

1987-88-89

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 6 September 1989

(Minister representing the Minister for Finance)

A BILL

FOR

**An Act to amend certain Acts and regulations relating to
superannuation and similar benefits**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART 1—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Superannuation and Other Benefits Legislation Amendment Act 1989*.

Commencement

2. This Act commences, or is to be taken to have commenced, as the case requires, on 20 October 1989.

**PART 2—AMENDMENTS OF THE DEFENCE FORCE
RETIREMENT AND DEATH BENEFITS ACT 1973**

Principal Act

3. In this Part, “Principal Act” means the *Defence Force Retirement and Death Benefits Act 1973*¹.

4. After section 98GA of the Principal Act the following section is inserted in Part XA:

Pension benefits payable on or after 20 October 1989—variation of rate

“98GB. (1) Where:

- (a) a pension benefit is payable to a person on 20 October 1989; and
- (b) at any time before that day, the rate at which the pension benefit was payable to the person was affected because of the operation of subsection 98F (2) or 98G (3) or section 98GA;

the rate at which the pension benefit is payable to the person on or after that day is the rate that would apply if subsection 98F (2) or 98G (3) or section 98GA (as the case may be) had not been enacted.

“(2) Where:

- (a) a person to whom a pension benefit was payable died before 20 October 1989; and
- (b) at any time before that day, the rate at which the pension benefit was payable to the person was affected by the operation of subsection 98F (2) or 98G (3) or section 98GA; and
- (c) because of that person’s death, or because of the death of that person and of a person to whom a pension benefit became payable on the death of the first-mentioned person, a pension benefit is payable to another person;

the rate at which the last-mentioned pension benefit is payable to that other person on or after 20 October 1989 is the rate that would apply if subsection 98F (2) or 98G (3) or section 98GA (as the case may be) had not been enacted.

“(3) Where a pension benefit would, but for its suspension under section 35, be payable to a person on or after 20 October 1989, the pension benefit is to be taken, for the purposes of this section, to be so payable to the person.”.

**PART 3—AMENDMENTS OF THE DEFENCE FORCES
RETIREMENT BENEFITS ACT 1948**

Principal Act

5. In this Part, “Principal Act” means the *Defence Forces Retirement Benefits Act 1948*².

6. After section 84G of the Principal Act the following section is inserted:

Pensions payable on or after 20 October 1989—variation of rate

“84GA. (1) Where:

- (a) a pension is payable to a person on 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected because of the operation of subsection 84E (2) or 84F (3) or section 84G;

the rate at which the pension is payable to the person on or after that day is the rate that would apply if subsection 84E (2) or 84F (3) or section 84G (as the case may be) had not been enacted.

“(2) Where:

- (a) a person to whom a pension was payable died before 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected by the operation of subsection 84E (2) or 84F (3) or section 84G; and
- (c) because of that person’s death, or because of the death of that person and of a person to whom a pension became payable on the death of the first-mentioned person, a pension is payable to another person;

the rate at which the last-mentioned pension is payable to that other person on or after 20 October 1989 is the rate that would apply if subsection 84E (2) or 84F (3) or section 84G (as the case may be) had not been enacted.

“(3) Where a pension would, but for its suspension under section 53B, be payable to a person on or after 20 October 1989, the pension is to be taken, for the purposes of this section, to be so payable to the person.”.

PART 4—AMENDMENT OF THE SUPERANNUATION ACT 1922

Principal Act

7. In this Part, “Principal Act” means the *Superannuation Act 1922*³.

8. After section 127 of the Principal Act the following section is inserted in Part XI:

Pensions payable on or after 20 October 1989—variation of rate

“128. (1) Where:

- (a) a pension is payable to a person on 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected because of the operation of section 127;

the rate at which the pension is payable to the person on or after that day is the rate that would apply if section 127 had not been enacted.

“(2) Where:

- (a) a person to whom a pension was payable died before 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected by the operation of section 127; and
- (c) because of that person’s death, or because of the death of that person and of a person to whom a pension became payable on the death of the first-mentioned person, a pension is payable to another person;

the rate at which the last-mentioned pension is payable to that other person on or after 20 October 1989 is the rate that would apply if section 127 had not been enacted.”.

