

RETIREMENT BENEFITS AMENDMENT ACT 1983

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No. 12 of 1983
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**RETIREMENT BENEFITS AMENDMENT ACT 1983**

No. 12 of 1983

AN ACT to amend the Retirement Benefits Act 1982 for the purposes of requiring the Retirement Benefits Fund Board to pay part of the annual costs incurred in the administration of the Superannuation Branch of the Treasury and correcting an anomalous situation in relation to the entitlement of certain police officers to benefits under the Public Servants' Retiring and Death Allowances Act 1925, and for other purposes.

[Royal Assent 23 May 1983]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Retirement Benefits Amendment Act* 1983. Short title.

2—(1) Except as provided in subsections (2) and (3), this Act shall commence on the seventh day after the day on which it receives the royal assent. Commence-
ment.

(2) Section 8 (1) shall be deemed to have commenced on 1st July 1982.

(3) Sections 8 (2) and 9 shall commence on 1st July 1983.

Principal Act.

3—In this Act, the *Retirement Benefits Act 1982** is referred to as the Principal Act.

Amendment of section 20 of Principal Act (Continuation of the Fund).

4—Section 20 (5) of the Principal Act is amended as follows:—

(a) by omitting from paragraph (a) “ Act; and ” and substituting “ Act; ”;

(b) by omitting from paragraph (b) “ Act.” and substituting “ Act; and ”;

(c) by inserting the following paragraph after paragraph (b):—

(c) the amounts payable by it under section 62A.

Amendment of section 62 of Principal Act (Cost of administration).

5—Section 62 (1) of the Principal Act is amended by omitting “ The ” and substituting “ Except as provided by section 62A, the ”.

Insertion in Principal Act of new section 62A.

6—After section 62 of the Principal Act, the following section is inserted:—

62A—(1) In this section—

“ Branch ” means the Superannuation Branch of the Treasury;

“ expenses ”, in relation to the expenses incurred in the administration of the Branch during a financial year, means the expenses shown as having been so incurred in the Statement of Public Accounts prepared by the Treasurer in respect of that financial year and audited by the Auditor-General.

Amounts payable by the Board towards the expenses incurred in the administration of the Superannuation Branch of the Treasury.

(2) Subject to this section, the Board shall, during the financial year ending on 30th June 1983, pay out of the Fund, towards the expenses incurred in the administration of the Branch during the financial year ended on 30th June 1982, an amount calculated in accordance with the formula—

$$P = A \times \frac{B}{B + C},$$

where—

- “ P ” represents the amount required to be paid by the Board;
- “ A ” represents two-sevenths of the expenses incurred in the administration of the Branch during the financial year ended on 30th June 1982;
- “ B ” represents the balance in the Accumulation Account of the Board on 30th June 1982;
- “ C ” represents the balance in the Accumulation Account of the Superannuation Fund Board on 30th June 1982.

(3) Subject to this section, the Board shall, during the financial year commencing on 1st July 1983 and during every subsequent financial year, pay out of the Fund, towards the expenses incurred in the administration of the Branch during the financial year immediately preceding that in which the payment is made, an amount equal to two-sevenths of the expenses incurred in administering the Branch during that preceding financial year.

(4) An amount required to be paid by subsection (2) or (3) shall be paid to the Treasurer to the credit of the Consolidated Revenue Fund.

7—Section 72 (3) of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (b) “ 23 (9); or ” and substituting “ 23 (9); ”;
- (b) by omitting from paragraph (c) “ Act.” and substituting “ Act; or ”;

Amendment of section 72 of Principal Act (Application of the Public Servants' Retiring and Death Allowances Act 1925).

(c) by inserting the following paragraph after paragraph (c):—

(d) who exercised the right of election under section 42B of the *Superannuation Act* 1938 and who—

(i) on or after 1st July 1971, elected under Part VI of the Act of 1970 to contribute to the Fund; or

(ii) on or after the first commencement day, elects under Part VI of this Act to contribute to the Fund.

(d) by inserting the following subsection after subsection (3):—

(4) For the purpose of computing the amount of a payment to be made under the Act of 1925 to or in respect of a person to whom subsection (3) (d) relates, the period of service in respect of which that payment accrues is the period beginning on the day on which that person was appointed as a police officer and ending on 31st December 1963.

Amendment of
Schedule 8 to
Principal Act
(AMEND-
MENTS OF
ACTS).

8—(1) Part I of Schedule 8 to the Principal Act is amended as follows:—

(a) by inserting after the item relating to the *Parliamentary Privilege Act* 1898 the following item:—

9 Geo. V No. 3 | *Audit Act* 1918

Section 5 (4)—

(a) Omit “ 1970 ”, substitute “ 1982 ”;

(b) Omit “ regarded as being employed in a permanent capacity by the State in a department of the services of the State ”, substitute “ deemed to be an employee within the meaning of the relevant Act ”.

