons whose names are specified in the Schedule to this Act.

(2.) Where a male person whose name is specified in the first column of the Schedule to this Act dies and is survived by a widow (being his wife at the date of his retirement), the provisions of section thirty-two of the *Superannuation Act 1922-1957* apply.

(3.) Payment of a pension to a female person whose name is specified in the first column of the Schedule to this Act is subject to the same conditions as apply in the case of a pension payable to the widow of a pensioner under the *Superannuation Act 1922-1957*.

(4.) The provisions of section fifty A of the *Superannuation Act 1922-1957* apply in relation to pensions payable under this section.

(5.) The Commonwealth shall pay to the Superannuation Fund—

- (a) in respect of each payment of pension made from that Fund to a person whose name is specified in the first column of the Schedule to this Act—an amount at the rate specified in the third column of that Schedule opposite to the name of that person; and

- (b) in respect of each payment of pension made from that Fund to the widow of a male person whose name is so specified—an amount at a rate equal to one-half of the rate specified in the third column of that Schedule opposite to the name of that person,

and the Consolidated Revenue Fund is, to the necessary extent, appropriated accordingly.

(6.) Section twenty-nine of the *Superannuation Act* 1954 and the Schedule to that Act are repealed.

Application.

13.—(1.) Subject to the next succeeding sub-section, the amendments made by sections three, four, five, six, seven and nine of this Act apply in relation to pensions which were payable immediately before, or which become payable after, the commencement of this Act.

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

THE SCHEDULE.

Section 12.

First Column.	Second Column.	Third Column.
Name of Pensioner.	Rate of Pension per Annum.	Amount Payable per Annum by the Commonwealth to the Fund.
	£ s. d.	£ s. d.
Adams, Gerald Robert Lloyd	700 12 3	601 6 11
Boyle, Henry Noel	786 15 5	637 0 5
Durant, Herbert Frederic Henry	672 13 3	580 4 3
Heward, Frank Lowe	647 2 0	553 12 5
Hilless, William Henry	665 11 3	570 6 3
Hoad, Oswald Vick	894 8 0	731 17 9
Hoare, Harold Murphy	538 7 7	444 0 1
Hurst, Rupert John Rostron	662 1 4	567 13 10
Huxtable, Cyril William	839 17 1	668 2 1
Meredith, Gwynydd Purves Wynne Aubrey	686 9 11	558 11 5
Morris, Basil Moorhouse	846 9 1	691 5 4
Richardson, Lyall	697 17 2	567 2 8
Russell, John Henry	840 7 3	703 5 0
Smart, Edward Kenneth	851 10 10	710 2 10
Stoyles, Arthur Martin	734 5 8	624 4 5
Tinsley, Walter Noel	646 13 5	533 8 5
Urquhart, Walter James	729 4 9	602 0 1
Weavers, Thomas Edgar	834 15 6	698 19 9
Wells, Frank Elwyn	597 5 5	489 15 5
White, Aubrey Philip Oscar	717 7 8	613 17 8
Ellison, Dorothy Edith (widow of Edward Burnett Ellison)	279 10 0	230 1 0
Moore, Elsie Maude (widow of Paterson Lisle Moore)	277 3 9	215 11 4
Plant, Oona Hunter (widow of Eric Clive Pegus Plant)	438 16 4	363 7 4