

Superannuation

No. 52 of 1967

An Act to amend the *Superannuation Act 1922-1966*.

[Assented to 26 May 1967]

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 *Superannuation Act 1967*.

(2.) The *Superannuation Act 1922-1966** is in this Act referred to as the Principal Act.

Short title
and citation.

* 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; 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; and Nos. 69 and 86, 1966.

(3.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act 1922-1967*.

2. Subject to sub-section (2.) of the next succeeding section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3.—(1.) Section 44 of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Contributor remaining in Service after attaining maximum age for retirement.

“ (1.) Where a contributor retires not less than one month after attaining the maximum age for retirement, the pension that would be payable to him under the provisions of this Act other than this section shall be increased by an amount ascertained by multiplying the portion of the pension equivalent to the contributions made by him by a multiplier that is—

(a) if the maximum age for retirement in his case was sixty years, the sum of—

(i) the factor specified in column 2 of Table I. in the Seventh Schedule to this Act opposite to the age specified in column 1 of that Table that was his age on retirement; and

(ii) the product of the number of whole months included in the period that commenced on the anniversary of his birth that last occurred before his retirement and ended on the date of his retirement and the factor specified in column 3 of that Table opposite to the age specified in column 1 of that Table that was his age on retirement; or

(b) if the maximum age for retirement in his case was sixty-five years, the sum of—

(i) the factor specified in column 2 of Table II. in the Seventh Schedule to this Act opposite to the age specified in column 1 of that Table that was his age on retirement; and

(ii) the product of the number of whole months included in the period that commenced on the anniversary of his birth that last occurred before his retirement and ended on the date of his retirement and the factor specified in column 3 of that Table opposite to the age specified in column 1 of that Table that was his age on retirement.”;

(b) by omitting from sub-section (2.) the word “percentage” and inserting in its stead the word “multiplier”;

(c) by omitting from sub-section (2A.) the word “percentage” and inserting in its stead the word “multiplier”; and

(d) by adding at the end thereof the following sub-section:—

“ (4.) Where—

(a) this section applies to the pension of a contributor or of the widow or widower of a contributor; and

(b) the contributor was, immediately before his retirement or death, contributing for some units of pension at a rate based on a retiring age of sixty years and other units of pension at a rate based on a retiring age of sixty-five years,

this section applies to and in relation to the pension as if it consisted of two pensions, one such pension being attributable to the first-mentioned units and the other such pension being attributable to the second-mentioned units.”.

(2.) The amendments made by the last preceding sub-section shall be deemed to have come into operation on the first day of July, One thousand nine hundred and sixty-two, and apply only in relation to contributors who retire or die on or after that date.

4. Sections 46, 47 and 48 of the Principal Act are repealed and the following sections inserted in their stead:—

Pension to spouse and children on death of contributor.

“ 46.—(1.) Where a contributor dies before retirement leaving a widow or widower, there shall, subject to the next succeeding sub-section, be paid to the widow or widower until she or he dies or remarries pension equal to five-eighths (or, if the contributor elected that section twenty-six of this Act should not apply to him—one-half) of the pension for which the contributor was contributing at the time of his or her death.

“ (2.) Pension shall not be paid to the widower of a female contributor under the last preceding sub-section unless, in the opinion of the Board, he was wholly or substantially dependent upon her immediately before her death, and pension under the last preceding sub-section shall not continue to be paid to the widower of a female contributor in respect of any period during which, in the opinion of the Board, the circumstances of the widower are such that, if those circumstances had existed immediately before the death of the contributor, the widower would not have been wholly or substantially dependent upon the contributor at that time.

“ (3.) Where a contributor dies before retirement leaving a widow or widower, there shall, in addition to any pension that may be payable to her or him under sub-section (1.) of this section, be paid to the widow or widower, in respect of each child of the contributor or of the widow or widower who is an eligible child (other than a child of any remarriage of the widow or widower), a pension at the rate of Two hundred and eight dollars per annum.

“ (4.) On the death of the widow or widower of a contributor who died before retirement, there shall be paid in respect of each child of the contributor or of the widow or widower who is an eligible child (other than a child of any remarriage of the widow or widower) a pension at the rate of

Five hundred and twenty dollars per annum or at a rate of such amount per annum as is determined in accordance with the next succeeding sub-section, whichever rate is the higher.

