



TASMANIA

---

**RETIREMENT BENEFITS AMENDMENT ACT (No. 2)**  
**1993**

---

**No. 40 of 1993**

---

**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 33 amended (Special provisions as to benefits on compulsory retirement)
6. Sections 33A and 33B inserted
  - 33A—Special provisions as to benefits payable to contributors on redundancy under employment redundancy programme or ceasing to be an employee as a result of transfer arrangement
  - 33B—Special provisions payable to amalgamated contributors on redundancy under employment redundancy programme or ceasing to be an employee as a result of transfer arrangement
7. Section 50 amended (Right of contributor to convert whole or part of pension entitlement into lump sum payment)
8. Section 71B amended (Superannuation Accumulation Fund Board)
9. Schedule 4 amended (Calculation of pensions payable to contributors for full benefits, other than amalgamated contributors)





**RETIREMENT BENEFITS AMENDMENT ACT (No. 2)  
1993**

---

**No. 40 of 1993**

---

**AN ACT to amend the *Retirement Benefits Act 1982***

**[Royal Assent 13 August 1993]**

**B**E 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:—

**Short title**

**1**—This Act may be cited as the *Retirement Benefits Amendment Act (No. 2) 1993*.

**Commencement**

**2**—This Act is taken to have commenced on 1 July 1993.

### **Principal Act**

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

### **Section 3 amended (Interpretation)**

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

- (a) by inserting “or” after “employee;” in paragraph (d) of the definition of “contributor”;
- (b) by inserting after paragraph (d) of that definition the following paragraph:—
  - (e) a person who ceases, or has ceased, to be an employee by reason of being retired compulsorily or being made redundant voluntarily under an employment redundancy programme or as a result of a transfer arrangement and who has not received a pension or lump sum payment under this Act.

### **Section 33 amended (Special provisions as to benefits on compulsory retirement)**

5—Section 33 of the Principal Act is amended as follows:—

- (a) by omitting paragraph (f) from subsection (1);
- (b) by omitting from paragraph (fa) of subsection (1) “(c), (e) and (f)” and substituting “(c) and (e)”;
- (c) by omitting paragraph (g) from subsection (1) and substituting the following paragraph:—
  - (g) in the case of any other contributor—
    - (i) to be paid the prescribed sum of money out of the Fund; or
    - (ii) to leave his or her contributions in the Fund and on attaining the age of 55 years or some later date specified in a notice of election, to receive a pension calculated as mentioned in section 30 (1), section 31 or, subject to subsections (3) and (3A), section 32 (3)—  
whichever the contributor elects to receive.

---

\*No. 10 of 1982. Amended by Nos. 12 and 85 of 1983, No. 29 of 1984, Nos. 22, 51 and 112 of 1985, Nos. 21 and 63 of 1987, No. 5 of 1988, No. 56 of 1989, No. 5 of 1990, Nos. 10 and 48 of 1991 and Nos. 27 and 38 of 1993 and by S.R. 1988, No. 174, S.R. 1989, No. 147 and S.R. 1991, Nos. 56 and 211.

(d) by inserting after subsection (1) the following subsection:—

(2) A contributor must make an election under subsection (1) (fa) or (g) before being retired compulsorily or within the period of 3 months, or such further period as the Board allows, after being retired compulsorily.

(e) by omitting subsection (3) and substituting the following subsection:—

(3) Where a pension calculated in accordance with section 32 is payable to a contributor under this section, the amount of the pension is, subject to subsection (3A), to be reduced by one per cent for each 3 months or part of 3 months by which the contributor either retires or receives a pension under this section before attaining the age of 60 years.

(f) by omitting from subsection (3A) all the words after “salary”;

(g) by inserting in subsection (5) “together with interest on that amount as provided in section 90A” after “section” (second occurring).

### Sections 33A and 33B inserted

6—After section 33 of the Principal Act, the following sections are inserted:—

**Special provisions as to benefits payable to contributors on redundancy under employment redundancy programme or ceasing to be an employee as a result of transfer arrangement**

33A—(1) A contributor, other than an amalgamated contributor or a provident fund contributor, who, before attaining the age for retirement, is made redundant voluntarily under an employment redundancy programme or who ceases to be an employee as a result of a transfer arrangement is entitled, on being so made redundant or on so ceasing to be an employee—

(a) to be paid the prescribed sum of money out of the Fund; or

(b) to leave his or her contributions in the Fund and, on attaining the age of 55 years or some later date notified in writing to the Board, to receive a pension calculated as mentioned in section 30 (1), section 31 or, subject to subsections (3) and (4), section 32 (3)—

whichever the contributor elects to receive.

