



RAILWAYS (TRANSFER TO COMMONWEALTH)
(RETIREMENT BENEFITS)

No. 68 of 1977

ANALYSIS

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AN ACT to make provision, consequent on the transfer of the Tasmanian Government Railways to the Commonwealth, with respect to the retirement and other benefits payable to or in respect of employees and former employees of those railways.

[21 September 1977]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Railways (Transfer to Commonwealth) (Retirement Benefits) Act 1977*. Short title.

Interpretation.

2 In this Act, unless the contrary intention appears—

“ Agreement ” means the Agreement set out in the Schedule to the *Railways (Transfer to Commonwealth) Act 1975*;

“ Australian Commission ” means the Australian National Railways Commission;

“ declared date ” means the declared date referred to in the Agreement;

“ Railway Service ” means the Railway Service referred to in the *Railway Management Act 1935*;

“ State Acts ” means the *Retirement Benefits Act 1970*, the *Superannuation Act 1938*, and the *Public Servants' Retiring and Death Allowances Act 1925*;

“ transferred employee ” means any employee of the Transport Commission who, pursuant to the Agreement is, on the declared date, transferred to the Service of the Australian Commission.

Rights of
transferred
employees.

3—(1) If before 1st December 1977 a transferred employee elects to remain under the State Acts, those Acts continue to have effect in relation to him, subject to such modifications as may be prescribed, as if his employment with the Australian Commission were employment in an undertaking carried on on behalf of the State.

(2) Where a transferred employee, not having left the employment of the Australian Commission since becoming a transferred employee, dies before the 1st December 1977 he shall be deemed to have made, before his death, such an election as is referred to in subsection (1).

(3) Where no election is made by a transferred employee under this section he shall, for the purpose of the State Acts, be deemed to have resigned from the service of the Transport Commission on the declared date.

(4) For the purposes of this section, an election shall be deemed to have been duly made by any person if it is made in the manner notified to him by an authority appointed or constituted under the law of the Commonwealth.

4—(1) The State may enter into an agreement with the Commonwealth for the purpose of facilitating the carrying out of this Act, and, without limiting the generality of the foregoing provisions of this subsection, such an agreement may make provision with respect to all or any of the following matters:—

Commonwealth-State agreements as to administration, costs, &c.

- (a) The supply of information and returns by the Commonwealth with respect to the persons to whom a State Act continues to apply by virtue of this Act;
- (b) The collection and the payment of the contributions payable under the State Acts by or in respect of those persons;
- (c) The reimbursement or payment, in whole or in part, by the Commonwealth of sums paid, or otherwise required to be paid, by the State under the State Acts in respect of the benefits payable to or in respect of those persons.

(2) The State may enter into an agreement with the Commonwealth to make provision for the reimbursement or payment, in whole or in part, by the Commonwealth of the sums paid, or otherwise required to be paid, by the State under the State Acts in respect of pensions and other benefits payable in respect of persons who, before the declared date, ceased to be employees (whether by death or otherwise) in the Railway Service.

(3) Agreements under this section may make provision for the reimbursement by the Commonwealth of a portion of the costs of the administration of the State Acts.

(4) In this section, references to the Commonwealth shall be construed as including references to any authority appointed or constituted under the law of the Commonwealth and references to the State shall be construed as including references to any authority appointed or constituted under the law of the State; but no agreement shall be entered into under this section except by or with the approval of the Minister.

(5) The State Acts have effect subject to the provisions of any agreement entered into under this section and any authority appointed or constituted under the law of the State shall perform and observe any provisions that affect the authority.

Regulations.

5 The Governor may make regulations for the purposes of this Act.