

LEGISLATIVE ASSEMBLY

Read 1° 19 November, 1968.

(Brought in by Sir Henry Bolte and Sir Arthur Rylah.)

A BILL

To amend the *Superannuation Act* 1958 and for other purposes.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Superannuation (Amendment) Act* 1968. Short title.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

(3) In this Act the *Superannuation Act* 1958 is called the Principal Act. Principal Act No. 6386. Reprinted to No. 7417 and subsequently amended by No. 7584.

2. (1) After the interpretation of "Table B." in sub-section (1) of section 3 of the Principal Act there shall be inserted the following interpretation :— Amendment of No. 6386 s. 3. Interpretation.

“Table C.” means the Table C appended to sub-section (1) of section 36. “Table C.”

New section
3A.

(2) At the end of the section 3 of the Principal Act there shall be inserted the following section :—

Non-application
of Act to
certain married
females.

“ 3A. (1) This Act does not apply to a female officer (other than a female officer who was a married woman and a contributor at the commencement of the *Superannuation (Amendment) Act* 1968) while she is married. 5

(2) This Act does not apply to a female officer who has ceased to be married until the Board is satisfied that she has ceased to be married and issues its certificate to that effect.”

Amendment of
No. 6386
s. 13 (4).

3. After sub-section (4) of section 13 of the Principal Act there shall be inserted the following sub-section :— 10

As to rights
of ill health
pensioners on
resumption of
duty.

“ (4A) Notwithstanding anything in this Act where a person who was in receipt of a pension under section 29 resumes duty the number of units for which he is entitled to contribute shall, until three years after the date on which he resumed duty or until he is within three months of his maximum age of retirement, whichever is the earlier, be reduced by such number of units as is equal to the difference between the number of units for which he was contributing immediately before he became a pensioner and the number of units for which he would otherwise have been entitled to contribute immediately on resuming duty.” 15 20

Amendment of
No. 6386
s. 13D.

4. Section 13D of the Principal Act is hereby amended as follows :—

As to right of
contributors
with less than
20 years
prospective
service.

(a) In sub-section (1)—

(i) after the expression “ *Superannuation Act* 1963 ” there shall be inserted the expression “ but before the commencement of the *Superannuation (Amendment) Act* 1968 ” ; 25

(ii) for the words “ that Act ” there shall be substituted the expression “ the *Superannuation Act* 1963 ” ; 30

(b) In sub-section (4)—

(i) after the words “ to retire ” there shall be inserted the words “ other than on the grounds of ill health ” ; 35

(ii) for the expression “ sub-section (1) ” (where second occurring) there shall be substituted the expression “ sub-sections (1) and (3) ”.

New section
13DA.

5. After section 13D there shall be inserted the following section :— 40

As to rights of
contributors
with less than
30 years
prospective
service.

“ 13DA. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, where a person is appointed as or otherwise becomes an officer after the commencement of the

Superannuation

5 *Superannuation (Amendment) Act 1968* and the date on which he will attain the age of 65 years is less than 30 years after the date of his appointment as or of his becoming an officer, then the number of units of pension for which he shall be eligible to contribute shall bear the same proportion to the appropriate number set out in Column Two of Table B as the number of whole years between the date of his appointment as or of his becoming an officer and the date on which he will attain the age of 65 years (hereinafter called his prospective service) bears to 30 years, and the provisions of sub-section (4) of section 13 shall be applied subject to the limitation that his total entitlement at any time shall not exceed the said proportion of the appropriate number of units set out in the said Column Two.

15 (2) Where the determination of the number of units to be contributed for pursuant to sub-section (1) results in a fraction of a unit or a number including a fraction of a unit, the appropriate number shall be the number of integral units next higher than the determined number.

20 (3) The Governor in Council may at any time on the recommendation of the Board by Order declare that in determining the application of sub-section (1) an officer shall be deemed to have such additional number of years of prospective service as the Governor in Council thinks fit.

25 (4) Where an officer to whom sub-section (1) of this section applied retires other than on the grounds of ill health at any time before attaining the age of 65 years—

30 (a) the provisions of this Act relating to the payment of pension shall apply as if he had been contributing for the lesser number of units which would have been determined in his case pursuant to sub-sections (1) and (3) if his actual date of retirement had been substituted for the date of his attaining the age of 65 years and a pension in respect of such lesser number of units shall be paid to him accordingly ;

35 (b) in respect of the balance of the units for which he was contributing in respect of which no pension is paid there shall be paid to him the actual amount contributed by him to the Fund in respect of such units.”

40 6. (1) After section 35 of the Principal Act there shall be inserted the following section :— New section 35A.

45 “ 35A. (1) Where a contributor who has not attained the age of 60 years and has been or is appointed for a term of years to an office described in paragraph (j) (ja) or (jb) of sub-section (1) of section 3 or is appointed after the commencement of the As to rights of certain officers appointed for a term of years.

