

SUPERANNUATION.

No. 68 of 1957.

AN ACT to amend the *Superannuation Act 1938* and for other purposes. [6 December 1957.]

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:—

Short title, citation, and commencement.

1—(1) This Act may be cited as the *Superannuation Act 1957*.

(2) The *Superannuation Act 1938*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Sections two, three, four, six, seven, eight, and nine of this Act shall commence on the first day of January 1958.

Scale of units.

2 Section twenty of the Principal Act is amended by omitting the scale set forth therein and substituting therefor the following scale:—

" Where the annual salary of the employee—		The employee shall contribute the amount necessary to provide units of pension as under—	
£		Per annum.	
		£	s. d.
Does not exceed £130	Four units, equivalent to a pension of	91 0 0
Exceeds £130 and does not exceed	156	Five units, equivalent to a pension of	113 15 0
Exceeds £156 and does not exceed	182	Six units, equivalent to a pension of	136 10 0
Exceeds £182 and does not exceed	208	Seven units, equivalent to a pension of	159 5 0
Exceeds £208 and does not exceed	260	Eight units, equivalent to a pension of	182 0 0
Exceeds £260 and does not exceed	312	Ten units, equivalent to a pension of	214 10 0
Exceeds £312 and does not exceed	364	Twelve units, equivalent to a pension of	247 0 0
Exceeds £364 and does not exceed	416	Fourteen units, equivalent to a pension of	279 10 0
Exceeds £416 and does not exceed	468	Sixteen units, equivalent to a pension of	312 0 0
Exceeds £468 and does not exceed	520	Eighteen units, equivalent to a pension of	344 10 0
Exceeds £520 and does not exceed	572	Twenty units, equivalent to a pension of	377 0 0
Exceeds £572 and does not exceed	624	Twenty-two units, equivalent to a pension of	409 10 0
Exceeds £624 and does not exceed	676	Twenty-four units, equivalent to a pension of	442 0 0
Exceeds £676 and does not exceed	728	Twenty-six units, equivalent to a pension of	474 10 0
Exceeds £728 and does not exceed	780	Twenty-eight units, equivalent to a pension of	507 0 0
Exceeds £780 and does not exceed	832	Thirty units, equivalent to a pension of	539 10 0

Where the annual salary of the employee—		The employee shall contribute the amount necessary to provide units of pension as under—	Per annum.		
			£	s.	d.
Exceeds £832 and does not exceed	£ 884	Thirty-two units, equivalent to a pension of	572	0	0
Exceeds £884 and does not exceed	936	Thirty-four units, equivalent to a pension of	604	10	0
Exceeds £936 and does not exceed	988	Thirty-six units, equivalent to a pension of	637	0	0
Exceeds £988 and does not exceed	1040	Thirty-eight units, equivalent to a pension of	669	10	0
Exceeds £1040 and does not exceed	1092	Forty units, equivalent to a pension of	702	0	0
Exceeds £1092 and does not exceed	1144	Forty-two units, equivalent to a pension of	734	10	0
Exceeds £1144 and does not exceed	1196	Forty-four units, equivalent to a pension of	767	0	0
Exceeds £1196 and does not exceed	1248	Forty-six units, equivalent to a pension of	799	10	0
Exceeds £1248 and does not exceed	1352	Forty-eight units, equivalent to a pension of	832	0	0
Exceeds £1352 and does not exceed	1456	Fifty units, equivalent to a pension of	858	0	0
Exceeds £1456 and does not exceed	1560	Fifty-two units, equivalent to a pension of	884	0	0
Exceeds £1560 and does not exceed	1664	Fifty-four units, equivalent to a pension of	910	0	0
Exceeds £1664 and does not exceed	1768	Fifty-six units, equivalent to a pension of	936	0	0
Exceeds £1768 and does not exceed	1872	Fifty-eight units, equivalent to a pension of	962	0	0
Exceeds £1872 and does not exceed	1976	Sixty units, equivalent to a pension of	988	0	0
Exceeds £1976 and does not exceed	2080	Sixty-two units, equivalent to a pension of	1014	0	0
Exceeds £2080		Sixty-four units, equivalent to a pension of	1040	0	0."

3 Section thirty-three of the Principal Act is amended by omitting from subsection (2) the word "one-half" and substituting therefor the word "two-thirds".

Widows' pensions.

4 Section fifty-nine of the Principal Act is amended by omitting from subsection (1) the word "five" and substituting therefor the word "thirteen".

Administration fee.

5 Section sixty-three of the Principal Act is amended by omitting paragraph I of subsection (3) and substituting therefor the following paragraph:—

Re-employment of employees who have retired.

"I Contribute to the Fund—

(a) For the number of units for which he was contributing at the date of his retirement: or

(b) If he so elects and if the Board, after such medical examination of the pensioner as it may require, so approves, for any greater number of units not exceeding the number of units appropriate to his salary group upon his re-appointment:."

Tables of
contributions.

6 The Principal Act is amended by omitting from the headings to the second and third columns of Parts I and III of the first schedule the words "two units of pension to widow" (wherever occurring) and substituting therefor, in each case, the words "two and two-thirds units of pension to widow".

