

## Superannuation (No. 2)

No. 86 of 1966

An Act to enable a Married Woman to Contribute to the Commonwealth Superannuation Fund, and for purposes related thereto.

[Assented to 29 October 1966]

**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:—

Short title  
and citation.

1.—(1.) This Act may be cited as the *Superannuation Act* (No. 2) 1966.

(2.) The *Superannuation Act* 1922–1965,\* as amended by the *Superannuation Act* 1966,† is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Superannuation Act* 1966 is amended by omitting sub-section (3.).

\* 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; Nos. 19 and 112, 1956; No. 94, 1957; No. 45, 1958; No. 102, 1959; No. 102, 1963; and Nos. 97 and 154, 1965.  
† Act No. 69, 1966.

(4.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act 1922-1966*.

2. This Act shall come into operation on the day on which the *Public Service Act (No. 2) 1966* comes into operation. Commencement.

3. Section 3 of the Principal Act is amended by omitting the words— Parts.

“ Division 5.—Existing Pension Rights (Sections 66-73).”  
and inserting in their stead the words—

“ Division 5.—Existing Pension Rights (Sections 67-73).”.

4. Section 6 of the Principal Act is repealed.

Certain married women not to be contributors.

5. Section 44 of the Principal Act is amended—

Contributor remaining in service after attaining maximum age for retirement.

(a) by inserting after sub-section (2.) the following sub-section:—

“(2A.) Where a female contributor who has attained the maximum age for retirement dies before retirement and is survived by a widower, the pension that would be payable to the widower under the provisions of this Act other than this section shall be increased by an amount ascertained by multiplying that portion of the pension that is equivalent to the contributions made by his wife by the percentage that would have been applicable under sub-section (1.) of this section in relation to her pension if she had retired immediately before her death.”; and

(b) by omitting from sub-section (3.) the words “ either of the last two ” and inserting in their stead the words “ any of the last three ”.

6.—(1.) Section 45 of the Principal Act is amended by omitting the provisos to sub-section (1.). Retirement through invalidity—amount of pension.

(2.) Where a person referred to in the second proviso to sub-section (1.) of section 45 of the Principal Act—

(a) was, immediately before the commencement of this Act, being paid a pension by virtue of that proviso; or

(b) after the commencement of this Act, would have become entitled to a pension by virtue of that proviso if it had not been repealed,

a pension shall continue to be paid, or shall be paid, as the case requires, to that person as if that proviso had not been repealed.

Pension to surviving spouse and children on death of contributor.

7. Section 46 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(4.) Where a female contributor dies before retirement leaving a widower who, in the opinion of the Board, was wholly or substantially dependent upon her immediately before her death, the preceding provisions of this section apply, subject to section fifty-seven A of this Act, as if she had been a male contributor and as if her widower had been the widow of a male contributor.”.

Pension to surviving spouse and children on death of pensioner.

8. Section 47 of the Principal Act is amended—

(a) by omitting sub-section (1B.); and

(b) by omitting sub-section (4.) and inserting in its stead the following sub-sections:—

“(4.) Where a female pensioner dies leaving a widower who, in the opinion of the Board, was wholly or substantially dependent upon her immediately before her death, the preceding provisions of this section apply, subject to section fifty-seven A of this Act, as if she had been a male pensioner and as if her widower had been the widow of a male pensioner.

“(5.) Notwithstanding anything contained in this section, where a pensioner marries after retirement, pension is not, upon the death of the pensioner, payable to the widow or the widower, as the case may be, of the pensioner or in respect of the children of that marriage.”.

Pension to orphans on death of contributor or pensioner.

