

# Defence Forces Retirement Benefits

No. 34 of 1970

An Act relating to Retirement Benefits for Members of the Defence Force.

[Assented to 23 June 1970]

**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 *Defence Forces Retirement Benefits Act 1970*.

(2.) The *Defence Forces Retirement Benefits Act 1948–1969\** 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 1948–1970*.

Commence-  
ment.

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

Categories  
of members.

3.—(1.) Section 4A of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (2.) the figures “ 228 ” and inserting in their stead the figures “ 163 ”;

(b) by omitting from that paragraph the words “ two hundred and twenty-eight ” and inserting in their stead the words “ one hundred and sixty-three ”; and

\* Act No. 31, 1948 as amended by 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; and No. 61, 1969.

(c) by omitting from sub-section (3.) the words “ in the rate of annual pay of a member as a result of which his category number changes ” and inserting in their stead the words “ in his category number ”.

(2.) The amendments made by paragraphs (a) and (b) of the last preceding sub-section shall be deemed to have had effect on and from the fourth day of June, One thousand nine hundred and sixty-nine.

(3.) The amendment made by paragraph (c) of sub-section (1.) of this section shall be deemed to have had effect on and from the first day of November, One thousand nine hundred and sixty-three.

4.—(1.) Section 30 of the Principal Act is amended by omitting from sub-section (1.) the words “ two hundred and twenty-eight ” and inserting in their stead the words “ one hundred and sixty-three ”.

Rates of contributions.

(2.) The amendment made by the last preceding sub-section shall be deemed to have had effect on and from the fourth day of June, One thousand nine hundred and sixty-nine.

5. A reference in the Principal Act as amended by this Act to a change in the category of a member shall be read as including a reference to a change in the category number of a member resulting from the amendments made by paragraphs (a) and (b) of sub-section (1.) of section 3 of this Act.

References in Principal Act as amended to changes in category.

6.—(1.) In the application of section 61A of the *Defence Forces Retirement Benefits Act 1963–1968* in relation to a change in the category of a person resulting from the amendments made by this Act, the reference in sub-section (1.) of that section to the prescribed period after the change shall be read as including a reference to the period of four months after the date on which this Act receives the Royal Assent.

Special rights of election under section 61A of the *Defence Forces Retirement Benefits Act 1963–1968*.

(2.) A person may make an election under section 61A of the *Defence Forces Retirement Benefits Act 1963–1968* by virtue of a change in his category resulting from the amendments made by this Act notwithstanding that he has ceased to be a member.

(3.) Where—

- (a) a deceased person would, if he had been alive, have been entitled to make an election under section 61A of the *Defence Forces Retirement Benefits Act 1963–1968* in relation to a change in his category resulting from the amendments made by this Act; and
- (b) a person approved by the Board, by notice in writing given to the Board within the period of four months after the date on which this Act receives the Royal Assent or within such further period as the Board allows, requests the Board to regard the deceased person as having made an election under that section in relation to that change in category,

the deceased person shall be deemed to have made such an election.

(4.) A reference in this section to the amendments made by this Act shall be read as a reference to the amendments made by paragraphs (a) and (b) of sub-section (1.) of section 3 of this Act.

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