

(3) This Act shall be deemed to have commenced on the eighteenth day of January 1930.

Officers not
to hold
interest in
mines.

2 Section twelve of the Principal Act is repealed.

SUPERANNUATION (No. 2).

No. 85 of 1968.

AN ACT to amend the *Superannuation Act 1938*
and to make provision with respect to increases
in the rates of certain pensions.

[24 December 1968.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Superannuation Act (No. 2) 1968*.

(2) The *Superannuation Act 1938*, as subsequently amended, is in this Act referred to as the Principal Act.

Contributions by
the State.

2 Section twenty-six of the Principal Act is amended by adding at the end thereof the following subsection:—

“(9) Where a part of a fortnightly pension entitlement is converted to an equivalent entitlement by way of a lump sum payment pursuant to the provisions of section thirty-eight A, or section thirty-eight B, or section thirty-eight C, the amount of the lump sum payment shall be paid out of the Fund, and the Treasurer, or as the case may be, the relevant instrumentality or authority, shall pay into the Fund, in respect of that pension, payments of the same amounts and at the same times as the Treasurer or the instrumentality or authority would have been required to make under this section if that part of the pension had not been so converted.”.

3 After section thirty-eight of the Principal Act the following Division is inserted:—

“ Division IIIA—Conversion of part of a pension to a lump sum payment.

“ 38A—(1) Notwithstanding any other provision of this Act but subject to this section, a male contributor or male pensioner who will be or is eligible to receive a pension under Division I of this Part (other than an invalidity pension) may, within the period of three months immediately preceding his retirement or within the period of three months immediately preceding his attaining the age of sixty-five years, whichever is the later, by notice in writing to the Board, elect to convert part of his fortnightly pension entitlement to an equivalent entitlement by way of a lump sum payment calculated in accordance with the appropriate conversion rate determined by the Actuary for the purposes of this section.

Right of male contributor or pensioner to convert part of his pension entitlement to a lump sum payment. Vic., No. 6386, s. 32A.

“(2) A male contributor may not, under this section, elect to—

- (a) reduce his pension to a rate of less than thirty-four dollars a fortnight or such higher amount as is prescribed; or
- (b) convert to an equivalent lump sum payment more than forty-two dollars a fortnight of his pension entitlement.

“(3) A male pensioner may not, under this section, elect to—

- (a) reduce his pension to a rate of less than thirty-four dollars a fortnight, or where a higher amount was prescribed for the purposes of this subsection before his retirement, the higher amount so prescribed (being the amount in force on the day of his retirement); or
- (b) convert to an equivalent lump sum payment more than forty-two dollars a fortnight of his pension entitlement.

“(4) An election under this section applies only in relation to such part of the entitlement of the contributor or pensioner as relates to the pension that would be payable to him on and after the day of his retirement until the day of his death.

“ 38B—(1) Notwithstanding any other provision of this Act but subject to this section, a female contributor or female pensioner who will be or is eligible to receive a pension under Division I of this Part (other than an invalidity pension) may, within the period of three months immediately preceding her retirement or within the period of three months immediately preceding her attaining the age of sixty years, whichever is the later, by notice in writing to the Board, elect to convert part of her fortnightly pension entitlement to an equivalent entitlement by way of a lump sum payment calculated in accordance with the appropriate conversion rate determined by the Actuary for the purposes of this section.

Right of female contributor or pensioner to convert part of her pension entitlement to a lump sum payment. *Ibid.*, s. 32B.

“(2) A female contributor or female pensioner may not, under this section, elect to—

- (a) reduce her pension to a rate of less than twenty dollars a fortnight or such higher amount as is prescribed; or
- (b) convert to an equivalent lump sum payment more than twenty-four dollars a fortnight of her pension entitlement.

“(3) An election under this section applies only in relation to such part of the entitlement of the contributor or pensioner as relates to the pension that would be payable to her on and after the day of her retirement until the day of her death.

Right of widowed pensioner to convert part of her pension entitlement to a lump sum payment. *Ibid.*, s. 32c.

