

referred to in that sub-section, the period of the furlough so granted shall be deducted from the period of leave for which he is eligible or in respect of which payment may be authorized under the provisions of section seventy-three of this Act or of section seven of the *Commonwealth Employees' Furlough Act 1943-1944*.

“(3.) For the purposes of this section, ‘furlough’ includes long leave of absence, long service leave, extended leave and any other leave of absence in the nature of furlough (howsoever referred to).”.

6. After section eighty-two of the Principal Act the following section is inserted in Division 10 of Part III.:-

Continuation of  
employment of  
temporary  
employees

“82A. A person, not being a State employee as defined in section eighty-one A of this Act, who was, immediately prior to the commencement of this section, holding office as an employee under regulation ten of the National Security (Man Power) Regulations, shall for all purposes of this Act be deemed to be a person temporarily employed under section eighty-two of this Act and the period of his continuous service under that regulation immediately prior to such commencement shall be deemed to be temporary service in the Commonwealth Service.”.

## SUPERANNUATION (NO. 2).

### No. 30 of 1945.

#### An Act to amend the *Superannuation Act 1922-1943*, as amended by the *Superannuation Act 1945*.

[Assented to 16th August, 1945.]

**B**E 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 (No. 2) 1945*.

(2.) Section one of the *Superannuation Act 1945* is amended by omitting sub-section (3.).

(3.) The *Superannuation Act 1922-1943\**, as amended by the *Superannuation Act 1945†*, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act 1922-1945*.

Commencement.

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

Parts.

3. Section three of the Principal Act is amended by inserting after the words “Part IVc.—Williamstown Dockyard Employees.” the words “Part IVd.—Special Provisions in Relation to Certain Former State Employees.”.

\* 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; and No. 18, 1943.

† Act No. 15, 1945.

4. After Part IVc. of the Principal Act the following Part is inserted :—

“PART IVd.—SPECIAL PROVISIONS IN RELATION TO CERTAIN FORMER STATE EMPLOYEES.

“60AN. In this Part, unless the contrary intention appears— Definitions.

‘State employee’ means a person appointed or employed under Division 9A of Part III. of the *Commonwealth Public Service Act 1922–1943*, as amended by the *Commonwealth Public Service Act 1945*, who, immediately prior to his being so appointed or employed, was a contributor to a State Fund ;

‘State Fund’ means any fund or account established under the law of a State to provide superannuation or other similar benefits for persons employed in the State Public Service ;

‘State Public Service’ has the same meaning as in section eighty-one A of the *Commonwealth Public Service Act 1922–1943*, as amended by the *Commonwealth Public Service Act 1945*.

“60AO.—(1.) Notwithstanding the provisions of section four B and of section four c of this Act, a State employee who, within three months after his appointment to or the commencement of his employment in the Commonwealth Service, elects to contribute in accordance with this section and pays to the Board the contributions refunded to him from the State Fund upon his resignation from the State Public Service, shall be liable to make, and, from and including the date of that appointment or of the commencement of that employment, shall be deemed to have been liable to make, contributions to the fund for so many units of pension (including, where necessary, a fraction of a unit) as the actuarial member of the Board certifies will entitle that employee to benefits equivalent to those to which he would have been entitled if he had continued to contribute to the State Fund at the rate at which he was, immediately prior to his being so appointed or employed, contributing to the State Fund, and his contributions in respect of those units of pension shall, subject to sub-section (3.) of this section, be at the same rate.

Superannuation rights and obligations of certain persons formerly employed by the States.

“ (2.) Subject to this Act, any such State employee shall for all purposes of this Act be deemed to be a contributor—

(a) in the case of a female employee who contributed to a State Fund for pension on retirement at the age of fifty-five years—at rates based on a retiring age of sixty years ; and

(b) in any other case—at rates based on the same retiring age as the age at which the employee was, under the law of the State, entitled to retire on full pension benefit.