(b) by inserting after the item relating to the *State Employees (Long-Service Leave) Act 1950* the following items:—

No. 74 of 1951	<i>Plumbers' Registration Act 1951</i>	Section 3 (6)— Omit "1938.", substitute "1938 or the <i>Retirement Benefits Act 1982</i> ."
No. 75 of 1951	<i>Physiotherapists' Registration Act 1951</i>	Section 3 (5)— Omit "1938.", substitute "1938 or the <i>Retirement Benefits Act 1982</i> ."

(c) by inserting after the item relating to the *Fisheries Act 1959* the following item:—

No. 41 of 1959	<i>Supreme Court Act 1959</i>	Section 5F— (a) Omit from subsection (2) "1970", substitute "1982"; (b) Omit from subsection (3) "section 22 of the <i>Retirement Benefits Act 1970</i> ", substitute "section 24 of the <i>Retirement Benefits Act 1982</i> "; (c) Omit from subsection (3) "established", substitute "continued in existence"; (d) Omit from subsection (4) "1970", substitute "1982".
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(d) by inserting after the item relating to the *Advanced Education Act 1968* the following item:—

No. 17 of 1968	<i>Mines Inspection Act 1968</i>	Section 6A (5)— Omit "1970", substitute "1982".
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(e) by inserting after the item relating to the *National Parks and Wildlife Act 1970* the following item:—

No. 11 of 1973	<i>Crown Advocate Act 1973</i>	Section 13— (a) Omit from subsection (2) "1970", substitute "1982"; (b) Omit from subsection (3) "section 22 of the <i>Retirement Benefits Act 1970</i> ", substitute "section 24 of the <i>Retirement Benefits Act 1982</i> ";
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		(c) Omit from subsection (3) “ established ”, substitute “ continued in existence ”.
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(f) by inserting after the item relating to the *Law Reform Commission Act 1974* the following items:—

No. 18 of 1975	<i>Tasmanian Arts Advisory Board Act 1975</i>	Section 8 (3)— (a) Omit “ regarded as being employed by the State ”, substitute “ deemed to be an employee ”; (b) Omit “ 1970 ”, substitute “ 1982 ”.
No. 59 of 1975	<i>Industrial Relations Act 1975</i>	Section 6B (1)— Omit “ 1970 ”, substitute “ 1982 ”.
No. 24 of 1976	<i>Dangerous Goods Act 1976</i>	Section 5A (5)— Omit “ 1970 ”, substitute “ 1982 ”.

(g) by inserting the following items after the item relating to the *Tasmanian Film Corporation Act 1977*:—

No. 42 of 1977	<i>Education (Recreation) Act 1977</i>	Section 5 (10)— Omit “ 1970 ”, substitute “ 1982 ”.
No. 61 of 1977	<i>Fisheries Development Act 1977</i>	Section 4 (7)— Omit “ 1970 ”, substitute “ 1982 ”. Section 8 (5)— Omit “ 1970 ”, substitute “ 1982 ”. Section 10 (4)— (a) Omit “ 1970 ”, substitute “ 1982 ”; (b) Omit “ regarded as being employed in an undertaking carried on on behalf of the State ”, substitute “ deemed to be an employee ”.

No. 68 of 1977	<i>Railways (Transfer to Commonwealth) (Retirement Benefits) Act 1977</i>	<p>Section 2—</p> <p>Omit the definition of “ State Acts ”, substitute the following definition:—</p> <p>“ State Acts ” means—</p> <p>(a) before 1st July 1982, the <i>Retirement Benefits Act 1970</i>, the <i>Superannuation Act 1938</i>, and the <i>Public Servants' Retiring and Death Allowances Act 1925</i>; and</p> <p>(b) on and after 1st July 1982, the <i>Retirement Benefits Act 1982</i>, the <i>Superannuation Act 1938</i>, and the <i>Public Servants' Retiring and Death Allowances Act 1925</i>;</p>
		<p>Section 3 (1)—</p> <p>Omit “ State. ”, substitute “ State, in the case of the <i>Public Servants' Retiring and Death Allowances Act 1925</i>, or were employment as an employee within the meaning of the State Act, in the case of any other State Act.”.</p>

(b) by inserting the following items after the item relating to the *Transport Act 1981*:—

No. 26 of 1981	<i>National Companies and Securities Commission (State Provisions) Act 1981</i>	<p>Section 22 (1)—</p> <p>Omit “ 1970 ”, substitute “ 1982 ”.</p>
No. 91 of 1981	<i>Southern Regional Cemetery Act 1981</i>	<p>Schedule 3, clause 5 (1) (b)—</p> <p>Omit “ 1970 ”, substitute “ 1982 ”.</p>

(2) Part II of Schedule 8 to the Principal Act is amended as follows:—

(a) by inserting after the item relating to the *Parliamentary Privilege Act 1898* the following item:—

9 Geo. V No. 3	<i>Audit Act 1918</i>	Section 5 (4)— Omit “ the <i>Superannuation Act 1938</i> , the <i>Retirement Benefits Act 1982</i> ,” substitute “ the <i>Retirement Benefits Act 1982</i> ”.
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(b) by inserting after the item relating to the *State Employees (Long-Service Leave) Act 1950* the following items:—

No. 74 of 1951	<i>Plumbers' Registration Act 1951</i>	Section 3 (6)— Omit “ the <i>Superannuation Act 1938</i> or ”.
No. 75 of 1951	<i>Physiotherapists' Registration Act 1951</i>	Section 3 (5)— Omit “ the <i>Superannuation Act 1938</i> or ”.

