

## SUPERANNUATION (NO. 2).

**No. 112 of 1956.**

An Act to amend the *Superannuation Act* 1922-1955, as amended by the *Superannuation Act* 1956, and for other purposes.

[Assented to 15th November, 1956.]

**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 :—

**1.**—(1.) This Act may be cited as the *Superannuation Act* (No. 2) 1956. Short title and citation.

(2.) The *Superannuation Act* 1922-1955,\* as amended by the *Superannuation Act* 1956,† is in this Act referred to as the Principal Act.

(3.) Section one of the *Superannuation Act* 1956 is amended by omitting sub-section (2.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act* 1922-1956.

**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.

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 Section three of the Principal Act is repealed and the following section inserted in its stead :—

**Parts.** “ 3. This Act is divided into Parts, as follows :—

Part I.—Preliminary (Sections 1-4D).

Part II.—The Superannuation Fund (Sections 5-11A).

Part III.—Contributions.

Division 1.—Contributions by Employees (Section 12).

Division 2.—Scale of Units (Sections 12A-15).

Division 3.—Scale of Contributions by Employees (Sections 16-17).

Division 3A.—Reserve Units of Pension (Sections 17A-17D).

Division 4.—Contributions by the Commonwealth (Sections 18-20).

Division 5.—General Provisions as to Contributions (Sections 21-22).

Part IV.—Pensions and Benefits.

Division 1.—Retirement on Pension (Sections 23-27).

Division 2.—Grant of Pensions and Benefits (Sections 28-48B).

Division 3.—Break-down Pensioners (Sections 49-50A).

Division 4.—Existing Pension Rights (Sections 51-59A).

Division 5.—Assurance Policies (Section 60).

Part IVB.—The Provident Account (Sections 60U-60AE).

Part IVc.—Williamstown Dockyard Employees (Sections 60AF-60AM).

Part IVd.—Special Provisions in Relation to Certain Former State Employees (Sections 60AN-60AT).

Part IVe.—Special Provisions in Relation to Certain Former Contributors to Public Service Superannuation Funds (Sections 60AU-60AV).

Part IVf.—Special Provisions in Relation to Certain Former Contributors to the Defence Forces Retirement Benefits Fund (Sections 60AW-60AZB).

Part V.—The Superannuation Board (Sections 61-75).

Part VI.—Miscellaneous (Sections 76A-82).”

\* 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, 1949 ; Nos. 1 and 85, 1947 ; No. 19, 1948 ; No. 76, 1950 ; Nos. 49 and 62, 1951 ; No. 92, 1952 ; No. 11, 1954 ; and No. 27, 1955.

† Act No. 19, 1956.

4. Section four of the Principal Act is amended by omitting from the definition of "Employee" in sub-section (1.) the words "Justice of the High Court or a Judge of any other Court created by the Parliament" and inserting in their stead the words "person who is a Judge as defined by section three of the *Judges' Pensions Act 1948-1956*".

Interpretation.

5. Section eleven of the Principal Act is amended by inserting in sub-section (3.), after the word "fund" (last occurring), the words "and for any amount payable to the Commonwealth under sub-section (2.) of the next succeeding section".

Quinquennial investigation by an actuary.

6.—(1.) Section eleven A of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

Payments by Commonwealth to Fund in respect of interest.

"(2.) Where an investigation made under the last preceding section discloses a surplus of assets over liabilities of the Fund, there shall be paid to the Commonwealth from the Fund so much of the surplus as does not exceed an amount equal to the sum of the amounts paid by the Commonwealth under the last preceding sub-section before the report of the result of the investigation less the sum of the amounts (if any) previously paid to the Commonwealth under this sub-section."

(2.) The amendment 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 forty-seven.

7. Section twelve A of the Principal Act is amended by inserting in paragraph (b) of sub-section (2.), after the word "employee" (second occurring), the words "or contributor".

Salary for the purposes of this Division.

