

Superannuation (Pension Increases)

No. 90 of 1967

An Act to provide for Increases in certain Superannuation Pensions.

[Assented to 8 November 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. This Act may be cited as the *Superannuation (Pension Increases) Act 1967*. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3.—(1) In this Act, unless the contrary intention appears— Interpretation.

“actual unit contribution”, in relation to an eligible pensioner, means the number of units of pension in respect of which pension was payable to the pensioner immediately before the commencing date;

“actual unit entitlement”—

(a) in relation to an eligible pensioner (not being a non-contributing pensioner) who retired before the fourteenth day of December, One thousand nine hundred and fifty-nine, means—

(i) the number of units of pension that, at the relevant time, was applicable in relation to him under the scale set out in sub-section (1.) of section 13 of the *Superannuation Act 1922* or of that Act as amended and in force at that time; or

(ii) his actual unit contribution, whichever is the greater;

(b) in relation to an eligible pensioner (not being a non-contributing pensioner) who retired on or after the fourteenth day of December, One thousand nine hundred and fifty-nine, but before the first day of November, One thousand nine hundred and sixty-three, means—

(i) the number of units of pension that, at the time immediately before his retirement, was applicable in relation to him under sub-section (2.) or sub-section (3.), as the case may be, of section 20 of the *Superannuation Act 1922–1959*; or

(ii) his actual unit contribution, whichever is the greater;

(c) in relation to an eligible pensioner (not being a non-contributing pensioner) who retired on or after the first day of November, One thousand nine hundred and sixty-three, means—

(i) the number of units of pension that, at the time immediately before his retirement, was applicable in relation to him under sub-section (2.) of section 20 of the *Superannuation Act 1922–1963* or of that Act as amended and in force at that time; or

(ii) his actual unit contribution,

whichever is the greater; and

(d) in relation to an eligible pensioner (being a non-contributing pensioner), means—

(i) the number of units of pension that was, under the scale set out in sub-section (1.) of section 13 of the *Superannuation Act 1922*, applicable to an annual salary equal to his annual salary at the time immediately before his retirement; or

(ii) four units of pension,

whichever is the less;

“additional unit entitlement”, in relation to an eligible pensioner, means the number of units of pension, if any, by which his adjusted unit entitlement exceeds his actual unit entitlement;

“adjusted unit entitlement”, in relation to an eligible pensioner, means the number of units of pension that would have been applicable in relation to him under sub-section (2.) of section 20 of the *Superannuation Act 1922–1967* at the thirtieth day of June, One thousand nine hundred and sixty-seven, if he had not retired and had been in receipt of an annual salary equal to his notional annual salary;

“eligible pensioner” means—

(a) a person to whom, immediately before the commencing date, a pension was payable by virtue of that person having been a contributor, being a pension that commenced to be payable before the thirtieth day of June, One thousand nine hundred and sixty-seven; or

(b) a non-contributing pensioner;

“non-contributing pensioner” means a person to whom, immediately before the commencing date, a pension was payable (otherwise than as a widow) by virtue of section 9 or section 14 of the *Superannuation Act (No. 2) 1956*;

“notional annual salary”, in relation to an eligible pensioner, means such annual salary as the Treasurer, having regard to general increases in the rates of salaries of contributors that occurred after the relevant time, determines to be the salary that, as at

the thirtieth day of June, One thousand nine hundred and sixty-seven—

- (a) in the case of a pensioner who is not a non-contributing pensioner, corresponded with the annual salary that was payable to him at the relevant time; or
- (b) in the case of a pensioner who is a non-contributing pensioner, corresponded with—
 - (i) the annual salary that was payable to him at the relevant time; or
 - (ii) the minimum annual salary that, at the commencement of the *Superannuation Act* 1922, entitled an employee to contribute for four units of pension, whichever is the less;

“ the commencing date ” means the date of commencement of this Act;

“ the relevant amount ”—

- (a) in relation to an eligible pensioner not being a pensioner in relation to whom paragraph (b), (c), (d) or (e) of this definition applies—means the amount of Sixty-five dollars;
- (b) in relation to an eligible pensioner whose actual unit contribution is less than his actual unit entitlement, not being a pensioner in relation to whom section 52 of the *Superannuation Act* 1922 or of that Act as amended applied or in relation to whom paragraph (d) or (e) of this definition applies—means such amount as bears to the amount of Sixty-five dollars the same proportion as his actual unit contribution bears to his actual unit entitlement;
- (c) in relation to an eligible pensioner in relation to whom section 52 of the *Superannuation Act* 1922 or of that Act as amended applied and who had neglected to contribute, or had elected not to contribute, for a unit of pension (including a fraction of a unit of pension) for which he was eligible or required to contribute, not being a pensioner in relation to whom either of the next two succeeding paragraphs applies—means such amount as bears to the amount of Sixty-five dollars the same proportion as his actual unit contribution bears to a number of units of pension equal to the difference between—
 - (i) if the pensioner retired before the fourteenth day of December, One thousand nine hundred and fifty-nine—the number of units of pension that, at the relevant time, was applicable in relation to him under the scale set out in sub-section (1.) of section 13 of the *Superannuation Act* 1922 or of that Act as amended and in force at that time;