“(5.) The amount to be determined for the purposes of the last preceding sub-section is the sum of Two hundred and eight dollars and an amount ascertained by dividing by four (or, if the number of eligible children of the contributor and of the widow or widower in respect of whom pension is payable under the last preceding sub-section is greater than four, by the number of those children) the amount of the annual rate of the pension that, but for the death of the widow or widower, would, by virtue of sub-section (1.) of this section, have been payable to the widow or widower or have been so payable but for sub-section (2.) of this section.

“(6.) Where—

- (a) a female contributor dies before retirement leaving a widower who, in the opinion of the Board, was not wholly or substantially dependent upon the contributor immediately before her death; and
- (b) the present value, as determined by the Board, of any pension or pensions payable under sub-section (3.) of this section on the death of the contributor in respect of any child or children, together with the value, as determined by the Board, of any pension or pensions that may, in the opinion of the Board, become payable in respect of that child or those children under sub-section (4.) of this section on the death of the widower, is less than the contributions made by the contributor,

the amount of the difference shall be paid to the personal representatives of the contributor, or, if there are no such personal representatives, to such persons, if any, as the Board determines.

“47.—(1.) Where a pensioner dies leaving a widow or widower, there shall, subject to the next succeeding sub-section, be paid to the widow or widower until she or he dies or remarries pension equal to five-eighths (or, if the pensioner elected that section twenty-six of this Act should not apply to him—one-half) of the pension that was payable to the deceased pensioner at the time of his or her death.

Pension to spouse and children on death of pensioner.

“(2.) Pension shall not be paid to the widower of a female pensioner under the last preceding sub-section unless, in the opinion of the Board, he was wholly or substantially dependent upon her immediately before her death, and pension under the last preceding sub-section shall not continue to be paid to the widower of a female pensioner in respect of any period during which, in the opinion of the Board, the circumstances of the widower are such that, if those circumstances had existed immediately before the death of the female pensioner, the widower would not have been wholly or substantially dependent upon the female pensioner at that time.

“(3.) Where a pensioner dies leaving a widow or widower, there shall, in addition to any pension that may be payable to her or him under sub-section (1.) of this section, be paid to the widow or widower, in respect of each child of the pensioner or of the widow or widower who is an eligible child (other than a child of any remarriage of the widow or widower), a pension at the rate of Two hundred and eight dollars per annum.

“(4.) On the death of the widow or widower of a pensioner, there shall be paid in respect of each child of the pensioner or of the widow or widower who is an eligible child (other than a child of any remarriage of the widow or widower) a pension at the rate of Five hundred and twenty dollars per annum or at a rate of such amount per annum as is determined in accordance with the next succeeding sub-section, whichever rate is the higher.

“(5.) The amount to be determined for the purposes of the last preceding sub-section is the sum of Two hundred and eight dollars and an amount ascertained by dividing by four (or, if the number of eligible children of the pensioner and of the widow or widower in respect of whom pension is payable under the last preceding sub-section is greater than four, by the number of those children) the amount of the annual rate of pension that, but for the death of the widow or widower, would, by virtue of sub-section (1.) of this section, have been payable to the widow or widower or have been so payable but for sub-section (2.) of this section.

“(6.) Notwithstanding anything contained in this section, where a pensioner marries after retirement, pension is not, upon the death of the pensioner, payable under this section to the widow or widower of the pensioner or in respect of the children of that marriage.

“48.—(1.) Where—

(a) the wife or husband of a person who is a contributor, or is a pensioner by reason of having been a contributor, is dead or divorced; and

(b) the contributor or pensioner dies,

there shall be paid in respect of each child of the contributor or pensioner or of the wife or husband of the contributor or pensioner who is an eligible child, other than a child of any remarriage of the wife or husband, (in addition to any other pension that may be payable in respect of any such child under this Act) a pension at the rate of Five hundred and twenty dollars per annum or at a rate of such amount per annum as is determined in accordance with the next succeeding sub-section, whichever rate is the higher.

“(2.) The amount to be determined for the purposes of the last preceding sub-section is the sum of Two hundred and eight dollars and an amount ascertained by dividing by four (or, if the number of eligible children of the contributor or pensioner and of his wife or of her husband

in respect of whom pension is payable under this section is greater than four, by the number of those children) the amount of the annual rate of the pension that, but for the death or divorce of the wife or husband of the contributor or pensioner would, by virtue of sub-section (1.) of section forty-six of this Act or sub-section (1.) of the last preceding section, as the case may be, have been payable to the wife or husband or would have been so payable but for sub-section (2.) of section forty-six of this Act or sub-section (2.) of the last preceding section.

