

RETIREMENT BENEFITS AMENDMENT ACT (No. 2) 1987

No. 63 of 1987

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SCHEDULE 1

AMENDMENTS OF PRINCIPAL ACT FOR
PURPOSE OF CONVERTING MONETARY
PENALTIES INTO PENALTY UNITS.



**RETIREMENT BENEFITS AMENDMENT ACT (No. 2)
1987**

No. 63 of 1987

AN ACT to amend the Retirement Benefits Act 1982, the Retirement Benefits Amendment Act 1987, and the State Employees (Long-Service Leave) Act 1950 and to provide for certain declarations with regard to the Retirement Benefits Amendment Act 1987.

[Royal Assent 18 August 1987]

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 (No. 2) 1987*. Short title.

2—(1) Except as provided by subsection (2), this Act shall commence on the day on which it receives the Royal assent. Commencement.

(2) Sections 4 (a), 7, and 8 shall be deemed to have commenced on 1st April 1987.

3—In this Act, the *Retirement Benefits Act 1982** is referred to as the *Principal Act*. Principal Act.

* No. 10 of 1982. Amended by Nos. 12 and 85 of 1983, No. 29 of 1984, Nos. 22, 51, and 112 of 1985, and No. 21 of 1987.

Amendment of section 3 of Principal Act (Interpretation).

4—Section 3 (1) of the Principal Act is amended as follows:—

- (a) by inserting “the Commissioner of Police, the Deputy Commissioner of Police, and an Assistant Commissioner of Police, and” after “includes” in the definition of “police officer”;
- (b) by omitting “Fund; and” from paragraph (a) of the definition of “service” and substituting “Fund;”.

Amendment of section 62A of Principal Act (Amounts payable by the Board towards the expenses incurred in the administration of the Superannuation Branch of the Treasury).

5—Section 62A of the Principal Act is amended as follows:—

- (a) by omitting “a financial year,” from the definition of “expenses” in subsection (1) and substituting “the financial year that ended on 30th June 1987,”;
- (b) by omitting subsection (3) and substituting the following subsections:—

(3) The Board shall, not later than 31st December 1987, pay out of the Fund the expenses incurred in the administration of the Branch during the financial year that ended on 30th June 1987.

(3A) The Board shall, subject to subsection (3B), pay out of the Fund the expenses incurred in the administration of the Branch during the month that commenced on 1st July 1987 and during each succeeding month.

(3B) A payment under subsection (3A) in respect of a month shall—

- (a) consist of such amount as is specified in a certificate by the Under Treasurer given to the Board; and
 - (b) be paid within 14 days of the receipt by the Board of that certificate.
- (c) by omitting from subsection (4) “or (3)” and substituting “, (3), or (3A)”.

Amendments of Principal Act for purpose of converting monetary penalties into penalty units.

6—The Principal Act is amended as set out in Schedule 1.

Amendment of Retirement Benefits Amendment Act 1987.

7—Section 57 of the *Retirement Benefits Amendment Act 1987** is repealed and is deemed never to have commenced.

* No. 21 of 1987.

8—Section 8 (3B) of the *State Employees (Long-Service Leave) Act 1950** is amended by omitting the passage beginning with “that employee shall,” and ending with “but” and substituting “that employee shall,”.

Amendment of
*State Employees
(Long-Service
Leave) Act 1950.*

9—It is declared that—

(a) the *Retirement Benefits Amendment Act 1987* (being Act No. 21 of 1987) is, and always has been, a good and valid Act, notwithstanding that that Act does not contain an amendment that was made to the Bill for that Act in the committee stages of the Bill in the House of Assembly of the Parliament of Tasmania; and

Declarations in
respect of
*Retirement
Benefits
Amendment Act
1987.*

(b) any payment made or demanded, or any other act or thing done or required to be done, under the Principal Act, as amended by that Act, is not, and never has been, invalidated or prejudiced by reason only that that Act does not contain the amendment referred to in paragraph (a).

* No. 81 of 1950. For this Act, as amended to 1st August 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 66 of 1979, No. 42 of 1980, No. 25 of 1981, No. 10 of 1982, Nos. 20 and 29 of 1984, and No. 21 of 1987, and affected by No. 99 of 1980.

SCHEDULE 1 Section 6
AMENDMENTS OF PRINCIPAL ACT FOR PURPOSE OF CONVERTING
MONETARY PENALTIES INTO PENALTY UNITS

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 76.....	<p>(a) Omit from subsection (1) "Penalty: \$500."; and</p> <p>(b) After subsection (1), insert the following subsection:—</p> <p style="padding-left: 40px;">(1A) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.</p>
Section 85 (3).....	Omit "\$100", substitute "one penalty unit".
Section 96 (6).....	Omit "\$500" and "\$50", substitute "5 penalty units" and "0.5 penalty unit" respectively.