

DEFENCE FORCES RETIREMENT BENEFITS.

No. 20 of 1954.

An Act to amend the *Defence Forces Retirement Benefits Act 1948-1953*.

[Assented to 20th April, 1954.]

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

1.—(1.) This Act may be cited as the *Defence Forces Retirement Benefits Act 1954*. Short title and citation.

(2.) The *Defence Forces Retirement Benefits Act 1948-1953** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Forces Retirement Benefits Act 1948-1954*.

2. Except as otherwise provided in this Act, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section twenty-eight of the Principal Act is amended— Scale of units.

(a) by omitting from sub-section (3.) the word " If " and inserting in its stead the words " Except as provided in sub-section (4.) of this section, if " ; and

* Act No. 31, 1948, as amended by No. 37, 1949 ; No. 73, 1950 ; No. 29, 1951 ; No. 93, 1952 ; and No. 50, 1953.

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

“(4.) A member whose daily pay on the date of commencement of this sub-section falls within a pay group in column one of the First Schedule opposite to a number of units in column two of that Schedule which exceeds twenty-six, or whose daily pay is increased and, by reason of that increase, falls within such a pay group, may elect, by notice in writing given to the Board within four months after the date of commencement of this sub-section, or after the date of approval of the increase, as the case may be, that the number of units in respect of which he shall contribute shall be a number less than the number specified in the First Schedule opposite to the pay group within which his daily pay falls, but not being less than the number of units in respect of which he is already contributing and not being less than twenty-six.

“(5.) The last preceding sub-section applies to a member who has made an election under section seventy-eight of this Act as if, in addition to the contributions which he is making, he were contributing in respect of a number of units equal to—

(a) in the case of a member who has elected to become a contributor for full benefits—the number of fully-paid units with which he is credited under that section ; or

(b) in the case of a member who has elected to become a contributor for limited benefits—the number of units with which he would have been so credited if he had become a contributor for full benefits.

“(6.) Where, after a member has made an election under this section, his daily pay is increased, he is not required or entitled under this section to contribute for a number of additional units in excess of the number of additional units for which he would have been required or entitled to contribute if he had not made the election.

“(7.) A member is not permitted to vary an election which he has made under this section.

“(8.) Any increased contribution payable in pursuance of sub-section (3.) or (4.) of this section is payable as from the date of commencement of this sub-section, or as from the date from which the daily pay of the member is increased, as the case may be, but where that date is not a pay-day the increased contribution is payable as from the next following pay-day.”

4. Section thirty-eight of the Principal Act is amended by omitting from sub-section (2.) the words "section fifty" and inserting in their stead the words "sections thirty-nine A and fifty".

Provision on retirement after twenty years' service for pension—officers.

5. Section thirty-nine of the Principal Act is amended by inserting in sub-section (2.), after the word "provisions", the words "of the next succeeding section and".

Pension on retirement after fifteen years' service for pension—officers.

6. After section thirty-nine of the Principal Act the following section is inserted:—

"39A. Subject to the provisions of section fifty of this Act, where a pension is payable to an officer under either of the last two preceding sections and the number of units for which the officer was contributing at the date of his retirement, together with the number of any fully paid units credited to him under sub-section (4.) of section seventy-eight of this Act, was less than the number of units applicable to his daily pay in accordance with the scale set out in the First Schedule, the annual amount of the pension shall be an amount bearing the same proportion to the annual amount of pension payable, apart from this section, under section thirty-eight or thirty-nine of this Act, as the case may be, as the number of units for which he was so contributing, together with any such fully paid units, bears to the number of units so applicable to his daily pay."

Pension where officer not contributing for full number of units.

7. Section forty-five of the Principal Act is amended by omitting from paragraph (a) the words "Thirty-nine pounds" and inserting in their stead the words "Forty-five pounds ten shillings".

Pension on retirement at age sixty or over.

8. Section forty-eight of the Principal Act is amended—

(a) by omitting from sub-section (2.) the word "two" and inserting in its stead the word "three";

(b) by omitting from sub-sections (2.) and (3.) the words "section thirty-eight of this Act, for" and inserting in their stead the words "the scale set out in the Third Schedule according to"; and

(c) by inserting after sub-section (4.) the following sub-section:—

"(4A.) Where a pension is payable to an officer under this section and the number of units for which the officer was contributing at the date of his retirement, together with the number of any fully paid units credited to him under sub-section (4.) of section seventy-eight of this Act, was less than the number of units applicable to his daily pay in accordance with the scale set out in the First Schedule, the annual amount of the pension shall be an amount bearing the same proportion to the annual amount of pension payable apart from this sub-section as the number of units for which he was so contributing, together with any such fully paid units, bears to the number of units so applicable to his daily pay."

