



1940.

ANNO QUARTO

GEORGII VI. REGIS.

No. 43.

## ANALYSIS.

1. Short title.
2. Amendment of 2 Geo. VI. No. 41.
  - Section 19.
  - Section 61.
  - Section 63.
  - New section 69.
  - Payment of benefits.
3. Amendment of 4 Geo. VI. No. 17, s. 2.

AN ACT to amend the *Superannuation Act 1938*.  
 [29 November, 1940.]

A.D.  
**1940**

**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:—

**1** This Act may be cited as the *Superannuation Act* (No. Short title.  
 2) 1940.

6d.]

*Superannuation.*

A.D. 1940. **2** The Principal Act is hereby amended—

Amendment  
of 2 Geo. VI.  
No. 41.  
Section 19.

I. By inserting after “Commonwealth” in subsection (6) of section nineteen thereof the words “or of His Majesty’s Imperial naval, military, or air forces.”

Section 61.

II. By inserting at the end of subsection (2) of section sixty-one thereof the words “and all such payments shall be deemed to be made by the State.”:

Section 63.

III. By expunging subsections (8) and (9) of section sixty-three thereof and substituting therefor the following new subsections (8) to (12)—

“(8) Where a female invalidity pensioner is married after retirement and becomes restored to health, the Board may cancel her pension, and it shall thereupon cease to be payable; but upon any recurrence of the infirmity which caused her retirement the pension shall be restored and again be payable.

(9) Where after the thirty-first day of October, one thousand nine hundred and forty, any superannuation pensioner or widow pensioner—

I. Becomes an employee: or

II. Is engaged in a temporary capacity to perform the duties of any position in the service of the State for a period exceeding three months, and is paid a full-time salary in respect thereof—

so much of the pension as is payable by the State shall be cancelled during the period of such employment or engagement.

(10) Where any such person becomes a contributor, he shall be entitled to receive on retirement—

I. The proportions of both pensions which are based upon the contributions paid by him or for his benefit: and

II. The proportion which is payable by the State as provided by section twenty-six, of—

(a) Such one, if either, of the pensions as secures to him the greater payment from the State: or

(b) One only of such pensions, in any other case.

(11) Except as hereinbefore provided, the re-employment of any former employee shall not affect his then existing rights, if any, under this Act, but in all other respects he shall be in the same position as if he had not previously been an employee.

*Superannuation.*

(12) The foregoing provisions of this section, A.D. 1940. where applicable, shall apply to an applicant for invalidity pension as if he were a pensioner.”: —

IV. By adding after section sixty-eight thereof the following new section sixty-nine— New section 69.

“**69** Where, in the opinion of the Board, any payment of pension, refund, or other benefit payable under this Act should be paid to any person other than the employee pensioner or beneficiary, the Board, subject to this Act, may pay the same accordingly, and the receipt of such person shall be a complete discharge to the Board for the amount so paid.”. Payment of benefits.

**3** The *Superannuation Act* 1940 is hereby amended by deleting the word “fifty-two” in the first line of paragraph II. of section two thereof and substituting therefor the word “fifty-five.” Amendment of 4 Geo. VI. No. 17, s. 2.