“38C—(1) Notwithstanding any other provision of this Act but subject to this section, a person who is or will be eligible to receive a widow’s pension under Division II of this Part may, within the period of six months immediately after her husband’s death or within the period of three months immediately preceding her attaining the age of sixty years, whichever is the later, by notice in writing to the Board, elect to convert part of her fortnightly pension entitlement to an equivalent entitlement by way of a lump sum payment calculated in accordance with the conversion rate determined by the Actuary for the purposes of this section.

“(2) A person may not, under this section, elect to—

- (a) reduce her pension to a rate of less than twenty dollars a fortnight or such higher amount as is prescribed; or
- (b) convert to an equivalent lump sum payment more than twenty-four dollars a fortnight of her pension entitlement.

“(3) An election under this section applies only in relation to such part of the entitlement of the widow as would be payable to her after the day on which she attains the age of sixty years or the day on which the election is made, whichever is the later.

Rate of widow’s pension unaffected by an election made by her husband under section 38A. *Ibid.*, s. 32 (a).

“38D Where a male contributor or male pensioner makes an election under section thirty-eight A, the pension payable on his death to his widow pursuant to Division II of this Part is payable to her at the same rate as the rate that would have been applicable if that election had not been made; but this section does not preclude the widow from exercising the right of election conferred on her by section thirty-eight C.

Provisions applicable where a person entitled to more than one pension. *Ibid.*, s. 32b.

“38E Where a person is in receipt of, or is eligible to receive, more pensions than one under this Part, the provisions of section thirty-eight A, section thirty-eight B, or section thirty-eight C, as the case may be, have effect in relation to that person as if that person were in receipt of or eligible to receive one pension at a rate equivalent to the aggregate of the rates of those several pensions.

“38F—(1) The Board shall arrange for the determination by the Actuary, as soon as practicable after the passing of the *Superannuation Act (No. 2) 1968*, of conversion rates for the purpose of calculating the lump sum payments to be made to persons who exercise a right of election under any of the provisions of this Division.

Conversion rates for the purposes of this Division.

“(2) The Actuary shall, when making an investigation under section six, review the conversion rates then in force for the purposes of this Division, and may make such variations therein, or determine such new rates in lieu thereof, as he thinks desirable.”.

4 Section sixty-one B of the Principal Act is amended— False declarations, &c.

(a) by omitting from subsections (1) and (2) thereof the words “contributor or pensioner” (whenever occurring) and substituting therefor, in each case, the word “person”;

(b) by omitting the word “or” occurring after paragraph (a) of subsection (2) thereof; and

(c) by adding at the end of that subsection the following word and paragraph:—

“; or

“(c) in the case of a person other than a contributor or pensioner, order that that person be ineligible to commence contributions either permanently or for such time as the Board may determine.”.

5—(1) Subject to this section, every pension payable under the Principal Act— Alteration of rates of certain pensions.

(a) to a former contributor who retired on or before the thirty-first day of December 1967; or

(b) to the widow of a former contributor who retired or died (while still a contributor) on or before the thirty-first day of December 1967,

being a pension—

(c) that is in force under that Act on the second day of January 1969 or for which a person is then eligible pursuant to that Act; or

(d) in the case of a pension payable to the widow of a former contributor, that becomes payable to her under that Act, or for which she becomes eligible pursuant to that Act, on any later day,

is payable, on and after the second day of January 1969, or, as the case may be, on and after that later day, at a rate increased in accordance with the provisions of this section.