8.—(1.) Sections twenty-nine A and twenty-nine B of the Principal Act are repealed and the following section is inserted in their stead :—

"29A.—(1.) Where—

(a) a contributor retires not less than one year after attaining the maximum age for retirement; or

(b) a person who was a contributor has, before the date of commencement of this section, so retired and is at that date in receipt of, or entitled to, a pension,

Contributor remaining in service after attaining 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 percentage ascertained in accordance with the following table :—

Maximum Age for Retirement—60 Years.		Maximum Age for Retirement—65 Years.	
Age Attained on Retirement.	Percentage.	Age Attained on Retirement.	Percentage.
61 years .. ..	6	66 years .. ..	7
62 years .. ..	13	67 years .. ..	15
63 years .. ..	20	68 years .. ..	23
64 years .. ..	28	69 years .. ..	32
65 years or over .. ..	37	70 years or over .. ..	42

“(2.) Where—

(a) a male contributor who has attained the maximum age for retirement dies before retirement and is survived by a widow ; or

(b) the widow of—

(i) a male contributor who, having attained the maximum age for retirement, died before retirement ; or

(ii) a male pensioner who retired after attaining the maximum age for retirement,

is in receipt of, or entitled to, a pension at the commencement of this section,

the pension that would be payable to the widow under the provisions of this Act other than this section shall be increased by one-half of the amount (if any) by which the pension which would have been payable to the contributor or pensioner, as the case may be, would have been increased under the last preceding sub-section if—

(c) in the case of a contributor referred to in paragraph (a) of this sub-section, he had retired immediately before his death ;

(d) in the case of a contributor referred to in sub-paragraph (i) of paragraph (b) of this sub-section, he had retired after the commencement of this section at the age at which he in fact died ; or

(e) in the case of a pensioner referred to in sub-paragraph (ii) of paragraph (b) of this sub-section, he had not died before the commencement of this section.

“(3.) The amount by which a pension is increased in pursuance of either of the last two preceding sub-sections is payable from the Fund without contribution by the Commonwealth.”.

(2.) Amounts paid by the Commonwealth in pursuance of sub-section (3.) of section twenty-nine B of the Principal Act, being amounts paid in respect of a period after the thirtieth day of June, One thousand nine hundred and fifty-two, shall be repaid to the Commonwealth from the Fund.

(3.) Where a person who was a contributor retired not less than one year after attaining the maximum age for retirement and is, at the commencement of this section, in receipt of, or entitled to, a pension, there shall be paid to him a sum equal to the amount by which the amount of pension which he has received under the *Superannuation Act* 1922-1951, or under that Act as amended, in respect of the period from and including the fourth day of July, One thousand nine hundred and fifty-two, or the day after the date of his retirement, whichever was the later, to and including the day before the day on which this Act received the Royal Assent is less than the amount of pension which he would have received in respect of that period if sub-section (1.) of this section had come into operation on the fourth day of July, One thousand nine hundred and fifty-two.

(4.) Where the widow of—

- (a) a male contributor who died after completing not less than one year's service after attaining the maximum age for retirement but before retirement; or
- (b) a male pensioner who, having retired after completing not less than that period of service, died before the commencement of this section,

is in receipt of, or entitled to, a pension at the commencement of this section, there shall be paid to her a sum equal to the amount by which the amount of pension which she has received under the *Superannuation Act* 1922-1951, or under that Act as amended, in respect of the period from and including the fourth day of July, One thousand nine hundred and fifty-two, or the day after the date of the death of the contributor or pensioner, whichever was the later, to and including the day before the day on which this Act received the Royal Assent is less than the amount of pension which she would have received in respect of that period if sub-section (1.) of this section had come into operation on the fourth day of July, One thousand nine hundred and fifty-two.

(5.) An amount payable under either of the last two preceding sub-sections is payable from the Fund without contribution by the Commonwealth.

9.—(1.) Sections thirty-five, thirty-six, thirty-seven and thirty-eight of the Principal Act are repealed.

Repeal of  
ss. 35, 36,  
37 and 38.

(2.) Notwithstanding the last preceding sub-section—

- (a) pensions payable immediately before the date of commencement of this section under any of the sections repealed by that sub-section shall continue to be payable; and
- (b) pensions may be paid to or in respect of the widow and children of a former employee who was, immediately before the date of commencement of this section, in receipt of such a pension and dies on or after that date,

as if those sections, and the proviso to section fifty-one of the Principal Act, had not been repealed, and the provisions of those sections and that proviso shall continue to apply in relation to pensions referred to in this sub-section.

10.—(1.) Section forty B of the Principal Act is repealed and the following section inserted in its stead :—

Certain contributors who change the nature of their employment to continue as contributors.

“ 40B.—(1.) Where an employee who is a contributor, not being an employee referred to in paragraph (a) of the next succeeding sub-section, resigns from his employment and, immediately after the date of his resignation, becomes employed by the Commonwealth or by an approved authority otherwise than as a casual, exempt or temporary employee, he shall be deemed not to have ceased, by reason of his resignation, to be a contributor.