(c) by inserting after the item relating to the *Fisheries Act 1959* the following item:—

No. 41 of 1959	<i>Supreme Court Act 1959</i>	Section 5F (2)— (a) Omit “ the <i>Superannuation Act 1938</i> or of ”; (b) Omit “ whichever of those Acts is appropriate ”, substitute “ that Act ”;
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(d) by inserting after the item relating to the *Advanced Education Act 1968* the following item:—

No. 17 of 1968	<i>Mines Inspection Act 1968</i>	Section 6A (5)— Omit “ the <i>Superannuation Act 1938</i> , the <i>Retirement Benefits Act 1982</i> ,” substitute “ the <i>Retirement Benefits Act 1982</i> ”.
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(e) by inserting after the item relating to the *Superannuation Act 1972* the following item:—

No. 11 of 1973	<i>Crown Advocate Act 1973</i>	Section 13 (2)— (a) Omit “the <i>Superannuation Act 1938</i> or of”; (b) Omit “whichever of those Acts is appropriate”, substitute “that Act”;
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(f) by inserting after the item relating to the *Law Reform Commission Act 1974* the following items:—

No. 18 of 1975	<i>Tasmanian Arts Advisory Board Act 1975</i>	Section 8 (3)— (a) Omit “the <i>Superannuation Act 1938</i> , the <i>Retirement Benefits Act 1982</i> ,” substitute “the <i>Retirement Benefits Act 1982</i> ”; (b) Omit “last-named”, substitute “latter”.
No. 59 of 1975	<i>Industrial Relations Act 1975</i>	Section 6B (1)— Omit “the <i>Superannuation Act 1938</i> , the <i>Retirement Benefits Act 1982</i> ,” substitute “the <i>Retirement Benefits Act 1982</i> ”.
No. 24 of 1976	<i>Dangerous Goods Act 1976</i>	Section 5A (5)— Omit “the <i>Superannuation Act 1938</i> , the <i>Retirement Benefits Act 1982</i> ,” substitute “the <i>Retirement Benefits Act 1982</i> ”.

(g) by inserting the following items after the item relating to the *Tasmanian Film Corporation Act 1977*:—

No. 61 of 1977	<i>Fisheries Development Act 1977</i>	Section 4— (a) Omit from subsection (7) “Except where subsection (8) applies, the”, substitute “The”; (b) Omit subsection (8). Section 10 (4)— Omit “the <i>Superannuation Act 1938</i> and”.
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No. 68 of 1977	Railways (Transfer to Commonwealth) (Retirement Benefits) Act 1977	<p>Section 2—</p> <p>Omit the definition of “State Acts”; substitute the following definition:—</p> <p>“State Acts” means—</p> <p>(a) before 1st July 1982, the <i>Retirement Benefits Act 1970</i>, the <i>Superannuation Act 1938</i>, and the <i>Public Servants’ Retiring and Death Allowances Act 1925</i>;</p> <p>(b) on and after 1st July 1982 and before 1st July 1983, the <i>Retirement Benefits Act 1982</i>, the <i>Superannuation Act 1938</i>, and the <i>Public Servants’ Retiring and Death Allowances Act 1925</i>; and</p> <p>(c) on and after 1st July 1983, the <i>Retirement Benefits Act 1982</i> and the <i>Public Servants’ Retiring and Death Allowances Act 1925</i>;</p>
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(b) by inserting the following items after the item relating to the *Transport Act 1981*:—

No. 26 of 1981	National Companies and Securities Commission (State Provisions) Act 1981	Section 22 (1)— Omit “the <i>Superannuation Act 1938</i> and”.
No. 91 of 1981	Southern Regional Cemetery Act 1981	Schedule 3, clause 5 (1) (b)— Omit “the <i>Superannuation Act 1938</i> and”.

9—Part II of Schedule 9 to the Principal Act is amended by inserting the following items after the first item:—

Amendment of
Schedule 9 to
Principal Act
(ACTS
REPEALED).

10 Geo. VI No. 7	<i>Superannuation Act 1946</i>
No. 54 of 1951	<i>Superannuation Act 1951</i>
No. 68 of 1957	<i>Superannuation Act 1957</i>

10—(1) This section applies to a person who exercised the right of election under section 42B of the *Superannuation Act 1938* and who, on or after 1st July 1971, elected under Part VI of the *Retirement Benefits Act 1970* to contribute to the Retirement Benefits Fund.

Validation of
payment of
certain
allowances
under the
*Public
Servants'
Retiring
and Death
Allowances
Act 1925.*

(2) Where, on or after 1st July 1971 and before the commencement of this Act, the Treasurer purported to pay an allowance under the *Public Servants' Retiring and Death Allowances Act 1925* to or in respect of a person to whom this section applies, the payment of that allowance shall be deemed to have been validly and properly made by the Treasurer as if section 72 of the Principal Act, as amended by this Act, had been in force when that payment was made.