Transitory
provisions.

7—(1) Where, immediately before the date of commencement of this Act, a contributor (not being a contributor to whom subsection (3) of this section applies) was contributing a sum that would provide units of pension less than the number of units of pension specified in the second column of the scale set forth in section twenty of the Principal Act (as amended by this Act) opposite to the salary group within which the salary of the contributor fell immediately before that date, the contributor may, within three months after that date, elect to increase the amount of his contribution to a sum that will provide units of pension not exceeding the number specified in the second column of that scale, opposite to the salary group in which his salary fell at that date.

(2) An election under subsection (1) of this section has no effect unless, at or before the date of election, the contributor satisfies the Board, by the production of such medical certificates (if any) as the Board may require, that he is not suffering from any physical or mental defect likely to render him incapable of performing his duties before attaining the age for retirement.

(3) Where, immediately before the date of commencement of this Act, a contributor whose salary exceeded one thousand two hundred and forty-eight pounds per annum was contributing for the maximum number of units of pension for which he was eligible or required to contribute, he may, within three months after that date, elect to increase the amount of his contribution to a sum that will provide units of pension not exceeding the number specified in the second column of the scale set forth in section twenty of the Principal Act (as amended by this Act) opposite to the salary group within which his salary fell on that date.

(4) An increased contribution payable in pursuance of an election under this section shall be payable as from the first pay-day occurring after the date of the election.

Alterations
in rates of
certain
pensions.

8—(1) Subject to this section—

- (a) every pension that is in force under the Principal Act and payable thereunder on the thirty-first day of December 1957, or for which any person is then eligible pursuant to that Act is, on and after the first day of January 1958, payable at a rate calculated in accordance with subsection (2) of this section; and

- (b) every pension that comes into force and becomes payable under that Act, or for which any person becomes eligible pursuant to that Act, during the period commencing on the first day of January 1958 and ending on the thirty-first day of December 1966, is, on and after the date on which the first payment thereof is required by that Act to be made, payable at a rate calculated in accordance with subsection (2) of this section.

(2) The rate at which pensions are to be calculated for the purposes of subsection (1) of this section shall be calculated—

- (a) in the case of a pension to which paragraph (a) of that subsection relates, by adding the prescribed sum to the rate at which, but for this section, that pension would have been payable; and
- (b) in the case of a pension to which paragraph (b) of that subsection relates, by adding to the rate at which, but for this section, that pension would have been payable, a sum equivalent to the appropriate percentage of the prescribed sum, being a percentage determined in accordance with subsection (4) of this section.

(3) For the purposes of this section, “the prescribed sum” means—

- (a) in the case of a pension under Division I of Part V of the Principal Act (not being a pension under section twenty-nine of that Act)—
 - (i) where the pension comprises not more than eight units—the sum of twenty-six pounds a year;
 - (ii) where the pension comprises more than eight units but not more than sixteen units—the sum of twenty-six pounds a year in respect of the first eight of those units and the sum of three pounds five shillings a year in respect of each of the remaining units; and
 - (iii) where the pension comprises more than sixteen units—the sum of fifty-two pounds a year; and
- (b) in the case of a pension under section twenty-nine of the Principal Act, the amount per year specified in the second column of the table set forth in the first schedule to this Act opposite the annual amount of that pension specified in the first column of that table.

(4) For the purposes of paragraph (b) of subsection (2) of this section, the percentage of the prescribed sum to be

added to the rate at which, but for this section, a pension would be payable shall be determined in accordance with—

- (a) in the case of a pension other than a pension under section twenty-nine of the Principal Act, the table set forth in Part I of the second schedule to this Act; and
- (b) in the case of a pension under section twenty-nine of the Principal Act, the table set forth in Part II of that schedule.

(5) Notwithstanding the foregoing provisions of this section, where—

- (a) a widow's pension under the Principal Act is in force and payable thereunder on the thirty-first day of December 1957, or any person is then eligible for a widow's pension thereunder; or
- (b) at any time during the period commencing on the first day of January 1958, and ending on the thirty-first day of December 1966, a widow's pension under that Act comes into force and becomes payable, or any person becomes eligible for a widow's pension thereunder,

that pension is, on and after the first day of January 1958 or on and after the day on which the first payment thereof becomes due to the widow, whichever is the later day, payable at the appropriate rate determined in accordance with the provisions of subsection (6) of this section.

(6) For the purposes of subsection (5) of this section, a widow's pension is payable—

- (a) in a case to which paragraph (a) of that subsection relates, at the rate of two-thirds of the rate of pension that, having regard to the foregoing provisions of this section, would have been payable to the husband if he were living on the first day of January 1958; and
- (b) in a case to which paragraph (b) of that subsection relates—

- (i) if the husband is, before his death, in receipt of a pension (including a pension under section twenty-nine of the Principal Act), at the rate of two-thirds of the rate of pension that, having regard to the foregoing provisions of this section, was payable to him immediately before his death; or
- (ii) if the husband dies before becoming eligible for pension, at the rate of two-thirds of the rate of pension that, having regard to the foregoing provisions of this section, would have been payable to him if he had lived and

had attained the age for retirement on the day on which the first payment of pension becomes due to the widow.

