



PUBLIC SERVANTS' RETIRING AND DEATH ALLOWANCES AMENDMENT ACT 1985

No. 82 of 1985

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AN ACT to amend the Public Servants' Retiring and Death Allowances Act 1925.

[Royal Assent 28 October 1985]

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 *Public Servants' Retiring and Death Allowances Amendment Act 1985*. Short title.

Commence-
ment.

2—This Act shall commence on the day on which it receives the Royal assent.

Principal Act.

3—In this Act, the *Public Servants' Retiring and Death Allowances Act 1925** is referred to as the Principal Act.

Amendment of
section 2 of
Principal Act
(Interpre-
tation).

4—Section 2 of the Principal Act is amended by omitting the definition of “employing authority” and substituting the following definition:—

“employing authority” means such authority, organization, department, or agency as may be prescribed;

Amendment of
section 2A of
Principal Act
(Application
of Act).

5—Section 2A (1) of the Principal Act is amended by omitting “time has contributed for less than his maximum entitlement under the *Superannuation Act 1938*.” and substituting “time—

(a) has contributed for less than the maximum entitlement under the *Superannuation Act 1938*;

(b) has been exempted from contribution under section 21 (2A) or 22 of the *Superannuation Act 1938*;

(c) having been accepted as a contributor under the *Retirement Benefits Act 1970*, has not elected to contribute under that Act on the grounds of being a married woman;

(d) having contributed under the *Retirement Benefits Act 1970*, has subsequently elected not to contribute under that Act on the grounds of being a married woman; or

(e) has elected not to undergo, or has failed to undergo, any medical examination required for the purposes of the *Superannuation Act 1938*, the *Retirement Benefits Act 1970*, or the *Retirement Benefits Act 1982*.”

Amendment of
section 3 of
Principal Act
(Retiring
allowances).

6—Section 3 of the Principal Act is amended as follows:—

(a) by omitting subsection (2) and substituting the following subsection:—

(2) Subject to subsection (3), an allowance payable under subsection (1) is a sum calculated—

* 16 Geo. V No. 11. For this Act, as amended to 1959, see Volume 4 of the Reprint of Statutes (1826-1959), p. 921. Subsequently amended by No. 14 of 1969, No. 45 of 1970, No. 105 of 1977, No. 61 of 1979, Nos. 10 and 93 of 1982, No. 50 of 1983, Nos. 29 and 49 of 1984, and No. 51 of 1985.

- (a) in the case of a public servant employed on a full-time basis throughout the period of employment as a public servant, by multiplying the annual salary applicable to the position held by that public servant as at the date of retirement divided by 52 by the total period of years of service (expressed in years and a fraction of a year); or
- (b) in the case of a public servant employed on a part-time basis or employed partly on a full-time basis and partly on a part-time basis throughout the period of employment as a public servant, by multiplying the applicable annual salary divided by 52 by the total number of equivalent full-time years of service.

(b) by omitting subsection (4) and substituting the following subsection:—

(4) For the purposes of this section, in relation to a public servant—

“applicable annual salary” means the annual salary that would be applicable to the position held by the public servant as at the date of retirement if that position were held on a full-time basis;

“equivalent full-time years” is the sum of the product of each year and any additional fraction of a year of service and the proportion of full-time service in that year or fraction of that year;

“prescribed period” means the period commencing on the day on which the public servant attains the age of 55 years and ending on the day immediately preceding the day on which the public servant attains the age of 60 years.

7—Section 4 (1) of the Principal Act is amended as follows:—

- (a) by omitting “as follows:—” and substituting “calculated in accordance with section 3 (2) as if that allowance were an allowance payable on retirement.”;

Amendment of section 4 of Principal Act (Allowance on death of public servant).

(b) by omitting paragraphs (a) and (b).

Substitution of
section 5 of
Principal Act
(Meaning of
" salary ").

8—Section 5 of the Principal Act is repealed and the following section is substituted:—

Interpretation
of " salary " .

5—(1) For the purposes of sections 3 and 4, " salary " includes, subject to subsection (2)—

- (a) the salary, wages, or other remuneration;
- (b) any allowance specified in an industrial award; and
- (c) any allowance which is payable to an employee in respect of any duties the employee has carried out relating to the permanent position occupied by the employee.

(2) Subsection (1) does not apply to any payments made in respect of overtime, shiftwork, availability allowances, stand-by allowances, higher duty allowances, extra duty allowances, and other similar allowances.

Addition in
Principal Act
of new
section 9.

9—The Principal Act is amended by adding the following sections after section 8:—

Regulations.

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

Non-
application
of Act.

10—The provisions of this Act do not apply to a person who at the time of his death or retirement is a contributor to a prescribed fund.