- (ii) if the pensioner retired on or after the fourteenth day of December, One thousand nine hundred and fifty-nine, but before the first day of November, One thousand nine hundred and sixty-three—the number of units of pension that, at the time immediately before his retirement, was applicable in relation to him under sub-section (2.) or sub-section (3.), as the case may be, of section 20 of the *Superannuation Act 1922–1959*; or
 - (iii) if the pensioner retired on or after the first day of November, One thousand nine hundred and sixty-three—the number of units of pension that, at the time immediately before his retirement, was applicable in relation to him under sub-section (2.) of section 20 of the *Superannuation Act 1922–1963* or of that Act as amended and in force at that time, and the number of units determined in relation to him for the purposes of paragraph (b) of sub-section (1.) of section 52 of the *Superannuation Act 1922* or of that Act as amended;
- (d) in relation to an eligible pensioner whose pension became payable under the proviso to section 29 of the *Superannuation Act 1922* or of that Act as amended, or under section 60M, or paragraph (a) of sub-section (2.) of section 60O, of the *Superannuation Act 1922–1924* or of that Act as amended, not being a pensioner in relation to whom the next succeeding paragraph applies—means such amount as bears to the amount that would, but for this paragraph and the next succeeding paragraph, be applicable in relation to him under this definition the same proportion as the amount of annual pension that was payable to him immediately before the commencing date bears to the amount of annual pension that would have been so payable to him if, upon retirement, he had become entitled to receive a pension under section 29 of the *Superannuation Act 1922* or of that Act as amended, according to the number of units of pension for which he was contributing at the time of his retirement; and
- (e) in relation to an eligible pensioner who entered into an agreement with the Board under section 73 of the *Superannuation Act 1959* or gave a notice to the Board under section 33 of the *Superannuation Act 1963* and whose pension was reduced by reason of his not having paid an amount of, or of interest upon, contributions the payment of which was deferred—means such amount as bears to the amount that would, but for this paragraph, be applicable

in relation to him under this definition the same proportion as the amount of annual pension that was payable to him immediately before the commencing date bears to the amount of annual pension that would have been so payable to him if his pension had not been so reduced;

“ the relevant time ”—

- (a) in relation to an eligible pensioner who retired before the twelfth day of June, One thousand nine hundred and forty-seven, not being a non-contributing pensioner—means the time immediately before he ceased to pay contributions or he attained the maximum age for retirement, whichever first occurred; and
- (b) in relation to any other eligible pensioner—means the time immediately before his retirement.

(2.) In ascertaining for the purpose of paragraph (d) or paragraph (e) of the definition of “ the relevant amount ” in the last preceding sub-section the amount of annual pension that was, or would have been, payable to an eligible pensioner immediately before the commencing date, the operation of section 44 of the *Superannuation Act 1922–1967* shall be disregarded.

(3.) Subject to sub-section (1.) of this section, expressions used in this Act that are also used in the *Superannuation Act 1922–1967* have in this Act, unless the contrary intention appears, the same respective meanings as they have in the *Superannuation Act 1922–1967*.

(4.) For the purposes of this Act, the annual salary that was payable at any material time to an eligible pensioner who, at that time, was paid salary at a rate other than an annual rate of salary shall be ascertained as prescribed for the purposes of paragraph (a) of sub-section (1.) of section 22 of the *Superannuation Act 1922–1967*.

4.—(1.) Where the adjusted unit entitlement of an eligible pensioner exceeds his actual unit entitlement, the pensioner is, subject to this section, entitled to an increase in the amount of the annual pension that is payable to him, being an increase equal to the relevant amount applicable in relation to him multiplied by a number equal to the number of units of pension included in his additional unit entitlement.

Increases in
certain
pensions.

(2.) Where the pension payable to an eligible pensioner was increased in pursuance of section 11 of the *Superannuation Act 1957*, section 4 of the *Superannuation (Pension Increases) Act 1961* or section 26 of the *Superannuation Act 1963*, the pensioner is not entitled to an increase under the last preceding sub-section in the amount of the annual pension that is payable to him except to the extent that the amount of the increase in the annual pension to which, but for this sub-section, he would be entitled

exceeds the sum of the amounts by which the amount of annual pension payable to him was increased in pursuance of section 11 of the *Superannuation Act* 1957, section 4 of the *Superannuation (Pension Increases) Act* 1961 and section 26 of the *Superannuation Act* 1963, respectively.

(3.) Where, immediately before the commencing date, a pension was payable to a person by virtue of that person being the widow of—

- (a) a pensioner who, if he had not died and had been in receipt of pension immediately before the commencing date, would have been entitled to an increase in that pension under sub-section (1.) of this section; or
- (b) a person who died before retirement but who, if he had retired on the day on which he died and had been in receipt of pension immediately before the commencing date, would have been entitled to an increase in that pension under that sub-section,

the widow is, subject to this section, entitled to an increase in her pension, being an increase equal to—

- (c) in the case of a widow whose husband elected that section 26 of the *Superannuation Act* 1922–1959 should not apply to him and did not revoke that election—one-half of the increase in pension to which her husband would have been entitled under sub-section (1.) of this section; or
- (d) in any other case—five-eighths of the increase in pension to which her husband would have been entitled under sub-section (1.) of this section.