Superannuation

Superannuation (Amendment) Act 1968 for a term of years to an office mentioned in Part II. of the Second Schedule is not re-appointed to that office and ceases to be an officer he shall be entitled—

(a) to a lump sum payment of an amount equal to three and one-half times the amount of the contributions he has made during the term of his appointment and the Treasurer shall pay into the Fund two and one-half times the amount of his contributions, and the Consolidated Revenue is hereby to the necessary extent appropriated accordingly ; and

(b) if he has contributed for 15 years or more and has attained the age of 50 years he may elect either to take the lump sum payment under paragraph (a) or a pension entitlement pursuant to the provisions of sub-paragraph (ii) paragraph (b) of sub-section (1) of section 36.

(2) Where a benefit or other payment has been made under this Act or any corresponding previous enactment any period to which that benefit or payment relates shall not be taken into account in determining for the purposes of paragraph (b) of sub-section (1) the period during which the contributor has contributed.”

(2) In sub-section (4) of section 4 of the Principal Act for the expression “Where any person has been or is appointed (whether before on or after the twenty-fifth day of November One thousand nine hundred and twenty-five) for a term of years to and is on or after that date employed in” there shall be substituted the expression “Where any person has been appointed prior to the commencement of the *Superannuation (Amendment) Act 1968* for a term of years to”.

Amendment of
No. 6386 s. 36.

7. (1) For sub-sections (1) and (2) of section 36 of the Principal Act there shall be substituted the following sub-sections :—

‘(1) Where a contributor—

(a) is discharged or dismissed or has his employment otherwise terminated in a manner not specifically mentioned in this Part or being a female officer marries—there shall be refunded to that contributor the actual amount of the contributions paid by that contributor ;

(b) resigns—

(i) at the expiration of one month after his resignation if he has not made an election under sub-paragraph (ii) there shall be refunded to that contributor the actual amount of the contributions paid by him ; or

(ii) if

As to rights
on discharge
dismissal or
resignation.

Provision of
reduced paid
up units on
resignation
after age 50
with 15 years
service.

- 5 (ii) if he has attained the age of 50 years and has been a contributor for 15 years and he has elected not later than one month after his resignation to receive a pension entitlement payable at the age of 65 years and the amount of such pension entitlement per unit held by him at the date of his resignation shall be that stated in column 2 of Table C opposite the age of the contributor at the date of his resignation plus a further \$26 per annum in respect of each of such units certified by the actuary as having been fully paid for by contributions before the date of his election and in addition he shall forthwith be entitled to a refund of any amount paid by him in excess of the amount required to make such units fully paid units.

TABLE C.

Age of contributor on resignation.		Pension per unit per annum.
Column 1.		Column 2.
		\$
Attained 50 years but less than 51 years		45
" 51 " " " 52 "		47
" 52 " " " 53 "		49
" 53 " " " 54 "		51
" 54 " " " 55 "		53
" 55 " " " 56 "		55
" 56 " " " 57 "		57
" 57 " " " 58 "		59
" 58 " " " 59 "		61
" 59 " " " 60 "		63

- 20 (1A) For the purposes of calculating pension entitlement under sub-paragraph (ii) of paragraph (b) of sub-section (1) the Board shall not take into account any units contributed for pursuant to an election under the provisions of paragraph (b) of sub-section (4) of section 13 within 2 years of the contributor's resignation and the amount of any such contributions made in respect of such units shall be refunded.

- 25 (1B) Where a contributor elects to receive a pension entitlement under sub-paragraph (ii) of paragraph (b) of sub-section (1) he shall not except as is otherwise provided by the regulations make any further contributions to the Fund in respect of the units for which he was contributing at the time of his resignation.

(1c) Where

(1C) Where a contributor elects to receive a pension entitlement under sub-paragraph (ii) of paragraph (b) of sub-section (1) he may on or after attaining the age of 60 years give notice to the Board that he requires payment of his pension forthwith and the amount of the pension to which he is entitled shall be determined by the actuary in accordance with the provisions of paragraph (c) of the proviso to section 28. 5

(1D) Where a person who has elected to receive a pension entitlement under sub-paragraph (ii) of paragraph (b) of sub-section (1) is not a pensioner but is unable to work because of ill health or physical or mental incapacity the provisions of this Act shall apply with such adaptations as are necessary in all respects as if he was a contributor who had become unable to perform his duties because of ill health or physical or mental incapacity but the provisions of section 29 shall apply as if any reference to "full pension for which he was contributing at the time of his retirement" was a reference to "pension which he had elected to receive on attaining the age of 65 years" but any pension under this sub-section may cease to be payable during any period the Board thinks fit. 10 15 20

(1E) On the death of a person who has elected to receive a pension entitlement under sub-paragraph (ii) of paragraph (b) of sub-section (1) but who is not a pensioner that person shall be deemed to have been a contributor at the date of his death and the provisions of this Act shall apply accordingly except that the pension to which his widow (if any) shall be entitled shall be five-eighths of the pension which her husband would have received pursuant to this section on attaining the age of 65 years. 25

(1F) On the death of a person who has elected to receive a pension entitlement under sub-paragraph (ii) of paragraph (b) of sub-section (1) but who is not a pensioner and who leaves no widow or children entitled to receive a pension his estate shall be entitled to a refund of the contributions paid by him. 30