9. Section 48 of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “and were dependent upon him at the time of his death, there shall” and inserting in their stead the words “there shall, in addition to any pension that may be payable in respect of the children under sub-section (2.) of this section,”; and

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

“(2.) On the death of a female contributor or female pensioner whose husband is dead or divorced and who leaves children of herself or of her husband who are eligible children, there shall, in addition to any pension that may be payable in respect of the children under sub-section (1.) of this section, be paid to the guardian of the children, to be used for their support and education, such pension as would have been payable if the female contributor or pensioner had been a male contributor or pensioner and this section had applied in relation to him upon his death.”.

10. Section 49 of the Principal Act is repealed and the following section inserted in its stead:—

“ 49. Where a contributor who is an unmarried person (including a person who was formerly married), not being a person with children who are eligible children, dies before retirement, there shall be paid to the personal representatives of the contributor, or, failing them, to such persons (if any) as the Board determines, an amount equal to the amount of the contributions paid by the contributor.”

Refund of contributions on death of certain contributors.

11. After section 57 of the Principal Act, the following section is inserted:—

“ 57A. A pension is not payable to a widower in pursuance of section forty-six or section forty-seven of this Act in respect of any period during which, in the opinion of the Board, the circumstances of the widower are such that, if those circumstances had existed immediately before the death of his wife, he would not have been wholly or substantially dependent upon her at that time.”

Pension to widower to cease in certain circumstances.

12. Section 58 of the Principal Act is amended by inserting in sub-section (1.), after the word “ widow ” (wherever occurring), the words “ or widower ”.

Payments to children.

13. Section 66 of the Principal Act is repealed.

Limitation on dual pensions to widows.

14. Section 82 of the Principal Act is amended by omitting sub-section (6.).

Payment on retirement.

15. Section 83 of the Principal Act is repealed and the following section inserted in its stead:—

“ 83.—(1.) On the death of a contributor to the Provident Account before retirement, there shall be paid to—

Payment on death of contributor with dependants.

(a) if the contributor is survived by a widow, or is survived by a widower who, in the opinion of the Board, was wholly or substantially dependent upon the contributor immediately before the contributor's death—the widow or widower; or

(b) if the last preceding paragraph does not apply but the contributor is survived by children of the contributor or of the contributor's spouse who are eligible children—those children,

a sum equal to three times the aggregate of—

(c) the contributions paid by the contributor to the Provident Account; and

(d) compound interest on those contributions at the prescribed rate.

“(2.) Where the sum payable under the last preceding subsection is less than one-half of the salary payable to the contributor to the Provident Account at the date of the contributor’s death, the sum payable to the widow, widower or children, as the case may be, shall be a sum equal to one-half of that salary.

“(3.) Where an amount is payable under this section to children, the amount shall be divided equally amongst those children.”.

16. Section 84 of the Principal Act is repealed and the following section inserted in its stead:—

Payment on  
death of  
contributor  
without  
dependants.

“84. Where a contributor to the Provident Account who is an unmarried person (including a person who was formerly married), not being a person with children who are eligible children, dies before retirement, there shall be paid to the personal representatives of the contributor, or, failing them, to such persons (if any), as the Board determines, an amount equal to the amount of contributions paid by the contributor to the Provident Account together with compound interest on the amount of those contributions at the prescribed rate.”.

17. Section 92 of the Principal Act is repealed and the following section inserted in its stead:—

Payment by  
Commonwealth  
to Provident  
Account.

“92.—(1.) In respect of a payment made under sub-section (1.) of section eighty-two, or sub-section (1.) of section eighty-three, of this Act, the Commonwealth shall pay to the Provident Account an amount equal to two-thirds of the payment.

“(2.) In respect of a payment made under sub-section (2.) of section eighty-two, or sub-section (2.) of section eighty-three, of this Act, the Commonwealth shall pay to the Provident Account an amount equal to the sum of—

(a) two-thirds of the amount (in the next succeeding paragraph referred to as ‘the base amount’) that would have been the amount of the payment if the payment had been made under sub-section (1.) of section eighty-two, or sub-section (1.) of section eighty-three, of this Act; and

(b) the amount by which the amount of the payment exceeds the base amount.”.