(2) A contributor must make an election under subsection (1) before—

(a) being made redundant voluntarily or within the period of 3 months, or such further period as the Board allows, after being so made redundant; or

(b) ceasing to be an employee or within the period of 3 months, or such further period as the Board allows, after so ceasing to be an employee.

(3) Where a pension calculated in accordance with section 32 is payable to a contributor under this section, the amount of the pension is, subject to subsection (4), to be reduced by one per cent for each 3 months or part of 3 months by which the contributor either retires or receives a pension under this section before attaining the age of 60 years.

(4) A reduction is not to be made under subsection (3) if, at the time when the contributor becomes entitled to the pension, the pension is equal to two-thirds of his or her annual average salary.

(5) Where a contributor is paid the prescribed sum of money, all entitlements under this Act in respect of the contributor or the contributor's spouse and children (if any) cease.

(6) Where a contributor who has made any payments to the Board under section 29 is paid the prescribed sum of money, the payments made by the contributor under that section are to be refunded to the contributor together with interest on those payments as provided in section 90A.

(7) In this section—

**“employment redundancy programme”** means a programme for the purpose of reducing the level of employment in the public sector declared by the Treasurer by notice in the *Gazette* to be an employment redundancy programme for the purposes of this section;

**“prescribed sum of money”** means—

(a) in the case of a contributor to the 40 years' service scheme, a sum equal to  $3\frac{1}{2}$  times the total amount of the contributor's contributions to the Fund; or

(b) in the case of a contributor to the 35 years' service scheme or the 30 years' service scheme, a sum equal to the total of the following amounts:—

(i)  $3\frac{1}{2}$  times that part of the contributor's total contributions to the Fund that the contributor would have paid if he or she had always been a contributor to the 40 years' service scheme; and

(ii) the amount of the refund of the balance of the contributor's total contributions to the Fund (being the amount attributable to the 35 years' service scheme or the 30 years' service scheme, as the case requires), together with interest on that amount as provided in section 90A;

**“transfer arrangement”** means an arrangement or agreement under which services currently provided by the State are transferred to another person which is declared by the Treasurer by notice in the *Gazette* to be a transfer arrangement for the purposes of this section.

(8) For the purposes of paragraph (a) and (b) (i) of the definition of “prescribed sum of money” in subsection (7), the amount of contribution is to be assessed as including the amount of any interest credited in respect of those contributions.

**Special provisions payable to amalgamated contributors on redundancy under employment redundancy programme or ceasing to be an employee as a result of transfer arrangement**

33B—(1) An amalgamated contributor who, before attaining the age for retirement, is made redundant voluntarily under an employment redundancy programme or who ceases to be an employee as a result of a transfer arrangement is entitled, on being so made redundant or on so ceasing to be an employee—

(a) to be paid an amount calculated in accordance with clause 3 (8) of Schedule 6; or

(b) to a pension calculated in accordance with clause 3 of Schedule 6.

(2) An amalgamated contributor must make an election under subsection (1) before—

(a) being made redundant voluntarily or within the period of 3 months, or such further period as the Board allows, after being so made redundant; or

(b) ceasing to be an employee or within the period of 3 months, or such further period as the Board allows, after so ceasing to be an employee.

(3) In this section—

**“employment redundancy programme”** means a programme for the purpose of reducing the level of employment in the public sector declared by the Treasurer by notice in the *Gazette* to be an employment redundancy programme for the purposes of this section;

**“transfer arrangement”** means an arrangement or agreement under which services currently provided by the State are transferred to another person which is declared by the Treasurer by notice in the *Gazette* to be a transfer arrangement for the purposes of this section.



**Section 50 amended (Right of contributor to convert whole or part of pension entitlement into lump sum payment)**

7—Section 50 of the Principal Act is amended by inserting after “retirement” in subsection (3) “or within the period of 3 months preceding the date of the commencement of the payment of a pension to be paid under section 33 (1) (fa) (ii), 33 (1) (g) (ii) or 33A (1) (b)”.

**Section 71B amended (Superannuation Accumulation Fund Board)**

8—Section 71B (2) of the Principal Act is amended by inserting in paragraph (d) “or related” after “incidental”.

**Schedule 4 amended (Calculation of pensions payable to contributors for full benefits, other than amalgamated contributors)**

9—Schedule 4 to the Principal Act is amended by omitting from clause 17 “(f) or (fa)” and substituting “(fa), 33 (1) (g), 33A or 33B,”.

---

[Second reading presentation speech made in:—  
House of Assembly on 17 June 1993  
Legislative Council on 22 July 1993]