(1G) Where a person who has elected to receive a pension entitlement under sub-paragraph (ii) of paragraph (b) of sub-section (1) marries after so electing a pension shall not upon the death of that person be payable to the widow or in respect of the children of that marriage. 35

(1H) Where a contributor resigns and is subsequently appointed to the governing body of any Authority constituted under any Act of the Parliament of a State or the Commonwealth or to the governing body of any public body or body receiving funds directly or indirectly from any State or the Commonwealth or to any office prescribed as an office for the purposes of this section he may in lieu of receiving a refund under sub-paragraph (i) 40 45

or

or electing to receive a pension under sub-paragraph (ii) of paragraph (b) of sub-section (1) authorize the Board to make arrangements for such contributions to the Fund as are specified in the arrangement to be deducted from his salary and the Board with
 5 the consent of the Treasurer may make such arrangement and agree as to the amount of the pension entitlement and other benefits of that person the conditions under which pensions and benefits will be payable in respect of that person and the amount to be paid by the Treasurer into the Fund in respect of such
 10 pensions and benefits.

(1) The provisions of sections 32A and 32B will apply to a person who has elected under sub-paragraph (ii) of paragraph (b) of sub-section (1) to receive a pension as if that person was a contributor who had become entitled to a pension under section 28
 15 or 29A at the time the pension under sub-paragraph (ii) of paragraph (b) of sub-section (1) became payable.

(2) Where a benefit or other payment has been made under this Act or any corresponding previous enactment any period to which that benefit or payment relates shall not be taken into account
 20 in determining for the purposes of sub-paragraph (ii) of paragraph (b) of sub-section (1) the period during which the contributor has contributed.'

(2) After sub-section (2) of section 18 of the Principal Act there shall be inserted the following sub-sections :—

25 “(2A) In respect of each payment from the Fund there shall be paid by the Treasurer into the Fund—

(a) in the case of a payment to a former contributor who has elected to receive a pension entitlement pursuant to sub-paragraph (ii) of paragraph (b) of sub-section
 30 (1) of section 36 the amount of such payment less—

(i) an amount calculated for the period covered by the payment at the rate of \$26 per annum in respect of each whole unit certified by the actuary as being fully paid by the contributions of the contributor before the
 35 date of his resignation ; or

(ii) in the case of a pension determined by the actuary under the provisions of sub-section (1C) of section 36 an amount calculated for the period covered by the payment at the rate of the annual pension value of the contributions made by him in respect of each whole unit certified by the actuary as being fully paid by the contributions of the contributor before the date of his
 40 resignation ; and
 45

(b) in

- (b) in the case of a payment to the widow of a former contributor who has elected to receive a pension entitlement pursuant to sub-paragraph (ii) of paragraph (b) of sub-section (1) of section 36 the amount of the payment less— 5
- (i) an amount calculated for the period covered by the payment at the rate of \$16.25 per annum in respect of each unit certified by the actuary as being fully paid by the contributions of the contributor before the date of his resignation; or 10
- (ii) in the case of the widow of a pensioner who at the time of his death was receiving a pension determined by the actuary under the provisions of sub-section (1c) of section 36 an amount equal to five-eighths of the amount calculated under sub-paragraph (ii) of paragraph (a) in respect of each payment to that pensioner from the Fund. 15

(2B) In respect of any payment from the Fund in respect of a pension payable under sub-section (1H) of section 36 there shall be paid by the Treasurer into the Fund the amount agreed to be so paid pursuant to the agreement made under that sub-section and the Consolidated Revenue is hereby to the necessary extent appropriated accordingly.” 20 25

8. Section 46 of the Principal Act is hereby amended as follows :—

- (a) For the expression “ 46.” there shall be substituted the expression “ 46. (1) ”; 30
- (b) After paragraph (b) there shall be inserted the following paragraph :— 30
- “ (c) if no suitable employment is offered to him at an appropriate salary and he is unmarried and has not attained the age of 40 years the Board may offer him payment of a lump sum equal to five times the annual rate of his pension in lieu of such pension and if the pensioner within 3 months of receiving such offer accepts the offer he shall thereupon cease to be a pensioner and shall have no further entitlement under this Act.” ; 35 40
- (c) At the end of the section there shall be inserted the following sub-section :—

“ (2) Where payment of a lump sum is made pursuant to paragraph (c) of sub-section (1) the Treasurer shall pay into the Fund an amount equal 45

equal to five-sevenths of such lump sum and the Consolidated Revenue is hereby to the necessary extent appropriated accordingly."

9. (1) In section 58 of the Principal Act for the words "The State Superannuation Board" there shall be substituted the words "the "State Superannuation Board of Victoria".

Amendment of
No. 6386 s. 58.
Name of the
Board.

(2) Any reference in any Act or instrument to The State Superannuation Board shall be read as a reference to the State Superannuation Board of Victoria.

10 (3) No description of The State Superannuation Board constituted under the *Superannuation Act* 1958 and corresponding previous enactments shall be deemed to be inadequate or incorrect by reason of the use of the words "State Superannuation Board" in lieu of the words "The State Superannuation Board".

