

SUPERANNUATION.

No. 92 of 1952.

An Act to amend the *Superannuation Act* 1922-1951.

[Assented to 18th November, 1952.]

BE 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 *Superannuation Act* 1952.

(2.) The *Superannuation Act* 1922-1951* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act* 1922-1952.

Commencement.

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

Parts.

3. Section three of the Principal Act is amended by inserting after the words—

“ Part IV E.—Special Provisions in Relation to Certain Former Contributors to Public Service Superannuation Funds.”

the words—

“ Part IV F.—Special Provisions in Relation to Certain Former Contributors to the Defence Forces Retirement Benefits Fund.”.

* Act No. 33, 1922, as amended by 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; and Nos. 49 and 62, 1951.

4.—(1.) After section four c of the Principal Act the following section is inserted in Part I. :—

“ 4D.—(1.) Where—

(a) an employee was, before becoming an employee, a contributor under—

(i) a superannuation scheme conducted in accordance with the system established in the United Kingdom and known as the Federated Superannuation System for Universities ; or

(ii) a prescribed superannuation scheme, being a scheme under which benefits are provided for by means of life assurance policies ; and

(b) the Treasurer considers that, by reason of special circumstances, an arrangement should be made under this section,

the Commonwealth may make an arrangement with the employee for assurance on his life by means of a life assurance policy, and for the payment of contributions by the Commonwealth and the employee for that purpose.

“ (2.) An employee with whom the Commonwealth has made an arrangement under this section is not entitled, and is not required, to contribute to the Fund or to the Provident Account.”

(2.) The section inserted in the Principal Act by the last preceding sub-section shall be deemed to have come into operation on the first day of April, One thousand nine hundred and forty-nine.

5.—(1.) After Part IVE. of the Principal Act the following Part is inserted :—

“ PART IVF.—SPECIAL PROVISIONS IN RELATION TO CERTAIN FORMER CONTRIBUTORS TO THE DEFENCE FORCES RETIREMENT BENEFITS FUND.

“ 60AW. In this Part, ‘ the Defence Forces Retirement Benefits Fund ’ means the Defence Forces Retirement Benefits Fund established under the *Defence Forces Retirement Benefits Act 1948-1952*.

“ 60AX. This Part applies to a person—

(a) who, immediately after ceasing to be a member of the Defence Force of the Commonwealth, becomes employed, otherwise than as a casual, exempt or temporary employee, by the Commonwealth or by an approved authority ; and

(b) in respect of whom an amount is paid from the Defence Forces Retirement Benefits Fund into the Fund under Division 3 of Part V. of the *Defence Forces Retirement Benefits Act 1948-1952*.

“ 60AY.—(1.) A person to whom this Part applies shall contribute to the Fund from the date on which he becomes employed by the Commonwealth or, where he is employed by an approved authority, by that authority, and, if he is not an employee, he shall be deemed to be an employee, for the purposes of this Act, on and after that date.

Superannuation provision for certain employees by way of life assurance.

Definition.

Application of Part.

Contributions.

“(2.) Section four B of this Act does not apply to a person to whom this Part applies.

“(3.) Subject to the next succeeding section, a person to whom this Part applies shall contribute to the Fund—

(a) for a number of units equal to the number of units for which, immediately before he ceased to be a member of the Defence Force, he was contributing to the Defence Forces Retirement Benefits Fund ; and

(b) where the person was, under section seventy-eight of the *Defence Forces Retirement Benefits Act 1948-1952*, a contributor for full benefits under that Act—for an additional number of units equal to the number of units which, by virtue of paragraph (a) of sub-section (4.) of that section, were treated as fully paid by him.

“(4.) The amount of contribution to be paid fortnightly by a person to whom this Part applies for the units of pension for which he is required to contribute under the last preceding sub-section is the amount which, immediately before he ceased to be a member of the Defence Force, he was contributing, in respect of each fortnightly period, to the Defence Forces Retirement Benefits Fund, and, for the purposes of this Act, contributions in respect of those units shall be deemed to be made at rates based on a retiring age of sixty years.

Additional
contributions

“60AZ.—(1.) The last preceding section does not affect the obligation or right of a person to whom this Part applies to contribute, in accordance with this Act, for units of pensions in excess of those for which he is required to contribute under that section.

“(2.) The last preceding sub-section applies in respect of a person who was, under section seventy-eight of the *Defence Forces Retirement Benefits Act 1948-1952*, a contributor for limited benefits under that Act, as if he were required, under the last preceding section, to contribute for a number of units of pension equal to the number of units for which he would be so required to contribute if he were a person who had, under section seventy-eight of the *Defence Forces Retirement Benefits Act 1948-1952*, become a contributor for full benefits under that Act.

Retrenchment,
discharge, &c.

“60AZA.—(1.) A person to whom this Part applies shall, for the purposes of section twenty-five of this Act, be deemed to have been an employee, and for the purposes of section thirty-nine of this Act, be deemed to have been a contributor to the Fund—

(a) if he is not a person to whom the next succeeding paragraph applies—on and from the date of commencement of his contributions to the Defence Forces Retirement Benefits Fund ; or

(b) if he was a contributor to the Fund immediately before the date of commencement of his contributions to the Defence Forces Retirement Benefits Fund and the reserve value held by the Fund in respect of his contributions to the Fund was paid from the Fund to the Defence Forces

Retirement Benefits Fund in pursuance of section eighty-two of the *Defence Forces Retirement Benefits Act 1948*—on and from the date of commencement of those contributions to the Fund.

“(2.) For the purposes of sections thirty-nine and forty of this Act, contributions paid, or, for the purposes of the *Defence Forces Retirement Benefits Act 1948–1952*, deemed to have been paid, to the Defence Forces Retirement Benefits Fund by a person to whom this Part applies shall be deemed to be contributions paid by that person to the Fund under this Act.

“(3.) For the purposes of sub-section (1.) of this section, the date of commencement of a person’s contributions to the Defence Forces Retirement Benefits Fund is the date of commencement of his contributions to that Fund which were taken into account for the purpose of determining the amount payable, in respect of him, from that Fund into the Fund, and contributions which were not taken into account for that purpose shall not be taken into account for the purposes of the last preceding sub-section.

“60AZB. Where, within five years after he becomes an employee, a person to whom this Part applies dies or is retired on the ground of invalidity or of physical or mental incapacity to perform his duties, any pension payable to or in respect of that person under this Act shall be paid from the Fund, and the Commonwealth shall pay to the Fund the amount by which the proportion of the pension equivalent to the contributions made by or in respect of the person is less than the amount of the pension.”

Certain
amounts to
be paid by the
Commonwealth
to the Fund.

(2.) The Part inserted in the Principal Act by the last preceding sub-section shall come into operation on a date to be fixed by Proclamation.