(2) The rate by which a pension to which subsection (1) of this section relates is to be increased shall be ascertained by adding to the rate at which, but for this section, the pension would have been payable a sum calculated in accordance with the percentage increase in the employer's share of the pension that is specified in the second column of the following table opposite the appropriate year specified in the first column thereof, but so that, except as provided in subsection (4) of this section, the sum so calculated does not exceed the annual sum specified opposite that year in the third column of that table:—

FIRST COLUMN. Year during which contributor became eligible for pension or died.	SECOND COLUMN. Percentage increase in employer's share of pension.	THIRD COLUMN. Maximum annual sum by which pension is to be increased.
Before 1962	17.9	\$ 251
1962	16.2	227
1963	15.1	211
1964	12.6	176
1965	8.2	115
1966	6.5	91
1967	0.7	10

(3) In the case of—

- (a) a widow's pension, the appropriate year for the purpose of making a calculation under subsection (2) of this section in relation to that pension is the year during which her husband became eligible to receive a pension or, if he died while still a contributor, the year during which he died; and
- (b) the pension to be paid to a person who, or to the widow of a person who, having been an invalidity pensioner, was reappointed as provided in section sixty-three, the appropriate year for the purpose of making a calculation under that section in relation to that pension is the year during which, after being so reappointed (or, if so reappointed more than once, after his last reappointment), that person—
- (i) retired; or
 - (ii) died,
- whichever first happened.

(4) Notwithstanding anything in subsection (2) of this section—

- (a) in the case of a pension payable to a former contributor (being a pension that is in force on the second day of January 1969 or for which the former contributor is then eligible pursuant to

the Principal Act), if the sum calculated as provided in that subsection is less than one hundred and four dollars a year the sum to be added to the rate of that pension for the purposes of this section is one hundred and four dollars a year; or

- (b) in the case of a pension payable to the widow of a former contributor, if the sum so calculated is less than sixty-nine dollars thirty-three cents a year the sum to be so added is sixty-nine dollars thirty-three cents a year.

(5) For the purposes of the foregoing provisions of this section, the employer's share of a pension payable to a former contributor or to the widow of a former contributor is such proportion of the total yearly amount of the pension as is certified by the Board to be equivalent to the annual contribution (as at the second day of January 1969) payable to the Fund pursuant to section twenty-six of the Principal Act, in relation to that pension, by—

- (a) the Treasurer; or
- (b) the State instrumentality or authority by whom or by which the salary of the former contributor (not being a salary payable out of the Consolidated Revenue) was payable.

(6) Every pension payable under the Principal Act to a former contributor who retired or retires during the period from the first day of January 1968 to the first day of January 1969 (both days inclusive) or to the widow of a former contributor who died or dies during that period, being a pension—

- (a) that is in force on the second day of January 1969 or for which a person is then eligible pursuant to that Act; or
- (b) in the case of a pension payable to the widow of a former contributor, that becomes payable to her under that Act, or for which she becomes eligible pursuant to that Act, on any later day,

is payable, on and after the second day of January 1969, or, as the case may be, on and after that later day, at a rate calculated by adding to the rate at which, but for this section, that pension would have been payable the sum of—

- (c) one hundred and four dollars a year, in the case of a pension payable to a former contributor; or
- (d) sixty-nine dollars thirty-three cents a year, in the case of a pension payable to the widow of a former contributor.

(7) Every pension payable under Division III of Part V of the Principal Act—

- (a) that is in force on the second day of January 1969 or for which a person is then eligible pursuant to that Act; or

- (b) that becomes payable under that Act, or for which a person becomes eligible pursuant to that Act, on any later day,

is payable, on and after the second day of January 1969, or, as the case may be, on and after that later day, at a rate calculated by adding the sum of twenty-six dollars a year to the rate at which, but for this section, that pension would have been payable.

Treasurer, &c., to pay to the Fund the amounts necessary to give effect to the increased rates of pension.

6 For the purposes of section twenty-six of the Principal Act—

- (a) the Treasurer; and
 (b) every State instrumentality or authority by which the salary of a person to whom or to whose widow a pension to which section five of this Act relates is payable was paid immediately before his retirement or death (not being a salary that was payable out of the Consolidated Revenue),

shall pay to the Fund all such amounts as are necessary to give effect to the alterations to the rates of pensions effected by that section.

PESTICIDES.

No. 86 of 1968.

AN ACT to make fresh provision with respect to the control of the sale and use of pesticides, to amend the *Stock Medicines, Fertilizers, and Pesticides Act 1950*, and to make provision for incidental matters. [13 January 1969.]

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:—