
RETIREMENT BENEFITS AMENDMENT ACT 1980

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RETIREMENT BENEFITS AMENDMENT

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 No. 14 of 1980
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AN ACT to amend the Retirement Benefits Act 1970 to extend for a further period provisions facilitating the retirement of certain male contributors who have attained the age of 63 years and to exclude from the Act certain persons engaged outside the Commonwealth.

[Royal Assent 21 May 1980]

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 *Retirement Benefits Amendment Act 1980* Short title.

2—In this Act, the *Retirement Benefits Act 1970** is referred to as the *Principal Act*. Principal Act.

3—Section 2 (1) of the *Principal Act* is amended as follows:— Amendment of section 2 of Principal Act (Interpretation).

(a) by omitting from paragraph (i) of the definition of “employee” “fifty-one; or” and substituting “51;”;

* No. 76 of 1970. Subsequently amended by No. 101 of 1971, No. 33 of 1972, Nos. 32 and 113 of 1974, No. 93 of 1976, No. 106 of 1977, No. 58 of 1978, and No. 72 of 1979.

(b) by omitting from paragraph (j) “ section 52B.” and substituting “ section 52B; or ”;

(c) by inserting the following paragraph after paragraph (j):—

(k) a person excluded from the operation of this Act by section 3B;

Insertion in Principal Act of new section 3B.

4—After section 3A of the Principal Act, the following section is inserted in Part I:—

Exclusion of certain persons engaged outside the Commonwealth.

3B—(1) In this section—

“ overseas employee ” means a person who, under the laws of a place outside the Commonwealth, is required to make prescribed social security contributions in respect of his employment or his holding of an office by virtue of which he is, or, apart from this section, would be, an employee within the meaning of this Act;

“ prescribed social security contributions ” means such contributions or other payments made under laws providing for, or relating to, pensions or other pecuniary benefits, or the contributions or other payments to be made in respect of such provisions or benefits, as may be prescribed for the purposes of this section.

(2) An overseas employee is excluded from the operation of this Act unless, immediately before he became an overseas employee, he was a contributor within the meaning of this Act.

(3) An overseas employee who is not excluded from the operation of this Act under subsection (2) may, within 3 months of becoming an overseas employee, by notice in writing served on the Agent-General or such officer as may be prescribed, elect to be excluded from the operation of this Act and, on the service of the notice, that overseas employee is so excluded.

(4) Where the Agent-General or other prescribed officer receives a notice under subsection (3), he shall forthwith transmit the notice to the Board informing it of the date on which the notice was served.

(5) A person who becomes excluded from the operation of this Act under subsection (3) is entitled to be paid from the Fund a sum of money equal to the total amount of his contributions to the Fund and any sums paid by him to the Board under section 25A.

(6) For the purposes of this section, a person shall be deemed to become an overseas employee not only when he takes up any employment or office by virtue of which he then becomes an overseas employee, but also when by virtue of the coming into effect of any regulations made for the purposes of this section he becomes an overseas employee by reason of any employment or office already held by him.

5—Section 26 of the Principal Act is amended by omitting from subsection (4) “ 1980 ” and substituting “ 1981 ”.

Amendment of section 26 of Principal Act (Rights of contributors for full benefits).

6—Section 27 of the Principal Act is amended by omitting from subsection (5A) (a) “ 1980 ” and substituting “ 1981 ”.

Amendment of section 27 of Principal Act (Rights of contributors for limited benefits).