Retirement before reaching retiring age.

Pension payable
on incapacity.

9. Section fifty-two of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “Thirty-nine pounds” and inserting in their stead the words “Forty-five pounds ten shillings”;
- (b) by omitting from paragraph (a) of sub-section (2.) the words “the scale set out in the Third Schedule” and inserting in their stead the words “section thirty-eight of this Act”; and
- (c) by omitting from sub-paragraph (ii) of paragraph (c) of sub-section (2.) the words “Nineteen pounds ten shillings” and inserting in their stead the words “Twenty-two pounds fifteen shillings”.

Pension on
death of
married
member.

10. Section fifty-five of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “Nineteen pounds ten shillings” and inserting in their stead the words “Twenty-two pounds fifteen shillings”; and
- (b) by omitting from paragraph (b) of sub-section (1.) the words “Nineteen pounds ten shillings” and inserting in their stead the words “Twenty-six pounds”.

Pension on
death of
pensioner.

11. Section fifty-seven of the Principal Act is amended by omitting from paragraph (b) of sub-section (1.) the words “Nineteen pounds ten shillings” and inserting in their stead the words “Twenty-six pounds”.

Pensions
payable in
respect of
orphans.

12. Section fifty-eight of the Principal Act is amended by omitting from sub-section (1.) the words “Thirty-two pounds ten shillings” and inserting in their stead the words “Thirty-nine pounds”.

Children's
pensions
payable to
guardian.

13. Section sixty-four of the Principal Act is amended by omitting from sub-section (1.) the words “Thirty-two pounds ten shillings” and inserting in their stead the words “Thirty-nine pounds”.

Re-employment
of pensioner.

14.—(1.) Section sixty-nine of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “Three hundred and twelve pounds” (wherever occurring) and inserting in their stead the words “Three hundred and sixty-four pounds”; and
- (b) by omitting from sub-sections (1A.) and (3.) the words “under section thirty-two of this Act” and inserting in their stead the words “to the Fund in respect of the pension”.

(2.) This section shall be deemed to have come into operation on the first day of January, One thousand nine hundred and fifty-four.

Commutation
of pension.

15. Section seventy-four of the Principal Act is amended by omitting from sub-section (1.) the words “and the *Defence Forces Retirement Benefits Act 1952*” and inserting in their stead the words “, the *Defence Forces Retirement Benefits Act 1952* and the *Defence Forces Retirement Benefits Act 1954*”.

16.—(1.) Section seventy-eight A of the Principal Act is amended by omitting from sub-section (1.) the words “four months” and inserting in their stead the words “eight months”.

Revocation, within certain period, of election not to become contributor.

(2.) This section shall be deemed to have come into operation on the tenth day of December, One thousand nine hundred and fifty-three.

17.—(1.) Section seventy-eight B of the Principal Act is amended by omitting the words “four months” and inserting in their stead the words “eight months”.

Revocation, within certain period, of election to contribute for limited benefits only.

(2.) This section shall be deemed to have come into operation on the tenth day of December, One thousand nine hundred and fifty-three.

18. The First Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:—

First Schedule.

THE FIRST SCHEDULE.

Section 28.

SCALE SHOWING NUMBER OF UNITS IN RESPECT OF DAILY PAY.