PART 5—AMENDMENT OF THE SUPERANNUATION ACT 1976

Principal Act

9. In this Part, “Principal Act” means the *Superannuation Act 1976*.

10. After section 153A of the Principal Act the following section is inserted in Part X:

Pensions payable on or after 20 October 1989—variation of rate

“153AAA. (1) Where:

- (a) a pension to which this Part applies is payable to a person on 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected because of the operation of section 153A;

the rate at which the pension is payable to the person on or after that day is the rate that would apply if section 153A had not been enacted.

“(2) Where:

- (a) a person to whom a pension to which this Part applies was payable died before 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected by the operation of section 153A; and
- (c) because of that person’s death, or because of the death of that person and of a person to whom a pension to which this Part applies became payable on the death of the first-mentioned person, a pension to which this Part applies is payable to another person;

the rate at which the last-mentioned pension is payable to that other person on or after 20 October 1989 is the rate that would apply if section 153A had not been enacted.”.

5 **PART 6—AMENDMENT OF THE PAPUA NEW GUINEA
(STAFFING ASSISTANCE) (SUPERANNUATION) REGULATIONS**

11. After regulation 111EA of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations the following regulation is inserted in Part XA:

Pensions payable on or after 20 October 1989—variation of rate

10 “111EB. (1) Where:

- (a) a pension is payable to a person on 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected because of the operation of regulation 111EA;

15 the rate at which the pension is payable to the person on or after that day is the rate that would apply if regulation 111EA had not been enacted.

“ (2) Where:

- (a) a person to whom a pension was payable died before 20 October 1989; and
- 20 (b) at any time before that day, the rate at which the pension was payable to the person was affected by the operation of regulation 111EA; and
- 25 (c) because of that person’s death, or because of the death of that person and of a person to whom a pension became payable on the death of the first-mentioned person, a pension is payable to another person;

the rate at which the last-mentioned pension is payable to that other person on or after 20 October 1989 is the rate that would apply if regulation 111EA had not been enacted.”.

30 **Future amendments etc.**

12. Nothing in this Part prevents the amendment or repeal by a regulation under the *Papua New Guinea (Staffing Assistance) Act 1973* of the Regulations amended by this section.

Superannuation and Other Benefits
Legislation Amendment No. , 1989

NOTES

1. No. 81, 1973, as amended. For previous amendments, see No. 59, 1974; No. 96, 1975; No. 33, 1976; Nos. 13 and 161, 1977; No. 36, 1978; Nos. 15 and 135, 1979; Nos. 61, 92 and 144, 1981; No. 164, 1984; No. 65, 1985; No. 93, 1986; No. 65, 1987; and Nos. 100 and 104, 1988.
2. No. 31, 1948, as amended. For previous amendments, see No. 37, 1949; No. 73, 1950; No. 29, 1951; No. 93, 1952; No. 80, 1953; No. 20, 1954; No. 19, 1955; No. 24, 1956; No. 95, 1957; No. 46, 1958; No. 103, 1959; No. 67, 1962; No. 103, 1963; Nos. 25, 98 and 135, 1965; No. 70, 1966; Nos. 55, 56 and 128, 1968; No. 61, 1969; No. 34, 1970; No. 47, 1971; No. 82, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 96, 1975; Nos. 13 and 161, 1977; No. 36, 1978; Nos. 15 and 135, 1979; No. 92, 1981; Nos. 76 and 164, 1984; No. 65, 1985; No. 93, 1986; No. 65, 1987; and No. 104, 1988.
3. No. 33, 1922, as amended. For previous amendments, see 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; Nos. 97 and 154, 1965; Nos. 69 and 86, 1966; No. 52, 1967; Nos. 49 and 57, 1968; Nos. 14 and 26, 1969; No. 46, 1971; Nos. 46, 83 and 135, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 59, 1974; Nos. 32 and 37, 1976; No. 17, 1978; No. 92, 1981; No. 63, 1984; and Nos. 80, 93 and 151, 1986.
4. No. 31, 1976, as amended. For previous amendments, see No. 51, 1976; No. 80, 1977; Nos. 17, 134, 169 and 170, 1978; Nos. 52 and 155, 1979; No. 177, 1980; No. 92, 1981; No. 92, 1983; No. 165, 1984; Nos. 80, 93, 151 and 153, 1986; No. 141, 1987; Nos. 38 and 130, 1988; and Nos. 71 and 97, 1989.