(4.) The increases in pensions provided for by this section do not apply to or in relation to—

- (a) a pension that became payable under section 57 of the *Superannuation Act* 1922 or of that Act as amended, not being a pension for which contributions were made to a State Fund as defined by section 101 of the *Superannuation Act* 1922–1967; or
- (b) a pension that became payable under section 53 or section 58 of the *Superannuation Act* 1922 or of that Act as amended.

Pensions payable to persons whose names are specified in the Schedule to this Act.

5.—(1.) A person whose name is specified in the first column of the Schedule to this Act shall be paid, in lieu of the pension payable to that person by virtue of section 27 of the *Superannuation Act* 1963, a pension at the rate specified in the second column of that Schedule opposite to the name of that person.

(2.) Where a male person whose name is specified in the first column of the Schedule to this Act dies and is survived by a widow (being a woman who was his wife at the date of his retirement), the provisions of section 47 of the *Superannuation Act* 1922–1967 apply.

(3.) Payment of a pension to a female person whose name is specified in the first column of the Schedule to this Act is subject to the same conditions as apply in the case of a pension payable to the widow of a pensioner under the *Superannuation Act 1922-1967*.

(4.) Section 27 of the *Superannuation Act 1963* and the Schedule to that Act are repealed.

6.—(1.) The reference in sub-section (1.) of section 10 of the *Superannuation Act 1922-1967* to benefits under that Act shall be read as including a reference to increases in pensions payable by virtue of section 4 of this Act and a reference to pensions payable by virtue of section 5 of this Act. Payment of pension increases.

(2.) The Commonwealth shall pay to the Superannuation Fund amounts equal to the amounts by which payments of pensions (including pensions that become payable to widows of eligible pensioners who die on or after the commencing date) are increased by virtue of section 4 of this Act, and the Consolidated Revenue Fund is, to the necessary extent, appropriated accordingly.

(3.) The reference in sub-section (1.) of section 145 of the *Superannuation Act 1922-1967* to the amount paid by the Commonwealth to the Superannuation Fund under that Act in respect of a person shall be read as including a reference to an amount paid by the Commonwealth to the Superannuation Fund under the last preceding sub-section in respect of that person.

(4.) The Commonwealth shall pay to the Superannuation Fund—

(a) in respect of each payment of pension made from that Fund to a person whose name is specified in the first column of the Schedule to this Act—an amount at the rate specified in the third column of that Schedule opposite to the name of that person; and

(b) in respect of each payment of pension made from that Fund to the widow of a male person whose name is so specified—an amount at a rate equal to five-eighths of the rate specified in the third column of that Schedule opposite to the name of that person,

and the Consolidated Revenue Fund is, to the necessary extent, appropriated accordingly.

7.—(1.) Increases in pensions payable by virtue of section 4 of this Act have effect from and including the first fortnightly payment of pensions made after the commencing date. Application.

(2.) Pensions payable by virtue of section 5 of this Act are payable from and including the first fortnightly payment of pensions made after the commencing date.

THE SCHEDULE

Sections 5 and 6.

First Column Name of Pensioner	Second Column Rate of Pension per Annum	Third Column Amount Payable per Annum by the Commonwealth to the Fund
	\$	\$
Adams, Gerald Robert Lloyd	3,125.76	2,927.23
Boyle, Henry Noel	3,540.28	3,240.78
Durant, Herbert Frederic Henry	3,001.03	2,816.13
Heward, Frank Lowe	2,859.90	2,672.93
Hoare, Harold Murphy	2,378.71	2,189.96
Hurst, Rupert John Rostron	2,924.83	2,736.08
Huxtable, Cyril William	3,779.53	3,436.03
Meredith, Gwynydd Purves Wynne Aubrey	3,262.71	3,006.86
Morris, Basil Moorhouse	4,022.72	3,712.34
Russell, John Henry	3,749.34	3,475.12
Stoyles, Arthur Martin	3,277.21	3,057.08
Tinsley, Walter Noel	2,986.69	2,760.19
Urquhart, Walter James	3,254.74	3,000.27
Ellison, Dorothy Edith (widow of Edward Burnett Ellison)	1,543.76	1,444.86
Hilless, Miriam Marie Louise (widow of William Henry Hilless)	1,838.40	1,743.15
Hoad, Sheila Mairi (widow of Oswald Vick Hoad)	2,656.87	2,494.37
Moore, Elsie Maude (widow of Paterson Lisle Moore)	1,600.13	1,476.89
Wells, Elsie Caroline (widow of Frank Elwyn Wells)	1,665.28	1,557.78
White, Edith Violet (widow of Aubrey Philip Oscar White)	2,000.36	1,896.86