“ (2.) Where—

- (a) the employment of a contributor, being a person who is deemed to be an employee by virtue of sub-section (5.) or (6.) of section four of this Act, sub-section (6.) of section nine of the *High Commissioner Act* 1909–1952 or sub-section (2.) of section thirteen of the *Australian Security Intelligence Organization Act* 1956, terminates or is terminated ; and
- (b) immediately after the date on which his employment terminates or is terminated, he becomes employed by the Commonwealth or by an approved authority on terms that require him to give the whole of his time to the duties of his employment,

he shall be deemed not to have ceased, by reason of that termination of his employment, to be a contributor.”.

(2.) The amendment made by the last preceding sub-section, except in so far as it relates to persons employed under the *Australian Security Intelligence Organization Act* 1956, shall be deemed to have come into operation on the first day of November, One thousand nine hundred and fifty-four, but shall not apply in relation to a contributor who, before the date on which this Act received the Royal Assent, received a refund of contributions in accordance with section forty of the *Superannuation Act* 1922–1954, or of that Act as amended, in consequence of the termination of his employment, unless that contributor—

- (a) repaid to the Superannuation Board, before the latter date, the amount refunded to him ; or
- (b) repays that amount to the Board within three months after the latter date or within such further time as the Board allows.

Break-down pensioners deemed to be on leave.

11. Section forty-nine of the Principal Act is amended by omitting from sub-sections (1.) and (2.) the words “ or thirty-seven ”.

Pensioner restored to health may be recalled to service.

12. Section fifty of the Principal Act is amended by omitting from sub-sections (1.) and (4.) the words “ or thirty-seven ”.

Rights under other Acts and State Acts.

13. Section fifty-one of the Principal Act is amended by omitting the proviso.

**14.—(1.)** Sections fifty-four, fifty-five and fifty-six of the Principal Act are repealed.

Repeal of  
ss. 54, 55  
and 56.

(2.) Notwithstanding the last preceding sub-section—

- (a) pensions payable immediately before the date of commencement of this section under any of the sections repealed by that sub-section shall continue to be payable; and
- (b) pensions may be paid to or in respect of the widow and children of a former employee who was, immediately before the date of commencement of this section, in receipt of such a pension and dies on or after that date,

as if those sections had not been repealed, and the provisions of those sections shall continue to apply in relation to pensions referred to in this sub-section.

**15.—(1.)** Section sixty ABA of the Principal Act is repealed and the following section inserted in its stead :—

“ 60ABA.—(1.) Where an employee who is a contributor to the Provident Account, not being an employee referred to in paragraph (a) of the next succeeding sub-section, resigns from his employment and, immediately after the date of his resignation, becomes employed by the Commonwealth or by an approved authority otherwise than as a casual, exempt or temporary employee, he shall be deemed not to have ceased, by reason of his resignation, to be a contributor to the Provident Account.

Certain  
contributors  
who change  
nature of their  
employment  
to continue  
as contributors.

“ (2.) Where—

- (a) the employment of a contributor to the Provident Account, being a person who is deemed to be an employee by virtue of sub-section (5.) or (6.) of section four of this Act, sub-section (6.) of section nine of the *High Commissioner Act* 1909–1952 or sub-section (2.) of section thirteen of the *Australian Security Intelligence Organization Act* 1956, terminates or is terminated; and
- (b) immediately after the date on which his employment terminates or is terminated, he becomes employed by the Commonwealth or by an approved authority on terms that require him to give the whole of his time to the duties of his employment,

he shall be deemed not to have ceased, by reason of that termination of his employment, to be a contributor to the Provident Account.”.

(2.) The amendment made by the last preceding sub-section, except in so far as it relates to persons employed under the *Australian Security Intelligence Organization Act* 1956, shall be deemed to have come into operation on the first day of November, One thousand nine hundred and fifty-four, but shall not apply in relation to a contributor to the Provident Account who, before the date on which this Act received the Royal Assent, received payment of an amount in accordance with section sixty AB of the

*Superannuation Act* 1922-1954, or of that Act as amended, in consequence of the termination of his employment, unless that contributor—

- (a) repaid to the Superannuation Board, before the latter date, the amount so paid to him ; or
- (b) repays that amount to the Board within three months after the latter date or within such further time as the Board allows.

Superannuation  
rights and  
obligations  
of persons  
formerly  
employed  
by States.

**16.** Section sixty 40 of the Principal Act is amended—

- (a) by omitting from sub-section (4.) the words “ or sub-section (1A.) ” ; and
  - (b) by omitting from that sub-section the words “ those sub-sections ” and inserting in their stead the words “ that sub-section ”.
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