“(3.) In the application of sub-section (1.) of this section in relation to a deceased pensioner who remarried after he or she became a pensioner, the reference in that sub-section to the wife or husband of a pensioner shall be read as not including a reference to the person who became the wife or husband of the pensioner on that remarriage.

“(4.) Where the present value, as determined by the Board, of a pension or pensions payable, on the death of a contributor, under sub-section (1.) of this section is less than the contributions made by the contributor, the amount of the difference shall be paid to the personal representatives of the contributor or, if there are no such personal representatives, to such persons, if any, as the Board determines.”.

5. Section 49 of the Principal Act is repealed and the following section inserted in its stead:—

“ 49. Where—

- (a) a contributor dies before retirement; and
- (b) pension is not payable under this Act upon his or her death to the widow or widower of the contributor or to any child,

there shall be paid to the personal representatives of the contributor, or, if there are no such personal representatives, to such persons, if any, as the Board determines, an amount equal to the amount of the contributions paid by the contributor.”.

Refund of contributions on death of contributor without dependants.

6. Section 54 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), before the word “ pensioner ” (first occurring), the word “ male ”; and
- (b) by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“(1A.) Where—

- (a) the husband of a female pensioner is wholly or substantially dependent upon her; and
- (b) his wife leaves him without means of support,

the husband may, from time to time, apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate, and, on proof that the husband is wholly or substantially

Desertion by pensioner of spouse or child.

dependent on his wife and that his wife has left him without means of support, the court may order the payment, during such period as it thinks desirable, of pension in accordance with section forty-seven of this Act as if the pensioner were dead.

“(2.) Where a pensioner (being a person who is a pensioner by reason of having been a contributor) whose wife or husband is dead or divorced deserts, or leaves without means of support, any of the children of the pensioner who are dependent on the pensioner, the guardian of the children or the Board, may, from time to time, apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate, and, on proof that any such child has been deserted or left without means of support, the court may order the payment, during such period as it thinks desirable, of pension in accordance with section forty-eight of this Act as if the pensioner were dead.”.

7. Sections 55, 56, 57 and 57A of the Principal Act are repealed and the following sections inserted in their stead:—

Imprisonment
of pensioner.

“ 55. Where a pensioner is sentenced to imprisonment for a period exceeding one month, then, during the period of the pensioner’s imprisonment—

- (a) payment of pension to the pensioner under this Act shall be discontinued; and
- (b) section forty-seven of this Act, and section forty-eight of this Act other than sub-section (4.) of that section, have effect as if the pensioner had died on the day on which he was sentenced to imprisonment.

Pensioners
detained in
hospitals for
the insane.

“ 56. Where a pensioner is detained as a patient in a hospital for the insane, the Board may cause his pension, or a part of his pension, to be paid to a person who is dependent upon him or to another person for the benefit of a person who is dependent upon him.”.

8. Section 84 of the Principal Act is repealed and the following section inserted in its stead:—

Payment on
death of
contributor to
Provident
Account
without
dependants.

“ 84. Where—

- (a) a contributor to the Provident Account dies before retirement; and
- (b) an amount is not payable under this Act upon his or her death to the widow or widower of the contributor or to any child,

there shall be paid to the personal representatives of the contributor, or, if there are no such personal representatives, to such persons, if any, as the Board determines, an amount equal to the amount of the contributions paid by the contributor to the Provident Account together with compound interest on the amount of those contributions at the prescribed rate.”.

9. The Principal Act is amended by adding at the end thereof the following Schedule:—

Seventh
Schedule.

SEVENTH SCHEDULE
FACTORS APPLICABLE UNDER SECTION 44

Section 44.

TABLE I.
MAXIMUM AGE FOR RETIREMENT OF 60 YEARS

Column 1 Age on retirement	Column 2 Factor	Column 3 Factor
60	..	.006
61	.072	.006
62	.144	.007
63	.228	.007
64	.312	.008
65	.408	.008
66	.504	.009
67	.612	.01
68	.732	.011
69	.864	.012
70	1.008	.013
71	1.164	.014
72	1.332	.016
73	1.524	.017
74	1.728	.019

TABLE II.
MAXIMUM AGE FOR RETIREMENT OF 65 YEARS

Column 1 Age on retirement	Column 2 Factor	Column 3 Factor
65	..	.006
66	.072	.007
67	.156	.007
68	.24	.008
69	.336	.008
70	.432	.009
71	.54	.01
72	.66	.011
73	.792	.012
74	.936	.013