“ (3.) Where other tables of contributions are substituted for those set out in Schedule V., VI., VII. or VIII. to this Act, and the

rates in those other tables are higher than the rates in the tables prescribed in those Schedules, the contributions payable by a State employee in respect of the units of pension referred to in sub-section (1.) of this section shall be increased by such amount (if any) as the actuarial member of the Board, having regard to the retiring age on which the contributions of the State employee are based, certifies is equivalent to the difference between the higher rates and the rates so prescribed which are appropriate to that age.

“(4.) Nothing in sub-section (1.) of this section shall affect the obligation of any such State employee to contribute, in accordance with the provisions of this Act, for units of pension in excess of those referred to in that sub-section but if, at the date of his appointment to or the commencement of his employment in the Commonwealth Service, he is required by section thirteen of this Act to contribute for any additional units of pension, he shall not, if he has attained the age of forty years, contribute for those units unless, within a period of six months after that date, he satisfies the Board that he is not suffering from any physical or mental defect likely to render him incapable of performing his duties before attaining the maximum age for retirement.

Commencement  
of contributions  
for certain  
purposes.

“60AP. In the application of section twenty-five of this Act to a State employee referred to in section sixty AO of this Act, the State employee shall be deemed to have been an employee as from the date of commencement of his contributions to the State Fund.

Payments on  
retrenchment  
resignation,  
dismissal or  
discharge

“60AQ.—(1.) In the application of section thirty-nine of this Act to a State employee referred to in section sixty AO of this Act—

- (a) the contributions refunded to, and paid by, him to the Board in accordance with the provisions of section sixty AO of this Act shall be deemed to be contributions made by him to the fund; and
- (b) the period during which he was contributing to a State Fund shall be taken into account as if it were a period during which he was contributing to the fund.

“(2.) In the application of section forty of this Act to a State employee referred to in section sixty AO of this Act, the contributions refunded to, and paid by, him to the Board in accordance with the provisions of section sixty AO of this Act shall be deemed to be contributions made by him to the fund.

Certain  
amounts to be  
paid by  
Commonwealth  
to Fund.

“60AR. Where a State employee referred to in section sixty AO of this Act is retired on the ground of invalidity, or physical or mental incapacity to perform his duties, or dies, within five years after his appointment to, or the commencement of his employment in, the Commonwealth Service, any pension payable to or in respect of that State employee under this Act shall be paid from the fund, and the Commonwealth shall pay to the fund the amount by which the proportion of the pension equivalent to the contributions made by or in respect of the State employee is less than the amount of the pension.

“60As. Where any pension becomes payable to or in respect of a State employee referred to in section sixty AO of this Act, any payment which the Commonwealth is required, by section eighteen or nineteen of this Act, to pay to the fund in respect of that State employee shall be increased by such amount as the actuarial member of the Board certifies to be necessary by reason of that State employee having made contributions at rates less than the rates specified in the appropriate Schedules to this Act.

Increased contributions by Commonwealth.

“60Ar. Any contributions refunded to a State employee and paid by him to the Board in pursuance of section sixty AO of this Act shall be paid into and form part of the fund.”.

Payment into the fund of amounts received in respect of past contributions.

## AUSTRALIAN NATIONAL AIRLINES.

### No. 31 of 1945.

An Act to provide for the Establishment and Operation of National Airline Services by the Commonwealth and for other purposes.

[Assented to 16th August, 1945.]

WHEREAS, in order to ensure, amongst other things, that—

Preamble

- (a) trade and commerce with other countries and among the States are fostered and encouraged to the greatest possible extent;
- (b) the maintenance and development of the Defence Force of the Commonwealth in relation to the defence of Australia by air and the establishment of plant and equipment necessary for that Force are assured;
- (c) the development of the Territories is promoted with the utmost expedition; and
- (d) the carriage of mail by air within Australia is promoted to meet the needs of the people of Australia,

it is expedient to provide for the matters hereinafter set out :

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

#### PART I.—PRELIMINARY.

1. This Act may be cited as the *Australian National Airlines Act* Short title.  
1945.