Column 1.		Column 2.
Where the Daily Pay of the Member—		Number of Units.
£ s. d.	£ s. d.	
Does not exceed 0 14 2	0 14 2	4 units
Exceeds 0 14 2 and does not exceed 0 17 1	0 17 1	5 units
Exceeds 0 17 1 and does not exceed 0 19 11	0 19 11	6 units
Exceeds 0 19 11 and does not exceed 1 2 9	1 2 9	7 units
Exceeds 1 2 9 and does not exceed 1 5 7	1 5 7	8 units
Exceeds 1 5 7 and does not exceed 1 8 5	1 8 5	9 units
Exceeds 1 8 5 and does not exceed 1 11 4	1 11 4	10 units
Exceeds 1 11 4 and does not exceed 1 14 2	1 14 2	11 units
Exceeds 1 14 2 and does not exceed 1 17 0	1 17 0	12 units
Exceeds 1 17 0 and does not exceed 1 19 10	1 19 10	13 units
Exceeds 1 19 10 and does not exceed 2 2 8	2 2 8	14 units
Exceeds 2 2 8 and does not exceed 2 5 7	2 5 7	15 units
Exceeds 2 5 7 and does not exceed 2 8 5	2 8 5	16 units
Exceeds 2 8 5 and does not exceed 2 11 3	2 11 3	17 units
Exceeds 2 11 3 and does not exceed 2 14 1	2 14 1	18 units
Exceeds 2 14 1 and does not exceed 2 16 11	2 16 11	19 units
Exceeds 2 16 11 and does not exceed 3 2 8	3 2 8	20 units
Exceeds 3 2 8 and does not exceed 3 8 4	3 8 4	21 units
Exceeds 3 8 4 and does not exceed 3 14 0	3 14 0	22 units
Exceeds 3 14 0 and does not exceed 3 19 9	3 19 9	23 units
Exceeds 3 19 9 and does not exceed 4 5 5	4 5 5	24 units
Exceeds 4 5 5 and does not exceed 4 11 2	4 11 2	25 units
Exceeds 4 11 2 and does not exceed 6 1 1	6 1 1	26 units
Exceeds 6 1 1 and does not exceed 6 8 2	6 8 2	27 units
Exceeds 6 8 2 and does not exceed 6 15 4	6 15 4	28 units
Exceeds 6 15 4 and does not exceed 7 2 5	7 2 5	29 units
Exceeds 7 2 5 and does not exceed 7 9 7	7 9 7	30 units
Exceeds 7 9 7 and does not exceed 7 16 8	7 16 8	31 units
Exceeds 7 16 8 and does not exceed 8 3 10	8 3 10	32 units
Exceeds 8 3 10 and does not exceed 8 10 11	8 10 11	33 units
Exceeds 8 10 11 and does not exceed 8 18 1	8 18 1	34 units
Exceeds 8 18 1 and does not exceed 9 5 2	9 5 2	35 units
Exceeds 9 5 2 .. .. .	.. .. .	36 units

Third, Fourth
and Fifth
Schedules.

19. The Third, Fourth and Fifth Schedules to the Principal Act are repealed and the following Schedules inserted in their stead:—

THE THIRD SCHEDULE.

Section 38.

PENSIONS FOR OFFICERS.

Table I.—Officers other than those Referred to in Table II., Table III. and Table IV.

Column 1. Permanent Naval Forces.	Column 2. Permanent Military Forces.	Column 3. Permanent Air Force.	Column 4. Annual Amount of Pension.
			£ s. d.
Vice-Admiral, Chief of the Naval Staff	Lieutenant-General, Chief of the General Staff	Air Marshal, Chief of the Air Staff	1,638 0 0
.. .. .	Lieutenant-General	.. .. .	1,547 0 0
Rear-Admiral .. .. .	.. .. .	.. .. .	1,410 10 0
.. .. .	Major-General	Air Vice-Marshal	1,252 0 0
Captain (and relative rank) of six years' or more service in that rank	Brigadier	Air Commodore	910 0 0
Captain (and relative rank) of less than six years' service in that rank	Colonel	Group Captain	855 0 0
Commander (and relative rank)	Lieutenant-Colonel	Wing Commander	665 0 0
Lieutenant-Commander (and relative rank)	Major	Squadron Leader	505 0 0
Lieutenant (and relative rank)	Captain	Flight Lieutenant	415 0 0
.. .. .	Lieutenant	Flying Officer	310 0 0

Table II.

Column 1. Permanent Naval Forces.	Column 2. Permanent Military Forces.	Column 3. Annual Amount of Pension.
		£ s. d.
Officers promoted from Warrant Rank or from Branch Rank (except those specially selected and promoted direct to Lieutenant)—		
Commander (and relative rank)	.. .. .	770 0 0
Lieutenant-Commander (and relative rank)	Major (Quartermaster)	665 0 0
Lieutenant (and relative rank)	Captain (Quartermaster)	595 0 0
Commissioned Officer from Warrant Rank and Senior Commissioned Officer	.. .. .	525 0 0
Warrant Officer and Commissioned Officer	Lieutenant (Quartermaster)	455 0 0

THE THIRD SCHEDULE—continued.

Table III.