9 For the purposes of section twenty-six of the Principal Act—

- (a) the Treasurer; and
- (b) every State instrumentality or authority by which or by whom the salary of an employee (not being a salary that is payable from the Consolidated Revenue) is payable,

Treasurer, &c., to pay to the Fund amounts necessary to give effect to increased rates of pension.

shall pay to the Superannuation Fund all such amounts as may be necessary to give effect to the alterations in the rates of pensions effected by sections three and eight of this Act.

10—(1) If any person whose name is specified in the third schedule to this Act ceases, at any time after the commencement of this section, to be employed by the Engineering Board of Management or conjointly by that Board and by the Council of the University of Tasmania and becomes employed wholly by that Council, that person, unless within one month after becoming so employed by that Council he notifies the Superannuation Fund Board that he does not desire to continue to pay contributions to the Superannuation Fund, shall be deemed to continue to be an employee within the meaning of the Principal Act and to be entitled, notwithstanding his change of employment, to continue to contribute to that Fund and, on his retirement, to receive benefits from that Fund in accordance with that Act.

Certain persons entitled to continue to contribute to the Fund.

(2) Notwithstanding anything in section sixty-one of the Principal Act, all payments made by the Superannuation Fund Board in respect of any pension or gratuity payable by virtue of this section to a person whose name is specified in the third schedule to this Act are payable out of the Consolidated Revenue (which, to the necessary extent is appropriated accordingly), less the proportion, if any, of that pension or gratuity that is chargeable to the Superannuation Fund.

(3) In this section, "Engineering Board of Management" means the Board constituted under an agreement made the first day of January 1926 between the then Minister for Education of the one part and the council of the University of Tasmania of the other part.



Superannuation.

THE FIRST SCHEDULE.

(Section 8(3) (b).)

Alteration in rates of pensions under section 29 of the Principal Act.

FIRST COLUMN.	SECOND COLUMN.
Where the annual amount of the pension, on the thirty-first day of December 1957, is—	The pension is increased by an annual amount of—
	£ s. d.
Less than £198 5s.	26 0 0
£198 5s. or more, but less than £214 10s.	29 5 0
£214 10s. or more, but less than £230 15s.	32 10 0
£230 15s. or more, but less than £247	35 15 0
£247 or more, but less than £263 5s.	39 0 0
£263 5s. or more, but less than £279 10s.	42 5 0
£279 10s. or more, but less than £295 15s.	45 10 0
£295 15s. or more, but less than £312	48 15 0
£312 or more	52 0 0

THE SECOND SCHEDULE.

(Section 8(4).)

Part I—Pensions other than pensions under section 29 of the Principal Act.

Date on which pension becomes payable or on which contributor becomes eligible for pension.	Appropriate percentage of the prescribed sum.
On or after the first day of January, 1958, but before the first day of January, 1959	90 per cent
On or after the first day of January, 1959, but before the first day of January, 1960	80 per cent
On or after the first day of January, 1960, but before the first day of January, 1961	70 per cent
On or after the first day of January, 1961, but before the first day of January, 1962	60 per cent
On or after the first day of January, 1962, but before the first day of January, 1963	50 per cent
On or after the first day of January, 1963, but before the first day of January, 1964	40 per cent
On or after the first day of January, 1964, but before the first day of January, 1965	30 per cent
On or after the first day of January, 1965, but before the first day of January, 1966	20 per cent
On or after the first day of January, 1966, but before the first day of January, 1967	10 per cent

Part II—Pensions under section 29 of the Principal Act.

Date on which pensioner would have attained the age for retirement if he had continued in his employment until attaining that age.	Appropriate percentage of the prescribed sum.
On or after the first day of January, 1958, but before the first day of January, 1959	90 per cent
On or after the first day of January, 1959, but before the first day of January, 1960	80 per cent
On or after the first day of January, 1960, but before the first day of January, 1961	70 per cent
On or after the first day of January, 1961, but before the first day of January, 1962	60 per cent
On or after the first day of January, 1962, but before the first day of January, 1963	50 per cent
On or before the first day of January, 1963, but before the first day of January, 1964	40 per cent
On or before the first day of January, 1964, but before the first day of January, 1965	30 per cent
On or after the first day of January, 1965, but before the first day of January, 1966	20 per cent
On or after the first day of January, 1966, but before the first day of January, 1967	10 per cent

THE THIRD SCHEDULE.

(Section 10.)

Godfrey Jull Burrell.
 Ernest Edgar Kurth.
 Lindsay R. Miller.
 William Alonso Smith.
 Arthur Edward Sturges.
 Harry Playford Tuck.

REAL PROPERTY (No. 2).

No. 69 of 1957.

AN ACT to amend the *Real Property Act 1886*.
 [6 December 1957.]

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—(1) This Act may be cited as the *Real Property Act* (No. 2) 1957. Short title and citation.

(2) The *Real Property Act 1886*, as subsequently amended, is in this Act referred to as the Principal Act.