Column 1.						Column 2.		
Rank held by Officer on Retirement.						Annual Amount of Pension.		
						£	s.	d.
Matron-in-Chief	..	..	..	..	..	630	0	0
Principal Matron	..	..	..	..	..	485	0	0
Matron	..	..	..	..	..	450	0	0
Senior Sister	..	..	..	..	..	375	0	0
Sister	..	..	..	..	..	305	0	0

Table IV.

Column 1.				Column 2.		Column 3.		
Permanent Naval Forces.				Permanent Military Forces and Permanent Air Force.		Annual Amount of Pension.		
						£	s.	d.
Senior Chaplain	..	..	..	Chaplain, First Class	..	660	0	0
Chaplain of eighteen years' or more service in that rank	..	..	..	..	..	630	0	0
Chaplain of not less than fifteen years' but less than eighteen years' service in that rank	..	..	..	Chaplain, Second Class	..	595	0	0
..	..	..	..	Chaplain, Third Class	..	500	0	0
..	..	..	..	Chaplain, Fourth Class	..	415	0	0

THE FOURTH SCHEDULE.

Section 39.

DEDUCTION FROM PENSION FOR EACH YEAR OR PART OF A YEAR NOT SERVED.

Pension per Annum—						Deduction for each Year or Part of a Year—		
						£		
Exceeds £910	..	..	..	..	..	42		
Exceeds £595 but does not exceed £910	..	..	..	..	..	28		
Exceeds £455 but does not exceed £595	..	..	..	..	..	21		
Exceeds £310 but does not exceed £455	..	..	..	..	..	14		
Does not exceed £310	..	..	..	..	..	7		

THE FIFTH SCHEDULE.

Section 41.

PENSIONS FOR MEMBERS OTHER THAN OFFICERS.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.
Permanent Naval Forces.	Permanent Military Forces.	Permanent Air Force.	Annual Pension in Respect of 20 Years' Service for Pension.	Annual Additional Pension for 21st Year to 25th Year of Service for Pension.	Annual Additional Pension for 26th Year to 30th Year of Service for Pension.	Annual Additional Pension for 31st Year and each Succeeding Year of Service for Pension.
Chief Artificer	Warrant Officer (Class I.)	Warrant Officer	£ s. d. 240 0 0	£ 11	£ 12	£ 13
Chief Petty Officer (and relative rating, other than Chief Artificer)	Warrant Officer (Class II.) Staff Sergeant	Flight Sergeant	225 0 0	10	11	12
Petty Officer (and relative rating)	Sergeant ..	Sergeant ..	205 0 0	8	9	10
Leading Seaman (and relative rating)	Corporal (and relative rank) Lance Corporal (and relative rank)	Corporal Leading Aircraftman	175 0 0	8	9	10
Able Seaman (and relative rating)	Private (and relative rank)	Aircraftman 1st Class	155 0 0	8	9	10

Eighth Schedule.

20. The Eighth Schedule to the Principal Act is repealed and the following Schedule inserted in its stead :—

THE EIGHTH SCHEDULE.
BENEFITS BEFORE AGE 18.

Section 73.

Column 1. Event.	Column 2.
Member becoming invalid—	
Class A	Pension of £182 per annum
Class B	Pension of £91 per annum
Class C	Nil

Increase in existing pensions.

21.—(1.) Where a person was in receipt of a pension under the Principal Act on the first day of January, One thousand nine hundred

and fifty-four, or became entitled to such a pension after that date and before the date of commencement of this section, the rate of that pension shall be deemed to have been increased—

(a) in the case of a pension payable to a person who held the rank of Vice-Admiral, Rear-Admiral, Lieutenant-General, Major-General, Air Marshal or Air Vice-Marshal, or payable under the provisions of paragraph (a) of sub-section (1.) of section fifty-seven of the Principal Act to the widow of such a person—by one-sixth ; and

(b) in any other case—by such amount (if any) as is necessary to raise the amount of pension to the amount that would have been payable if the pension had been granted under the Principal Act as amended by this Act,

as from the first day of January, One thousand nine hundred and fifty-four, or the date upon which the pension became payable, whichever is the later, but is not otherwise increased by reason of the amendments made by this Act.

(2.) The Commonwealth shall pay to the Fund such amounts as are equal to the increases in pensions payable under the last preceding sub-section, and the Consolidated Revenue Fund is, to the necessary extent, appropriated accordingly.
